



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](http://www.ellington-ct.gov)

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

## ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, SEPTEMBER 9, 2024, 7:00 PM

**IN PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**  
**REMOTE ATTENDANCE: ZOOM MEETING**  
**(ATTENDEES BELOW WERE IN PERSON UNLESS OTHERWISE NOTED)**

**PRESENT:** Chairman Sulakshana Thanvanthri, Vice Chairman Katherine Heminway, Regular members Ken Braga, Subhra Roy, and Miranda Graziani

**ABSENT:** Alternates Ron Brown, Ron Stomberg and Rodger Hosig

### STAFF

**PRESENT:** John Colonese, Assistant Town Planner/Zoning Enforcement Officer, and Barbra Galovich, Recording Clerk

**I. CALL TO ORDER:** Chairman Sulakshana Thanvanthri called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 pm.

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

### III. PUBLIC HEARINGS:

1. V202409 – Matthew & Michael Vengruskas & John Wilson, owner/applicant, request for variance of the Ellington Zoning Regulations Section 4.1-Permitted Uses and Uses Requiring Special Permit: to permit an existing first floor unit to be changed to an apartment creating a two-family dwelling at 35 West Road, APN 019-179-0000 in a Commercial (C) zone.

Time: 7:00 pm

Seated: Thanvanthri, Heminway, Braga, Roy and Graziani

Rachel Dearborn, Landmark Surveys, LLC, 62 Lower Butcher Road, Ellington, CT was present to represent the application.

Rachel Dearborn stated there is an existing house on the east side of Route 83 (West Road), in front of Pools & More and next to Chic's Restaurant. The driveway to Pools & More is to the left of the house. Historically the house has had two uses, the upper level is an apartment with the kitchen on the main floor and the first floor is currently used for business storage but was a butcher shop at one point. The owners are looking to convert the first-floor unit into a second apartment. Rachel noted the reason they are before the board is to request a variance to change the unit's use from commercial to residential on the main floor. The hardship being a pre-existing single-family dwelling and there are residential uses near the property.

Rachel Dearborn clarified that the kitchen to the upstairs apartment, which is on the first floor, is separated from the rest of the first floor and has been used as a residential unit for many years.

**MOVED (HEMINWAY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202409** – Matthew & Michael Vengruskas & John Wilson, owner/applicant, request for variance of the Ellington Zoning Regulations Section 4.1-Permitted Uses and Uses Requiring Special Permit: to permit an existing first floor unit to be changed to an apartment creating a two-family dwelling at 35 West Road, APN 019-179-0000 in a Commercial (C) zone.

**MOVED (ROY), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO APPROVE V202409** – Matthew & Michael Vengruskas & John Wilson, owner/applicant, request for variance of the Ellington Zoning Regulations Section 4.1-Permitted Uses and Uses Requiring Special Permit: to permit an existing first floor unit to be changed to an apartment creating a two-family dwelling at 35 West Road, APN 019-179-0000 in a Commercial (C) zone.

**Hardship: Pre-existing single-family residential unit within building; residential uses surrounding property.**

2. V202410 – Kathy Hearn, owner/applicant, request for variance of the Ellington Zoning Regulations Section 2.1.10 – Highway Clearance Setback: to reduce the front yard setback from 50ft to 35ft to install a shed at 94 Burbank Road, APN 148-006-0000 in a Rural Agricultural Residential (RAR) zone.

Time: 7:10 pm

Seated: Thanvanthri, Heminway, Braga, Roy and Graziani

Kathy Hearn and Ken Trombley, 94 Burbank Road were present to represent the application.

Kathy Hearn said the lot is very steep which is why they are requesting the building in this location. Kathy stated Burbank Road requires an additional 15-foot setback to the 35-foot setback, bringing the setback to 50 feet from the property line according to the zoning regulations. Kathy explained the proposed location for the prefabricated 36'x14' detached garage will be to the left of the driveway. If the variance is granted to place the structure 35 feet back it would allow enough room to utilize the rear garage bay door for a vehicle to be stored. Ken Trombley stated the parcel is 14 acres and only three quarters of an acre is buildable. Kathy Hearn noted the parcel was originally three lots, but the lots were merged into one. The board members reviewed the topography of the parcel.

Chairman Thanvanthri asked how they would utilize the back of the garage where the garage door is located. Kathy Hearn explained they would drive up the driveway and make a wide left turn into the bay. Ken Trombley noted it will be tight with the slope and some type of fencing will be installed for safety precautions. Kathy Hearn noted the proposed location for the garage is far away from the septic system and well.

Vice-Chairman Heminway observed the steepness of the land on a site visit.

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202410** – Kathy Hearn, owner/applicant, request for variance of the Ellington Zoning Regulations Section 2.1.10 – Highway Clearance

Setback: to reduce the front yard setback from 50ft to 35ft to install a shed at 94 Burbank Road, APN 148-006-0000 in a Rural Agricultural Residential (RAR) zone.

**MOVED (ROY), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO APPROVE V202410** – Kathy Hearn, owner/applicant, request for variance of the Ellington Zoning Regulations Section 2.1.10 – Highway Clearance Setback: to reduce the front yard setback from 50ft to 35ft to install a shed at 94 Burbank Road, APN 148-006-0000 in a Rural Agricultural Residential (RAR) zone.

**Hardship: Topography of lot.**

3. V202411 – Ronald and Bonnie Bahler, owner/applicant, request for variance of the Ellington Zoning Regulations Section 7.9.C-Rear Lot Requirement: to allow one driveway to serve two rear lots within a fee simple accessway less than 50ft wide, and to allow driveways outside of the accessway at 18 Elderberry Lane, APN 181-016-0000 in a Rural Agricultural Residential (RAR) zone.

Time: 7:20 pm

Seated: Thanvanthri, Heminway, Braga, Roy and Graziani

Rachel Dearborn, Landmark Surveys, LLC, 62 Lower Butcher Road, and Ronald and Bonnie Bahler, 18 Elderberry Lane, were present to represent the application.

Rachel Dearborn explained the property is located at the end of Elderberry Lane off Egypt Road. At the time of road construction, Joe Baker, Town Planner, suggested splitting the frontage to allow access to the two land lock parcels that the road extended to. Rachel noted 18 Elderberry Road is an existing lot of record with a house and driveway. Rachel explained a portion of the proposed driveway for the rear lot will be shared with the driveway for the front lot. Rachel reviewed three options of splitting the access between the two parcels as noted on the project narrative provided with the application. There would be a common driveway easement covering the accessways. If a variance is granted, the applicants would apply to the Planning & Zoning Commission requesting special permits to develop two rear lots. Rachel feels a variance is the best route for development of the rear portion of the existing property until there is future development in the area.

Commissioner Braga mentioned the Public Works comments about the stormwater drainage, Rachel Dearborn said there is currently riprap along the driveway to slow the water down and the stormwater management requirement would be completed.

Vice-Chairman Heminway asked about driveway access for public safety. Rachel Dearborn explained they will address driveway requirements for emergency vehicles. Chairman Thanvanthri raised concerns with creating lots that are non-compliant and raised emergency services access concerns. Chairman Thanvanthri asked for neighbors to work towards an agreement rather than grant a variance before other options are extinguished. Chairman Thanvanthri asked if anyone has spoken with James Wysocki, Rachel Dearborn stated no agreement has been made.

James Wysocki, 62 Eagle Brook Drive, Somers, CT stated the owners of 18 Elderberry Lane haven't contacted to discuss the proposed variance. James said asking for a variance is premature and is willing to talk about the situation. James noted he reached out to Mark Hoffman to try and work on a resolution, but Mark was not available to discuss it. When Elderberry Lane was constructed, the road was supposed to split up the property line to prevent other parcels from being landlocked. James would like to request a continuance of the application to talk with Mark Hoffman and the Bahlers and does not think the variance should be granted without considering the surrounding landowners.

Arlo Hoffman, 7 Fairview Lane Ext., said the Bahler's are putting a driveway in for their son to build a house. Arlo stated the Planning & Zoning Commission recently denied the length of a proposed subdivision road because it did not meet the regulations. The regulations limit the length of roads for safety reasons. Arlo said Elderberry Lane was approved as a cul-de-sac and will not be extended until James Wysocki develops and feels that James is more about preserving the land rather than developing at this point and time. Chairman Thanvanthri understands the sentiment but is looking out for the best development of the land.

Ronald Bahler, 18 Elderberry Lane, stated they have owned the property for years, upon completion of the road, the Bahler's had access to the parcel and built on the property. Ronald approached the Town about creating a second lot and placed the existing dwelling on the parcel with the intentions of a second lot. Ronald noted before construction of his existing house a conversation that took place with James Wysocki about creating a road between the two parcels and James was not interested. Ronald asked the neighbor on the opposite side about acquiring additional frontage.

John Colonese, Assistant Town Planner, explained should the accessway width issue be resolved, the applicant may still need to obtain a variance to allow driveways outside of the accessway.

James Wysocki would like the opportunity to review the application prior to making any decisions. James said the concern is cutting off other parcels for future development. Chairman Thanvanthri requested the applicant to again attempt to negotiate and come to a resolution.

Seth Bahler, 17 Birch View Drive, asked if James Wysocki doesn't agree to sell any frontage, is this a hardship. Chairman Thanvanthri noted that hopefully this can be resolved by working together and coming up with a resolution.

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO MONDAY, OCTOBER 7, 2024 IN THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR V202411 – Ronald and Bonnie Bahler, owner/applicant, request for variance of the Ellington Zoning Regulations Section 7.9.C-Rear Lot Requirement: to allow one driveway to serve two rear lots within a fee simple accessway less than 50ft wide, and to allow driveways outside of the accessway at 18 Elderberry Lane, APN 181-016-0000 in a Rural Agricultural Residential (RAR) zone.**

#### **IV. ADMINISTRATIVE BUSINESS:**

1. Approval of the August 5, 2024, Regular Meeting Minutes.

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE AUGUST 5, 2024, REGULAR MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. North Central District Health Dept. Ellington Annual Report July 1, 2023 – June 30, 2024.

#### **V. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO  
ADJOURN THE ZBA MEETING AT 7:53 PM.**

Respectfully submitted,

---

Barbra Galovich, Recording Clerk