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TOWN OF VERNON

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OFFICE OF THE
ZONING BOARD OF APPEALS

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DRAFT Minutes March 17, 2010

Attendees: Michael Murray, Jim Ferguson, Bill Francis, Bruce Skivington and Carl Slusarczyk

Also present: Abraham Ford, Jr., Zoning Enforcement Officer and Jennifer Roy, Zoning Asst.

The meeting was called to order at 6:42 p.m., and the opening statement was read.

Jim Ferguson, Secretary, read the agenda.

1. NORM TURNBULL, 154 IRENE DRIVE, seeking a variance from Section 4.4.1.5, minimum rear yard requirement, to allow a 12'x16' shed to be built 7'0" from the rear property line in the R-27 Zoning District.

Abraham Ford explained the application; this is a request for a variance from the rear yard set back requirement.

Mr. Turnbull was present to speak on his application. He explained that they plan on putting a swimming pool in this summer, and they would rather put the shed in the rear of the yard, than near the house it self, since they will be storing the chemicals in it.

Jim Ferguson questioned Mr. Turnbull as to what his hardship is. The fact that it would be near the house does not constitute a hardship.

Mike Murray commented on the map, it is hard to tell what the dimensions of the lot are. He suggests that they table the application to next months meeting to allow the appellant to provide clearer maps.

Jim Ferguson comments again on the hardship, and suggests that Mr. Turnbull return next month with better maps and hardship.

Bruce Skivington made a motion to table the application to the April 21st meeting. Jim Ferguson seconded the motion, and the motion was carried by unanimous vote.

2. ELLINGTON PROSPECT, LLC, 1 ELLINGTON AVENUE, seeking variances from section 4.7.5, schedule for multi-family dwelling unit/area ratio requirements, and section 12.1.7, off-street parking and loading for multi-family requirements, to allow 19 one-bedroom apartment units and 28 parking spaces, in the Historic District Planned Neighborhood Development Zoning District.

Jim Ferguson read into record 3 letters received regarding the application; 2 in favor, 1 opposed. Letters marked Exhibits A, B and C.

Abraham Ford explained the application; there are 2 variances requested, one for the number of units and one for the number of parking spaces. Mr. Ford further explained that one of the letters was from the Town Planner, Len Tundermann; which he did not received until late today, this is why it is just being submitted now for the record.

Attorney Leonard Jacobs, 146 Main Street, Manchester is present to speak on the application. Attorney Jacobs asked if he may read the letters.

Attorney Jacobs presents a map outling the property. Map marked Exhibit D.

Attorney Jacobs explained the application; that the owners would like to request variances to the required parking spaces and for the number of units allowed per square foot. In his view the building has been dilapidated for years; the owner intends to keep the character and look of the building. The hardship being claimed is owning a building of this size, on the current lot size. Their view is that the building is large enough for the number of units they propose.

Attorney Jacobs cited Zoning regulations only require 1 parking space for a single family home; and 3 for a two family home. The units they are creating are all one bedroom units. He feels the Zoning Regulation creates a hardship whereas it does not differentiate how many bedrooms per unit, it simply requires 2 parking spaces per unit.

Attorney Jacobs further points out that any other use of this building would require more parking spaces as well, such as office use. Any other suggested uses such as a convalescent home, a bank, or boarding house would also not be able to use the building. Pointing out the Town Planner's letter commented that Zoning Regulations do not give any leeway to turn the building back into an economically viable building.

Mike Murray is concerned with overflow parking, and asked Attorney Jacobs if they'd be opposed to stipulations should the variance be granted. Attorney Jacobs stated they would not be opposed.

George Aguilar, owner was present to answer any questions. He explained that they intend on making each unit a one bedroom unit, consisting of a kitchen/dining room, living room and bedroom totalling 550 square feet.

Carl Slusarczyk asked about the remaining 5400 square feet. What would they be doing with that space? Also would they be able to make a floor plan available. Further, what was their plan for snow removal?

Mr. Aguilar stated they have area surrounding the parking lot that they are able to put the snow. He also would be willing to make a floor plan available at the next meeting.

Jim Ferguson requested a 5 minute recess at 8:03p.m.
The meeting reconvened at 8:08p.m.

Seeing several residents present to speak, as well as Attorney Bruce Fader; Mike Murray requested they attempt to limit their time to 5 minutes each.

Attorney Bruce Fader present to speak on behalf of the residents of the area. Attorney Fader requested more time to speak, as he would need more than 5 minutes to present the information he has prepared.

Attorney Fader points out that this is a predominately single family neighborhood, the house has not been dilapidated for many years, and it has only become vacant in the past 4-5 years. He requests that he hand out a packet of information that he has prepared and will not be allow to explain.

Packet contains letter of opposition from Kit Crowne and Barry Rimler, Vernon's Conservation Plan, Vernon Zoning Regulation 17.2.2.2, Summary of abutting property uses, property card for 1 Ellington Avenue, and correspondence from Attorney Jacobs to Len Tundermann & from Abraham Ford. The packet is marked Exhibit E.

Attorney Fader further would like to point out to the board that any variance granted will remain with the property.

Barry Rimler, 74 Prospect Street, present to speak in opposition. He feels the hardship is of the developers own creation, there's an Error & Omission on the application, and the building is in a Historic District and this alters the characteristics of the neighborhood.

Bill Francis asks Mr. Rimler what is his specific objection. Mr. Rimler states he does not want this type of neighbor; Veteran's with Post Traumatic Stress Syndrome.

Robert Hurd present to speak on behalf of the Historical Commission, in opposition of the application. Mr. Hurd explained that the Historical Commission voted unanimously to oppose this application due to the minimum land use, the area is not sufficient for this number of units. The proper number of units for this property is 13. The carriage house used to only have 4 units, not the 7 that is now holds. 13 units would allow for the proper number of parking spaces as required by regulations.

Theresa Pataglio, 655 Talcottville Road, Vernon; present to speak in opposition. She also is a member of the Historical Commission. She feels this comes down to money, and this building can very much be used as a single family home.

Aleyda Tarry, 12 Ellington Avenue, Vernon; present to speak. Ms. Tarry has been a resident since 2002; the home at 1 Ellington Avenue became vacant about 4 years ago. She is not necessarily in opposition, she is concerned about parking. There already does not seem to be enough parking in the neighborhood.

Ann Etre, 29 Davis Avenue, to speak in opposition. She owns 29 Davis Avenue as well as a 4 family on Talcott Avenue. The 4 family has inadequate parking and there is constant problems.

Reverend Ed Campolongo, 9 Talcott Avenue, present to speak. Rev. Campolongo is neither in favor or opposition. He is concerned about the number of units. He is glad to see it is being fixed up. He is also concerned about the Veterans with PTS not being a good mix for this area.

Kit Crowne, 21 Ellington Avenue, present to speak in opposition. He feels the hearing has been tilted in favor of the applicant, that the board has "gagged" their attorney. He feels the hardship is self inflicted, and the owners will be absentee landlords.

Paul, 29 Davis Avenue, present to speak in opposition. He also feels the hardship is self imposed, this is an excessive number of units and there will be unsupervised mentally ill residents.

Marilyn Tyrol, 81 Prospect Street, present to speak in opposition. Ms. Tyrol feels parking is already a big issue in this neighborhood. She also feels it will not be safe due to the residents that will be living there.

Deana Swanson, 10 Ellington Avenue, present to speak in opposition. Ms. Swanson feels that one bedroom units are only the "best use" for the owner, not the neighborhood. She wants to see the safety of the neighborhood preserved.

Attorney Fader requested to speak again, for what ever amount of time he needs to make his point. He made further comments that the Town of Vernon's Plan of Conservation discourages making multi-family homes.

Attorney Jacobs requested the hearing be continued to next month's meeting to allow him time to review the documents and letters that have been presented.

Mike Murray asks Attorney Jacobs about the use of the building, if in fact it will be Veteran's with PTS. He feels blindsided by this information.

Attorney Jacobs states that information is for the Planning and Zoning Commission, and is not pertinent to this application.

Bill Francis made a motion to table the application to the April 21st meeting. Jim Ferguson seconded the motion, and the motion was carried by unanimous vote.

Attorney Jacobs will waive the 65 day rule should there not be a quorum at the April 21st meeting.

Approval of February 17, 2010 minutes, Bruce Skivington made a motion to approve the February meeting minutes. Jim Ferguson seconded the motion; the minutes were approved by unanimous vote.

Carl Slusarczyk a motion to adjourn the meeting, Bruce Skivington seconded the motion; the meeting was adjourned at 9:57p.m.

Submitted by: Jennifer Roy