

Foster Zoning Board of Review

Minutes of the April 17, 2006 Meeting

Chairman Martin Helfgott called the April 17, 2006 meeting of the Foster Zoning Board of Review to order at 7PM in the Benjamin Eddy Building. The following members were present:

Martin Helfgott, Chairman
Heidi Colwell, Secretary
William Gibb
Renee Bevilacqua
Thomas Grabbert, Alternate
Lori Mahailides, Alternate

Also present were Building Official, Robert Fallon, David D'Agostino, Town Solicitor representing Gorham & Gorham and Court stenographer Carole Malaga. Scott Shangraw, board member, was absent.

Minutes:

The March 8, 2006 minutes were read and approved with the following additions:

1. Thomas Grabbert stated he voted against the motion that there was enough evidence before the board to render a decision.
2. Heidi Colwell was absent from the meeting.

Decision:

#06-01 for a Variance for Danielson Pike Realty, LLC, for a bait shop at 52 Danielson Pike, Plat 21, Lot 26 under Article 4, Section 12 was read. Only four of the five members that were present at the March 8th meeting were present. Scott Shangraw who was present at the March meeting was absent. The Town Solicitor advised that since there were five members present when the application was discussed before that board that it would make sense that all five members that were originally present be present for the decision. Mr. Helfgott asked if the applicant had any redress. The solicitor replied that if the Zoning Boards decision were to review this matter at the next hearing the applicant wouldn't have any redress. The applicant would theoretically run the risk if the vote were held this evening and for some reason if those that voted last time and there was not four that were totally in favor and one changed his or her mind that action would resulted in a denial of the application. The applicant bears the risk of either waiting until next meeting until all five members are present or taking the risk that if the vote were held this evening and they were changing the vote that that might change the outcome of the application. The solicitor stated that the decision for the board to take a vote at this meeting is entirely up to the applicant. Mr. Helfgott asked Mr. Chabot if he wanted the board to take the vote after he heard what the solicitor advised. Mr. Helfgott told Mr. Chabot that it was entirely up to him if he wanted the board to take the vote tonight. Mr. Chabot said he didn't know if the matter could be settled tonight. Mr. Gibb made a motion, seconded by Heidi Colwell and so voted that the board hold off the decision until all the members that can vote be present.

Hearings:

Hearing #06-02

David & Gail Danilowicz, 41B Hartford Pike, Plat 17, Lot 22. Special Use Permit to operate a real estate office in their home under Article 4, Section 5, #3 of the Foster Zoning Ordinance.

The following spoke in favor of the application:

Gail Danilowicz stated she plans to operate her real estate office from her home. She has a separate entrance for the office and ample parking. She stated that very few clients will come to her home as she does most of her business at the property site.

The following abutter spoke against:

Gloria Rubendunst, 40a Hartford Pike, said she objects. The reason is where is the sign going to be and for whom. She was told that a 4ft. square sign is allowed. She also stated that there is only one driveway for two houses. Mrs. Danilowicz said the reason for the one driveway is because DEM would only allow one egress to the property because it crosses a brook. The driveway is an old logging road and splits off after the brook.

Questions from the board:

Renee Bevilacqua asked how often people come to the house. Mrs. Danilowicz said about three times a year, mostly on weekends. Asked if she has a partner, Mrs. Danilowicz said yes but her partner's office is in Smithfield.

Bill Gibb stated that a real estate office under Section 5, Article 4, #3 requires the applicant to reapply to the Zoning Board every year. Mrs. Danilowicz said she is aware of this and has asked the planning board to review this section of the zoning ordinance regarding reapplying every year.

Tom Grabbert asked how long the shared driveway was before the splint. Mrs. Danilowicz said it is approximately 800 feet.

Decision:

Bill Gibb move, Heidi Colwell seconded the motion and it was so voted to grant a special use permit under Section 5, Article 4 #3 to David and Gail Danilowicz, Plat 17, Lot 22, Pole 41 for the operation of a real estate office in their home with the understanding that it is a temporary real estate office and that reapplying to the Zoning Board in one years time will be necessary.

The following members voted:

William Gibb approve

Renee Bevilacqua approve

Thomas Grabbert approve

Heidi Colwell approve

Martin Helfgott approve

Chairman Helfgott advised the applicant that the decision of the board is not final until read into the record at the next meeting.

Mr. Helfgott asked the Town Solicitor if the Planning Boards recommendation to Town Council to change Section 5, Article 4, #3 to eliminate the reapplying to the Zoning Board every year for a real state office is approved will Mr. & Mrs. Danilowicz have to reapply next year. The solicitor stated that in theory as it is now you are applying under #3, temporary office. One recommendation would be that if the council approves the change they could make the provision to transfer any existing real estate office and make it a professional office. If this happens, Mr. & Mrs. Danilowicz would not have to reapply to the Zoning Board.

Hearing #06-03

Donald & Kathy Jordon, 31 Shippee School House Road, Danielson, Ct. 06239, for a variance at Plat 10, Lot 95, Pole 12, Boswell Trail, under Article 5, Section 1 – Substandard lot of record.

This parcel of land was certified November 20, 1989 as a substandard lot of record.

Mr. Jordan said he wants to build a single family residence on his property but needs a variance for the frontage because it is a substandard lot of record.

No one spoke in favor or in opposition of the application.

Questions from the Board:

Mr. Gibb asked how much frontage he had. Mr. Jordan stated that he has a 20 foot frontage that runs 845 feet to his property which is a total of 18.35 acres. He said DEM has approved the road with 5 culverts.

Decision:

Bill Gibb moved, Heidi Colwell seconded the motion and it was voted to grant application #06-03 for Donald & Kathy Jordan, for a frontage variance for Plat 10, Lot 95, Pole 12, Boswell Trail under Article 5, Section 1 of the Foster Zoning Ordinance.

Thomas Grabbert Approve

Renee Bevilacqua Approve

William Gibb Approve

Heidi Colwell Approve

Martin Helfgott Approve

Chairman Helfgott advised the applicant that this decision of the board is not final until read into the record at the next meeting.

The meeting adjourned at 7:50PM

Attest:

Heidi A. Colwell
Secretary