



RECEIVED

DEC 17 2008

TOWN OF BETHEL
TOWN CLERK

ZONING BOARD OF APPEALS

**Clifford J. Hurgin Municipal Center
1 School Street, Bethel, Connecticut 06801 *(203) 794-8578**

ZONING BOARD OF APPEALS MINUTES DECEMBER 16TH, 2008 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

COMMISSION MEMBERS PRESENT: Chairman, P. Verderosa; C. Tager; J. Hawkins; N. Santaniello; J. Hurgin, J. Streaman, K. Watson and S. Palmer, Planning & Zoning Official.

Chairman Verderosa called the meeting to order at 7:00 p.m. and read the Legal Notice into the record.

PUBLIC HEARING:

08-14

David Farrell, 105 Wooster Street: To request a Variance of the following sections of the Regulations: Sec. 118-38- Permitted Uses in the Industrial Zone ;Sec.118-40C- No nonconforming use shall be extended or expanded; To allow the conversion of a single family home to a two family dwelling in the (I) Industrial Zone.

J. Hurgin read the Staff Report dated 12/16/08 by S. Palmer, Planning & Zoning Official, into the record.

David Farrell presented the Application to the Board

The applicant is requested a variance to legalize the conversion of a single family dwelling into a 2 family dwelling. The property is one acre in size and is located in the Industrial, "I", Zone. The property currently consists of a residential building which predates the Industrial zoning designation and a building used for auto repair, which was established in 1990. As the residential use is not permitted in the Industrial Zone, the use is considered legally non-conforming. The residential building was built in 1910 as a single family dwelling and was assessed as such by the Tax Assessor until 2002, when 2 units were counted for assessment. The 2002 Assessor's Tax Card notes that the building may have had four (4) separate apartments within the building, but it counted only two (2) units for assessment. The Applicant stated that the second unit was added in 1989 without a building permit. According to the floor plans submitted with the application, this apartment is located on the third floor. At this time Mr. Farrell states that the dwelling is being occupied as a 2 family home and is requesting a variance to legalize the third floor apartment so that he may install 2 separate electrical meters.

No one spoke.

Chairman Verderosa closed the Public Hearing.

Vice Chair C. Tager closed the Public Hearing.

08-15

Blackstone Industries, Inc. 4 Garella Road & 16 Stony Hill Road To request a Variance of the following section of the Regulations: Sec. 118-32A – Density, Area, Height & Yard Requirements. To allow a 25,398 SF. Lot in the CI Zone where a minimum 40,000 SF. lot is required.

Chairman Verderosa read the Staff Report dated 12/16/08 by S. Palmer, Planning & Zoning Official, into the record.

Attorney David Grogins, Cohen & Wolf, PC and Miguel Guedelha, Plant Manager, Blackstone Industries were present for the Applicant.

The Applicant requested a variance of lot area requirements to permit the division of a 3.07 acre parcel of land located in the Commercial, "CI", Zone into two (2) separate lots. The property is currently developed with an industrial building fronting on Stony Hill Road and a new and smaller commercial office building fronting on Garella Road. In 2007 a variance was granted to permit the construction of a new 2-story commercial office building within the 50 ft. required front setback. This request is to allow a 25,938 sf. lot (Lot#1) where 40,000 sf. is required in the CI Zone. Lot #2 will be oversized, consisting of 108,723 sf. or 2.49 acres. The proposed lots meet all other dimensional requirements of the zoning regulations and parking for each building has been properly separated by lot lines so no sharing of parking will be required.

The Applicant states the hardship was caused when the State of Connecticut reconfigured the property when Interstate Route 84 was developed.

No one spoke.

Chairman Verderosa closed the Public Hearing.

J. Hawkins recused himself.

K. Watson was seated for J. Hawkins

WORK SESSION:

08-14

David Farrell, 105 Wooster Street: To request a Variance of the following sections of the Regulations: Sec. 118-38- Permitted Uses in the Industrial Zone ;Sec.118-40C- No nonconforming use shall be extended or expanded; To allow the conversion of a single family home to a two family dwelling in the (I) Industrial Zone.

The Commission discussed the application. Motion by K. Watson, seconded by J. Hurgin to **GRANT** a Variance of the following section of the Regulations:

Sec. 118-38- Permitted Uses in the Industrial Zone ;Sec.118-40C- No nonconforming use shall be extended or expanded; To allow the conversion of a single family home to a two family dwelling in an Industrial Zone with the following Stipulation:

The applicant shall obtain all necessary Building & Zoning permits to legalize the third floor apartment.

Hardship: The use of the building has been in existence for some time and is generally in conformance with uses in the surrounding neighborhood.

Motion passed unanimously.

J. Hawkins was reseated.

08-15

Blackstone Industries, Inc. 4 Garella Road & 16 Stony Hill Road To request a Variance of the following section of the Regulations: Sec. 118-32A – Density, Area, Height & Yard Requirements. To allow a 25,398 SF. Lot in the CI Zone where a minimum 40,000 SF. lot is required.

Motion by J. Hawkins seconded by J. Hurgin to **DENY WITHOUT PREJUDICE** a Variance Of Sec. 118-32A- Density, Area, Height & Yard Requirements to allow a 25,398 sf lot in the CI zone where a minimum 40,000 sf lot is required.

In making the decision the Board states that the Applicant failed to provide any background information regarding the history of the property in relation to previous lot line configurations, which the applicant raised in their hardship statement. Furthermore, the Board believes there may be alternatives that may bring the undersized lot more into conformance with the lot area requirements.

Motion approved 4 in favor, 1 opposed.

J. Streaman opposed

MINUTES:

Motion by C. Tager, seconded by J. Streaman to **APPROVE** minutes of the 11/18/08 meeting. Motion passed unanimously.

INVOICES

Motion by C. Tager seconded by J. Streaman to **APPROVE** payment in the amount of \$108.62 to Housatonic Publications for invoices related to public noticing in the Bethel Beacon.

BUSINESS MEETING:

Election of Officers:

Motion by J. Hurgin, seconded by J. Streaman nominate Peter Verderosa as Chairman of Zoning Board of Appeals.

Motion Passed Unanimously

Motion by J. Streaman, seconded by J. Hurgin to nominate C. Tager as Vice Chairman of Zoning Board of Appeals.

Motion passed unanimously

Motion by C. Tager, seconded by J. Streaman to nominate J. Hurgin as Secretary of Zoning Board of Appeals

Motion passed unanimously

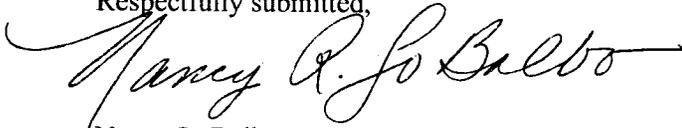
2009 Meeting Schedule:

Motion by Chairman Verderosa, seconded by C. Tager to **APPROVE** the Meeting Date Schedule for the year 2009.

Motion passed unanimously.

Motion to adjourn by J. Hurgin seconded by C. Tager
Motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink, reading "Nancy A. LoBalbo". The signature is written in a cursive style with a long horizontal flourish at the end.

Nancy LoBalbo
Secretary, Planning & Zoning Department