RECEIVED
VERNON TOWN CLERK
15 JAN 28 PM 4:25

AMENDED DRAFT Minutes of October 15, 2014 ZBA Meeting

Attendees: Bill Francis, Jim Ferguson, Don Schubert, Bruce Skivington, and Marisa Roy.

Also present: Andy Marchese, Zoning Enforcement Officer, and Jennifer Roy, Zoning Assistant/Recording Secretary

The meeting was called to order at 6:30 p.m. and the opening statement was read.

Jim Ferguson, Secretary read the agenda:

1. TALCOTTVILLE DEVELOPMENT CO LLC, 57 & 163 HARTFORD TPKE, seeking a variance from Section 3.11, Twenty-five foot (25) Required Lot Frontage on Public Streets, to allow for the creation of a new lot with zero frontage in the Commercial Zone.

Andy Marchese explained the applicant is looking to sub-divide the property; having the rear lot with zero frontage. If the variance is granted, the applicant will then have to go to Planning and Zoning Commission.

Attorney Dorian Famiglietti and Mark Peterson present to speak on the application. Attorney Famiglietti explained that the property is legally 1 parcel, with 2 street addresses. Over time there have been several pieces of this property conveyed to abutting properties. Earlier in 2014 the front portion was subdivided.

Attorney Famiglietti submits the hardship, whether the land is divided or not, lot 8 is land locked. Also, it has been independently developed for over 30 years. In order to qualify as frontage, according to the Zoning Regulations, there must be the 12 feet of frontage, along a public road, and provide access to the property. The only access to this lot is via the existing bridge owned by the abutting property.

A letter from Brianan Nolan, Town Planner, was read into record by Secretary Jim Fergeson, and marked Exhibit A.

Attorney Famiglietti responded that Ms. Nolan's statement that the property owner "wishes to no longer have frontage" is not accurate. For all intents and purposes the property already has no frontage. Further, the statement that the property owner is avoiding financial hardship to construct a bridge is inaccurate. The chances of getting the proper approvals from DEEP, and Wetlands, for another bridge are highly unlikely.

Attorney Famiglietti submitted a copy of a Planning and Zoning Commission approval letter from March 2006. The letter is marked Exhibit B.

Attorney Famiglietti states that the hardship is not self-created. The river has always been there, and there has never been access to the highway; neither is self-created. Further, any previous concerns from the Fire Marshal's Office about flooding and emergency access already existed, if approved this would not change that.

Attorney Famiglietti submits the hardship for this application is that the river already divides the property into two, and dictates that lot 8 is developed separate already. Also, there is a non-access highway line along the property. There is nothing being requested that deviates from the Town's Zoning Plan.

Jim Ferguson asked for clarification of lot 7 and lot 8 split. Is it to market lot 7, and lot 8 is already developed?

Mark Peterson explained the site plan submitted.

Don Schubert questioned if the primary reason to divide is to sell lot 7.

Attorney Famiglietti commented that to the best of her knowledge there is no plan to change lot 8, and to sell lot 7.

Marisa Roy questioned if there was already a buyer for the property. Not the best of Attorney Famiglietti's knowledge.

No one present to speak in favor or opposition. The hearing was closed and a discussion was held.

Bruce Skivington made a motion to grant the variance from section 3.11, to allow creation a of new lot with zero frontage, in the Commercial Zone, hardship being the property is landlocked, by Interstate 84 and the river. Marisa Roy seconded the motion. **Members in favor of granting the variance are Bruce Skivington, Jim Ferguson and Marisa Roy; Members in opposition are Bill Francis and Don Schubert. Motion is defeated and variance denied.**

2. FRANK SALERNO, 3 QUAIL CROSSING, seeking a variance from Section 4.24.2.3, Fifty foot (50) minimum front yard setback, to allow an Eighteen foot (18) setback from the northern frontage and a Forty Two foot (42) setback from the western frontage for the installation of a Twenty Four foot (24) by Twenty Four foot (24) garage in the PDZ-Gerber Zone.

Andy Marchese explained the property is located in the Gerber Zone, and it is a corner lot. The zoning requirement is 50' front yard setback and since it is a corner lot it has 2 front yard requirements. Mr. Marchese visited the site with the Town Surveyor and Wetlands Officer. A good portion of the property is in wetlands, the proposed location is the only feasible location.

Frank Salerno present to speak on his application. Mr. Salerno explained they have recently relocated to Vernon. There are 3 adults living in the house; with 3 vehicles. There is no storage space for lawn/snow equipment.

Mr. Salerno explained his hardship is several factors; there is a large section of aquifer and wetlands, the well is in the middle of the back yard, and the utilities run along the other side of the house, leaving only the proposed location. Further, he has health issues that warrant having the snow removal equipment close to the house.

No one present to speak in favor or opposition.

Bill Francis made a motion to grant the variance from Section 4.24.2.3, to allow installation of a 24'x24' garage 18' from the northern property line and 42' from the western property line, in the PDZ-Gerber Zone, due lot configuration and wetlands. Don Schubert seconded the motion. The motion was granted by all members for a unanimous vote.

Next item on the agenda, approval of the August 20, 2014 meeting minutes.

Bruce Skivington made a motion to approve the August 20, 2014 meeting minutes. Jim Ferguson seconded the motion; the minutes were approved by unanimous vote.

Other business, Chairman Francis was asked to remind the board members of the October 29, 2014 meeting invitation from the Mayor. All those attending should RSVP to Diane Wheelock.

Bruce Skivington made a motion to adjourn the meeting, Donald Schubert seconded the motion; the meeting was adjourned at 7:45 p.m.

Submitted by: Jennifer Roy

Amended by: Debra Sterling (amendments in bold print only)

Debra Sterling