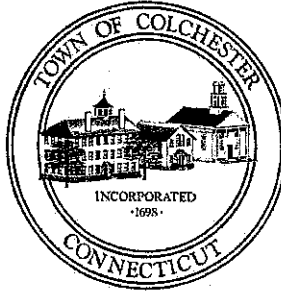


Town of Colchester

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**ZONING BOARD OF APPEALS
REGULAR MEETING
Tuesday September 19, 2023 7:00 pm
Town Hall Meeting Room**

AMENDED MINUTES

Members Present: Chairman Laurie Robinson, Vice Chairman Patrick Reading, Michael ~~Bois~~, Bo
Setchinsky, Jason Radachy

Members Absent: Quinn Kozak, alternate

Also Present: ZEO Isabelle Kisluk, Land Use Assistant Stacey Churchill, applicants, public

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1. **Call to Order** – Chairman Robinson called the meeting to order at 7:00 pm
2. **Legal Notice** –
3. **Applications/Public Hearings** – Chairman Robinson stated the rules and process of the public hearings. She asked if any members had any conflicts of interest in the applications. Members stated no conflicts exist.

- A. **Application No. ZBA 2023-002** of Jeffrey P. Naples (Owner/Applicant) – 155 Westchester Rd (MBL#05-14/016-000) – Application for variance from Section 3.4.4.A.2 of the Town of Colchester Land Development (Zoning) Regulations to reduce the front yard setback requirement from 100' to 35'. – The public hearing was continued from the previous meeting. Chairman Robinson summarized where things were since the last meeting. Attorney Scott Jezek, representing the applicant gave a brief overview of the application and discussed the Verillo v. Town Branford Zoning Board of Appeals case as it relates to this application. He discussed the different aspects that create a hardship, including lot configuration, slope, wetlands and a change by the town in the zoning regulations for the property. Members asked questions of the applicants and Attorney Jezek. Members discussed the remaining buildable area on the property and Attorney Jezek explained the area is used for existing parking in one area and is sloped with a retaining wall and retention pond in another area leaving little usable space. Jeffrey Naples, applicant, stated he purchased the property with the intention of developing it commercially prior to the change in the zoning.

10 minute recess, meeting resumed at 8:24 pm.

The applicant presented a site plan dated 4/19/10 from the construction of Building #2 which provides a better picture of the geographical difficulties with putting up an additional building. Chairman Robinson asked if anyone else would like to speak in favor of the application, hearing none she asked for any additional opposition testimony. None was heard.

Motion by J. Radachy to close the public hearing for application ZBA2023-002. 2nd by P. Reading. Vote was unanimous, public hearing closed.

Members deliberated by discussing the existence of hardships. They stated there is reasonable use of the property already. They discussed the difference between expansion and intensification and feel adding a new building equates to expansion. M. Solis stated he feels the town created the hardship by changing the regulations after Mr. Naples purchased the property.

Motion by M. Solis to approve application ZBA2023-002 of Jeffrey P. Naples 155 Westchester Rd (MBL#05-14/16-000) for a variance from Section 3.4.4.A.2 of the Town of Colchester Land Development Regulations to reduce the front yard setback requirement from 100' (now 75' effective 8/11) to 35' as shown on site plans submitted with the application, and explained in statements made by the applicant, due to unusual hardship created by the shape of the parcel and rezoning from Commercial to Rural Use with increased front yard setbacks. The proposed changes simply result in intensification in activity of the property and not a new use. The Commission finds that the application demonstrates a hardship which is unique to the property relative to other parcels in the zone and which is not due to actions of the applicant. 2nd by B. Setchinsky. Motion failed 2-3 with M. Solis & B. Setchinsky in favor.

4. **Minutes of Previous Meetings** – Motion to table until next meeting by J. Radachy. 2nd by P. Reading. Vote was unanimous, motion carried.
5. **Old Business**
 - A. Continuing Education Requirements Update – all training must be completed by the end of the year.
6. **New Business** – None
7. **Correspondence** – None
8. **Adjournment** – Motion by J. Radachy to adjourn. 2nd by P. Reading. Vote was unanimous, meeting adjourned at 9:46 pm.

Respectfully submitted by: Stacey Churchill, Land Use Assistant.