

Town of Stafford
Zoning Board of Appeals
Regular Meeting
April 1, 2010
7:00 p.m. – Veterans Meeting Room

Members Present: Dennis Kaba, Chairman
Tom Carter, Alternate, seated for Tom Heffron
Richard Martin, Alternate, seated for Scott Gallison
Henry DaDalt

ZEO Present: Richard Shuck

PUBLIC HEARINGS

Application of George Sprague requesting variance of Section 4.21 for construction of a deck less than required 20 feet from side property line. Location: 60 Stafford Street, Assessor's Map #54, Lot #2, AA Zone.

Application of Green Valley Oil c/o Bohler Engineering requesting variance of Section 5.05c10d (minimal canopy setback from streetline). Location: 3 West Stafford Road, Assessor's Map #48, Lot #14, HB Zone.

Site plan application of Green Valley Oil c/o Bohler Engineering for canopy additions.
Location: 3 West Stafford Road, Assessor's Map #48, Lot #14, HB Zone.

Agenda:

1. Review minutes of February 4, 2010 regular meeting.
2. Discussion – George Sprague application.
3. Discussion – Green Valley Oil application.
4. Discussion – Green Valley Oil site plan application.
5. Discussion – Ed Muska re Shoiber vs Town of Stafford
6. Adjournment.

A public hearing was held prior to the regular meeting re application of George Sprague requesting variance for Section 4.21 (Section 4.31), application of Green Valley Oil c/o Bohler Engineering requesting variance of Section 5.05c10d, and site plan application of Green Valley Oil for canopy additions. Tape recorded and filed in the office of the Town Clerk.

Upon completion of the public hearing, Chairman Kaba called the regular meeting to order at 7:10 p.m.

1. Review minutes of February 4, 2010 regular meeting.

Due to the lack of members present, this vote is tabled to the next meeting.

2. Discussion – George Sprague application.

Richard noted that this variance is actually Section 4.31, not Section 4.21. Henry DaDalt noted that Mr. Sprague has a small house and small lot and that he cannot get any closer to the wall and

he noted that Mr. Sprague said during the public hearing approximately 80' distance to the adjoining house/ Henry said maybe 50'. Point being, that this application will not will not impact anything more or be detrimental to any other property for what he wants to do.

Henry DaDalt made a motion to accept the application of George Sprague to construct a deck, 12' x 16', Map # 54, Lot #2, AA Zone, seconded by Richard Martin. Motion passed. Voting Yea; Tom Carter, Dennis Kaba, Richard Martin, and Henry DaDalt.

3. Discussion – Green Valley Oil application.

Lucien DiStefano from Bohler Engineering spoke during the public hearing portion of the meeting and stated that the original plan of 24' x 36' has been changed to 24' x 24', which also changed the setback lengths required. There was also a discussion on the new lighting, that it will not be on all night and that they are downward facing lights to minimize excess light areas. Richard Martin stated that he had no problems with this application and that the station will look better with a canopy.

Richard Martin made a motion to approve the application of Green Valley Oil c/o Bohler Engineering requesting variance of Section 5.05c10d (minimal canopy setback from streetline). Location: 3 West Stafford Road, Assessor's Map #48, Lot #14, HB Zone, seconded by Henry DaDalt. Motion passed. Voting Yea; Tom Carter, Dennis Kaba, Richard Martin, and Henry DaDalt.

4. Discussion – Green Valley Oil site plan application.

Richard Martin would like to approve the site plan application on the same grounds. Mr. DiStefano noted that the original site plan had a larger canopy.

Richard Martin made a motion to approve this site plan application on the same agenda as previous with a 24' x 24' canopy, seconded by Tom Carter. Motion passed. Voting Yea; Tom Carter, Dennis Kaba, Richard Martin, and Henry DaDalt.

5. Discussion – Ed Muska re Shober vs Town of Stafford.

Attorney Muska stated that Mr. Shober now has a 2 acre lot in both Stafford and Somers. Mr. Muska is looking for a way to resolve this and put it on the record for future construction permit as currently construction is on hold. Mr. Muska has prepared a stipulation for judgment, the first part stating the *where as* clauses and that he applied for a variance and permit and that they were denied due to insufficient acreage. He has acquired sufficient acreage and that this lot, although in 2 towns, is deemed a conforming lot in accordance with the Stafford regulations. The second part of the stipulation was the parcel will be considered a lot of record in accordance with Section 3.05, this will be approved by the court. There was a brief discussion on this approval being only for the site and not approval for other variances.

Richard Martin made a motion to approve the following motion:

That the Town of Stafford Zoning Board of Appeals settle the pending lawsuit having Docket Number **CV 08 4009481**, and captioned as **GEORGE C. SCHOBBER, ET AL. V. TOWN OF STAFFORD ZONING BOARD OF APPEALS**, now pending in the Superior Court for the Judicial District of Tolland at Rockville, in accordance with the proposed settlement agreement, and the conditions stated therein, presented to the Board at its April 1, 2010 meeting.

The Board approves this settlement in the interest of the Town of Stafford because under said settlement:

1. the subject property consisting of land in Stafford and Somers owned by the plaintiffs now has sufficient acreage to meet the minimum requirements of the Town of Stafford Zoning Regulations;
2. the subject property owned by the plaintiffs is now considered a valid and legal lot that satisfies the bulk requirements of the Town of Stafford Zoning Regulations, and
3. the need for a trial on this matter shall not be necessary, thereby saving costs and expenses of the Town of Stafford.

Also, that this matter will be subject to court hearing/on the court docket for April 15, 2010. Seconded by Henry DaDalt. Motion passed. Voting Yea; Tom Carter, Dennis Kaba, Richard Martin, and Henry DaDalt.

6. Adjournment.

Richard Martin made a motion to adjourn, seconded by Henry DaDalt. All in favor. The regular meeting of the Zoning Board of Appeals adjourned at 7:28 p.m.

Respectfully submitted,

Ann Ciscon Monahan
Recording Secretary