

# MINUTES

## WATERTOWN ZONING BOARD OF APPEALS PUBLIC HEARING

WEDNESDAY, MARCH 26, 2008 - 7:30 P.M.  
WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER

### APPLICATION #881 – NICK PERUGINI

**PRESENT:** Mr. Phil Roger, Chairman  
Mr. Enrico Sarandrea, Vice Chairman  
Dr. John Griffith  
Mr. Roger Mitchell

**ABSENT:** Ms. JoAnna Abraham, Secretary

**ALTERNATES PRESENT:** Mr. Gary Swingle (In for Joanna Abraham)

**ALTERNATES ABSENT:** Mr. Jason Aldridge  
Mr. Jeff Franson

**OTHERS PRESENT:** Moosa Rafey, Assistant Zoning Enforcement Officer

#### 1. Call Meeting to Order

Mr. Sarandrea, Chairman, Called the Public Hearing to Order at about 7:30 PM (7:35 PM)

#### 2. Roll Call

Mr. Swingle executed the Roll Call.

Mr. Roger read the ground rules as follows:

#### “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.

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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 wishes 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 is 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 Commission 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 February 27, 2008 - Application #881 of Nick Perugini for 2 variances of the Watertown Zoning Regulations concerning R-T Residential Transition Zone to permit the construction of a new commercial building at 505 Straits Turnpike, Watertown, CT.

The public hearing must be closed by April 2, 2008 unless applicant grants an extension of time.

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**Robert Fisher, Cramer and Anderson Litchfield, CT**

**Mr. Fisher:** Nick had a different lawyer here last time, Dick Bruno, who wasn't available tonight so I'm standing in for him. Most of have been to the site. For the benefit for the commission as well as members of the public who may be interested, this photograph is taken from the other side of Straits Turnpike. It shows Nicks building at 505 Straits Turnpike. The building to the left is an office building that was constructed some years ago by a law firm and Nick provided those photographs just to show his building as well as the immediate area looks like. Nick has applied for two variances. The first and most obvious is that his lot is about a half an acre and for the use in this area he needs according the regulations an acre and a half. You can't change that. The other variance being sought is a variance from the lot coverage. The lot coverage of impervious surfaces is supposed to be no more than 25% of the lot area. What Nick is proposing with the building, parking lot, and the driveway is 54%. I believe that the board has this map as part of the record. As you know a variance is not to be granted easily. The property must be unique and there must be some element of hardship to justify the granting of the variance and we all know that financial hardship is not legal hardship in the case of a variance. This property is somewhat unique in that it was a legal lot and would have been legal for what Nick is proposing were it not for the amendment of the regulations which I believe occurred in 1999. Prior to the amendment and the regulation that exists now, there was no minimum lot size and there was no impervious lot coverage which we now have to deal with. So from a legal point of view, the hardship is non-conformity for his proposed use that was created not by him but by the Planning and Zoning Commission. The only relief that Nick can seek is a variance from the two regulations that would make what he is trying to do not conform to the regulation. That's the legal part as to how and why the commission can grant a variance. Your regulations have a number of standards for the granting of this proposed use. These are all set forth in 30.6.4 of your regulations. Nick's project is in compliance with every single one of those requirements and there are 20 of them. Most important the proposed buildings must be harmoniously related to the surroundings, to the terrain, to the scale, the use, and the architecture of existing buildings. What Nick is doing is proposing to take a residential eye sore and make an office building that I hope you will agree is attractive but also very much in compliance with the regulations because it conforms to the architectural appearance of the other buildings in the neighborhood. The neighboring law firm sent us a letter that states that they have no objection to the variance being granted and they want it to look more or less like theirs and I think he has done that. What Nick is proposing is a lot better now. This is not a historic building that anyone is going to miss. "Arrangement and orientation of any proposed building or site improvement shall be similar in the immediate residential neighborhood. Building, layout of buildings, and parking lots shall re-enforce existing buildings and street scape patterns, placement of building and parking lots to assure there is no adverse impact on the immediate residential neighborhood. Open space of the proposed development shall re-enforce open space patterns of the immediate neighborhood in form and citing. Landscape designs shall compliment the neighborhoods land scape patterns and re-enforce functional qualities. Exterior signs, site lighting and accessory structure shall be uniform and present a harmonious relationship with the

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neighborhood.” Nick will be doing all of that. “Scale proportions, mapping and detailing of the proposed building shall be in proportion to the scale.” Nick is proposing a building with 2,000 Sq. Ft. on the first floor and 2,000 Sq. Ft. on the second floor. The footprint is 32 by 60 feet the total of 4,000 Sq. Ft. Today that would be considered an average size residential house. It’s certainly small for any kind of professional office space.

**Nick Perugini, 105 Plenn Court Oakville CT**

**Mr. Perugini:** I believe that if this does get approved it will go to zoning also where they will talk about the building materials and citing. They will have requirements too so I don’t know if this is they right time to talk about colors or anything else.

**Mr. Sarandrea:** Right that’s not our chart.

**Mr. Fisher:** There is a requirement for a 50 foot wide landscape buffer but only between this site and a residential site. There are no abutting residential sites. I don’t believe the 50 foot landscape buffer requirement applies. Parking shall be located to the rear inside of the building and the number of parking spaces is to be determined by the Planning and Zoning Commission. So what Nick has done in his plan very plainly is to comply with this. All the parking is at the rear of the building. The driveway from the front goes around to the rear of the building which is consistent to the law firms building for example. I think what Nick is proposing meets both the spirit and the letter of your regulations and the hardship is one that eh has not created. It was created for him when the regulations were amended. He has attempted to get additional land to somehow comply with the minimum 1.5 acre requirement. The owner of the property ahs declined to sell any part of that land so he is stuck with what he has which is just about .5 acre. I don’t really have anything else for the record. In addition to the folks of the law firm not being in opposition to this there is another neighbor who attended the first public hearing. This would be Mr. Hoffman representing his father Raymond Hoffman who lives across Straits Turnpike. Does the board have any questions?

**Mr. Mitchell:** What are you going to do with the run-off?

**Mr. Perugini:** It’s engineered designed and all contained on site.

**Mr. Mitchell:** I was thinking about the convalescent home down in back.

**Mr. Perugini:** No nothing will go there.

**Mr. Roger:** Does anyone from the public wish to speak for or against this application?

**Mark Tedesco, 145 Hardrock Road Watertown, CT**

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**Mr. Tedesco:** As a former commission member of Planning and Zoning just to enlighten a little bit of what's going on here is Nick is a partner of mine on other ventures but it's a transitional professional zone. This means basically they want a soft transition from the K-Mart, then to some light commercial like what Nick is proposing, then to the residential which is going down Carvel way. It's one of the gateway's to Watertown. It would be a feather, I feel, in our caps as far as the look of what he is going to be doing. As far taxes you are looking at almost 3 times the amount of what he is probably going to pay at the time being. Regarding the run-off question, there would be 0% run-off and be underground galleys form what I understand to contain all sorts of water run-off. So that wouldn't be any kind of concern.

**Mr. Rafey:** On one of the drawings it shows 3 stories. Is this 2 or 3 story?

**Mr. Perugini:** It's a basement and 2 story.

**Mr. Rafey:** Is the basement a walk out basement?

**Mr. Perugini:** Yes.

**Mr. Rafey:** How high is the building? The maximum height is 35 feet.

**Mr. Perugini:** It would be like a regular house.

**Mr. Fisher:** Moosa the plan shows the first floor with a 10 foot height, the second floor an 8 foot to the bottom of the roofline, and then the roof appears to be 7 feet. The whole building looks to be less than 30 feet. Nick can't get any permits without your approval of the concept and that's where the variances come in because without them Nick can't possibly create a building that complies with the regulations and it just won't happen. Mr. Tedesco his the nail right on the head. This is a transition zone and this is the kind of use that I think you should be approving. It's a professional office that looks like a residence.

**Mr. Roger:** When you brought up the situation of the hardship, the hardship was created by the town and this point in time if we OK something I would like to see something smaller got here. At this point I don't believe that the property can handle the size of the building that's there. You are looking to cover 56% of the property and then we have no control over what is going in there. There are only so many spaces you can put on a half acre lot along with a building that size. At this point I could see potential parking a problem in the future depending on what goes in there.

**Mr. Sarandrea:** But that's a zoning issue. Planning and Zoning is going to tell them what they can have for tenants. You have to report all your tenants to the Planning and Zoning Commission before they can be placed in there. There are parking requirements for every tenant. Usually the smallest is office space.

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**Mr. Fisher:** I don't disagree with anything you just said. Right now the plan shows 17 regular parking spaces plus one handicapped for a total of 18 spaces. The Planning and Zoning Commission has the authority to adjust that one way up or down. As for the size of the building any commercial building that is constructed now with a second floor has to have some means of access for a handicapped person. Nick has to put an elevator in. The cost is enormous. Unfortunately the building as shown, the 4,000 Sq. Ft. building is the minimum size that makes this work economically. I'd like to say yes we can knock it back 500 Sq. Ft. but it's really right at the edge.

**Mr. Roger:** The hardship in my opinion is self created by building something this size and covering that much of the property. We are trying to prevent non-conforming situations.

**Mr. Fisher:** the problem is that you can't build a building of any size for office space on this lot.

**Mr. Swingle:** Why would we go passed 2,000 Sq. Ft. in size?

**Mr. Fisher:** (MACHINE TEMPORARILY DISCONNECTED) Until that point in 1999 he could have done it without getting either variance. Legally the hardship exists because of the amendment to the regulations not because of anything he did between then and now.

**Mr. Swingle:** Are you saying the impervious area and coverage area came after the office zoning was implemented. They came in different stages?

**Mr. Fisher:** My regulations from 1998 leave off at page 61 and the regulations cover the residential transition zone. There is no minimum lot size or maximum impervious coverage set forth in the regulations. When those regulations were amended in 1999 a year later, his acre is only half and acre and he can't do anything that is allowed in your residential transition zone. That's why I'm saying that it wasn't anything that Nick did. He didn't do anything to the property like split off a piece of it or make it anymore non-conforming. It became as non-conforming then as it is now. I had the same situation in Sherman. What's happening here is not a physical taking of the land but the regulations that were amended cause his lot to become non-conforming. That's why we need the variance in order to construct the building.

**Dr. Griffith:** How long has he owned the property?

**Mr. Perugini:** Around 19 or 20 years.

**Mr. Swingle:** What is the parking space to square footage?

**Mr. Rafey:** It depends on the use of the property.

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**Mr. Perugini:** I'm not going to do a doctors office because I know there will be a lot of cars. This is for perhaps a realtor's office or an office that doesn't require much parking. That's the reason why I'm trying to put an elevator. The other thing is if you take 2 feet off of the building like 500 to 600 feet what is it going to do? It would defeat the purpose because it won't do anything.

**Mr. Rafey:** Do you have any idea on the use of that basement?

**Mr. Perugini:** The basement use is mostly going to be mechanical. The entrance to the basement is going to be where the door to the elevator is going to go up to the first and second floor.

**Mr. Rafey:** Just for clarification you said the property in the back of this property is not residential because of that 50 foot setback? If it is residential there is a 50 foot buffer area that has to be landscaped.

**Mr. Perugini:** How can this be residential Moosa if there is a convalescent home there?

**Mr. Rafey:** That is residential. It's a residential use. It's a group home.

**Mr. Perugini:** It's not a group home it's a convalescent home.

**Mr. Rafey:** I'll have to see the zoning map to make sure what it is. If it is residential you will need a 50 foot landscape buffer and if not then that's fine.

**Mr. Perugini:** That's fine I will look into that.

**Mr. Roger:** Any more questions from the board?

**Jim Floyd, Nettleton Street Watertown, CT**

**Mr. Floyd:** How many square feet is the building which is the existing building next to the proposed one, the lawyer's office?

**Mr. Perugini:** It is 5,500 Sq. Ft.

**Mr. Floyd:** my question is if you ask Nick to reduce the size of his building wouldn't that throw off the harmonious fit of that area? I know you are trying to comply with the regulations. If you have one big large building and one small building I think it's going to look just like what it basically looks like now. Thank you.

**Mr. Roger:** There will be an excessive amount of run-off because most of the property is covered in solid services and we need to worry about the impact it will have on the

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neighbors and abutting property owners. I understand that Nick has a limited size lot and to make it worth the effort to do this he needs to put up a certain size building. But we are also going to have to think about the impact on surrounding areas.

**Mr. Fisher:** I completely agree and am pleasantly surprised that the two most affected neighbors are both in favor of the project and just from looking at it I think it would be accredit to the neighborhood and it's much better than what is there now.

**Mr. Roger:** Anyone else would like to speak in favor or against this application? Do I have a motion?

**Motion was made by Dr. Griffith to close the public hearing and seconded by Mr. Sarandrea.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

**MOTION PASSED UNANIMOUSLY**

Attest:

Phil Roger, Chairman  
Zoning Board of Appeals

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Jennifer Guerrero, Minutes Secretary