

ZONING BOARD OF APPEALS

TOWN OF CLINTON
54 East Main Street
Clinton, Connecticut 06413

MINUTES REVISION 2

by Clerk as to Title
Public Hearing &
ZBA 08-014
June 18, 2008

In the absence of Chair Mark Richards, Secretary George Doerrer called the June 18, 2008 Public Hearing of the Town of Clinton's Zoning Board of Appeals to order at 7:55 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, Eileen O'Connor and Alternates Donna Chrostowski, Cheryl Church and Mark Kiefer

Members absent: Chair Mark Richards, Noreen Braza and Martin Lane

Also present: Zoning Enforcement Officer Thomas W. Lane, applicants, applicants' agents and members of the public

Doerrer

- Explained the order of the public hearing, the regular monthly meeting and the criteria for the granting of a variance;
- Named O'Connor as Acting Secretary;
- Had O'Connor **READ** the Revised Legal Notice of Public Hearing into the record
- **Seated** Kiefer for M. Lane
- **Seated** Church for Braza and
- **Seated** Chrostowski for Richards.

ZBA 08-008: 35 Beach Road. Timothy D. Wininger, Jr. (Applicant) Timothy D. Wininger, Jr. & Sarah H. Wininger (Owners). Application for **two** Variances of **Section 25.10.6 (Front Setback) and Section 27.2.1 (Expansion of a Non-conforming structure)** for an existing deck. Assessor's Map 85 Block 69 Lot 73. Zone: R-10. **AFTER THE FACT. Postponed from April 16, 2008. Last Day to Open Public Hearing: June 20, 2008**

Timothy D. Wininger, Jr., presented his application for variances of the front setback and expansion of a non-conforming structure for a 10' x 24' deck built without a permit. He **SUBMITTED** a copy of the A-2 survey for the property. The hardship claimed is the property is a corner lot and the location of the septic system. He **SUBMITTED** (Exhibit B) a letter in favor from Farone.

Winger addressed questions of the Board concerning the location and size of the deck.

O'Connor **READ** the following documents into the record:

- April 15, 2008 Letter from Northrup to Winger
- April 4, 2008 Comments from Martinson (the CRAHD)
- April 10, 2008 Staff Meeting Comments
- April 10, 2008 Letter in Favor from Farone

There being no testimony or further Board comments, Doerrer went on to the next application.

ZBA 08-010 & CAM: 22 Merrill Road. Gregg Fedus, Fedus Engineering, LLC (Applicant) Traver R. Steiner (Owner). Application for Variances of **Section 25.10,6 (Front Setback)** and **25.7.2 (Tidal Wetlands Buffer)** for a new single family residence. Assessor's Map 69 Block 66 Lot 201. Zone: R-10. **Postponed from April 16, 2008. Last day to Open Public Hearing: June 20, 2008**

Extension Granted. Public Hearing Postponed to July 16, 2008

ZBA 08-012 CAM: 14 West Main Street, Robert J. Rabine (Applicant) Jeffrey Caleb Johnson & Janis M. Johnson (Owners). For parking area. Assessor's Map 45, Block 34, Lot 2. Zone: B-3/R-10 Continued **from May 21, 2008. Last day to Close Public Hearing: July 24, 2008**

Attorney Peter Sipples, 11 Commerce Street, Clinton, Connecticut, applicant's agent, noted that the variances were granted last month. The CAM application is pending and comments have been received from DEP-OLISP.

O'Connor **READ** into the record the May 27, 2008 comments from Szymanski (DEP-OLISP)

There being no testimony or Board comments, Doerrer went on to the next application.

ZBA 08-014: 27 South Parkway. ABR Remodeling (Applicant) Loraine Stawarz (Owner). Application for Variances of **Section 25.10.8 (Side Setback), 25.10.4 (Maximum Aggregate Ground Coverage)** and **27.2.1 (Expansion of a Non-conforming Structure)** to add 15 feet to an existing deck and put a roof over all of the deck. Assessor's Map 69 Block 66 Lot 179. Zone: R-10

Jim Ruggiero, applicant's agent, presented the application to put a roof over the existing deck and to expand the deck by 15 feet. No roof is proposed over the expansion of the deck. The hardship claimed is the location of the sanitary septic

system and the existing deck. The expansion of the deck will be no closer to the property line than the existing deck is.

O'Connor **READ** the following documents into the record:

- June 10, 2008 Letter from Northrup to Ruggiero
- June 18, 2008 Comments from Arnold (the CRAHD)

There being no testimony or Board comments, Doerrer went on to the next application.

ZBA 08-015: 11 Elsie Lane. Steven Vuilleumier (Applicant) Steve & Alexandra Vuilleumier (Owners). Application for Variance of **Section 15.10.8 (Side Setback)** to construct a shed. Assessor's Map 27 Bock 39 Lot 4-14. Zone: R-80

Steven Vuilleumier presented his application for a variance to build a shed 25 feet from the property line. His hardship, confirmed by ZEO Lane, is the topography of the site and the location of the sanitary septic system. An existing shed will be removed.

O'Connor **READ** the following documents into the record:

- Petition in Favor (approximately 5 signatures) received May 27, 2008
- May 25, 2008 Letter in favor from Williams
- May 29, 2008 Staff Meeting Comments and
- June 12, 2008 Comments from Martinson (the CRAHD)

There being no testimony or Board comments, Doerrer went on to the next application.

ZBA 08-016: 48 a/k/a 54 East Main Street. Clinton Bluefish Festival Committee (Applicant) Town of Clinton (Owner). Application for Variance of **Section 23.11.2 (Outdoor Entertainment – Ending Time)**. Assessor's Map 56 Block 41 Lot 1. Zone: VZ

Church **RECUSED** herself from this application and left the room. This left only four members to vote on the application. The applicant was given the option to postpone the public hearing to July 16, 2008. Attorney Lynn Pinder, applicant's agent, chose to proceed at this time.

Attorney Lynn Pinder presented the application to extend the outdoor entertainment on Saturday, July 19, 2008 (day two of the festival) to one hour beyond the permitted ending time by Zoning Regulation of 10:00 P.M. The hardship claimed is the event has been occurring on a yearly basis for 33 years with the same ending time of 11:00 P.M. and the need to allow enough time for the entertainment booked for the festival to perform. She noted that the musical bands will end by 10:00 P.M.; but, the Karaoke contest will continue until 11:00

P.M. She noted that the purpose of the festival is to bring in funds for the local non-profit agencies.

Pinder addressed questions of the Board on the type of activities, parking, security, projected activity times, the projected closing time, the projected time to clear out the patrons, etc.

O'Connor **READ** the following documents into the record:

- June 9, 2008 Letter from Northrup to Corson
- June 18, 2008 Comments from Martinson (the CRAHD)
- June 18, 2008 Comments from Chapman (CPD) and
- June 18, 2008 Memo from Fritz

Sandy Voss, Co-chair, Clinton Bluefish Festival Committee, advised that the festival is the major fund-raiser for the local non-profit, volunteer and civic groups for the Town of Clinton. The Clinton Volunteer Fire Department does security and will address any medical issues that arise. The Committee was not aware of the 10:00 PM time constraint. The extra hour requested for the event will give more time for raising funds. The Committee has contacted the neighbors and no one has raised objections.

Susan Lowe, Clinton Bluefish Festival Committee member, advised that the extra hour will enable patrons of the craft booths to purchase items. Vendors from all over the State have booked tables. If the time is limited, they may not return next year as it will not be profitable for them. She urged the Board to look at the festival as a whole.

Chris Corvath, Pastor, First Church of Christ, spoke against the application. He expressed concerns for security, trash control, parking control and noise. He did not see a hardship to for the festival to go beyond the permitted 10:00 PM ending time. He also said nobody contacted him. When questioned whether the Fire Department fund raiser last year caused concerns. He advised it but he chose not to take issue with it

S. Voss, rebutted that she did speak with the Church's secretary several times and received valuable information on how the church fair is run.

There being no further testimony or Board comments, Doerrer went on to the next application.

Church **RETURNED** to the table and assumed her seat.

ZBA 08-017: 16-24 West Main Street. Estate of Stephen J. Hutt, Attorney Earl M. Temchin, Executor (Applicant) Estate of Stephen J. Hutt (Owner). Application for

Variance of **Section 29 (Off-Street Parking)** to expand an existing business into vacant space. Assessor's Map 45 Block 34 Lot 1. Zone: B-3/R-10.

Attorney Scott Jezek, applicant's agent, presented the application for a parking variance (for the number of spaces required for the current tenants in the complex). A current tenant wishes to expand into space recently left vacant. That vacant space was used for professional services as is the business which is the subject of the variance. The hardship claimed is the structure is legal non-conforming as it was built prior to zoning and the zoning restrictions have increased since the adoption of the zoning regulations. The configuration of the building is still basically the same. The tenant wishing to expand will not be increasing its present amount of employees. The customers come and go throughout the day. Another hardship is that the zone line goes thru the property rather than at a property line. The proposed variance will not affect the comprehensive plan for the town.

Earl Tempkin, Executor of the Estate of Stephen Hutt, advised that with the expansion of the tenant's business there will be no net increase to the number of parking spaces required by the current tenants.

Michelle West, DVM, advised that the business employs 2 veterinarians and 6 support staff (of which 4 staff support employees are working at any given time). The hours will remain the same: Monday and Thursday, 8 AM to 7 PM, Tuesday and Wednesday, 8 AM to 5 PM and Saturday 8 to noon. The new space will be used for offices, a lunch area and storage.

O'Connor **READ** the following documents into the record:

- June 3, 2008 Letter from Northrup to O'Connor and
- June 13, 2008 Letter from Jezek to Northrup

Jezek addressed questions of the Board concerning the existing tenants' parking, hours of operation and current parking conditions.

There being no testimony or further Board inquiries, Doerrer went on with the Public Hearing.

There being no further business, Kiefer **MOVED** to close the public hearing as to:

1. **ZBA 08-008:** 35 Beach Road, Wininger (After-the-Fact)
2. **ZBA 08-012 CAM:** 14 West Main Street, Rabine/Johnson
3. **ZBA 08-014:** 27 South Parkway, ABR Remodeling/Stawarz
4. **ZBA 08-015:** 11 Elsie Lane, Vuilleumier
5. **ZBA 08-016:** 48 a/k/a 54 East Main Street, Clinton Bluefish Festival Committee/Town of Clinton and
6. **ZBA 08-017:** 16-24 West Main Street, Hutt

Church seconded the motion. Voting in favor: Doerr, O'Connor, Chrostowski, Church and Kiefer. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. The public hearing was **closed** at 9:35 P.M.

Respectfully submitted,
Sherry Lee Hynes
Sherry Lee Hynes, Clerk

E-mail: Town Clerk
Board of Selectmen

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Directory: C:\DOCUME~1\A6EFE~1\FRI\MYDOCU~1\MYWEBS~1\toc\DOCUME~1
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