



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, APRIL 5, 2021, 7:00 PM
TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT**

**IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS
AND ZOOM MEETING ATTENDANCE**

PRESENT: Chairman Art Aube, Regular members Ken Braga and Katherine Heminway; Present via ZOOM meeting: Vice Chairman Sulakshana Thanvanthri, Regular member Subhra Roy, Alternates Rodger Hosig and Ron Brown (arrived at 7:15 pm)

ABSENT: Alternate Ron Stomberg

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Present via ZOOM meeting: Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 pm at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): None

III. PUBLIC HEARINGS:

1. V202101 – Susann McCarthy, owner/applicant, to appeal a Cease & Deist Order from the Zoning Enforcement Officer at 15 Green Street, APN 129-043-0000 in a Lake Residential (LR) zone.

TIME: 7:01 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Chairman Aube stated the Planning Department received a request to table the opening of the public hearing from the owner of 15 Green Street.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO TABLE THE OPENING OF THE PUBLIC HEARING TO THE MAY 3, 2021 REGULAR MEETING FOR V202101.

2. V202104 – Andrew, Stephanie and Cynthia McNamar, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 15ft (along Hotel Road) for an addition at 1 Hotel Road, APN 148-033-0000 in a Lake Residential (LR) zone.

TIME: 7:03 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Andrew McNamar, 1 Hotel Road, was present to represent the application. Mr. McNamar explained they are looking for a front yard setback variance along Hotel Road for a 10'x31' addition. They previously received a front yard setback variance in 2006 for a 10'x16' addition, which was not constructed. The house was built in 1939 and does not have a basement and they would like to expand the house into a rectangle. Mr. McNamar said the house is considered non-conforming since it was built prior to the zoning regulations.

Vice Chairman Thanvanthri asked if they considered constructing the addition to the back of the house, closer to the lake. John Colonese, Assistant Town Planner, stated the parcel is a corner lot located on Hotel Road and Hotel Lake Road with two front yard setbacks. Mr. McNamar clarified that the 2006 variance was approved for the front portion (10'x16') of the house and now they are requesting a variance for the portion to the rear of the portion already approved.

Mr. McNamar said they would not be constructing the addition any closer to the road and it will be in line with the front of the house, should the variance be granted.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202104.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V202104 – Andrew, Stephanie and Cynthia McNamar, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 15ft (along Hotel Road) for an addition at 1 Hotel Road, APN 148-033-0000 in a Lake Residential (LR) zone.

HARDSHIP: Lot and house are preexisting, nonconforming based on current regulations.

3. V202105 – Ellington Realty, Inc. & 87 West, LLC, owners/ Still Group d.b.a. The Hidden Still, applicant, request for variances of the Ellington Zoning Regulations Section 2.1.14-Accessory Uses and Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the side yard setback from 10 feet to 0 feet and front yard setback from 100 feet to 42 feet for a patio expansion for outdoor restaurant dining across a property line, and Section 2.1.7-Construction in Required Yards: to allow a six foot fence within the front yard setback at 87 West Road, APN 028-017-0000 and 89 West Road, APN 028-016-0000 in a Commercial (C) zone.

TIME: 7:13 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Donna Celotti was present to represent the application. Ms. Celotti stated the Hidden Still restaurant is seeking a variance to expand their existing outside dining area. They are looking to expand the patio from 87 West Road onto 89 West Road reducing the side yard setback from 10 feet to zero (0) feet and the front yard setback from 100 feet to 42 feet. Ms. Celotti reviewed the application, noting they would like to install a 6' fence around the new patio area and continue it around the existing patio. They will be creating a new exit as shown on the plan and fill in the existing exit way between the properties. She explained the two parcels are owned by the same people and the owner and the tenant have signed an agreement regarding the patio expansion.

Vice Chairman Thanvanthri asked if the new portion of the patio would be permanent or temporary during the pandemic. Ms. Celotti stated the patio will be permanent. Vice Chairman Thanvanthri asked about the proposed fire pit on the provided sketch drawings and how they will address the Fire Marshal's comments. Ms. Celotti explained they will need to comply with the Fire Marshal requirements during the building permit process.

Commissioner Roy asked about the existing parking. Ms. Celotti said the proposed construction will not eliminate any parking spaces. Commissioner Hosig said his concern is the existing driveway exit area. He suggested possibly adding bollards to protect the safety of the public on the new patio. Ms. Celotti said they plan to block off the existing exit area next to the new patio area.

Mr. Colonese stated he recommends the private agreement between owner and the tenant be reviewed by the Town Attorney with any additional fees to be borne on the applicant.

No one from the public spoke regarding the application.

MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202104.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS V202105 – Ellington Realty, Inc. & 87 West, LLC, owners/ Still Group d.b.a. The Hidden Still, applicant, request for variances of the Ellington Zoning Regulations Section 2.1.14-Accessory Uses and Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the side yard setback from 10 feet to 0 feet and front yard setback from 100 feet to 42 feet for a patio expansion for outdoor restaurant dining across a property line, and Section 2.1.7-Construction in Required Yards: to allow a six foot fence within the front yard setback at 87 West Road, APN 028-017-0000 and 89 West Road, APN 028-016-0000 in a Commercial (C) zone.

Conditions of Approval:

- 1) Subject to compliance with Health Department and Fire Marshal requirements.**
- 2) Private agreement to allow outdoor restaurant dining patio across a property line subject to Town Attorney review with any costs associated with the review to be borne by the applicant.**

HARDSHIP: Lot configuration

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the March 1, 2021 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 1, 2021 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion: **None**

V. ADJOURNMENT:

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:29 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk