

ZONING BOARD OF APPEALS  
MARCH 1, 2007

The Special Meeting and public hearing were called to order at 8:00 P.M. by the Chairman, Stuart Wood. Board members present were: Stuart Wood, Dan Schies, Diane Quinn. Greg Daigle arrived at 8:10 P.M. Absent was: Norman Gobelle. Alternates present were: Jack Agosta and Guy Gibb. Alternate absent was Richard Fiala. Jack Agosta was designated to sit for Norman Gobelle.

The legal notice was read and the hearing recorded on tape.

Appeal No. 974 - CONTINUED FROM JANUARY 25, 2007

Frederick Roebuck, Jr. and Albert Marcus of Route 149, East Haddam (Property Owners) and Scott W. Jezek, Esq. Of P O Box 376, Moodus (Agent)

Frederick Roebuck, Jr. and Albert Marcus were not present but were represented by their Attorney, Scott Jezek. Also present for this hearing was Robert Goldstein who was present representing the applicants. The five Board members that were present for the first public hearing held on January 25<sup>th</sup> were present and sitting for this continued public hearing.

Attorney Jezek stated that subsequent to the last meeting where they had a discussion of whether the stipulation that was contained in the prior approval in 1986 rose to the status of a condition that was included in that approval, it was the consensus of the Board that it did and as a result were expecting a statement on hardship. He provided a statement in writing to the Board members. Attorney Jezek felt that a hardship did not have to be provided or proven. He further stated that he felt the previous decision might have been determined by the septic problems. All this septic problem has changed with the Town installing a sewer system which does serve this property. His clients have plans to either have a separate sale or a separate form of ownership by some form of common interest community for the two units but can do neither with the condition that is in place. He is not aware of any kind of stipulation like this one in any other part of Town put on by this Board. He submitted an A-2 Survey map indicating how they would like to divide this parcel into two parcels indicating the location of the dwellings on each parcel. There was a discussion on the grinder pump situation. If divided as shown, one parcel will consist of 0.126 acres and the other parcel 0.167 acres.

Anthony Shetensky, property owner across the street, was present at the 1986 public hearing and the hearing held January 25, 2007. He opposed this division at both hearings. He stated his oppositions again. He feels the lot is too small to be divided as shown as this is a one acre zone and if the lot is divided as shown, it will further increase the non-conformity of the lot. This same request was denied 30 years ago, it was approved with conditions 20 years ago and now it is back before the Board again.

The status of the two dwellings over the past many years was reiterated. There are no plans on changing the status of the dwellings. They will each continue to have one bedroom each.

Lorraine Shetensky, property owner across the street, submitted photographs of the area how it was years ago.

There was a discussion on the document on "Hardship" that Attorney Jezek submitted.

Lenoir Roberge who was a Board member in 1986 when the public hearing was held and the conditions placed on the approval letter, reiterated the feelings of the Board at that time and how

this approval was determined.

Greg Daigle made a motion the Board close the public hearing of Appeal No. 974, Frederick Roebuck and Albert Marcus. Motion seconded by Dan Schies and carried unanimously.

After a very lengthy discussion, Dan Schies made a motion the Board deny Application 974, Frederick Roebuck, Jr. and Albert Marcus of Route 149, East Haddam, request to have the removal of a Zoning Board of Appeals condition attached to an earlier approval, Appeal No. 474, dated July 10, 1986, based upon the Board's findings that no hardship has been proven in order to eliminate the conditions originally imposed in 1986 to grant the Variance. The original Variance was granted with conditions and the conditions have not changed. There has been a sewer system installed on Main Street and the number of bedrooms remain the same which was a part of the Variance approval. Motion seconded by Greg Daigle. The Chairman called for a vote by raising of the hands. Four members raised their hands. One Board member, Diane Quinn, did not raise her hands. Therefore the request to remove the stipulations as set forth in 1986 were not removed. They still remain in full force and effect as a condition on this property.

Said property is located on Route 149 in the R-1 District. Assessor's Map 26 Lot 19.

Appeal No. 975 - Joseph Broder of 151 Broadway, P O Box 270, Colchester, (Property Owner) and Marion J. Campbell of 32 Hungerford Road, East Haddam (Appellant)

There was no one present for this hearing. The secretary received a letter from James Ventres, Land Use Administrator that he had received from Marion Campbell requesting that her public hearing be moved to March 22<sup>nd</sup>.

Motion made by Greg Daigle that the Board reschedule the public hearing Appeal No. 975, Marion Campbell, to March 22<sup>nd</sup>. Motion seconded by Diane Quinn and carried unanimously.

Appeal No. 976 - Patrycja Rogers of 19 O'Connell Road Ext., East Haddam

Patrycja Rogers was not present but was represented by Jason Rogers. He submitted an A-2 Survey indicating the perimeter of the property, location of the dwelling, septic system, well and location of the proposed garage. He submitted the certified mail receipts indicating the letters were mailed to the adjoining property owners and the letters were received. The parcel consists of 5.553 acres. They would like to construct the garage where located because it will be built just inside stone walls and will not interfere with the view from his neighbors house. None of his neighbors have objected to this location.

Eric Dill, representing Consumers Union, stated their only concern was gaining access to their property and since it does not interfere with their property, they have no objections.

The garage will not interfere with his septic system nor well and will not interfere with the neighbors. Due to the topography of the lot, this is the only flat area of the property and the best area suited for the garage. The garage will be located close to the right-of-way that runs along his property which is an abandoned town road. The small portion of his driveway faces on O'Connell Road Ext.

Greg Daigle made a motion the Board close the public hearing of Appeal No. 976, Patrycja Rogers. Motion seconded by Dan Schies and carried unanimously.

Greg Daigle made a motion the Board approve Appeal No. 976, Patrycja Rogers of 19 O'Connell Road Ext., East Haddam, request for a Front Yard Variance of 25' and a Side Yard

Variance of 25' of Section 10.1 of the Zoning Regulations in order to construct a garage 15' from the front and side yard property lines where 40' is required based upon the Board's findings that a hardship exists due to the topography of the land, there were no objections from the neighbors, also due to the location of the septic system and well. Motion seconded by Dan Schies and carried by an affirmative vote. Four members voted yes and one member voted no

Said property is located on O'Connell Road Ext in the R-2 District. Assessor's Map 79 Lot 15.

Minutes

The minutes of January 25, 2007 were read and reviewed. Motion made by Diane Quinn, seconded by Greg Daigle, the minutes be approved as printed. Motion carried unanimously.

The Chairman reminded the members that the CFPZC will be held March 17<sup>th</sup>. Anyone can attend the conference.

Greg Daigle made a motion, seconded by Diane Quinn, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:55 P.M.

Stuart Wood, Chairman  
Zoning Board of Appeals

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