

GLASTONBURY ZONING BOARD OF APPEALS  
*Regular Meeting Minutes of Monday, March 6, 2023*

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, March 6, 2023 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairman  
Susan Dzialo, Vice-Chair  
Nicholas Kornis, Secretary  
David Hoopes  
Jaye Winkler

**Board Members- Excused**

Douglas Bowman, Alternate  
Andy Zlotnick, Alternate

Chairman Smith informed the public that the Board just learned that only one of the required two legal notices was published. The Chairman explained that one of the staff member's parents died suddenly and no one realized what happened in time to publish the second legal notice. The Chairman noted that failing to publish the notice twice results in a jurisdictional defect, allowing anyone to come forward and contest the decision for up to a year. Chairman Smith explained that, instead of taking the risk, the public hearings will be postponed for April. The Chairman invited applicants and members of the public to raise their electronic hands if they have any questions. Chairman Smith noted that it is a highly unusual and very unfortunate situation. Chairman Smith stated that the Board can only make a motion to postpone the hearings for April.

An electronic hand was raised by a participant named Rachel Elizabeth. The participant stated that his name is Steven and he is using his wife's computer. The participant asked if there was a way to check if the second notice was published in the *Journal Inquirer*. Ms. Winkler stated that she could not find legal notices published in the online version of the *Journal Inquirer*. Chairman Smith stated that there is no evidence that it was done. The participant noted that he understands. Chairman Smith remarked that no one wants to delay this meeting and reiterated that moving forward would be a risk. The participant asked when the meeting would take place. Chairman Smith stated that it would be on the first Monday in April. The participant noted that it would be April 3. The Chairman noted that the meeting would be held on April 3, 2023 at 7:00 pm and added that the Town Staff will be sure to publish the legal notices. Chairman Smith asked the applicants to keep the signs. Ms. Winkler noted that the signs, with correct dates, must be put up at least 10 days before the hearing. Chairman Smith asked if there were any other questions from the applicants or members of the public. Another electronic hand was raised by a participant named Kate. She explained that she logged in a little late and missed some of the information. She wanted to confirm that all of the hearings are rescheduled. Chairman Smith

noted that all 5 have to be rescheduled due to the same legal issue. The participant thanked the Chairman and stated that it is understandable. Chairman Smith asked the Board to entertain a motion to postpone the 5 applications. Mr. White wanted to confirm that there was a quorum. Chairman Smith noted that there are 4 Board members present.

***Motion by:*** Secretary Korn

***Seconded by:*** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals postpones the public hearing of the 5 application items listed on the agenda due to the failure to meet the legal requirements of publishing the legal notice at least twice.

***Result:*** Motion passes unanimously. (4-0-0)

### **Discussion:**

Chairman Smith reiterated that it is unfortunate that the legal notice was not published twice. He noted that the Board is allowed to proceed and approve the minutes because that was not part of the notice.

### **Public Hearing**

- 1. Request from Jeffrey & Tamra White of 292 Leigh Gate Road for a 3’-6” variance to encroach an addition into the side yard building setback line. (Postponed for April 3, 2023).**
- 2. Cornelius Neil & Johanna Cahill of 265 Main Street zone RR are requesting a variance to section 4.2.7 for the purpose of building a 3rd garage (16’X 24’ with 20 feet in height). The request for the variance is due to the inability to build the garage anywhere except within 25 feet of the neighbor’s property line. (Postponed for April 3, 2023).**
- 3. Jill Sullivan of 1660 Main Street zone AA represented by James Grady is requesting a variance to section 4.4.6 & 4.4.7 & special exception to section 8.2b for the purpose of expanding a nonconforming structure. The proposed additions are a second floor and an attached two car garage in the front yard. (Postponed for April 3, 2023)**

4. **William Bill McDermott of 278 House Street zone A is requesting a special exception to section 8.2b for the purpose of adding a living space above an existing two car garage which will become the primary residence. The proposed addition will not change the footprint of the structure. (Postponed for April 3, 2023)**
  
5. **Richard & Tae Lechner of 57 Knob Hill Road zone AAA are requesting variance to section 4.3.7 for the purpose of keeping an existing shed (24' X 14' with 16 feet in height) 12 feet from side yard line. The shed does not meet the 75' accessory structure setback but is within the front yard building line. (Postponed for April 3, 2023.)**
  
- 1) **Action on Public Hearings (Postponed for April 3, 2023)**
  
- 2) **Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non- agenda (None)**
  
- 3) **Acceptance of Minutes from February 6, 2023 Meeting**

*Motion by:* Secretary Korns

*Seconded by:* Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of February 6, 2023 as presented.

*Result:* Motion passes unanimously. (4-0-0)

## **Discussion:**

Secretary Korn asked Mr. White to correct the first application on the agenda which lists “pool” instead of “pool house.” Mr. White noted that the mistake on the agenda would have resulted in postponing that application. He stated that he will make sure that the application is corrected. Secretary Korn noted that item number 4 on the agenda lists “special request” and on the application lists “variance.” Mr. White thanked Mr. Korn for catching the errors and noted that both applications will be corrected. Chairman Smith asked Mr. White to correct application #1 and #4 as soon as possible. Vice-Chairman Dzialo noted that Ms. Winkler noticed some errors on the agenda. The first error is the misspelling of Vice-Chair Dzialo’s first name. Vice-Chair Dzialo noted that the second error on the agenda is forgetting to include Mr. Andrew Zlotnik, the fully approved alternate. Ms. Winkler noted that she was told by the Town Democrats that Mr. Aaron White is an alternate that had been approved. Mr. White noted that he spoke to Krystina about this and they did not receive a letter confirming this appointment from the Town Clerk. Chairman Smith explained that the alternate would have to go to the Town Clerk to be sworn in. Mr. White stated that he needs official notification before adding the new alternate on the agenda. Mr. White stated that he will make all of the corrections.

Chairman Smith suggested scheduling a meeting with Mr. White, Vice Chair-Dzialo and the new Director of Planning and Land Use Services. It was agreed that the meeting will be held on Thursday, March 9, 2023 at 2:30 pm at Town Hall. The Chairman explained that there are procedures associated with public hearings and wanted to make sure that everyone is on the same page to ensure that public hearings are not postponed again due to a legal issue.

*Mr. Hoopes signed in at 7:21 pm due to technical difficulty.* Mr. Hoopes noted that he could hear the meeting but could not speak or turn on the video. He also stated that there were issues with the Zoom calendar invite. Mr. White noted that he will discuss the issue with IT. An electronic hand was raised by Grady Construction. The participant noted that an error in the 4<sup>th</sup> application was mentioned in the discussions. The participant wanted to confirm that it is not their application that needs correcting. Chairman Smith noted that the 4<sup>th</sup> application pertains to House Street.

Chairman Smith explained that he and the Vice-Chair will meet with Mr. White and Ms. Caltagirone to go over protocols in case something else happens. The Chairman welcomed input from the Board. Mr. White noted that he has emailed Ms. Caltagirone and will discuss the issue with her tomorrow. The Chairman asked the Board to entertain a motion to adjourn. He noted that the next meeting will be on April 3, 2023.

**4) Adjournment**

*Motion by:* Vice-Chair Dzialo

*Seconded by:* Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of March 6, 2023 at 7:26 pm.

*Result:* Motion passes unanimously. (5-0-0)

---

---

Brian Smith, Chairman