

MINUTES

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WATERFORD, CT

2024 NOV 13 A 9:21
November 6, 2024
5:30 PM

Zoning Board of Appeals
Waterford Town Hall

ATTEST: *Diana L. Gonyo*
TOWN CLERK

Members Present: Cathy Gonyo, Chairwoman, Anne Darling, Michelle Kripps, John Morgan
Members Absent: William Herzfeld
Alternates Present: Jason Kohl
Alternates Absent: Greg Gallup
Staff Present: Jonathan Mullen, Planning Director; Mark Wujtewicz, Planner; Wayne Scott, Zoning Official; Dawn Choisy, Recording Secretary
Also Present: Atty Robert Avena, Town Attorney

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairwoman Gonyo called the meeting to order at 5:30. J. Kohl was appointed to sit for W. Herzfeld.

2. APPROVAL OF MINUTES

MOTION: Motion made by J. Morgan, seconded by M. Kripps, to approve the minutes of the October 2, 2024 meeting as written.

VOTE: 3-0-2, C. Gonyo and J. Kohl abstaining.

3. OLD BUSINESS

Application #ZBA-24-4 - Appeal of A Beautiful Real Estate LLC, owner and applicant for property located at 14 Bella Vista Street, R-20 zone. Variances are requested from zoning regulations: Section 4.4.1 - front yard setback, 4.4.2 - side yard setback and 4.4.3 - rear yard setback as shown on plans titled "Zoning Location Survey" dated July 15, 2024.

A request to table this application until the December 4, 2024 ZBA meeting was received from the applicant's agent.

4. PUBLIC HEARING

Appeal #ZBA-24-5 – Appeal of the Zoning Official's Order to Discontinue dated September 12, 2024 issued for the placement of an unauthorized Recreational Camping Vehicle and other unauthorized uses being conducted in violation of the Town of Waterford Zoning Regulations on property located at 10 Shore Drive, Waterford. Appeal is taken by Alex Mironovas.

Chairwoman Gonyo opened the public hearing and read the following exhibits into the record:

EXHIBIT 1 - Application for Appeal of the Zoning Official's Decision dated 9/25/24
EXHIBIT 2 - email correspondence dated July 15, 2024 to Alex Mironovas from Wayne Scott
EXHIBIT 3 - Order to Discontinue dated 9/12/2024
EXHIBIT 4 - Legal ad run in the Day newspaper on 10/23/24 & 10/30/24
EXHIBIT 5 - email dated May 15, 2024 from Jonathan Mullen to Wayne Scott
(1 photo included)

- EXHIBIT 6 - Three photos of camper and boat trailer on site taken by W. Scott on 5 /15/24
- EXHIBIT 7 - Two photos of camper and unassembled dock components taken by M. FitzGerald on 5/15/24
- EXHIBIT 8 - Three photos of camper and unassembled dock components taken by W. Scott on 7/19/24
- EXHIBIT 9 - email dated July 20, 2024 from Alex Mironovas to Wayne Scott, RE: Town of Waterford regulation regarding trailers & Recreational Camping Vehicles Not Permitted
- EXHIBIT 10- Zoning Compliance Review dated 8/23/24
- EXHIBIT 11 - Three photos of camper and dock partially installed on site taken by W. Scott on 8/26/24
- EXHIBIT 12 - email contained 6 photos of activity over the weekend of August 25, 2024 at 10 Shore dr. (photos taken by neighbor, not included)
- EXHIBIT 13 - email from Wayne Scott to Kevin Zawoy dated August 29, 2024 Re: 10 Shore Drive Waterford CT dock permit inquiry
- EXHIBIT 14 - email dated August 29, 2024 from Wayne Scott to "Lisa R", RE: 10 Shore Drive 8/25/24
- EXHIBIT 15 - email dated September 11, 2024 from Alex Mironovas to Wayne Scott, Re: Town of Waterford regulation regarding Trailers & Recreational Camping Vehicles Not Permitted
- EXHIBIT 16 - email dated September 12, 2024 from Wayne Scott to Alex Mironovas RE: Town of Waterford regulation regarding Trailers & Recreational Camping Vehicles Not Permitted
- EXHIBIT 17 - email dated September 17, 2024 from Kathleen Perzanowski to Wayne Scott Subject: 10 Shore Drive, Waterford
- EXHIBIT 18 - email dated October 1, 2024 from Wayne Scott to Kathleen Perzanowski, Subject 10 Shore Drive, Waterford
- EXHIBIT 19 - Activity Log – 10 Shore Dr

W. Scott noted for the record that Exhibit 7 should state that the photographs taken by M. FitzGerald were taken on 7/15/24, not 5/15/24.

W. Scott reviewed Exhibit 19 (Activity Log) as well as the exhibits showing photos of the camper on the property. He noted that Section 3.9.4 of the Zoning Regulations states that a camper is not allowed on a property without there being a principal structure on the property. Section 3.20.3 of the Zoning Regulations allows the Zoning Official to issue a temporary Zoning Compliance Permit for the placement of a manufactured home or trailer on a property only in the circumstance where a building permit has been issued for the construction of the property owners own dwelling. There is currently no principal structure on the property, and there is no building permit in place for the construction of a new home. The property owner has applied for a building permit for a new home; however, it has not been approved because the submittal did not meet the zoning regulations.

Alex Mironovas addressed the Board, and stated that a permit for a new home on the site had been issued, but he does not know if it is still valid.

Attorney Avena asked Mr. Mironovas if a permit for the dock has been issued by DEEP. A. Mironovas replied that the original owner received a permit for the dock. It had expired and he is in communication with the DEEP to get a new permit.

Attorney Avena asked Mr. Mironovas if he received copies of the permits when he bought the property. A. Mironovas replied that the previous owner told him he had permits and gave him a bag of stuff.

Attorney Avena entered into the record as Exhibit 20 a print-out from the permitting software showing an expiration date for the new home permit of 5/24/2007. He stated that the new plans have not been approved.

A. Darling asked A. Mironovas why he did not move the trailer when he received the notice, and asked if he had a current building permit. A. Mironovas replied that the regulation does not say the permit has to be valid.

Attorney Avena asked if A. Mironovas was doing work under the old permit. A. Mironovas replied that he is doing landscaping on the site. Attorney Avena referred to an email sent to the Zoning Official (Exhibit 9) where A. Mironovas asked the Zoning Official for an exception to the regulations and issue a zoning permit for the trailer. A. Mironovas again said that the regulations don't say that the permit needs to be valid.

Chairwoman Gonyo stated that there is a reason rules are put in place, and noted that it has been established that the RV is on the site, and it has also been established that a building permit has not been issued for the property.

Attorney Avena submitted into the record as Exhibit 21 a Warranty Deed for the property.

A. Darling stated she looked at the property and there are weeds all over and that it does not appear that there is any landscaping work being done as Mr. Mironovas has previously stated.

J. Morgan stated that the RV should just be moved.

W. Scott stated that the Order to Discontinue is also for the installation of the dock. He referred to Exhibit 17 in which DEEP stated that there is not a valid permit for the dock.

There being no further comments, the public hearing was closed at 7:00.

MOTION: Motion made by J. Morgan, seconded by A. Darling to add deliberation of Application #ZBA-24-5 to the agenda.

VOTE: 5-0

MOTION: Motion made by J. Kohl, seconded by J. Morgan, to uphold the Zoning Official's issuance of the Order to Discontinue.

VOTE: 5-0

5. NEW BUSINESS

- Draft 2025 meeting schedule

MOTION: Motion made by J. Kohl, seconded by A. Darling, to approve the 2025 meeting schedule as drafted.

VOTE: 5-0

- Draft 2023/2024 ZBA Annual Report

MOTION: Motion made by J. Morgan, seconded by A. Darling, to approve the 2023/2024 ZBA Annual Report as drafted.

VOTE: 5-0

- Draft 2026 ZBA Budget

MOTION: Motion made by J. Kohl, seconded by A. Darling, to approve the 2026 ZBA Budget as drafted.

VOTE: 5-0

6. CORRESPONDENCE

No correspondence was received.

7. ADJOURNMENT

MOTION: Motion made by J. Kohl, seconded by J. Morgan, to adjourn the meeting at 7:08.

VOTE: 5-0

Respectfully Submitted,


Dawn Choisy
Recording Secretary