

**TOWN OF WINDSOR
ZONING BOARD OF APPEALS**

**Regular Meeting
September 16, 2020
UN-Approved Minutes**

PRESENT: Chairman Joe Breen, Loretta Raney, George Bolduc, Max Kuziak, Dawn Kirkwood and Robert Griffiths. Unexcused Absence: Theresa Tillett.
Staff: Robert Ruzzo, Todd Sealy and Lindsey Plunge

I. CALL TO ORDER – PUBLIC HEARINGS:

The meeting was called to order at 7:01 P.M. by Chairman Breen via virtual Zoom meeting.

1. LEGAL NOTICE:

The Legal Notice submitted by Max Kuziak, Secretary, which appeared in The Hartford Courant was read by Commissioner Raney and included the following:

- #20-01 10 Woody Brook Road. – Section 4.1.4, Front yard setbacks
- #20-02 90 Meadow Road – Section 9.1, Side yard setbacks

2. PROCEDURES:

Chairman Breen read the procedure for presentation of a variance application and appeals. Hearing no comments, the hearings proceeded.

ESTABLISHMENT OF QUORUM:

Chairman Breen announced the five board members who were present. Three regular members and Alternate Kirkwood were seated and a quorum was established. He reminded the audience that 4 affirmative votes were needed to approve a variance or an appeal, not just a simple majority. In this case unanimous. Hearing no further objection, he declared the hearings proceed.

II. PUBLIC HEARINGS:

1. #20-01 10 Woody Brook Rd., Section 4.1.4, Front Yard Setbacks

David Rawlings, owner of 10 Woody Brook Rd., was present and addressed the Commission. Mr. Rawlings shared and explained a presentation with the Commission. Mr. Rawlings stated that his hardship was the slope in the front of the yard that holds water around the house.

Public Comment: None

Discussion:

Chairman Breen asked if the slope could be re-graded. Mr. Rawlings said that yes it could but he would have to take the driveway and the walkway up. Chairman Breen asked if Mr. Rawlings read the Planning comments. Mr. Rawlings stated that he did and also spoke with

Mr. Sealy. Chairman Breen said that the topography is not the concern, but the size of the deck which is six time larger than what is permitted.

Commissioner Raney stated that she considered the standing water to be an unsafe issue all year round. Commissioner Raney said that she is fine with the request.

Commissioner Kuziak stated that the Planning comments indicated that the application is incomplete and should be redone.

Commissioner Bolduc stated that shouldn't the variance include the stairs which are 3.5 feet. more. Chairman Breen said that yes it should. The overall deck is 33' x 13.5'.

Commissioner Griffiths said that he needed to recuse himself from this application

Commissioner Kirkwood is seated now for Commissioner Griffiths. Commissioner Kirkwood stated that this application has too many holes in it. Commissioner Kirkwood stated that the Planning comments state that another variance is needed for the square footage and the application should be amended.

Chairman Breen stated that the oversights need to be cleaned up before a decision is made.

2. #20-02 90 Meadow Road, Section 9.1, Side Yard Setbacks

William Venora, Electrical Contractor for the ELJEN Corporation, was present and addressed the Commission. Mr. Venora stated that the commercial building needs a variance for a generator. Mr. Venora said that the company needs to operate every day without a generator that is not possible.

Public Comment: None

Discussion:

Commissioner Kuziak asked the applicant if the generator would be screened with fencing. Mr. Venora said that there would be fencing with webbing to screen it from the adjacent.

III. CLOSE OF PUBLIC HEARINGS:

Chairman Breen CLOSED the Public Hearings at 7:34 PM.

IV. COMMENCE REGULAR BUSINESS MEETING

Chairman Breen OPENED the Regular Business Meeting at 7:35 PM

1. Cases heard during Public Hearing/Application

a. #20-01 10 Woody Brook Rd., Section 4.1.4, Front Yard Setbacks

Discussion:

Chairman Breen stated that this application needs to be amended before we make a decision.

MOTION: Commissioner Kuziak made a motion for purpose of discussion to have application for 10 Woody Brook Road – Section 4.1.4 cleaned up and tabled to next meeting on October 21, 2020.

Commissioner Kirkwood would be in favor of rejecting this application and refile.

Asst. Town Planner Sealy stated that he wrote the Planning comments and the hardship was not demonstrated and Section 14.2.10. Mr. Sealy explained that there is missing information that was overlooked. Mr. Sealy said that the hardship was unclear but now the applicant has stated that the drainage and water issues are the hardships and it is up to the Commission to make a determination.

Commissioner Kuziak asked if this is rejected, does the applicant need to pay the fee again. Mrs. Plunge stated that he would have to pay to the fee again if he refiles.

Commissioner Bolduc said that we could reject this without prejudice and he could resubmit an amended application without paying again.

Mr. Ruzzo stated that if you table it, the application can be cleaned up and resubmitted or reject without prejudice and resubmit without a fee. Either way is fine.

Chairman Breen stated that he would like to table it and start over next month without paying a fee.

SECONDED: Commissioner Kirkwood

VOTE: 5-0-0

b. #20-02 90 Meadow Road, Section 9.1, Side Yard Setbacks

MOTION: Commissioner Kuziak made a motion for purpose of discussion to approve 90 Meadow Road – Section 9.1 Side yard setback a variance of 35 ft. to allow 9.6 feet.

Commissioner Kuziak said that he is in favor.

Commissioner Raney said that she is also in favor of the application.

Commissioner Griffiths stated that the harmony and hardship are clear to him and he supports it.

SECONDED: Commissioner Raney

VOTE: 5-0-0

2. New Business

a. Communications from Public - None

b. Minutes acceptance for January 15th, 2020

MOTION: Commissioner Kuziak made a motion for purpose of discussion to approve the minutes as amended.

SECONDED: Commissioner Raney

VOTE: 6-0-0

c. Communications from Broad Members

Chairman Breen asked for an updated list of Commissioner and their term dates. He will send the Commission a hard copy of the Statement of Procedures so everyone has.

Commissioner Bolduc stated that his term expired in November 2019. He needs to be sworn in again.

d. Communications from Staff Liaison

Zoning Officer and Building Official, Robert J. Ruzzo, gave a brief report on construction project at 1201/1215 Kennedy Road.

Commissioner Griffiths asked how that compares to other Amazon buildings. Mr. Ruzzo stated that it is similar to other Amazons built.

3. Old Business - None

III. ADJOURNMENT:

MOTION: Commissioner Kirkwood made a motion, seconded by Commissioner Raney to ADJOURN the meeting at 8:05PM.

VOTE: 6-0-0

Respectfully submitted,

I certify that these Minutes were accepted
On

Lisa Ozaki, Recording Secretary

Max R. Kuziak, Secretary
Zoning Board of Appeals