

Wednesday, June 13, 2012, Town Hall, 7:00 p.m.

Present: Janet Duchaine, Mark Gelormino, John Christian

Absent: Tom Rotondo, John Bigos, Theodore Root, Jesse Smith, Nancy Shanley-Schnyer

### **PUBLIC HEARING #1 – Variance Request**

#### **1. Open hearing – establish quorum.**

**Motion** Mrs. Duchaine, second Mr. Christian that Mark Gelormino serve as Acting Chairman this evening, passing unanimously. Acting Chairman Mark Gelormino opens the public hearing at 7:03 p.m. Regular members Janet Duchaine and Mark Gelormino are seated, as is alternate member John Christian, with a quorum established. Clerk Christine Neal is also present. Proceedings are recorded on audio tape.

#### **2. Tony Rizzi – application for 9' side yard variance for an open deck, Section 5 (Country Residential Zone) Zoning Regulations, 378 Clearview Avenue.**

ZBA Clerk Mrs. Neal reads the public notice into the record as published in the Waterbury Republican American 6/2/12 and 6/9/12. Applicant Mr. Rizzi is present. Acting Chairman Gelormino explains that per state statute, any approval for a variance requires a concurring vote of at least four members of the zoning board of appeals and with only three members present this evening, the best way to proceed is to continue the public hearing. There is no discussion of or testimony offered or taken regarding the application for variance. **Motion** Mr. Gelormino, second Mrs. Duchaine at 7:08 p.m. to continue the public hearing to July 11, 2012, 7:00 p.m., Town Hall. Motion passes unanimously.

### **PUBLIC HEARING #2 - Appeal**

#### **1. Open hearing – establish quorum.**

Acting Chairman Mark Gelormino opens the public hearing at 7:08 p.m. Regular members Janet Duchaine and Mark Gelormino are seated, as is alternate member John Christian, with a quorum established. Clerk Christine Neal is also present. Proceedings are recorded on audio tape.

#### **2. Mountain Meadows Corporation, Route 4 and Johnnycake Mountain Road, Burlington, Richard A. Miller, its President; and Harwinton Square, LLC, 520 Burlington Road, Harwinton, Richard A. Miller, its Manager - appeal from the Harwinton Zoning Commission determination of March 12, 2012, that upon the consensus of the commission, a heliport at 529 Burlington Road (Harwinton, CT) is a legal non-conforming use of this property owned by Johnnycake Airport Property, LLC, agent Fred Pesce.**

ZBA Clerk Mrs. Neal reads the public notice into the record as published in the Waterbury Republican American 6/2/12 and 6/9/12. In order to reverse, affirm or modify a determination of the Zoning Commission or its agent, a concurring vote of four members of the zoning board of appeals is necessary. There is no discussion of or testimony taken regarding the appeal. Attorney Perley Grimes for the appellants requests reading into the record of the names of those noticed for this public hearing. Clerk Mrs. Neal reads into the record that the following persons/entities were notified by mail of the public hearing certified/return receipt requested: Harwinton LG Realty, LLC; Lebel Builders; Collinsville Savings Society; GDM, LLC; Gary & Francois Tartaglino; Biondi Realty; Dunlop Chester; Fred Pesce ((Trustee c/o Frederick Revocable Trust, Johnnycake Airport Property, LLC (agent Fred Pesce)); Mountain Meadows Corp.; Harwinton Square, LLC; Atty. Perley Grimes and Burlington Town Clerk. **Motion** Mr. Gelormino, second Mrs. Duchaine at 7:17 p.m. to continue the public hearing to Wednesday, July 11, 2012, to immediately follow the public hearing of applicant Tony Rizzi, 7:00 p.m., Town Hall. The motion passes unanimously.

## REGULAR MEETING

**1. Open meeting – establish quorum.**

Acting Chairman Gelormino opens the meeting at 7:17 p.m. Regular members Janet Duchaine and Mark Gelormino are seated, as is alternate member John Christian, with a quorum established. Clerk Christine Neal is also present. Proceedings are recorded on audio tape.

**2. Approve minutes of previous meeting: 4/11/12.**

Approval of the minutes is tabled as there is not a quorum of members who were present at that meeting.

**3. Discussion/possible decision – Tony Rizzi – application for 9' side yard variance for an open deck, Section 5 (Country Residential Zone) Zoning Regulations, 378 Clearview Avenue.**

There is no discussion.

**4. Discussion/possible decision - Mountain Meadows Corporation, Route 4 and Johnnycake Mountain Road, Burlington, Richard A. Miller, its President; and Harwinton Square, LLC, 520 Burlington Road, Harwinton, Richard A. Miller, its Manager - appeal from the Harwinton Zoning Commission determination of March 12, 2012, that upon the consensus of the commission, a heliport at 529 Burlington Road (Harwinton, CT) is a legal non-conforming use of this property owned by Johnnycake Airport Property, LLC, agent Fred Pesce.**

There is no discussion.

**5. Any other business.**

None.

**6. Correspondence.**

None.

**7. Invoices.**

None.

**8. Adjourn.**

**Motion** Mr. Christian, second Mrs. Duchaine at 7:20 p.m. to adjourn, passing unanimously.

Respectfully submitted,



Christine Neal  
ZBA Clerk

**RECEIVED**

**JUN 20 2012**

**TOWN CLERK**