

Town of Stafford
Zoning Board of Appeals
Regular Meeting
June 7, 2018
7:00 p.m. – Veterans Meeting Room
Warren Memorial Town Hall

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TOWN CLERK

Members Present: Tim Armstrong
Arlene Avery
Rich Longmore
Henry DaDalt
Dennis Kaba, Alternate

Also Present: David Perkins, ZEO
Dennis McDonald, representing Department of Transportation
Attorney Wendell Avery, representing Cathy and Lee Palardy
Stephen Waddock, applicant
Tyler Roberts, appellant, 27 Stafford Street
Kim and Karl Milikowski, 21 Stafford Street
Public

Public Hearings

Applications submitted by Connecticut Department of Transportation for 3 variances of:

Section 4.9 – 5 Orcuttville Rd., Map 36, Lot 52, Zone AA – reduction of lot size from 26,754 sq. ft. to 26,072 sq. ft. where 44,000 sq. ft. is required.

Section 4.9 – 7 Orcuttville Rd., Map 36, Lot 51, Zone AA – reduction of lot size from 26,572 sq. ft. to 25,770 sq. ft. where 44,000 sq. ft. is required.

Section 5.7 – 107 West Stafford Rd., Map 35, Lot 52, Zone HB – reduction of lot size from 18,731 sq. ft. to 15,405 sq. ft. where 20,000 sq. ft. is required.

For road improvements to state highways.

Application submitted by Stephen Waddock – 7 Charter Rd., Map 67, Lot 5.1, Zone AAA – variance of section 4.9 sideline setback to 2.5 ft. where 30 ft. is required and vary 3.6d to allow construction of 14' x 28' accessory building in the front yard

Because the Chairman was not present at the meeting, Dave Perkins, ZEO asked for a nomination from the Board for a moderator. Tim Armstrong was nominated and installed as moderator by unanimous vote. He seated Dennis Kaba for Anthony Guardiani. Tim Armstrong nominated Dennis Kaba to serve

as chairman for the public hearing and meeting this evening, seconded by Rich Longmore. All were in favor.

Dennis Kaba opened the public hearing at 7:00 p.m. He established a quorum with Dennis Kaba, Acting Chair, Arlene Avery, Tim Armstrong, Rich Longmore and Henry DaDalt. He read the legal notice for the four applications, and explained the process of the meeting to the public.

Dennis McDonald representing the applicant, the Connecticut Department of Transportation, 2800 Berlin Tpke. in Newington, referenced Project #134-147, in which the state plans to build a roundabout at the intersection of Routes 190 and 319. This will impact a number of properties in the area. For the requested variance at 5 Orcuttville Road, Dennis McDonald said the state is proposing to acquire +/- 3,326 square feet of land from this property. Under Connecticut General Statutes 48-24, the state as a condemning authority is required to get a variance to accommodate the new roadway and to meet required sight lines.

Wendell Avery, attorney for Cathy and Lee Palardy, the property owners, asked how long the project would take. Dennis McDonald said the DOT estimates that it would take about two construction seasons from the spring of 2020 to about November of 2022. Attorney Avery asked if the brook in this area would be relocated. Dennis McDonald said he did not expect so, that culverts would likely be installed instead.

There were no other comments from the public.

Dennis McDonald again referenced Project #134-147 and CGS 48-24 for the requested variance at 7 Orcuttville Road, and the state's obligation to request a variance as the condemning authority to accommodate the proposed roadway and meet sight lines.

Tim Armstrong asked where the staging area would be for this project. Dennis McDonald said the contractor generally determines this.

Linda Barno of Orcuttville Road, asked why the state was not considering installing a light instead of a roundabout. Dennis McDonald said the state feels a roundabout will better serve the area, as the roadway sight lines do not lend well to a traffic light. The resident asked if the state could install a privacy fence at her property as she will be losing a portion of her property. Dennis McDonald said he would look into that.

Dennis McDonald again referenced Project #134-147 and CGS 48-24 for the requested variance at 107 West Stafford Road, and the state's obligation to request a variance as the condemning authority to accommodate the proposed roadway and meet sight lines.

Attorney Avery provided copies of an overlay map from the Department of Transportation of the restaurant property owned by Cathy Palardy. He said his client is opposed to the request for variance at 107 West Stafford Road as the condemnation will result in an 18 percent reduction of their property. He said this will be a permanent taking of 3,326 sq. feet. He noted it is already an undersized lot, adding that an ancillary impact if the variance is granted will be a temporary construction easement. He said the driveway entrances off Routes 190, 319, and the cutoff road will result in a temporary elimination of seven parking spots. He said soil erosion control will block the entrances on all three roads. One new entrance, he said, will eliminate three more parking spots. Another new entrances will eliminate several more parking spots. Attorney Avery said the required parking in the zoning

regulations is based on available seating in the restaurant. The restaurant is required to provide 27 parking spaces and right now they have 34. They expect to lose 10 to 13 parking spaces during the temporary period, which is expected to go out to 2022.

Attorney Avery said the restaurant at the site recently closed and the Palardys are trying to market the property. They have had interested buyers, but they have quickly lost interest when they learned they would lose the full parking for so long a time. This project will drive them out of business and will also create a zoning violation for the Palardys with regard to required parking. Attorney Avery suggested the staging for the project be done on another property. He said typically someone coming for a variance is supposed to provide a hardship. In this case, it is the reverse, and it is creating a real hardship for the Palardys.

Tim Armstrong asked if there might be another proposal for the roundabout that did not make as great a hardship for the Palardys. Dennis McDonald said after considering their options, the DOT feels this is the preferred alternative due to the geometry of the land and wetlands in the area.

Dennis Kaba asked what would happen if the ZBA does not approve the variances. Dennis McDonald said there are three possibilities. He said the engineers could come up with a new design, but that it is unlikely. The second possibility would be that the DOT could change the acquisition to an easement. The third possibility would be a total acquisition of the land by the DOT. He said the Palardy's situation is unique because their property is on ground zero of the project. He reiterated that the DOT considered several design alternatives but felt this plan is the best alignment for the roundabout.

Henry DaDalt said this creates a significant hardship for the Palardys. Dennis McDonald acknowledged it would have a significant impact on the property owner. Henry DaDalt asked if this would result in the Palardys being denied a license to operate their business. Attorney Avery said he did not think so, but the diminished parking would put them out of compliance with zoning.

Dave Perkins said he is not sure if more than three spaces could be gotten on the south side of the building. He said he spoke to the fire marshal and he was okay with parallel parking on the Route 190 side, but getting in and out of the property would be difficult. Lee Palardy said it would be very difficult to get a box truck out there. Lee Palardy asked if the appraiser for the property works for the state. Dennis McDonald said the DOT uses both state and independent appraisers, and he does not know who would be used in this instance.

Karl Milikowski of 21 Stafford Street said it would be best for the Palardys if the town and state could come up with a better solution as this will strongly impact the Palardys ability to operate their business and pay their taxes. Dennis McDonald reiterated that this was the state's best option.

Lee Palardy asked why the state could not move the entire brook about 100 feet. Dennis McDonald said the pond is man-made, so DEEP has granted permission to fill it in. Lee Palardy also asked if the state could lease the property for the project, then give it back to them when it is completed. Dennis McDonald said this is typically not an option they consider.

Michelle Buccheri of 103 Colburn Road asked if the rotary could be brought closer to the building and take the building down. Dennis McDonald said the angles would not work on the approaches to the roundabout.

Al Poulin of 10 Patten Road asked about how the roundabout would work for traffic. Dennis McDonald said there would be raised splitter islands and a changed geometry with minor curbs installed. This would reduce traffic to about 25mph through the intersection.

Dennis Kaba said he finds that people don't yield in the roundabout in Ellington.

Christine Smith of 197 Orcuttville Road asked Dennis McDonald to explain how the roundabout works. He went through various approaches and how traffic would move through.

Tony Armelin of 6 Murphy Road said this project will ruin the Palardys business. Lee Palardy said it has already been ruined. He said at this point, he feels it is best if the state buys the whole property.

Rich Longmore asked if the property owner would be compensated if his land is taken by eminent domain. Dennis McDonald said the property owner would be. He said the DOT works to try to close friendly. Attorney Avery said the Palardys understand the situation and the ramifications of denying the variance. Dennis McDonald noted that the state cannot sever someone's entrance to their property during construction, noting the construction process will be staged.

Henry DaDalt suggested the DOT have a meeting with the property owners to determine what they would like to see. He suggested they do so, then come back before the ZBA in a few weeks. He said part of the ZBA's job is to try to satisfy the public. Lee Palardy said the DOT has already done this. Dennis McDonald said the DOT has held several meetings with the property owners, and they have tweaked the plan. He said a project of this scale will always have impacts.

Linda Barno asked if the hill at her property will be blasted. She expressed concern about the impact on her well. Dennis McDonald said he does not believe any blasting will be necessary, but he would check into it.

There were no further questions or comments from the board or from the public.

Stephen Waddock of 7 Charter Road discussed his requested variance. He would like to erect a free-standing 14' x 28' garage 2.5 feet from the sideline of his property where 30 feet is required. Dave Perkins referred the Board to the aerial photograph of Stephen Waddock's property. It is hourglass shaped with a pond in back and so based on this configuration, the proposed location is the only place he could put the garage. He noted that there is no visual impact to the neighbors.

Stephen Waddock turned in his receipts of notifications to neighbors.

After a brief discussion of the location and a review of the aerial photo, there were no other questions or comments from the Board or the public.

The Board closed the public hearings.

REGULAR MEETING AGENDA:

1. Call to order.
2. Establish a quorum.
3. Approval of minutes of 4/19/18 Special Meeting.
4. Discussion and possible action – Public Hearing items.
5. Receipt of appeal of decision by ZEO to issue agricultural entertainment permit 18-1 and scheduling of public hearing of appeal.
6. Adjournment.

1. Call to order.

Dennis Kaba called the regular meeting to order at 7:50 p.m.

2. Establish a quorum.

A quorum was established with Dennis Kaba, Acting Chair, Arlene Avery, Tim Armstrong, Rich Longmore, and Henry DaDalt.

3. Approval of minutes of 4/19/18 Special Meeting.

Rich Longmore made a motion, seconded by Arlene Avery, to table the minutes to the next meeting. All were in favor.

4. Discussion and possible action – Public Hearing items.

Henry DaDalt made a motion to deny the variance of Section 4.9 at 5 Orcuttville Rd. Map 36, Lot 52, Zone AA for a reduction of lot size from 26,754 sq. ft. to 26,072 sq. ft. where 44,000 sq. ft. is required. Rich Longmore seconded the motion. All were in favor of the denial of the variance.

Henry DaDalt made a motion to deny the variance of Section 4.9 at 7 Orcuttville Rd, Map 36, Lot 51, Zone AA for a reduction of the lot size from 26,572 sq. ft. to 25,770 sq. ft. where 44,000 sq. ft is required. Tim Armstrong seconded the motion. All were in favor of the denial of the variance.

Henry DaDalt made a motion to deny the variance of Section 5.7 at 107 West Stafford Road, Map 35, Lot 52, Zone HB for a reduction of the lot size from 18,731 sq. ft. to 15,405 sq. ft where 20,000 sq. ft is required. Tim Armstrong seconded the motion. All were in favor of the denial of the variance.

Arlene Avery made a motion to approve the application of Stephen Waddock of 7 Charter Rd., Map 67, Lot 5.1, Zone AAA to allow a variance of section 4.9 sidelines setback to 2.5 ft. where 30 ft. is required and vary 3.6d to allow construction of a 14' x 28' accessory building in the front yard, the hardship due to the configuration of the lot. Tim Armstrong seconded the motion. All were in favor.

5. Receipt of appeal of decision by ZEO to issue agricultural entertainment permit 18-1 and scheduling of public hearing of appeal.

Dave Perkins said this is an appeal of the Zoning Enforcement Officer's decision to issue an agri-tainment permit to Kim and Karl Milikowski. He said the Board must officially receive the application this evening and decide whether to hear the appeal at their July or August meeting. He said the Board can decide to uphold, change, or reverse his decision.

Henry DaDalt asked why the Board was hearing this appeal since the event has already taken place. Tyler Roberts, appellant, and Karl Milikowski each provided some history of the permit, noting this could impact future agri-tainment events at their property.

There was agreement from the Board to hold the meeting as soon as possible. Tim Armstrong made a motion to hold a special meeting on Monday, July 2 and cancel the regular meeting that month as they might not be able to secure a quorum so near to the holiday. Arlene Avery seconded the motion. All were in favor.

6. Adjournment

Arlene Avery made a motion to adjourn the meeting, seconded by Rich Longmore. All were in favor. The June 7, 2018 Zoning Board of Appeals meeting was adjourned at 8:10 p.m.

Respectfully submitted,



Annie Gentile
Recording Secretary