

**TOWN OF POMFRET
ZONING BOARD OF APPEALS
PUBLIC HEARING/REGULAR MEETING MINUTES
MONDAY, MARCH 17, 2014 AT 7:00 PM
POMFRET SENIOR CENTER**

Present: Chairman James Robbins; Vice Chairman Richard Galante; Elizabeth Cartier, member; David Smutnick, member; Allison Gardner, member; and Debra Thompson, alternate; and Staff: Ryan Brais, ZEO.

Absent: Sarah Hamby, alternate; and Richard Coduri, alternate. Staff: James Rabbitt, AICP.

Chairman Jim Robbins opened the public hearing at 7:00 pm.

I. PUBLIC HEARING

Windham County 4-H Foundation, Inc.-

Variance of Section 11.2.7, a non-conforming use that existed on the effective date of the regulations may be expanded by up to twenty-five percent (25%) of the floor area existing on such effective date. Looking to expand 30% of original floor area. Barry Rider of the Windham County 4-H Foundation was present for the application. He mentioned that the design had gone through Planning & Zoning about a year ago but then their funding ran out and they went back to raising funds. They are looking to re-organize the basement of the lodge to accommodate potential installation of an elevator at a later date. J. Robbins noted they had been working on this for 11-12 years before the regulations existed. Did they ever submit anything to Town during that time? R. Brais stated they had. B. Rider said there is no easy way to re-configure but extra area is needed. R. Brais then said that they have a hardship which out of the applicant's control as a Federal agency requires an elevator to use their funding. Mr. Rider came before the P&Z commission last month and the commission as a whole felt that this was a legitimate hardship. D. Smutnick said there is an overage of 25% being use now. Is this in anticipation of using the federal grant later? B. Rider said they are taking the entrance and re-configuring for placement of elevator at a later date (close to the handicap parking). Want to include in expansion for future use. At this point, B. Rider showed members the plans and explained the changes made to the plans for the expansion. A. Gardner asked if the shaft would be built now. B. Rider said not yet. They have to go back and get site plan approval at the appropriate time. J. Robbins then read the relevant regulations where the variance is coming from. He asked Ryan if this is non-conforming because it is non-residential. Ryan said yes. After further discussion regarding state/federal mandates, D. Smutnick made a motion to close the Public Hearing. It was seconded by A. Gardner and approved unanimously.

II. REGULAR MEETING

- A. Roll Call – taken and noted.
- B. Seat Alternate(s) – unnecessary as quorum is present
- C. Citizen's Comments - none
- D. Items to Add to the Agenda – discussion of Annual Report under Section V
- E. Approve Minutes of January 23, 2014– R. Galante made a motion to accept the minutes as written. D. Thompson seconded the motion. Move motion. There were four abstentions. No motion taken. Table to next meeting.

III. NEW BUSINESS

- A. Correspondence – none

IV. CURRENT BUSINESS.

A. Windham County 4-H Foundation, Inc.-

Variance of Section 11.2.7, a non-conforming use that existed on the effective date of the regulations may be expanded by up to twenty-five percent (25%) of the floor area existing on such effective date. Looking to expand 30% of original floor area. After minor discussion, D. Smutnick made a motion to approve the variance as presented. E. Cartier seconded the motion. J. Robbins then asked David why he made the motion to approve. D. Smutnick said the feds put a heavy hand in after the plans were approved, so the variance is necessary. R. Galante said that he agrees with D. Smutnick and he also felt that the 4-H has been around a long time and helped out many people in their time. D. Thompson said she is confused about the wording – need an elevator/don't need elevator? R. Brais stated that basically, the Feds said no money unless you meet the code. This variance is for the whole package. They are only building the new entrance but are making room for the elevator in the future. J. Robbins then said we need findings to grant the relief requested. He listed the following findings: 1) work began on the original addition prior to the USDA requirement for the elevator; 2) this requirement necessitated the expansion above 25% to allow for non-conforming use as define in Town's Zoning regulations Section 11.2.7; 3) the project with expansion serves a public purpose and the strict enforcement of zoning by-laws would restrict that purpose; and 4) the requested expansion of 285 square feet is relatively small. Granting the relief will not derogate from the intention of the Town's Zoning regulations. Jim then asked if the members agreed with or took opposition to these findings. Everyone agreed. A. Gardner made a motion to accept the four finding as stated by J. Robbins. D. Smutnick then amended his motion to grant relief so the expansion can exceed 25% but only up to 30%. A vote was then taken by the members and it was approved unanimously 5-0.

V. OTHER BUSINESS

- A. Agenda items for next meeting - none
- B. Citizen's Comments – none
- C. Discussion of Annual Report – report was read and corrections were made concerning new alternates, no variances/appeals last year, and creation of new

document entitled, "Appeal of a ZEO Decision". Clerk will prepare the report and submit to B. Ryan.

- VI. **ADJOURNMENT** – D. Smutnick made the motion to adjourn. A. Gardner seconded the motion and it was approved unanimously. The meeting adjourned at 7:51 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____