

# ZONING BOARD OF APPEALS

TOWN OF CLINTON  
54 East Main Street  
Clinton, Connecticut 06413

## MINUTES

Regular Monthly Meeting  
May 21, 2008

Chair Mark Richards called the May 21, 2008 Regular Monthly Meeting of the Town of Clinton's Zoning Board of Appeals to order at 8:26 P.M. in the Green Room of the William Stanton Andrews Memorial Town Hall, 54 East Main Street, Clinton, Connecticut.

Members present: Secretary George Doerrer, Martin Lane, Eileen O'Connor, Chair Mark Richards and Alternates Donna Chrostowski, Cheryl Church and Mark Kiefer

Members absent: Noreen Braza

Also Present: Zoning Enforcement Officer Thomas W. Lane (ZEO Lane), applicants, applicants' agents and members of the public

**Deliberation and Decision:** ZBA 08-008: 35 Beach Road, Wininger (After-the-Fact)

Public Hearing Postponed to June 18, 2008

**Deliberation and Decision:** ZBA 08-010: 22 Merrill Road, Fedus/Steiner and

**Deliberation and Decision:** ZBA CAM 08-010: 22 Merrill Road, Fedus/Steiner

Public Hearing Postponed to June 18, 2008

**Deliberation and Decision:** ZBA 08-011: 27 Hurd Bridge Road, Farone

Following the synopsis of the public hearing by Richards, ZEO Lane added that the entire lot is very steep and the septic system and reserve area take up the majority of the flat area of the lot.

O'Connor, Church and M. Lane were in favor of the granting of the variance as proposed as long as the shed was removed.

Doerrer was comfortable with the granting of the variance because there is open space behind the property.

Doerrer **MOVED** to grant **ZBA 08-011:** 27 Hurd Bridge Road, Dennis & Amy Farone (Applicants & Owners). Application for Variance of Sections **25.10.10**

**(Rear Setback)** and **25.10.14 (Maximum Aggregate Ground Coverage)** to construct a 2-car garage with storage above. Assessor's Map 41 Block 39 Lot 97. Zone: R-20, the hardship proven being the topography and the need to access the sanitary septic system for maintenance and/or repair and the non-conforming lot as to size **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The existing shed shall be removed to mitigate the ground coverage;
2. The applicant shall verify the property lines;
3. An A-2 Survey will be required upon the completion of the garage;
4. The garage shall be no closer than 15 feet to the rear property line; and
5. There shall be no occupancy and no plumbing in the garage.

O'Connor seconded the motion. Voting in favor: Doerrler, M. Lane, O'Connor, Richards and Church. Opposed: none. Abstentions: none. The variance was **granted**, 5-0-0. Chrostowski and Kiefer were not seated.

**Deliberation and Decision: ZBA 08-012:** 14 West Main Street, Rabine/Johnson

Following the synopsis of the public hearing, Richards noted that the CAM application accompanying this variance has been **CONTINUED** to the June 18, 2008 Public Hearing.

Doerrler stated his position that this is a unique property due to the zone line going through the property and it is a corner lot. He noted that the applicant is mitigating as much as he can be proposing the berm and plantings. He would like the barn to be removed. ZEO Lane advised that it is on the plan that the barn is to be removed.

O'Connor concurred with Doerrler's position.

Doerrler **MOVED** to grant **ZBA 08-012:** 14 West Main Street, Robert J. Rabine (Applicant) Jeffrey Caleb Johnson & Janis M. Johnson (Owners). Application for Variance of Sections **25.7.1 (Special Buffer Requirements)** and **29.7.8 (Location-Parking)** for parking area. Assessor's Map 45, Block 34, Lot 2. Zone: B-3/R-10, as requested, the hardship demonstrated being the division of the property by the zone line **SUBJECT TO THE FOLLOWING CONDITION:**

1. The employees are to park off-site to mitigate parking on abutting properties by patrons.

O'Connor seconded the motion. Voting in favor: Doerrler, M. Lane, O'Connor, Richards and Church. Opposed: none. Abstentions: none. The variance was granted, 5-0-0. Chrostowski and Kiefer were not seated.

**Deliberation and Decision: ZBA CAM:** 14 West Main Street, Rabine/Johnson

Continued to the June 18, 2008 Public Hearing

**Deliberation and Decision: ZBA 08-013: 28 West Main Street, D'Aquila**

Following the synopsis of the public hearing by Richards, Doerrer stated that the proposal for the footprint of the apartment has more square footage than the other apartments on site. He then **MOVED** to grant **ZBA 08-013: 28 West Main Street, Eric D'Aquila (Applicant/Owner)**. Application for Variance of Section **9.22.3(d) (Accessory Apt. Min. Floor Area)** for an accessory apartment in a commercial structure. Assessor's Map 45, Block 32, Lot 7. Zone: B-2., as presented, the hardship demonstrated being the proposed activity is a continuation of a legal non-conforming use of the premises. It is noted that the applicant will not be adding to the footprint of the structure and the proposal addresses the need for affordable housing in the Town of Clinton. O'Connor seconded the motion. Voting in favor: Doerrer, M. lane, O'Connor, Richards and Church. Opposed: none. Abstentions: none. The variance was **granted**, 5-0-0. Chrostowski and Kiefer were not seated.

**Minutes**

- April 16, 2008 Public Hearing
- April 16, 2008 Regular Monthly Meeting

Church pointed out that she was absent for both the public hearing and the regular monthly meeting.

Doerrer **MOVED** to approve as corrected the Minutes of the April 16, 2008 Public Hearing and Regular Monthly Meeting. Chrostowski seconded the motion. Voting in favor: Doerrer, O'Connor, Richards, Chrostowski and Kiefer. Opposed: none. Abstentions: M. Lane and Church. The motion was **carried**, 6-0-2.

**Correspondence and Bills**

**Barta vs. ZBA.** Richards read in part the May 5, 2008 Letter from Attorney Royston. At this time it is not known if Barta has appealed the decision of the Superior Court that the ZBA denial of the application stands. ZEO Lane reiterated the importance of the wording of motions.

**Old Business/New Business**

- **Staff Meeting Comments.** Several members raised concern for the format and content of the comments. ZEO Lane will relay their concerns to Town Planner Jay Northrup.
- **Participation in Deliberation:** O'Connor reminded (reinforced by WEO Lane) that **only** members seated may participate in deliberations on applications. All members can and should participate in the public hearing

**Chair's Comments**

**Connecticut Land Use Academy.** Richards encouraged members to attend a class. The commission's clerk will get more information for a future meeting.

There being no further business, Chrostowski **MOVED** to close the meeting. Church seconded the motion. Voting in favor: Doerrer, M. lane, O'Connor, Richards, Chrostowski, Church, and, Kiefer. Opposed: none. Abstentions: none. The motion was **carried**, 8-0-0. The meeting was **adjourned** at 9:10 P.M.

Respectfully submitted,  
*Sherry Lee Hynes*  
Sherry Lee Hynes, Clerk

E-mail: Town Clerk  
Board of Selectmen