



Town of Watertown Connecticut

Planning and Zoning, Zoning Board of Appeals,
Conservation Commission/Inland Wetland Agency
Watertown Government Municipal Center

61 Echo Lake Road
Watertown, CT 06795

Telephone: (860) 945-5266

Fax: (860) 945-4706

Website: www.watertownct.org

Minutes

ZONING BOARD OF APPEALS WATERTOWN, CONNECTICUT

PUBLIC HEARING

Candee Hill Junction, LLC
1400 Main Street, Watertown.

Time: 7:30 P.M.
Date: Wednesday, November 16, 2011
Place: Watertown Municipal Center Conference Room
61 Echo Lake Road
Watertown, Connecticut

1. Call Meeting to Order

Chairman, Mr. Enrico Sarandrea called the public hearings to order at 7:30 P.M.

2. Roll Call

Secretary, Mr. Phil Roger executed the roll call

Present: Chairman, Mr. Enrico Sarandrea
Secretary, Mr. Phil Roger
Mr. Jason Alldredge
Vice Chairman Mr. Chris Dupont
Mr. Gary Swingle
Mr. Roger Mitchell
Mr. Ned Dalton

Absent: Ms. Joanna Abraham
Also Present: Assistant Zoning Enforcement Officer, Moosa Rafey
Land Use Secretary, Mr. Chuck Bezio

Vice Chairman, Mr. Enrico Sarandrea seated Mr. Gary Swingle for Ms. Joanna Abraham.

Due to echoing in the conference room and interference from electronic and mobile devices the tape recording of the public hearings and regular meeting is inaudible. The minutes are done by notes, documents submitted into the record and what could be understood on the recordings.

Chairman, Mr. Enrico Sarandrea read the ground rules into the record.

“ZONING BOARD OF APPEALS GROUND RULES”

1. The applicant or his representative will make his formal presentation to the board stating his specific hardship and precisely why this merits a variance from the Zoning Regulations of the Town of Watertown.
2. All comments, discussions, and observations shall be made through the Chair after proper recognition by the Chairman. This is necessary to ensure that only one person at a time speaks on any issue, thus making it easier for everyone to understand, and for clearer legal transcription.
3. All persons addressing the Commission shall begin by first clearly stating their name and address for the record. If necessary, the person may be asked to spell his or her name for the record.
4. Following the presentation of the application, the Zoning Board of Appeals will ask specific questions of the applicant.
5. After the Board has asked its questions of the applicant, I shall then allow members of the public who wish to speak either in favor of this application or against it, to address the Board.
6. I shall then allow the applicant to respond to the comments of the members of the general public.
7. I shall then allow any members of the general public who wish to present any additional information or clarifying discussion to do so.
8. I shall then provide an opportunity for the applicant to respond to these additional remarks if he or his representative so wishes.
9. The Zoning Board of Appeals has thirty-five (35) days from the date the Public Hearing commences to complete the Public Hearing. The Board may ask the applicant for a thirty-five (35) day extension of the Public Hearing period if the Board requires any additional information or wishes to schedule a site walk to observe the situation for themselves.
10. The Zoning Board of Appeals has sixty-five (65) days from the date when the Public Hearing is closed to render its decision. The Board may or may not make its decision tonight at its Regular Meeting following the Public Hearing.
11. You may stay for the Regular Meeting if you wish or you may leave at the end of the Public Hearing and contact the Zoning Office the following morning to determine the status of your application.

3. Hearing of Cases

A. Continuation of the public hearing from October 26, 2011 – Application #943 of Candee Hill Junction, LLC for a variance of 6 feet to side yard property line setback for existing A/C units at 1400 Main Street, Watertown.

The Public Hearing must be closed by November 16, 2011.

To: Zoning Board of Appeals
From: Moosa Rafey, Wetland Enforcement
Date: November 9, 2011 /
Subject: App. #943 of Candee Hill Junction, LLC 1400 Main Street, Watertown, CT.

Application #943 has been submitted for a variance of 6 feet to a side yard property line setback concerning two existing *NC* units which has been installed within the side yard building setback of Parcel Bat 1400 Main Street, Watertown in a B-G General Business Zoning District. The *NC* units were not shown on the approved Site Plan and have been installed without a zoning permit. The site (Parcel B) encompasses approximately 27,473 Sq. Ft located in a B-G General Business Zoning District with frontage on Main Street. The site abuts a Residential Zoning District on the south side. Applicant is requesting for a variance of 6 feet to side property line setback to allow two existing *NC* units located 4 feet from side property line to remain on site. Section 34.S.3.c of the Watertown Zoning Regulations requires minimum 10 feet side yard setback for buildings in a B-G General Business Zoning District.

The Zoning Board of Appeals at a regular meeting held on March 26, 2008 granted two variances for a freestanding sign located on the subject property. Notice of granting of variance is attached for your review.

It's suggested that the Board consider Section 71.7 of the Watertown Zoning Regulations before render its decision On any variance application. Section 71.7 states "No variance shall be granted by the Zoning Board of Appeals unless it finds that the application for the proposed variance conforms to Section 71.7.1-71.7.4 of the Watertown Zoning Regulations." The Board should ask the applicant to explain his hardship and how the proposed variances conform to Section 71. 7.1 71. 7.4 of the Zoning Regulations.

As Board members requested copy of the approved Site Plan which has been recorded in the Town Clerk Office is enclosed for your review and consideration.

Please be advised that the applicant has already granted the Board more than 65-days time extension to continue the public hearing on this application. It's suggested that the Board adjourn the public hearing and render its decision based on the facts and information presented in the application and during the public hearings.

Mr. Pilicy

Attorney Franklin Pilicy was present and explained the variance application to the Board. The current set back requirements are 10. The existing A/C units are 4' from the property line. We are requesting a 6' variance on the side yard property line. It is a commercial zone with a commercial building at this location. When the building was completed air condition units were installed on the side of the building. In some jurisdiction they do not consider air conditioning units as a structure. Therefore are permitted in the setback. These air conditioning units have been in place for 2 to 3 years. What is unique about this property is it was considered to be very difficult to develop. The narrow depth of the property limits its ability to be developed. This property is triangularly shaped. This building has added more than \$20,000 to the tax base and 20 jobs to the community. It is an attractive building and an asset. The genuine legal hardship is the shape of the property and the narrow depth of the lot. Up to this point the property has not needed a variance. It is also been the expressed opinion of the Planning and Zoning Commission to not have the units on the roof.

Mr. Pergini

Nick Perigini owner of Candee Hill Junction, LLC was present and made the Board aware of the hostilities that he has with his neighbor's Gary and April Benoit of Main Street Auto 1588 Main Street, Watertown CT. I own both parcels 1342 & 1400 Main Street.

Mr. Buenvich

Paul Buenvich of Land Data was present and reviewed the site plan with the Board.

Mr. Ward

Attorney Bill Ward on behalf of Gary and April Benoit and Main Street Auto 1588 Main Street, Watertown CT, who have hired me to represent them in opposing this variance. Main Street Auto is located right next door to this property. My clients have filed the zoning violation complaint with Planning and Zoning and wish for the applicants to comply with the Zoning regulations. This is a self created hardship by the applicant. We have a true legal objection to this variance. These air conditioners were installed to close to the property line. Variance cannot be granted for a self created hardship under any circumstances. Where the applicants put these unit were there choice. To threaten to install them on the roof when there is plenty of space is just a threat. The applicant says the statement of hardship will be provided at public hearing. We had no idea what they were going to claim for a hardship and neither did the Board until the night of the public hearing.

They installed their air conditioners then come to the Board requesting a variance. Nothing defines a hardship more than that. This Board needs to find a hardship to grant a variance. He submitted a copy of plan that was submitted by the applicant with the application. The copy comes from the plans on file at the Planning and Zoning office. These units are not on the final as built plans signed 7/10/08. The pad was added to the plan as a revision on 6/18/11. This little pad was added this year. He reviewed the plans with the Board.

Attorney Franklin Pilicy submitted a letter into the record to withdraw the application.

Chairman, Mr. Enrico Sarandrea read the withdraw letter into the record.

MOTION: Vice Chairman Mr. Chris Dupont moved to accept the withdrawal letter and close the public hearing.

SECOND: Mr. Roger Mitchell

VOTE

AYES:

Chairman, Mr. Enrico Sarandrea; Secretary, Mr. Phil Roger; Vice Chairman Mr. Chris Dupont; Mr. Gary Swingle and Mr. Roger Mitchell.

NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

Attest:

Chairman, Mr. Enrico Sarandrea
Zoning Board of Appeals