



TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187

www.ellington-ct.gov

TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FAX (860) 870-3122

**ZONING BOARD OF APPEALS
REGULAR MEETING AGENDA
MONDAY, JULY 12, 2021, 7:00 PM
TOWN HALL ANNEX MEETING ROOM, 57 MAIN STREET, ELLINGTON, CT
REMOTE ATTENDANCE INSTRUCTIONS PROVIDED BELOW**

I. CALL TO ORDER:

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):

III. PUBLIC HEARING(S):

1. V202107 – Betty Lukens, 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 31ft and side yard setback from 10ft to 5ft for a detached garage at 28 Florence Avenue, APN 020-012-0000 in a Residential (R) zone. *(Continued from 6/7/21)*
2. V202109 – Adam & Havi Kligfeld, owners/ Kendall B. Trenchard, 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 12ft for a 36'x16' screened in pavilion above an existing deck at 161 West Shore Road, APN 169-007-0000 in a Lake Residential (LR) zone. *(Notice requirements met and hearing may commence)*
3. V202110 – Michael & Karen D'Amico, owners/applicants, request for a variance of the Ellington Zoning Regulations Section 2.1.6 – Visibility at Corners and Section 2.1.7 – Construction in Required Yards: to reduce the front yard setback from 35ft to 12ft on Sweeney Street and from 35ft to 19.6ft on Green Street for a 6ft fence at 12 Keeney Street, APN 129-031-0000 in a Lake Residential (LR) zone. *(Opening of hearing to be tabled to 8/2/21)*
4. V202101 – 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations. *(Continued from 6/7/21)*
5. V202111 – 97 West Shore Road, Benjamin & Janelle Meyers owners/applicants, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated May 18, 2021 of Section 10.2-Definitions: Dwelling, One-Family, Section 2.1.1.D-Zoning Compliance and Section 3.1-Permitted Uses of the Ellington Zoning Regulations. *(Opening of hearing to be tabled to 8/2/21)*

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the June 7, 2021 Regular Meeting Minutes.
2. Correspondence/Discussion:

V. ADJOURNMENT:

Next regular meeting scheduled for Monday, August 2, 2021

Remote attendance for this meeting is also available using the online video conferencing service provider Zoom Meeting. Meeting details are provided on the meeting agenda and posted on the Town of Ellington's webpage (www.ellington-ct.gov) under Agenda & Minutes, Zoning Board of Appeals. For questions and assistance please contact the Ellington Planning Department at 860-870-3120.

Join Zoom Meeting via link:

<https://us06web.zoom.us/j/82431369907>

Meeting ID: 824 3136 9907

Passcode: 632202

Join Zoom Meeting by phone:

1 646 558 8656 US (New York)

Meeting ID: 824 3136 9907

Passcode: 632202



ORTHOPEDIC ASSOCIATES OF HARTFORD, PC
Enfield, Farmington, Glastonbury, Hartford, Manchester, Plainville, Rocky Hill
www.oahc.com

- Michael S. Aronow, M.D.*
- Gerald J. Becker, M.D.*
- Ross A. Beutless, M.D.*
- Theodore A. Bloom, M.D.*
- Nicholas A. Bonstempo, M.D.*
- Jeffrey K. Burns, M.D.*
- Kevin J. Burton, M.D.*
- Andrew E. Caputo, M.D.*
- Robert J. Carangelo, M.D.*
- Vincent T. Cadisport, M.D.*
- Stephen L. Davis, M.D.*
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- Susan M. Edwards, M.D.*
- Richard L. Frank, M.D.*
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- John C. Grady-Benson, M.D.*
- Christopher Juszow, M.D.*
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- Stephan C. Lange, M.D.*
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- J. Christopher Ware, M.D.*
- Robert S. Waskowitz, M.D.*
- Daniel K. Wisner, M.D.*
- Hanbing Zhao, M.D.*
- Gordon A. Zimmerman, M.D.*

June 18, 2021

Re: Betty Lukens
DOB: 12/29/1958

To Whom It May Concern:

Mrs. Betty Lukens currently is a patient in this office and has been since 2016. I have been treating her for a serious right lower extremity injury for which she underwent several surgeries. Due to this injury and subsequent surgeries, Mrs. Lukens has a very difficult time keeping her balance when walking. This is especially so when walking up or down stairs or when walking on uneven ground, grass, snow or ice.

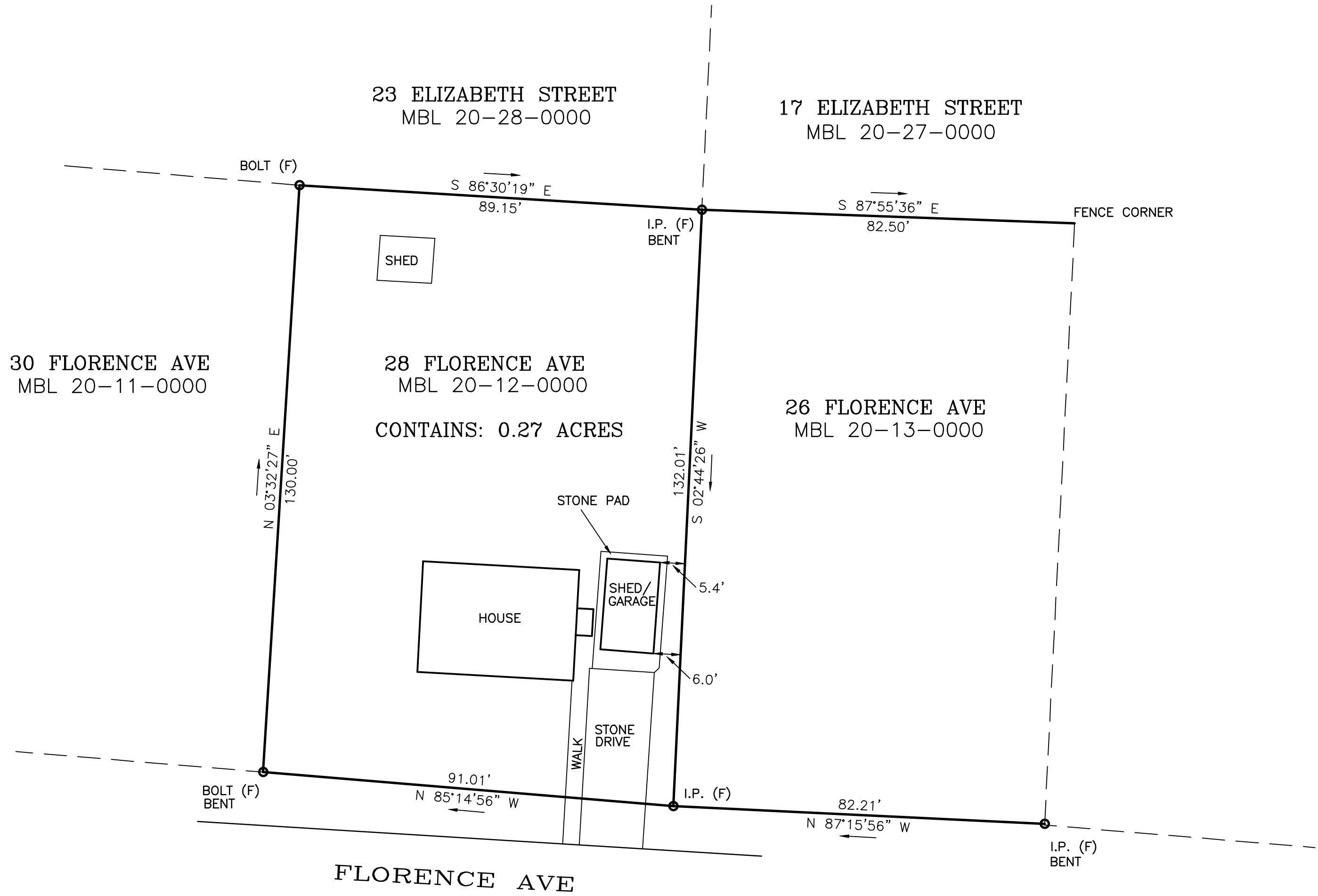
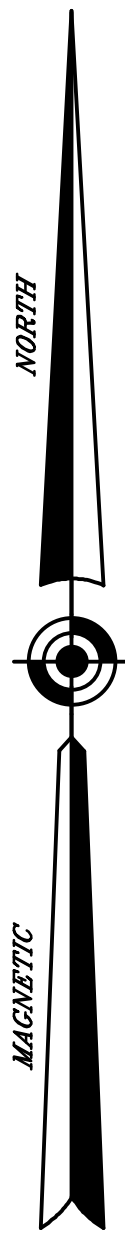
I feel that it is necessary for this patient to have access to a garage that is located close to her home.

If you have any questions, please contact the office.

Sincerely yours,

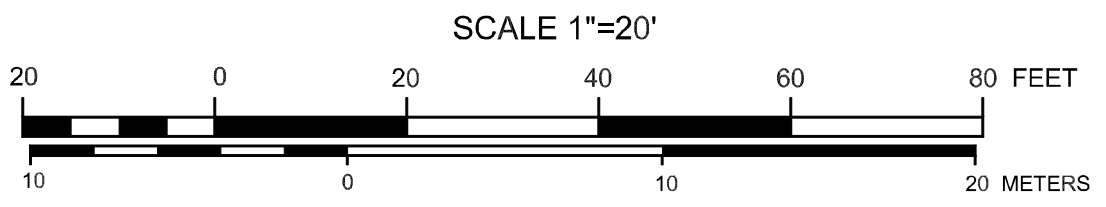
Michael S. Aronow, M.D.





NOTES:

1. THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT". IT IS A ZONING LOCATION SURVEY BASED UPON A RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2.
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON THE DEED AND PREVIOUS WORK BY THIS OFFICE.



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

 RACHEL L. DEARBORN, LICENSED LAND SURVEYOR DATE L.S. 70295
 LICENSE NO.

REVISIONS		ZONING LOCATION SURVEY PREPARED FOR BETTY LUKENS 28 FLORENCE AVE ELLINGTON, CONNECTICUT	
		LANDMARK SURVEYS, LLC 62 LOWER BUTCHER RD ~ 860-875-8204 ELLINGTON, CONNECTICUT	
DRAWN BY	SCALE	DATE	JOB NO.
R.L.D.	1"=20'	6/16/2021	202106-1

Town of Ellington

Zoning Board of Appeals Application

Application #
V202109
Date Received
6/10/2021

Type of Application: Variance Appeal of Decision Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

Notices associated with this application will be sent to the applicant unless otherwise requested.

Owner's Information

Name: Adam & Havi Kligfeld
Mailing Address: 6601 Lindenhurst Ave
Los Angeles, CA 90048
Email: _____

Applicant's Information (if different than owner)

Name: KENDALL B. TRENCHARD
Mailing Address: 22 LUCKS WAY
BOLTON CT 06043
Email: Kendalltrenchard57@gmail.com

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU? Yes No

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU? Yes No

Primary Contact Phone #: _____

Primary Contact Phone #: 860-808-9429

Secondary Contact Phone #: _____

Secondary Contact Phone #: 860-402-9697 DAWN

Owner's Signature: _____ Date: _____

Applicant's Signature: Kendall B. Trenchard Date: 6/10/21

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted.

RECEIVED

Street Address: 161 WEST SHORE RD

JUN 10 2021

Assessor's Parcel Number (APN): 169 - 007 - 0000 Zone: LR

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Public Water: Yes No Public Sewer: Yes No

If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).

Is parcel within 500' to any municipal boundary? Yes No

Are there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin? Yes No

Is the project in a public water supply watershed area? Yes No

If YES, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application Conn. Gen. Stat. §8-3i(b). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.

Previous Variances related to this property? Yes No If yes, specify date _____

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.3 Minimum Yard

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)
To reduce the front yard setback from 35 ft to 12ft for a 36' x 16' screened in pavilion above an existing deck.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)
The lot is very narrow on the south side of the property with too much bedrock. The northern side of the house makes the most sense being there is already an existing structure (deck) to build upon without breaking new ground.

Barbra Galovich

From: Havi Kligfeld <havikligfeld@gmail.com>
Sent: Friday, June 11, 2021 10:58 AM
To: Kendall Trenchard
Cc: Rabbi Adam Kligfeld; Barbra Galovich
Subject: Re: Variance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Barbara, we give you full authorization to represent me and Adam at the zoning application requesting a variance to build the screened pavilion. Adam can be reached at 310-749-2849 and I can be reached at 310-749-2860. Please let me know if there is anything else you need from us in order to give you that authority. Thank you for your help with this!

Havi



This email and any files transmitted with it are confidential and privileged. It may be read and used only by the intended recipient. Disclosure, copying, distribution or use of the contents is prohibited. If you have received it in error please contact the sender immediately, and delete and destroy this email and its attachments.

On Fri, Jun 11, 2021 at 6:32 AM Kendall Trenchard <kendalltrenchard57@gmail.com> wrote:

Havi,

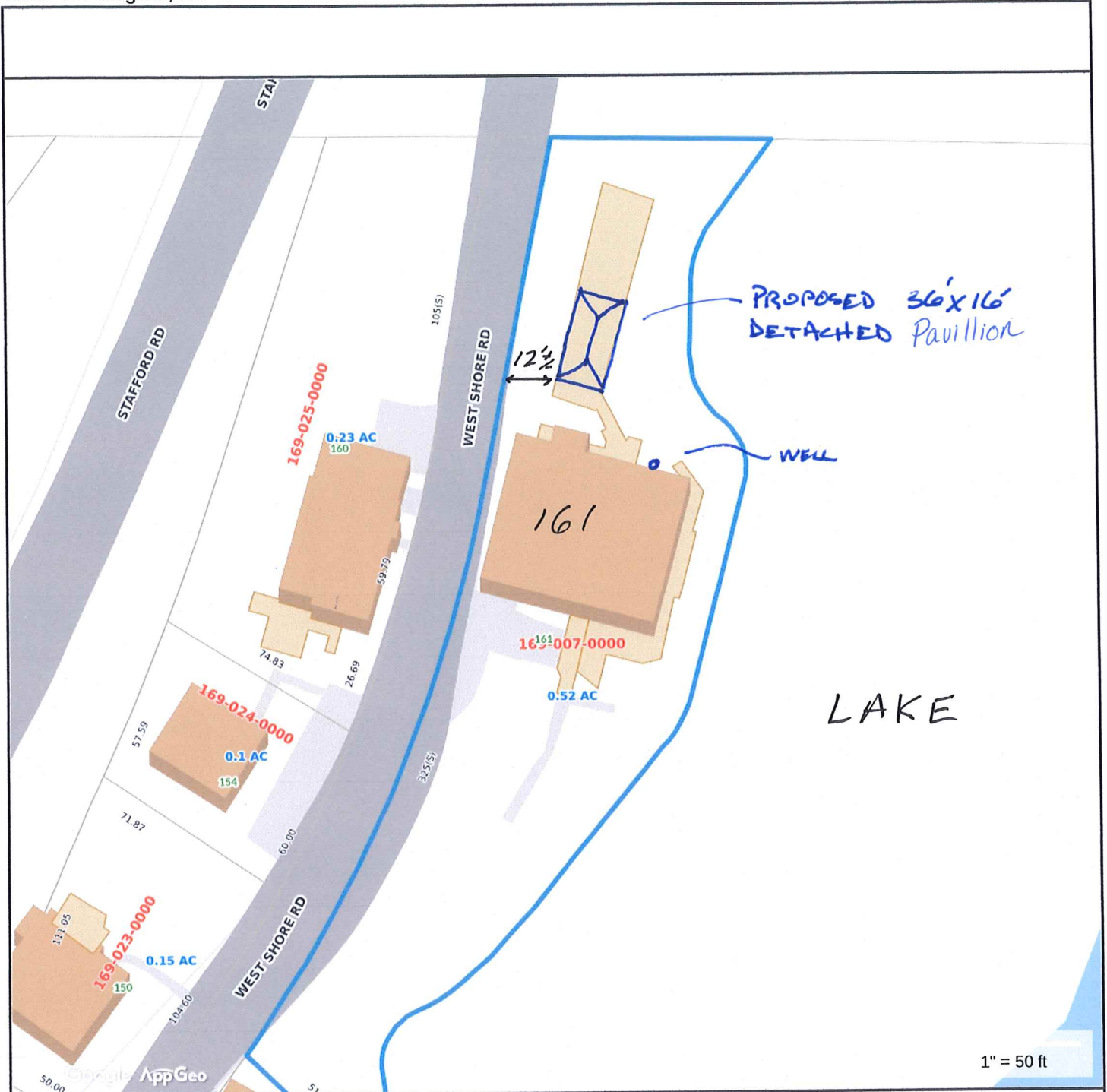
Can you please reply to Barbra authorizing me to represent you and Adam on the zoning application requesting a variance to build the screened in pavilion?

She will also need phone contact numbers from one of you.

Thank you!


Ken Trenchard

Trenchard Construction LLC
22 Luck's Way
Bolton, CT 06043
(860) 808-9429
Kendalltrenchard57@gmail.com



Property Information

Property ID 169 007 0000
Location 161 WEST SHORE RD
Owner KLIGFELD ADAM + HAVI



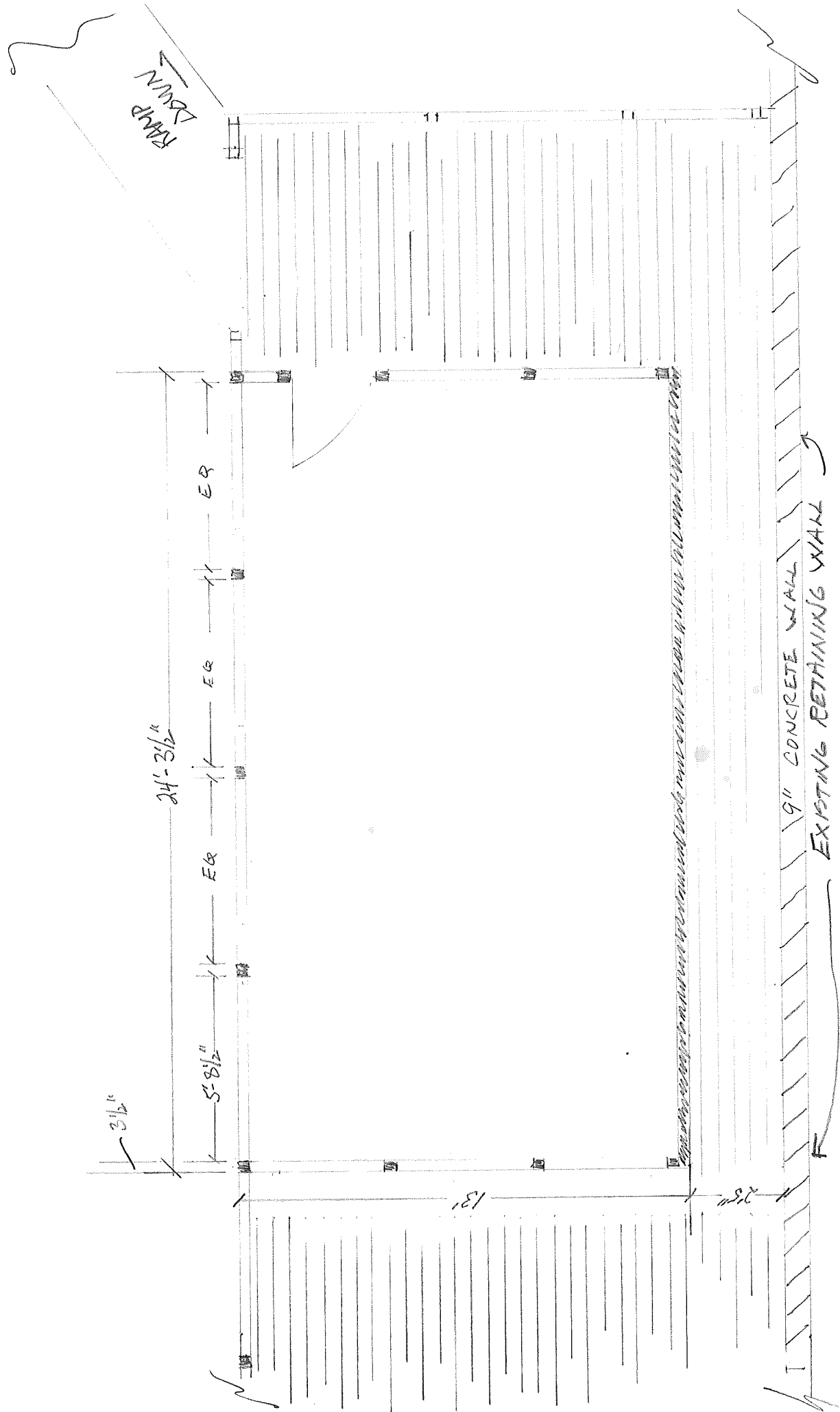
**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town of Ellington, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

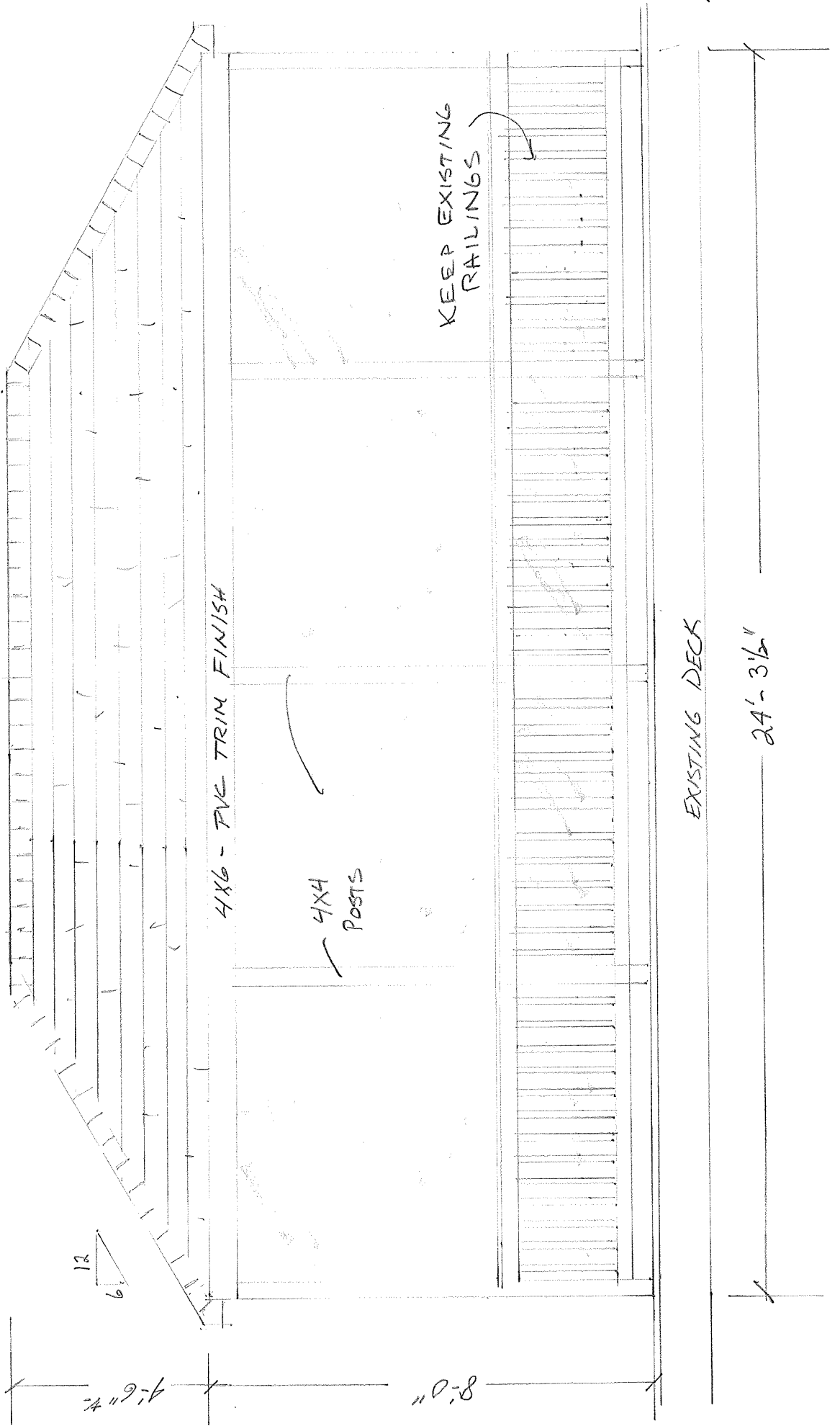
Geometry updated 7/23/2020
 Data updated 7/23/2020

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

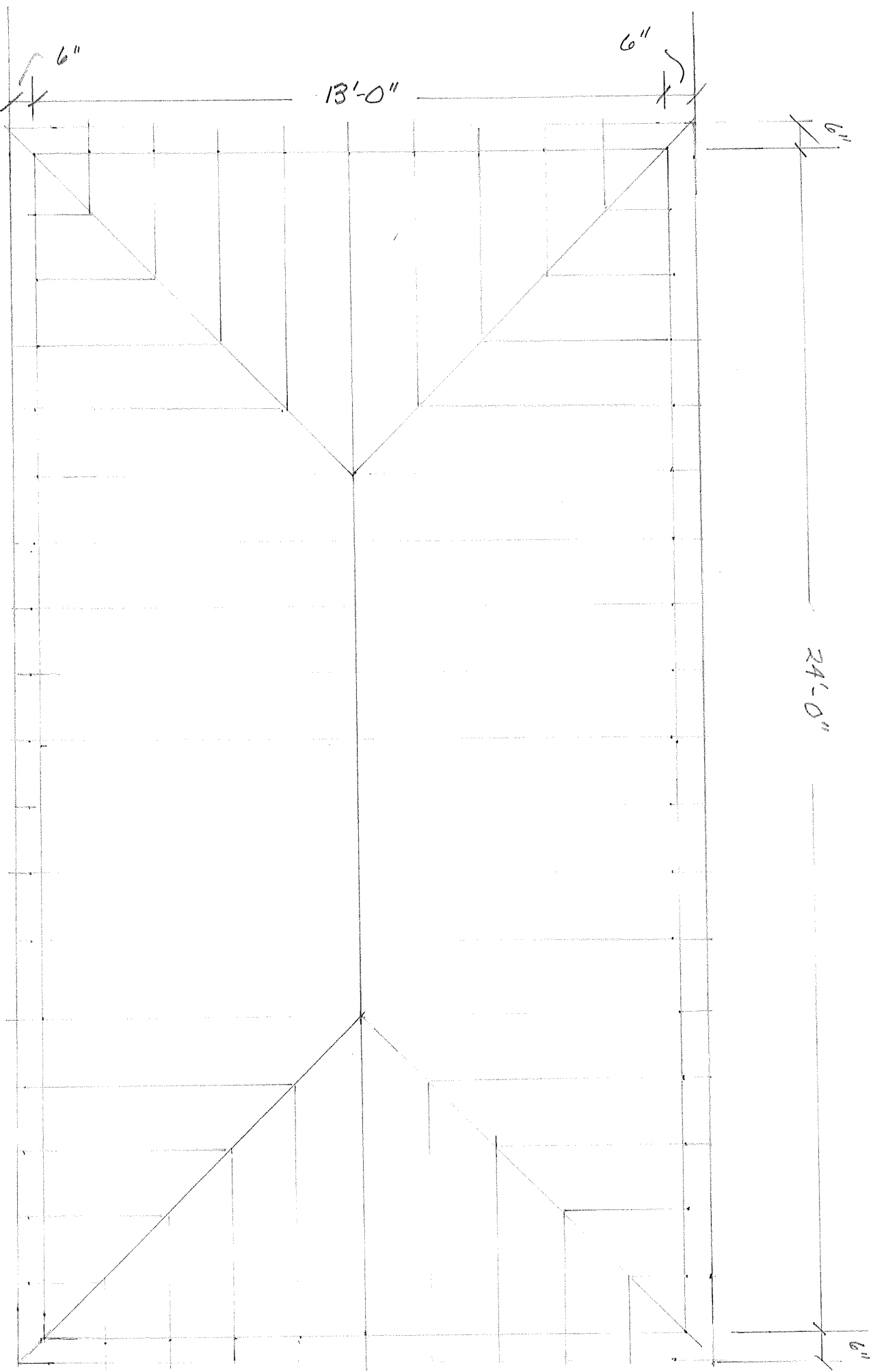
FLOOR PLAN VIEW



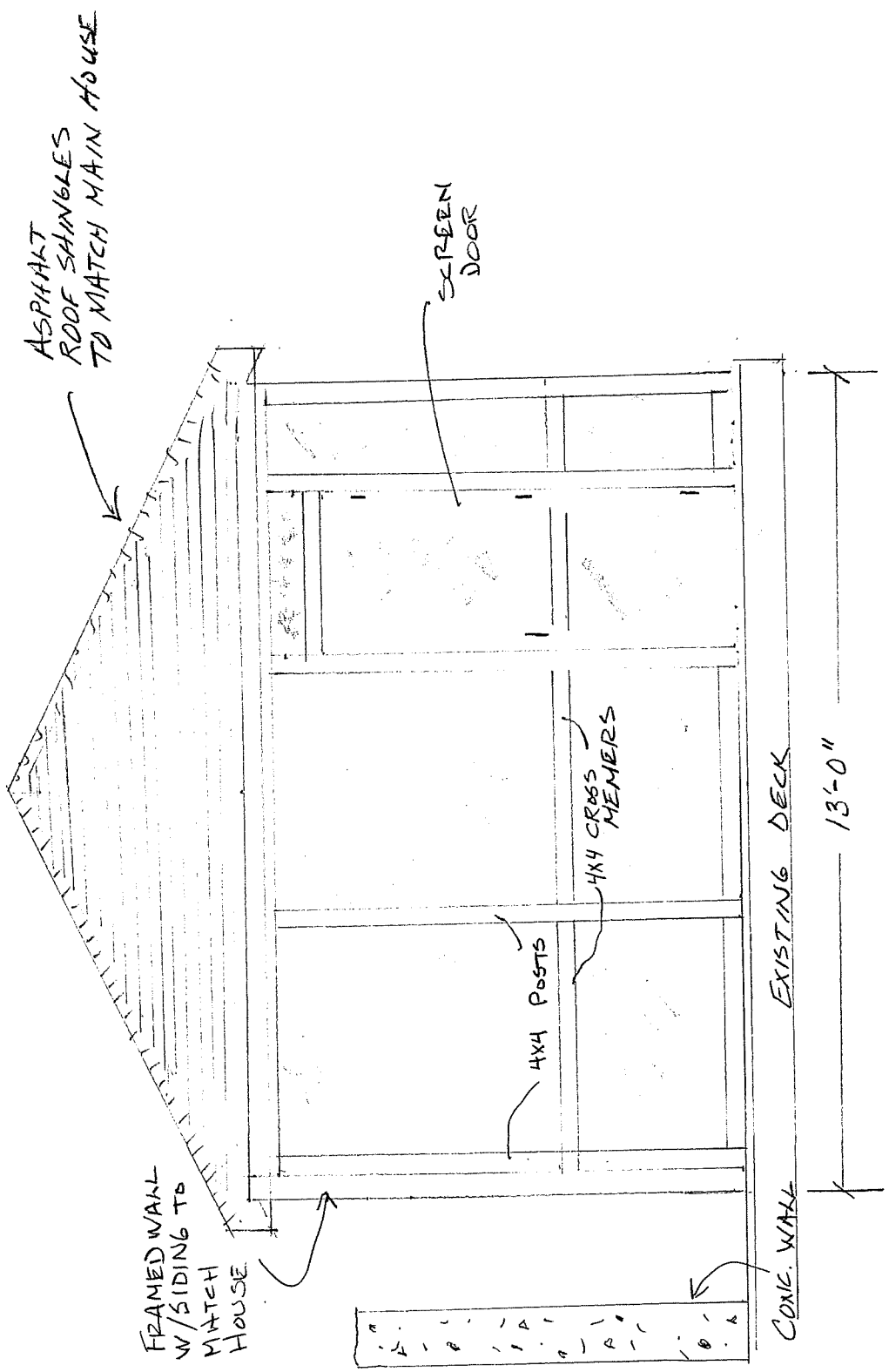
EAST ELEVATION (VIEW FROM A.A.K.E.)



HIP ROOF PLAN



SOUTH ELEVATION (VIEW FROM KITCHEN)



	A	B	C	D	E
1	Applicant:	Susann McCarthy	App#	V202101	
2	Origination Date:	1/11/2021	Phone:	Not provided on application	
3	Property Address:	15 Green Street	Email:	Not provided on application	
4					
5	<u>Application Control Worksheet / Log</u>				
6	Exhibit #	Log Notations & Documents	# of Pages	Who	Date Received in file -
7	<u>Application Documents and Reviews</u>				
8	1	Application Form	1	App	1/11/2021
9	2	Reasons for appeal	9	App	1/11/2021
10	3	Letter to Zoning Board of Appeals	4	App	1/8/2021
11	4	Request for documents	1	App	1/8/2021
12	5	Copy of payment for application to appeal	1	TPO	1/11/2021
13	6	Request for discovery of documents	1	App	1/11/2021
14	7	Request from applicant for discovery documents	1	App	1/11/2021
15	8	Email from Art Aube to John Colonese re: March 1, 2021 meeting	1	TPO	1/13/2021
16	9	Copy of received letter (1-22-2021) from applicant.	1	APP	2/5/2021
17	10	Letter to applicant from ZET payment request for copies	2	TPO	1/26/2021
18	11	Email from ZET to Tax Office - change of address	3	TPO	2/10/2021
19	12	Email from ZEO to Tax Office - change of address	2	ZEO	2/11/2021
20	13	Letter from Applicant request for information FOIA	8	App	2/11/2021
21	14	Letter from applicant requesting to inspect information	5	App	2/16/2021
22	15	Email from Art Aube to John Colonese re: April 5, 2021 meeting	1	ZEO	2/16/2021
23	16	Response letter from ZEO dated February 18, 2021	2	ZEO	2/18/2021
24	17	Response letter from ZEO dated February 22, 2021	2	ZEO	2/22/2021
25	18	Response letter from ZEO dated February 26, 2021	3	ZEO	2/26/2021
26	19	ZBA March 1, 2021 meeting minutes	4	TPO	3/8/2021
27	20	Letter to applicant re freedom of information act request	2	ZEO	3/9/2021
28	21	Voided abutters letter dated 3-22-2021	1	TPO	3/22/2021
29	22	Letter requesting for accomodation for zoning appeals scheduled meeting dated 3-24-2021	4	App	3/25/2021
30	23	Copy of General Statues	2	App	3/25/2021
31	24	ZBA April 5, 2021 minutes	4	TPO	4/12/2021

	A	B	C	D	E
32	25	Response letter from ZEO dated April 8, 2021	12	ZEO	4/8/2021
33	26	Letter/legal notice to applicant - abutters notification	2	TPO	4/19/2021
34	27	Attachments to accompany ZEO memo (4/28/2021)	81	ZEO	4/28/2021
35	28	Memo to ZBA from ZEO	4	ZEO	4/28/2021
36	29	ZBA Agenda for May meeting	2	TPO	4/29/2021
37	30	Certificate of mailing receipt from post office	2	App	4/29/2021
38		MEETING NIGHT			5/3/2021
39	31	Pictures take on site by ZEO 5-3-2021	8	ZEO	5/3/2021
40	32	Pictures of 15 Green St prior to McCarthy purchase	6	NR	5/3/2021
41	33	Telephone complaint log	1	App	5/3/2021
42	34	Fence Brochure	2	App	5/3/2021
43	35	Exhibit V deed BK463, PG857-859	3	App	5/3/2021
44	36	Exhibit U dated 12-7-15 deed	1	App	5/3/2021
45	37	ZBA May 3, 2021 meeting minutes	5	TPO	5/11/2021
46	38	Letter addressed to Chairman requesting names of individuals at ZBA meeting 5-3-2021.	3	App	5/6/2021
47	39	Letter to applicant providing individuals in attendance at ZBA meeting 5-3-2021.	3	TPO	5/17/2021
48	40	List of documents with letter from applicant to be submitted by 5-28-2021.	3	TPO	5/24/2021
49	41	Letter listing documents submitted to the planning office for application file	1	App	5/28/2021
50	42	Telephone complaint log	1	App	5/28/2021
51	43	Copy of envelope from Ellington Tax Office	1	App	5/28/2021
52	44	Copies of GIS Mapping 15 Green Street	2	App	5/28/2021
53	45	Copy of 15 Gren Street Assessor card	2	App	5/28/2021
54	46	Fire Marshal letter dated 10-1-2020 to Rene McGuigan, 11 Green Street Re: 15 Green Street	1	App	5/28/2021
55	47	ZBA January 4, 2021 meeting minutes	3	App	5/28/2021
56	48	ZBA December 7, 2020 meeting minutes	4	App	5/28/2021
57	49	Ellington Planning Department Zoning Enforcement Policy and General Procedures	1	App	5/28/2021
58	50	Email to Tax Assessor from ZEO dated 11-26-2018	1	App	5/28/2021
59	51	Email to Tax Assessor from ZEO dated 1-4-2019	1	App	5/28/2021
60	52	Email from Building Insepector to ZEO 7-15-2020	1	App	5/28/2021

	A	B	C	D	E
61	53	Public Works - Spring Info	1	App	5/28/2021
62	54	Email to NCDHD from ZEO dated 12-11-2018	1	App	5/28/2021
63	55	Email to Building Inspector, Fire Marshal, First Selectman and NCDHD dated 10-08-2020	1	App	5/28/2021
64	56	Email to Michael D'Amico from ZEO dated 8-14-2020	1	App	5/28/2021
65	57	Photo unknown location	1	App	5/28/2021
66	58	Duplicate photo unknown location	1	App	5/28/2021
67	59	Photo - 10 Sweeney Street	1	App	5/28/2021
68	60	Photo unknown location	1	App	5/28/2021
69	61	Email to Tax Assessor from ZEO dated 1-4-2020	2	App	5/28/2021
70	62	Email from Town Planner to ZEO dated 12-16-2020	1	App	5/28/2021
71	63	Photos - 15 Green Street	6	App	5/28/2021
72	64	Personal property declaration detail report printed 1-29-2021	2	App	5/28/2021
73	65	CT State Police Call Summary Report 10-20-2020	3	App	5/28/2021
74	66	CT State Statues copy of Chapter 124 - Zoning first page	1	App	5/28/2021
75	67	Demand of Payment letter from Tax Collector date stamped Jan. 15, 2021	5	App	5/28/2021
76	68	Ellington Planning Department Zoning Enforcement Policy and General Procedures	1	App	5/28/2021
77	69	Town of Ellington Zoning Regulations first five pages	5	App	5/28/2021
78	70	Copy of ZBA Appeal application	21	App	5/28/2021
79	71	Ellington Definations Section Section 10.1	2	App	5/28/2021
80	72	Print of Lana Rustic Spool Table w/ product description	2	App	5/28/2021
81	73	Sketches of 15 Green St provided by applicant	2	App	5/28/2021
82	74	Copy of Building Code R105.2	1	App	5/28/2021
83	75	Town of Ellington Building Department - What requires a building permit?	1	App	5/28/2021
84	76	Duplicate Letter listing documents submitted to the planning office for application file	3	App	5/28/2021
85	77	Duplicate Letter to applicant providing individuals in attendance at ZBA meeting 5-3-2021.	2	App	5/28/2021
86	78	Copies of GIS Map 2 green st neighborhood crystal lake	10	App	5/28/2021
87	79	Copy of CT Statues - Section 8-13a Non-conforming buildings, structures and land uses	1	App	5/28/2021
88	80	Copy of CT Statues - Section 8-6 Powers and duties of board of appeals.	1	App	5/28/2021

	A	B	C	D	E
89	81	Copy of Free Garden Earth compost bins	2	App	5/28/2021
90	82	Recycling curbside- Public Works copy of webpage	4	App	5/28/2021
91	83	Water Pollution Control Authority copy of webpage	1	App	5/28/2021
92	84	Covid-19 Beach Safety Rules 2020 season - copy	1	App	5/28/2021
93	85	Tax & Revenue Collector copy of webpage	5	App	5/28/2021
94	86	The U.S. Constitution	32	App	5/28/2021
95	87	State of CT General Assembly January Session A.D. 1939 amendments to constitution	4	App	5/28/2021
96	88	The Bill of Rights	2	App	5/28/2021
97	89	General Statutes of Connecticut Revised January 1, 2021	47	App	5/28/2021
98	90	Copies of Ellington GIS mapping	8	App	5/28/2021
99	91	Diagram and copies of 15 Green Street GIS mapping	8	App	5/28/2021
100	92	Sketches of 15 Green St provided by applicant	2	App	5/28/2021
101	93	Copy of McCarthy closing po box in Bristol, CT dated 10/1/2020	1	App	5/28/2021
102	94	Various colored photos of sweeney St, White St, Green St, RT 140, Crystal St., Lake St	41	App	5/28/2021
103	95	Nov. 30, 2018 John C. various photos - 15 Green Street	5	App	5/28/2021
104	96	Aug. 13, 2020 John C. varous photos - 15 Green Street	11	App	5/28/2021
105	97	Nov. 18, 2020, Jhn C. various photos - 15 Green Street - created Dec. 7, 2020	2	App	5/28/2021
106	98	September 30, 2020 John C. various photos - 15 Green Street	3	App	5/28/2021
107	99	Various photos	74	App	5/28/2021
108	100	Various photos	77	App	5/28/2021
109	101	Various photos	28	App	5/28/2021
110	102	Various photos	26	App	5/28/2021
111	103	Various photos	31	App	5/28/2021
112	104	Various photos	19	App	5/28/2021
113		MEETING NIGHT			6/7/2021
114	105	Email exchange between Town Planner and Applicant dated June 4, 2021	7	TPO	6/7/2021
115	106	Email exchange between Town Planner and Applicant dated June 7, 2021	3	TPO	6/7/2021
116	107	Fence Brochures 2010, 2017 and copy submitted by Applicant at ZBA meeting 5/3/2021	6	TPO	6/7/2021
117	108	Part 1 - Reasons appealing alleged fence vialtion along Sweeney Street	22	App	6/7/2021

	A	B	C	D	E
118	109	Part 2 - Junkyard Law and Legal Definition / Reasons appealing alleged junk and junk yard violation	12	App	6/7/2021
119	110	Part 3 - Overview of background and history of claimants and ZEO prior 4 investigations	13	App	6/7/2021
120	111	Part 4 - Fence - Dispute the violation and object to the alleged evidence submitted by Zoning	9	App	6/7/2021
121	112	Part 5 - Introduction: Essential to Interpret Zoning words and phrases in order to apply them to determine if a Zoning Violation occurred or is presently being violated.	6	App	6/7/2021
122	113	Part 6 - One sheet, no documents attached	1	App	6/7/2021
123	114	Part 7 - Emails Lisa Houlihan & McCarthy - Missing evidence - no documents attached	1	App	6/7/2021
124	115	Part 8 - All other evidence submitted by McCarthy - All documents written by McCarthy - no documents attached	1	App	6/7/2021
125	116	Junkyard Law and Legal Definition	1	App	6/7/2021
126	117	Ellington PZC special meeting minutes December 21, 2020	5	App	6/7/2021
127	118	Stamina Outdoor Fitness Strider	4	App	6/7/2021
128	119	Breaking: Lamont Closes Restaurants, Casinos, Gyms March 15, 2020	6	App	6/7/2021
129	120	State of CT Ned Lamont Executive Order No. 7D, 7H, 7MM,	5	App	6/7/2021
130	121	Pictures of applicant's painted pallets, deck furniture and rock wall	4	App	6/7/2021
131	122	ZBA Minutes from June 7, 2021 meeting	7	TPO	6/21/2021
132					
133	Note: Items in Orange are not included in packets that went out but are available for review at the meeting				
134	Items in Green are ZEO Staff Reports				
135	Items received by Applicant and the public at ZBA meeting				
136	Items handed out by Applicant at ZBA meeting				
137					
138	App = Applicant				
139	ZEO = Zoning Enforcement Officer				
140	TPO = Town Planning Office				
141	Neighboring resident = NR				
142					



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
www.ellington-ct.gov

TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FAX (860) 870-3122

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, JUNE 7, 2021, 7:00 PM
TOWN HALL MEETING HALL, 55 MAIN ST, ELLINGTON, CT**

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

PRESENT: Chairman Art Aube, Vice Chairman Sulakshana Thanvanthri, Regular members Ken Braga, Katherine Heminway, Subhra Roy, and Alternate Ron Stomberg; Present via ZOOM meeting: Alternates Rodger Hosig

ABSENT: Alternate Ron Brown

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer, Lisa Houlihan, Town Planner and 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 Meeting Hall, 55 Main Street, Ellington, CT and read the Statement of Conduct for the meeting.

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

III. PUBLIC HEARINGS:

1. V202107 – Betty Lukens, 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 31ft and side yard setback from 10ft to 5ft for a detached garage at 28 Florence Avenue, APN 020-012-0000 in a Residential (R) zone.

TIME: 7:02 pm

SEATED: Aube, Heminway, Thanvanthri, Roy and Stomberg

Betty Lukens, 28 Florence Avenue and Dan Shustock, 61 Miller Road, Broad Brook, CT were present to represent the application.

Ms. Lukens stated she is seeking a variance for the detached garage, which gives her easier accessibility to her vehicle. She noted that she was in a skydiving accident and can't walk on snow, ice or uneven ground.

Vice Chairman Thanvanthri asked Ms. Lukens if she has another garage. Ms. Luken said the attached garage is on the other side of the house on the basement level of the dwelling. Vice Chairman Thanvanthri said she did some research pertaining the Americans with Disabilities Act (ADA) compliance. She noted that zoning boards need to make reasonable accommodations for ADA situations and the applicant does not need to provide a hardship. Ms. Lukens said she already installed the garage and is now aware of the rules for permits.

Kathy Vaiciulis, 26 Florence Avenue, stated she lives next door and read her letter that was submitted to the Planning Department on June 3, 2021. She noted according to the University of Connecticut Land Use article which explains conditions for a variance referring to Section 8 of the Connecticut General Statutes (CGS) that Ms. Lukens is pleading a hardship that she does not see meeting the CGS requirements.

Mr. Colonese, Assistant Town Planner, stated he did not locate an as-built plan of the property in the Planning Department files. Mr. Shustock stated he found two stakes and ran a string from one to the other. Ms. Vaiciulis asked him how he measured with the bushes, he noted that he laid the string over the bushes to get a straight line. Vice Chairman Thanvanthri asked Ms. Vaiciulis if she is disputing the accuracy of the measurement. Ms. Vaiciulis confirmed she is disputing the measurements provided by the applicant, since a land surveyor did not stake the property line and feels the installation of the detached garage will decrease her property value.

Ms. Vaiciulis stated there is no railing on the side door step adjacent to the detached garage and asked if the applicant had any other option, such as adding a chair lift within the house that could lead Ms. Lukens to the garage space provided on the lower level. Mr. Shustock said the stairs are too steep and cannot be reconstructed to accommodate a chair lift.

Alternate Stomberg noted he wished the owner would have approached the Planning Department before installing the detached garage. Commissioner Heminway would like to see a property survey before making a decision. Vice Chairman Thanvanthri stated the Board should accommodate the applicant. Chairman Aube suggested the board continue the application to the next meeting and requested the applicant provide a survey of the property line for the July 12, 2021 ZBA meeting.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE JULY 12, 2021 REGULAR MEETING FOR V202107 –

Betty Lukens, 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 31ft and side yard setback from 10ft to 5ft for a detached garage at 28 Florence Avenue, APN 020-012-0000 in a Residential (R) zone.

2. V202108 – Cathy Pinard, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback to 3ft and the side yard setback to 7.3ft for changes to previously approved Variance V201722 granted for house and attached garage on the west side of road at 12 East Shore Road, APN 149-089-0000 in a Residential (R) zone.

TIME: 7:28 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Cathy Pinard, 12 East Shore Road, was present to represent the application. Ms. Pinard explained that she is planning on reconstructing her home that previously received a variance in January of 2018. She stated she has acquired a strip of land adjacent to her property of about 2900 sf, which eliminates the need for a side yard setback variance. She is proposing to increase the size of the garage. Ms. Pinard would like to construct a chimney on the north side of the home, where she previously received a 7.3ft setback to a roof overhang she would like to put the chimney at the same distance. She would also like to construct 2ft x 13ft bump out on the street side of the home, which would be setback 3.8ft from the sewer easement line. The final request is for the expansion of the garage which would be setback 4.6ft setback from the sewer easement line.

Ms. Pinard stated her hardship is the lot size and configuration, the location of existing home, the lot is located on a private road that runs through the property, as well as the topography of lot.

No one from the public spoke regarding the application.

MOVED (HEMINWAY), SECONDED (ROY) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR V202108.

MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE V202108 – Cathy Pinard, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback to 3ft and the side yard setback to 7.3ft for changes to previously approved Variance V201722 granted for house and attached garage on the west side of road at 12 East Shore Road, APN 149-089-0000 in a Residential (R) zone.

Hardship: Lot configuration; size and location of existing road and structures; topography of lot; lot located on a private road that runs through the property.

3. V202101 – 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

TIME: 7:47 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Chairman Aube stated file V202101 was opened last month and continued to tonight's meeting. He announced that Lisa Houlihan, Town Planner, will address a few items.

Ms. Houlihan read a statement of conduct and reviewed the hand out of the Application Control Log, which is a list of documents on file through May 28, 2021. She noted that the application materials are available for public inspection in the Planning Department during Town Hall hours and posted on the Town's website, under ZBA's Agendas. Since the last meeting, the applicant submitted over 200 pages of documentation and over 200 photos. The ZBA members have visited the Planning Department and reviewed the contents of the file.

Ms. Houlihan noted the applicant claims the copy of the fence brochure submitted to file during the May 3, 2021 meeting is not the exact document she submitted. Ms. Houlihan has reviewed

the file and there is only one copy of the brochure date stamped 5/3/2021. She also reviewed the available electronic copies of the fence brochure and there are only two versions, one from 2010 and one from 2017. She added that the one from 2017 matches the copy submitted last month and she has compared all three brochures and there is no substantive difference between them. The brochures are for informational purposes only, the language within the Zoning Regulations is the governing text and the resource the commission should use when considering the fence standard.

Ms. Houlihan noted the order of presentations tonight will be John Colonese, ZEO, Susann McCarthy, appellant, public comments, and finally the commissioners of the Board.

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, briefly reviewed the photos he took today. With regard to violation of the fence regulation Section 2.1.7, photos 1 through 8 show that the fence and fence panels are still located within the front yard setback area, and pursuant to the regulations. He noted a fence constructed in the front yard setback area over 2 ½ feet in height that provides more than fifty percent obstruction of vision through the fence, such as a stockade fence, or any fence over 4 feet in height is a violation. Therefore this fence should be removed or a variance sought. He stated the Board has interpreted the regulations this way many times in the past by way of granting variances for fences within the front yard setback area. With regard to violation of the junk yard regulation Sections 2.1.1.D and 3.1

With regard to violation of the junk yard regulation Sections 2.1.1.D and 3.1 Mr. Colonese stated photo 1 shows stacked disassembled fencing, white wooden platforms, a blue tarp covering articles, spools, and an exercise devise. He said if the board feels the white wooden platforms, spools, and an exercise devise are being used by the applicant and are not junk, then they can decide to partially affirm and/or modify his order. Mr. Colonese indicated photo 2 shows stacked disassembled fencing, white wooden platforms, and spools, and if the board feels the white wooden platforms and spools are being used by the applicant and are not junk then they can decide to partially affirm and/or modify his order.

Mr. Colonese stated photo 4 shows an exercise devise, white wooden platforms, and spools. If the board feels the white wooden platforms, spools, and an exercise devise are being used by the applicant and are not junk then the Board can decide to partially affirm and/or modify his order. Mr. Colonese said photo 6 shows a white wood rectangular object that was once covered by gray tarp. This was consider junk, however if the board feels that this may be a building depending on how it is being used, then they may want to require a variance for the building as it appears it is near or over the front property line. Mr. Colonese stated photo 7 and 8 show the same white wood rectangular object that was once covered by gray tarp.

Susann McCarthy, 15 Green Street, said Mr. Colonese stated one of the violations is the fence, which is within in the setback area. She asked if he was aware of the house being legal existing non-conforming building and structures, which was built prior to the Zoning Regulations first adopted in 1952. Mr. Colonese stated he doesn't have that information and the information was not pertinent to the issuance of the order.

In response to the photos presented to the Board today, she stated there is wood for fencing under the blue tarp and she has it covered for safety reasons. Mr. Colonese recommended in the Cease and Desist Order to apply for a variance for the fence. Chairman Aube asked Ms. McCarthy to address all questions to the Board and not Mr. Colonese.

Ms. McCarthy said she has additional handouts for the Board to review, which are not already in the file.

Commissioner Braga stated he is disappointed that Ms. McCarthy did not allow the Board to walk the property, he said it would have been helpful. He also asked when is the last time she used the exercise bike that is outside, she said Saturday night. Ms. McCarthy said she emailed Ms. Houlihan a complaint that the evidence presented at the May meeting was not the evidence that she submitted in reference to the fence brochure. She said the document is either miss placed or substituted for something different and is not the document in the file. She stated that she read off that document, which had significant instructions on how to determine a setback line.

Ms. McCarthy reviewed her interpretation of the Ellington Zoning Regulations. She noted that Mr. Colonese was out to her property four different times and she said Mr. Colonese stated he was not at the site pertaining to the junk. She stated her retaining wall and structures go right up to the street line. She also said that her setback line is the street line. She again review Mr. Colonese's timeline of when he observed the site and its conditions.

Ms. McCarthy read Section 2.1.7 of the regulations. Ms. McCarthy stated the purpose of the fence is due to vandalism, has privacy issues and being harassed. She said she placed the fence behind the retaining stone walls around her property. Chairman Aube made a recommendation to have her lot surveyed so it is clear on her boundaries. The Board requested that Ms. McCarthy provide a survey showing her property lines, location of the house, stone walls and any other structures on the site from a licensed land surveyor.

Kathy Guilmette, 10 Keeney Street, stated the fencing that Ms. McCarthy has installed is obstructing her sightline to the street while backing out of her driveway. She is requesting the fencing come down because she can't see if anyone is coming down Sweeney Street and this is a safety issue for her to drive out of her driveway.

Ms. Houlihan asked if Ms. McCarthy thinks the zoning regulations allow a fence at the side yards where the edge of the building is. Ms. McCarthy agreed that is her interpretation of the regulations.

Michael Vengruskas, 14 Green Street, said all the fence needs to come now, it's been going on for over a year. Mr. Vengruskas reiterated that the Board did in fact offer Ms. McCarthy to apply for a variance, which she has not applied for, and hasn't let any Board members on the property to view.

Chairman Aube reiterated they are asking Ms. McCarthy to provide a survey for all four sides of the property, showing house, stone walls, shed, and other structures on the property with measurements of all by a registered surveyor.

Ms. McCarthy reviewed her research of the history and definitions of what junk and junk yards are in the State of CT. She stated she owns one registered truck on the property. She noted according to the zoning regulations, properties are allowed one unregistered vehicle.

Commissioner Heminway asked if the truck behind the fencing is her truck. Ms. McCarthy said it is her truck and that she is not currently driving it. Commissioner Heminway asked if the big box blocks her from moving the truck, Ms. McCarthy stated no. She showed the Board pictures of her truck plate registration.

Ms. McCarthy noted that the Town of Ellington does not have a Blight Ordinance and Mr. Colonese is stretching the regulation of a junk yard on her property. Again, she repeated what objects and materials are on the property and for what reason. She stated she brought the materials on site to complete a platform, and fencing around her property. She reviewed a brochure for the exercise bike (Outdoor Fitness Strider) that is located on the property. She noted she brought metal framing for the chain link fence. She decided to remove the chain link fence from the property since the ZBA's last meeting. Ms. McCarthy listed the design elements that are on her property. She provided multiple pictures of other properties using blue tarps to protect their supplies or other items. Her interpretation of the materials on her property are that they are not junk.

Rene Prentiss, 11 Green Street, stated Ms. McCarthy keeps bringing more materials onto the site from everywhere, which the neighbors feel is junk. She stated she has put money into her property and applied for a variance for a fence that was denied by the ZBA, but was allowed to install arborvitae, and Ms. McCarthy has not even applied for a variance for the fencing. She noted Ms. McCarthy is installing the fencing around the property to hide all of her junk, which is currently under gray tarps.

Michael Vengruskas, 14 Green Street, stated Ms. McCarthy has a dump in the back of the property under tarps with stuff all over the site and requested the Board to require a time limit on obtaining the survey. Ms. Hemingway told Ms. McCarthy it would be in her best interest to obtain a survey before the next meeting.

Michael Damico, 12 Kenney Street, the Board should be granted permission to visit the property to determine if there is junk on the property. Mr. Damico asked if Mr. Colonese researched the unregistered vehicle. Mr. Colonese responded residents are allowed one unregistered vehicle and that it was not relevant to the Order.

Patricia Collins, 15 Green Street, stated the Fire Marshal Department and the Health Department have stated there are no violations on the site and other agencies have also said no violation. She said the neighbors are making false accusations. She has walked and driven in a car around the area, and there are other properties that have similar violations. Ms. Collins said Ms. McCarthy has had people that she has hired to do work but they are being harassed by the neighbors.

Kathy Guilmette, 10 Keeney Street, would like to pull in and out of her driveway safely. She is requesting that the objects blocking her sightline be removed. Ms. McCarthy noted that 10 Keeney Street has two driveways.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CONTINUE THE APPEAL TO THE JULY 12, 2021 REGULAR MEETING FOR V202101 – 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the May 3, 2021 Regular Meeting Minutes.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE THE MAY 3, 2021 MEETING MINUTES NOTING THE LOCATION OF THE MEETING WAS AT THE TOWN HALL MEETING HALL, 55 MAIN STREET.

2. Correspondence/Discussion:

- a. Cease and Desist Order – 97 West Shore Road Re: Violation of the Zoning Regulations.

V. ADJOURNMENT:

MOVED (HEMINWAY), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 9:40 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk