

# Zoning Board of Appeals

Public Hearing & Regular Meeting

Wednesday, July 11, 2018

Wolcott Town Hall, Council Chambers

7:00 P.M.

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## MINUTES

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**Note: These are summary minutes.** A tape recording of this meeting and full application are on file in the Wolcott Town Hall, Commission Secretary's Office.

Chairman Grant called the Public Hearing to order at 7:00 p.m.

**MEMBERS PRESENT:** Chairman Steven J. Grant, Roland Dupre, James Treanor and John McCarthy

**MEMBERS ABSENT:** Kenneth Barnes

**ALTERNATES PRESENT:** Anthony Lombardi

**ALTERNATES ASBENT:** Theodore Storlazzi

**ALSO PRESENT:** Frank Carnemolla Jr. & Sr. and Carolyn Pecka

### PUBLIC HEARING:

- APPEAL #1966 - Appellant/Owner: Frank Carnemolla Sr, & Jr.: 784 Bound line Road, Wolcott, CT Property Location: same: MAP 112/2/62. Requesting a variance to construct a 20'x105' addition to existing garage. Application was denied per the Town of Wolcott Zoning Regulations 25.4.9 side yard setbacks. **Appellant is seeking variance for a 20'side yard variance along the east side of property line.**

Frank Carnemolla Jr. & Sr. came forward and signed in.

Chairman Grant inquired what Mr. Carnemolla is proposing to do at 784 Bound Line Road.

Mr. Carnemolla indicated that he is looking to put an addition on the side of his building. He noted that he is seeking a 20-foot variance.

Chairman Grant inquired if this is a side yard variance, at which time, Mr. Carnemolla said correct.

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Chairman Grant asked Mr. Carnemolla how many feet he is looking for, at which time; Mr. Carnemolla replied a 20' variance.

Chairman Grant inquired what is the side yard setback that he needs to reach.

Mr. Carnemolla replied 25 feet at which point Chairman Grant noted the Mr. Carnemolla would be within 5 feet off the edge of property.

Chairman Grant asked Mr. Carnemolla what his hardship. At which time, Mr. Carnemolla noted that he cannot go off the other side of the building that's his septic system, off of the back side because of wetlands, and off the front because his designated parking for his repair license.

Chairman Grant noted if the new addition is granted will that be on the left side or the right side, at which Mr. Carnemolla said to the left.

Chairman Grant pointed out the he received a letter from Smith Brothers, who is their insurance company.

Mr. Carnemolla pointed out that the insurance company came in a did an inspection at which time he explained that he has customers that travel some distances and sometimes they might have to wait. Unfortunately, the only place for them to wait is in the shop and the insurance company found that out and he has no waiting area in the building for his customers.

Chairman Grant questioned if the new addition would on be the same size as the current structure.

Mr. Carnemolla noted that he has to go out 20 feet and come off another 25 feet because he is going to make that the customer waiting and office area, so they can talk to the customers coming in for repairs.

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Chairman Grant inquired how wide is their current building.

Mr. Carnemolla stated that it is 80 feet.

Chairman Grant inquired if Mr. Carnemolla had any responses from the neighbors who were in favor or who were opposed,

Mr. Carnemolla replied no, He added that he spoke with the neighbors and they had no problem with it.

Chairman Grant questioned if we received all of the certified receipts from the neighbors, at which time, Miss Distiso replied yes (on file).

Chairman Grant pointed out the Mr. Carnemolla's hardship is the topography of the land; at which time, Mr. Carnemolla said correct.

Mr. Lombardi stated the he has two quick questions:

He inquired if Mr. Carnemolla received his notice back from CL&P.

At which time, Mr. McCarthy point out that the power lines themselves are of sufficient distance away from the building.

He also inquired how many clients or customers visit his shop during a week on average, at which time, Mr. Carnemolla stated that it is hard to say because some days he could have 4 or 5 trucks a day or a truck in there for 3 to 4 days.

Mr. McCarthy pointed out that it is pretty straight forward to him. He noted that he sees what he is looking at. He noted that the hardship being there is that there are only four sides to a building. And if they can't go on three of them there obviously only one choice left. He mentioned that the septic system is on one side, the wetlands are in the back, and in the front of the building is the designated parking area for the customers.

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Chairman Grant pointed out another possible hardship is a safety issue regarding the customers that come in and out.

There were no further questions.

### **PUBLIC COMMENT FROM THE PUBLIC:**

Chairman Grant asked if any other members had comments.

### **CLOSE/CONT. PUBLIC HEARING:**

Chairman Grant closed the Public Hearing on Appeal #1966 - at 7:15 p.m.

Upon **MOTION** by John McCarthy, seconded by Roland Dupre, it was unanimously voted to close the public hearing on Appeal #1966.

### **Public Hearing**

- Appeal #1967- Appellant: Carolyn Pecka, Owner of Property: Regarding Property located at: 209 Bound Line Road, Wolcott, T; MAP114/5/119. Requesting the following variances for a 12'x 22' free standing shed. Appellant is seeking the following variances:
  - 1) 51' front yard variance along Bound line road.
  - 2) 24' front yard variance along Tunxis Road for a 264 sq. ft shed.

Carolyn Pecka came forward and signed in.

Chairman Grant inquired what type of variances is she looking for.

Ms. Pecka noted that she is looking for a 51' front yard variance along Bound line Road and 24' variance Tunixs Road for a 264 sq. ft shed.

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Chairman Grant inquired what is the purpose of the shed, at which time; Ms. Pecka stated that the issue is that she is a widow and she has to mow her own lawn and her push mower is getting to be too much, so she needs a riding mower. She also added that she shovels her driveway, so she would like a mower that has a plow.

Chairman Grant indicated that Ms. Pecka will be placing the shed on the horse shoe of her driveway, at which time, Ms. Pecka replied on right side of the driveway.

Chairman Grant inquired if Ms. Pecka had any other sheds on the property, at which time Ms. Pecka said she does.

Chairman Grant inquired where are the other sheds located.

At which time, Ms. Pecka stated that she has one in the very left corner of the property, which was there when she bought the property 45 years ago, it is a chicken coop, which is now a studio, the other shed is at the top of the driveway on the right side of her garage that was put there before the garage was built and that's where she would store her push mower. She pointed out that a new riding mower with a plow couldn't fit in there.

Chairman Grant inquired if she had any additions built onto her residences in the past few years, at which time, Ms. Pecka replied yes. She added after her husband died in order for her to stay in that house she needed a garage and it was something that they planned to do when they retired and they needed a bathroom upstairs which they only had a bathroom down stairs with a spare room.

Chairman Grant asked what year that was built, at which time Ms. Pecka replied 2015.

Chairman Grant pointed out that there was a quick claim down in June, what was the reason for that.

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Ms. Pecka stated that when Farmingbury cut up the property and they purchased the property they didn't have a A-2 survey map, they had a hand drawing. She added when she brought it to the town they needed A-2 survey so she got A-2 survey done. She noted when the survey was done, it was realized that she had more property that wasn't place on the Town field card, so that is why she had to redo her deed.

Chairman inquired what is your hardship.

Ms. Pecka stated that if they look at the property on the left side there is no way to enter the back yard because of her septic and leach fields are there. And it was brought to her attention by Chesprocott when she went to them for her approval of the new shed that in the future if her septic failed there would have to be another place on her property that she could use for a code compliant septic system. She added when she built her addition Chesprocott did a perk test and that there would be no other way to get into the back yard if she was to do an addition on the garage to the right which she could have done with no variance needed.

Chairman Grant inquired if she had any problems with her septic presently, which she replied no.

Mr. McCarthy mentioned with the situation that he runs into himself with Chesprocott is as some of the septic systems age out they are then requiring the homeowner to come up to new compliance which is different from when the residents were built.

Mr. Treanor said first she mentioned the left side of the house Chesprocott, then she mentioned the right-hand side with Chesprocott. At which time; Ms. Pecka said because the left side of the house is where the septic and leach fields are and the perk test was done in the middle of the back yard which is where the new septic would have to go because there is no room on the left side so they would have to gain access from the right side of the property to do a new septic system.

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Mr. Mc Carthy pointed out when he visited the house it didn't look like the left side there would be access.

Mr. Treanor questioned if this shed was prefab, at which time, Ms. Pecka said yes. Mr. Treanor pointed out that the prefab shed could be moved around and if she had to have a new septic system put in then she would be able to move the shed to another location on her property.

Mr. Dupre noted that the shed would be a big eye sore in front of her driveway in the front of her house. Ms. Pecka pointed out that the shed will be pretty.

Chairman Grant noted that he inquired of Mr. Kalinowski, who is the CZEO if there were other spots on the property where a shed of this size could be placed, he indicated that there could be.

Ms. Pecka said how would she have access to it in the winter.

Chairman Grant said that is a good question but that's a difficult problem for the Zoning Board if they know that there are multiple places to place the shed or what structure they are trying to put on their property that means that there may not be a hardship that's legally recognizable. He noted that it is a hardship to people but not something that the courts would look at and say yes. That's something that has to be particular hardship to the land, particular to the situation and carries through with the land forever if there is a hardship granted.

Chairman Grant indicated that he would like to read the letter into the record (see attached). He added that Mr. Kalinowski did provide a map. (on File).

Chairman Grant indicated that he has a letter from Ronald and Maryalyce Bell of 252 Bound Line Road, at which time, he read it into the record (see attached).

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Chairman Grant inquired if all of the certified receipts came back, at which time Ms. Pecka said yes and she also added that she spoke with the neighbors too.

Mr. Lombardi said when she had the survey done did she notice that she has a structure that encroach on the abutters and she said yes.

Mr. Lombardi said he did visit the property and he was wondering if she had a garage on her yard property, at which time, she said yes.

Mr. Dupre said she has a two-car garage now and there is no way to fit the plow in there. At which time, Ms. Pecka stated that she has two trucks one is her husband and the other is hers and the reason the garage is short is because she has a stairwell in the back of the garage to get upstairs and the new mower with a plow won't fit.

Chairman Grant indicated that he would like a motion to close the public hearing at 7:30 p.m.

Upon **MOTION** by John McCarthy, seconded by Roland Dupre, it was unanimously voted to close the public hearing on Appeal #1967.

### **REGULAR MEETING:**

Chairman Grant called the regular meeting to order.

### **MOTION TO SEAT ALTERNATE MEMBERS:**

Upon **MOTION** by John McCarthy, seconded by James Treanor, it was unanimously voted to **seat** Anthony Lombardi as a regular member

### **APPROVAL OF MINUTES:**

- **Public Hearing and Regular Meeting – December 13, 2017**

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Upon **MOTION** by John McCarthy, seconded by James Treanor, it was unanimously voted, to **approve** the minutes of the Public Hearing and Regular Meeting December 13, 2017.

Chairman Grant indicated the next item on the Agenda is Correspondence.

### **CORRESPONDENCE:**

Chairman Grant noted that they read a few pieces into the record the read.

### **OLD BUSINESS:**

- DISCUSSION & POSSIBLE ACTION ON APPEAL #1966  
Appellant/Owner: Frank Carnemolla: 784 Bound Line Road, Wolcott, CT

Chairman Grant noted that this appeal relates to the addition on left side easterly as they are facing the property from Bound line. He added that he is installing an additional waiting room area. at the property for customers. He also added if there were any discussion from the members.

Mr. McCarthy said it's pretty straight forward. He doesn't see an issue with this.

Mr. Lombardi stated that he has been to the property as recently as today and he is familiar with neighborhood, location and he certainly feels that there are exceptional circumstances with the topography of the property. The terrain is tough to work with up there it is very visual and they have tough access to a public road and do not have much to work with up there.

At which time, Mr. Treanor agreed with Mr. Lombardi.

Chairman Grant said he also sees a potential safety issue, customers are not allowed to be in the mechanic's work area

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during working house. This would necessitate the need for a separate waiting area for customers to wait for their vehicles.

After a brief discussion, the following motion was offered.

A **MOTION** was offered by John McCarthy, seconded by James Treanor to **APPROVE** Appeal #1966 as submitted. Appellant/Owner: Frank Carnemolla: 784 Bound Line Road, Wolcott, CT Property Location: same: MAP 112/2/62. Requesting variance to construct a 20'x105' addition to existing garage.

Granting a 20'x105' addition along the east side of property line.

Mr. McCarthy stated that he is reviewing the hardship as location of wetlands, septic system, designated parking and safety.

A roll call vote was taken and the above appeal was **GRANTED** as indicated below: **4-0**

|                         | <u>Grant</u> | <u>Deny</u> | <u>Abstain</u> |
|-------------------------|--------------|-------------|----------------|
| <b>James Treanor</b>    | x            |             |                |
| <b>John McCarthy</b>    | x            |             |                |
| <b>Roland Dupre</b>     |              |             | x              |
| <b>Anthony Lombardi</b> | x            |             |                |
| <b>Steven J. Grant</b>  | x            |             |                |

- DISCUSSION & POSSIBLE ACTION ON APPEAL #1966  
Appellant/Owner: Carolyn Pecka, 209 Bound Line Road,  
Wolcott, CT 06716

Chairman Grant stated that this is the second appeal that they heard. He added that Ms. Pecka is seeking a 51' front yard setback and a 24' front yard setback to build a 264 sq. ft shed on her property. He noted that Ms. Pecka has other sheds on the property and a 2-car garage maybe somewhat short in the back because of the stairway but there is a garage on the property. He also added that they have information which states that there are multiple places that it can be put maybe not what the applicant prefers but there are multiple places that it could be put upon the property. He

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pointed out that the applicant is referring to her septic system that she has and also referring a future septic or possible septic and other issues which limits her ability to put the shed anywhere but the spot that she is designated in her application.

Mr. McCarthy said he looked at what Mr. Kalinowski said and for various factors he just doesn't see it, he doesn't see that there's other spots to put it.

Mr. Lombardi noted that they try to do their best for the applicants'. He explained that here is the problem that he has this isn't an application to grant a variance to build a shed, its to build a third shed and when he sticks to the legal application how to grant a variance the rational here falls far short of where he needs to be personally. The very existence of two others sheds on the property by itself means that there aren't such special circumstances on the property where a variance would be appropriate here and that is what he cannot get past. This isn't an application to grant the variance for shed, it's a third shed and that's the problem he has with it, notwithstanding Mr. McCarthy comments that are right on point. Mr. Lombardi noted that he does agree with him but when they apply the law to this, he doesn't see this coming close to meeting the burden to grant a variance here.

Chairman Grant inquired if there were any more comments that the members had hearing none.

The following Motion was made:

Upon **MOTION** was offered by John McCarthy, seconded by James Treanor to Approve Appeal #1967 as presented Appellant/Owner: Carlyon Pecka: 209 Bound line Road, Wolcott, CT Property Locations: same: Map114/5/119. Requesting a variance for a 12'x22' free standing storage shed.

Chairman Grant inquired what is the hardship.

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Mr. McCarthy stated his feeling is the hardship is the topography of the property and he thinks for the planned function the safety of the resident.

Appellant is seeking the following variances:

- 1) 51' front yard variance along Bound line Road
- 2) 24' front yard variance along Tunxis Road

A roll call vote was taken and the above appeal was **DENIED** as indicated Below:**4-1**

|                  | <u>Grant</u> | <u>Deny</u> | <u>Abstain</u> |
|------------------|--------------|-------------|----------------|
| James Treanor    |              | x           |                |
| John McCarthy    | x            |             |                |
| Roland Dupre     |              | x           |                |
| Anthony Lombardi |              | x           |                |
| Steven J. Grant  |              | x           |                |

## NEW APPLICATIONS:

Chairman Grant stated that at this time there were none.

## EXECUTIVE SESSION:

No Executive Session was held.

Chairman Grant indicated the next item on the Agenda is Adjournment.

## ADJOURNMENT:

Upon **MOTION** made by John McCarthy, seconded by James Treanor, it was unanimously voted to **adjourn** the meeting at 8:00 p.m.

## APPROVED:

\_\_\_\_\_  
Steven J. Grant

\_\_\_\_\_  
Dolores Distiso