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APPROVED Minutes of February 15, 2017 ZBA Meeting

Attendees: Regular Members: Donald Schubert, Carl Slusarczyk, Marisa Roy and Jason Cormier
Alternate Members: none present
Absent Member(s): Bruce Skivington, Howard Steinberg and Carmen Melagnan

Also present: Andy Marchese, Zoning Enforcement Officer/Staff Liaison
Debra Sterling, Recording Secretary

The meeting was called to order at 6:35 p.m. by Chairman Don Schubert. (Start of meeting was purposely delayed to give the applicant more time to appear). Mr. Schubert then read the opening statement.

All Members of the Board introduced themselves.

Jason Cormier, Board Secretary, read the Application on the Agenda:

Application # ZBA-2017-01 PREFERRED PROPANE, Applicant, seeking a Variance from the Vernon Zoning Regulations **Section 4.10.1.4 Minimum Side Yard Setback thirty (30) feet**, to allow a one (1') foot one (1") inch side yard setback along the southern side boundary line, to install an eight (8') foot x sixteen (16') foot shed on the property located at **62 Industrial Park Road**, in the Industrial Zone.

Don Schubert noted for the record that alternate member, Howard Steinberg, was not present, and the applicant, (Preferred Propane) was not present.

Don Schubert noticed two individuals present in the audience and asked if one of them was the applicant; neither was. Mr. Schubert questioned if anyone present was in favor of or opposition of the application. One man stood in opposition of the application and Mr. Schubert invited him to come forward and state his name and address for the record.

Attorney Scott Chadwick came forward representing property abutter, Coyote Falt, LLC, of 30 Industrial Park Road, Vernon, CT.

Attorney Chadwick presented information to the Board, and stated that after doing research, the name of the applicant, Preferred Propane, could not be found and he therefore felt the information related to the Variance was incorrect. He further stated that the shed was already built and placed on the property. He brought photos forward to the Board Members. Chairman Schubert read into the record that the photos would be marked as "Exhibit A".

Attorney Chadwick continued his presentation and stated he felt the applicant was not asking for permission but for forgiveness as the shed is already in place, without the proper setbacks, and is in violation of the Town's Zoning Regulations. He discussed the lack of hardship, and with the absence of the applicant, he asked that the application be denied.

Marissa Roy questioned Attorney Chadwick about the shed and its location. Carl Slusarczyk questioned the attorney's involvement with the abutter. The attorney stated Coyote Falt is a long-standing client of their office and his client received notice of the meeting through the Notice to Abutters. They were prepared to appear in January however the meeting was rescheduled for February. The attorney commented that if the Zoning Enforcement Officer had been made aware that the shed was on the property, that a Zoning Violation letter would have been issued, and the applicant would be here not asking for a Variance, but to Appeal the violation.

Mr. Schubert asked the attorney if he or his client knew when the shed was placed on the property; neither could provide a date but it was clear the shed was already on the property.

Andy Marchese noted to the Board that the applicant was now present and arrived at 6:39 p.m.

Mr. Schubert asked if there were any further questions for Attorney Chadwick or his client, there were none.

Mr. Schubert asked the applicant to come forward. Mr. Marchese and the Board Members explained to the applicant that he could table the matter or move on with the meeting but that he would need 4 affirmative votes to have the Variance granted and there were only 4 Members present. The applicant looked toward the property abutter and his attorney and commented he thought he had a friendly neighbor and didn't realize he would hire an attorney to be there so he would move forward with the meeting.

The applicant introduced himself as Roland Violette of Preferred Propane. He explained that he bought the shed from Kloter Farms at the end of the year (2016) and due to tax reasons, he had the shed delivered. He claimed it was put on the site that was permitted and inspected by Karl, an inspector from the Building Department, who was no longer working there and therefore couldn't back him up. He explained his need for the shed was to house equipment/electronic components for the pumps, to keep it protected from the elements. He stated having the shed on the property is not a hardship but felt it was a safety issue as he needed the security on site. He explained his history with the property as far as what he owned, discussed additional property which he was unable to purchase, and what he was contemplating purchasing. He discussed the property next to his and felt that having the shed on the property line was no hardship to them (property abutter). He discussed the money he spent on the project and stated he was unaware of the 30' setback until he was just educated about it.

The applicant approached the Board Members to pass out photos he took of the property; he explained his surveyor could not make it to the meeting this evening.

Carl Slusarczyk questioned Mr. Violette about heat in the shed to which he responded there was electric heat. Marisa Roy questioned the size of the other shed on the property.

Don Schubert asked Andy Marchese to give his comments related to the permit. Mr. Marchese explained that there was an electrical permit only, there was not a permit for the shed. He also explained that the inspection notice, which was written by Karl Schiessl, was approving the underground conduits only (electrical) for tank controls and future shed. The Electrical Permit was to: "install pvc conduits in trench for future use". He stated that he himself made the applicant aware of the proper setbacks for a shed, and that when the building inspector/official performs an inspection, it is only to inspect the work stated on the permit; they do not check boundary lines for future structures. He further stated the shed was currently in violation; a violation letter had not been sent as the ZBA meeting for the Variance was forthcoming.

Discussion was held concerning a previous Planning & Zoning meeting in 2010; Andy Marchese stated that a shed was not part of that meeting.

Mr. Marchese stated that the shed related to this Variance was delivered and placed on the property sometime between the time of application (December 19, 2016) and the current time; there was no Building Permit required because the shed is under 200 square feet but a Zoning Permit is required and has not been applied for as of this time.

Marisa Roy and Carl Slusarczyk questioned the applicant about the electrical work done and asked for clarification of his business name. Mr. Violette explained the various business names, dba's and LLCs. Mr. Marchese explained the name on the application for the Variance could not change now due to legal notices already being published etc.

Carl Slusarczyk questioned the applicant about what equipment was housed in the shed and discussion was held related to the propane tanks. Marisa Roy asked questions related to the underground electrical.

The Board Members and the applicant reviewed the pictures brought forward previously. Mr. Schubert asked if there were any other comments or questions. There were not.

Don Schubert closed the hearing and discussion was held between the Members. Mr. Marchese collected the photos and asked that they be made part of the record and be marked as "Exhibit B".

Don Schubert asked Mr. Marchese for further comment; Mr. Marchese stated he could not provide further comment as the hearing was closed.

The Board Members continued their discussion.

Carl Slusarczyk made a Motion to Deny the Variance from the Vernon Zoning Regulations **Section 4.10.1.4 Minimum Side Yard Setback thirty (30) feet**, to allow a one (1') foot one (1") inch side yard setback along the southern side boundary line, to install an eight (8') foot x sixteen (16') foot shed on the property, as there is no hardship other than the applicants lack of knowledge. Marisa Roy seconded the Motion. All voting members (Donald Schubert, Carl Slusarczyk, Marisa Roy and Jason Cormier) voted unanimously to deny the Variance. Variance is Denied.

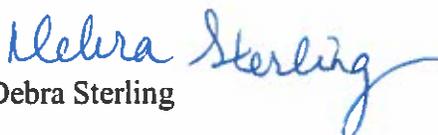
Next item on the agenda, review Draft Minutes of the November 16, 2016 meeting. Carl Slusarczyk made a Motion to approve the November 16, 2016 Minutes. Don Schubert seconded the Motion. All voting members (Donald Schubert, Carl Slusarczyk, Marisa Roy and Jason Cormier) were in favor for a unanimous vote. Minutes are approved.

Next item on the agenda, other business. Andy Marchese stated that alternate member, William Francis, has resigned and a new alternate member, Carmen Melaragno, was recently appointed but could not attend this meeting as he was out of town on business. Further discussion was held between the Members and Andy Marchese about absenteeism, upcoming terms expiring, possible resignations, and the need for more Members.

Marisa Roy made a Motion to Adjourn the meeting. Carl Slusarczyk seconded the Motion. All voting members (Donald Schubert, Carl Slusarczyk, Marisa Roy and Jason Cormier) were in favor for a unanimous vote.

The meeting was adjourned at 7:21 p.m.

Submitted by:


Debra Sterling