

**ZONING BOARD OF APPEALS  
Monroe, Connecticut**

**MEETING MINUTES  
June 2, 2015**

**Meeting:** Zoning Board of Appeals  
Regular Meeting – June 2, 2015  
7 Fan Hill Road, Town Hall, Council Chambers

**Present:** Chairman James Wendt  
Secretary Marion Callo  
Board Member Paul Lisi  
Board Member Robert Saraco, Jr.  
Board Member Michael Pinto (alternate)

**Absent:** Vacant Board Member Seat  
Dominic Paniccia (alternate)

**Also Present:** Will Agresta, Planning and Zoning Administrator  
Carol Re, Recording Secretary

**OPENING OF MEETING**

Chairman Wendt called the meeting to order at 7:33 p.m. Board Members were seated on a roll call.

**PUBLIC HEARINGS**

Secretary Marion Callo read the Public Hearing Notice.

- **ZBA-2015-04 File #1378 – 345 Monroe Turnpike – Assessor Map 21, Lot 84**  
Application of the Connecticut Department of Transportation (applicant) for area variances of Zoning §5.1.6 (LOR District) to permit a front yard setback of 33 feet (currently 35 feet) in lieu of the required 50 feet and to permit a minimum lot size of 1.31 acres (currently 1.34 acres) in lieu of the required 1.5 acres. The area variances are a result of a State “Taking” of a portion of the subject property in association with the replacement of Bridge No. 02627 on Monroe Turnpike (Route 111) which crosses over an unnamed watercourse. Property Owner: Baghdady Family Limited Partnership.

Matthew Geanacopoulos, State of Connecticut Department of Transportation, introduced himself and asked if the board would like to combine both applications as the two are very similar. Chairman Wendt asked that he begin with the 345 Monroe Turnpike application and keep them separate.

Mr. Geanacopoulos said the State is proposing to acquire approximately 1,151 square feet of the subject property in connection with a road project which will rebuild bridge #02627 and install a sidewalk along the subject property. On behalf of the State he is requesting two area variances to allow a lot area of 1.31 acres (currently 1.34 acres) where 1.5 acres is required and a front yard setback of 33 feet (currently 35 feet) where 50 feet is required.

Chairman Wendt asked what the reason was for having to take the land. Mr. Geanacopoulos explained that the current bridge is in disrepair and needs replacing and the State is proposing to widen Route 111 so that there are two lanes south of the bridge and will continue 100 feet north of the bridge. The State is also widening Route 111 on the north side of the bridge which will not be two lanes but will allow for a bypass lane. Finally, the State is proposing to install a 5 foot sidewalk and a 3 foot snow shelf on the west side of Route 111.

Secretary Callo asked for further explanation of where the road is being widened by the Elementary School. Mr. Geanacopoulos explained that Route 111 will be widened and tapered down to one lane by the school but the highway line will remain the same.

Secretary Callo asked what would happen if the variance is denied. Could the State still take the property or have an easement on it? Planner Agresta elaborated on this saying that if the variance is denied the State could take the entire property to eliminate non-conformity; or another more likely option would be to take an easement over the property to accomplish what they need to get done.

Board member Lisi said it was strange that the property owner was not the one requesting the variance and wanted to know if there is a standard for this. Chairman Wendt said that although this is an unusual circumstance, the Board had previously made decisions like this in similar situations with road widening on Route 25.

Planner Agresta stated that the State is taking the minimum amount of land needed for the project and one of the concerns regarding this decision is whether or not the property would be left unusable from a zoning and developing perspective.

Andrew Scape, a Monroe resident whose property abuts both 345 and 337 Monroe Turnpike in the back is concerned about what kind of landscape buffer or screening that will be required with this application. It was an original requirement for these properties and he wants to make sure that gets maintained but is in favor of repairing the bridge. Chairman Wendt assured Mr. Scape that whatever conditions that went along with the approval for the remainder of that property would still be in effect. Secretary Callo added that if someone wanted to develop that property and make some commercial use out of it they would have to get approval from the Planning and Zoning Commission to do so.

Jose Negreiro, owner of 337 Monroe Turnpike was concerned about how he can use his property if the variance gets approved. Planner Agresta told him he is in a Limited Office Retail District and if he wanted to use it for retail purposes he would have to go to the Planning and Zoning Commission and apply for a development approval and would be subject to the regulations. Mr. Negreiro is in favor of repairing the bridge but suggested the State take land across the street from his property so he is not limited to what he can do on his own land.

Mr. Negreiro was also concerned about widening the road by a school. Chairman Wendt said that if the road were to get widened in the future it would be better to build the bridge wide enough now than to rebuild it again later.

- **ZBA-2015-05, File #1379 - 337 Monroe Turnpike – Assessor Map 21, Lot 83**

Application of the Connecticut Department of Transportation (applicant) for an area variance of Zoning §5.1.6 (LOR District) to permit a minimum lot size of 1.18 acres (currently 1.22 acres) in lieu of the required 1.5 acres. The area variance is a result of a State “Taking” of a portion of the subject property in association with the replacement of Bridge No. 02627 on Monroe Turnpike (Route 111) which crosses over an unnamed watercourse. Property Owner: Jose Negreiro et al.

Chairman Wendt asked the State to speak about the property at 337 Monroe Turnpike and give an explanation as to why they are requesting to use the land on the west side of the street. Mr. Geanacopoulos explained that they are requesting to construct a 5 foot sidewalk from the elementary school, across the bridge and to the funeral home. Planner Agresta pointed out that this would be a savings for the property owners if they ever did develop their properties, as a sidewalk would otherwise be required of them at time of a site development project. It was also discussed that whether the State takes the land in fee or by easement, the resulting setback impact on the remaining property would be no different as the Zoning Regulations require the same setback from a front property line as it does from an access easement line.

Polling the Board hearing no objections, Chairman Wendt closed the public hearings.

## **NEW AND ONGOING BUSINESS**

### **MEETING MINUTES/CORRESPONDENCE**

- Previous meeting minutes - None

### **DELIBERATIONS / DETERMINATIONS**

- Completed Public Hearing Items from this Agenda

#### **ZBA-2015-04, File 1378 – 345 Monroe Turnpike**

**OWNER:** Baghdadly Family Limited Partnership

**APPLICANT:** State of Connecticut (Department of Transportation)

**MOTION:** Saraco– To grant approval of ZBA-2015-04, 345 Monroe Turnpike.

**SECOND:** Callo

**DISCUSSION:** Board agreed that the proposed bridge replacement and road widening with sidewalk warrant the area variances to address safety reasons.

**VOTE:** 5-0-0 – Approved

**Ayes** Wendt, Callo, Lisi, Saraco, Pinto

**Nays** None

**Abstain** None

**ZBA-2015-05, File 1379 – 337 Monroe Turnpike**

**OWNER:** Jose Negreiro et al.

**APPLICANT:** State of Connecticut (Department of Transportation)

**MOTION:** Lisi – To grant approval of ZBA-2015-05, 337 Monroe Turnpike

**SECOND:** Saraco

**DISCUSSION:** Board agreed that the proposed bridge replacement and road widening with sidewalk warrant the area variance to address safety reasons.

**VOTE** 5-0-0 – **Approved**

**Ayes** Wendt, Callo, Lisi, Saraco, Pinto

**Nays** None

**Abstain** None

**MEETING ADJOURNMENT**

Chairman Wendt adjourned the meeting at 8:04 pm.

Respectfully submitted,  
Carol Re, Recording Clerk



**Town of Monroe Zoning Board of Appeals**  
**7 Fan Hill Road, Monroe, CT 06468**  
**Phone (203) 452-2812 – Fax (203) 261-6197**

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## **APPROVAL**

**Application ZBA-2015-04 – File #1378**  
**345 Monroe Turnpike – LOR District – Assessor Map 21, Lot 84**  
**Connecticut Department of Transportation (Applicant)**  
**Baghdady Family Limited Partnership (Owner)**

**June 2, 2015**

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**WHEREAS**, the Town of Monroe Zoning Board of Appeals (hereinafter “ZBA”), upon the holding of a duly noticed Public Hearing opened and closed on June 2, 2015, has considered an application from the Connecticut Department of Transportation (applicant) for area variances of Zoning §5.1.6 (LOR District) to permit a front yard setback of 33 feet (currently 35 feet) in lieu of the required 50 feet and to permit a minimum lot size of 1.31 acres (currently 1.34 acres) in lieu of the required 1.5 acres, as detailed in the following application materials and plans:

**Application:**

- Application ZBA-2015-04 – 345 Monroe Turnpike (Route 111);
- Zoning Variance Narrative, CTDOT;
- Adjoining Property Owners List;

**Plans:**

- Right of Way Survey, CTDOT, 04/14, revised 03/23/15; and

**WHEREAS**, the requested area variances are a result of a proposed State “Taking” of a portion of the subject property in association with the replacement of Bridge No. 02627 (State Project 84-106) on Monroe Turnpike (Route 111) which crosses over an unnamed watercourse; and

**WHEREAS**, the property owner as listed in the most recent Town of Monroe Assessor records is the Baghdady Family Limited Partnership; and

**WHEREAS**, the subject property, located on the westerly side of Monroe Turnpike (Route 111), is an existing non-conforming undersized Limited Office Retail (LOR) District (minimum 1.5 acre) lot consisting of approximately 1.34 acres; and

**WHEREAS**, the subject property includes an existing building, which is also nonconforming in regard to its existing front setback; and

**WHEREAS**, according to the Town Assessor records, the original building was constructed in 1911; and

**WHEREAS**, there are no variances of record associated with the subject premises; and

**WHEREAS**, the subject property is not within 500 feet of a town boundary; and

**WHEREAS**, the subject property is located within the Far Mill Reservoir Watershed, for which the applicant completed required notices thereof to the Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i; and

**WHEREAS**, on May 11, 2015, a copy of the public hearing notice was filed in the office of the Monroe Town Clerk and was published in the Monroe Courier on May 21 and 28, 2015; and

**WHEREAS**, the applicant mailed a copy of the public hearing notice of the proposed Area Variance application to abutting property owners within 100 feet of the subject property;

**NOW THEREFORE BE IT RESOLVED**, the ZBA at its meeting held on **June 2, 2015**, upon motion by **ROBERT SARACO** and seconded by **MARION CALLO**, voted **FIVE (5)** in favor and **NONE (0)** in opposition to **APPROVE**, for the reasons stated below, the above referenced application for an area variance **specific and solely to the use, structures, plans and other application materials submitted**, as follows:

<u>James Wendt</u>	<u>Chairman</u>	<u>AYE</u>
<u>Paul Lisi</u>	<u>Vice Chairman</u>	<u>AYE</u>
<u>Marion Callo</u>	<u>Secretary</u>	<u>AYE</u>
<u>Robert Saraco</u>	<u>Member</u>	<u>AYE</u>
<u>Michael Pinto</u>	<u>Alternate (seated)</u>	<u>AYE</u>

*For the ZBA:*

  
*James Wendt, ZBA Chair*

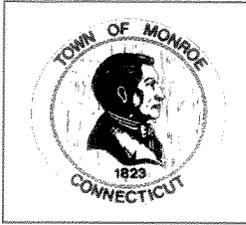
**BE IT FURTHER RESOLVED**, the ZBA relies on the following reasons in support of this **APPROVAL**:

- The minimum lot area and front yard setback variances are necessitated by the State taking of a portion of the subject property in order to accommodate needed bridge replacement and corresponding road safety improvements (bypass lane and sidewalk); and

**BE IT FURTHER RESOLVED**, that the area variances approved herein shall be subject to the following:

1. The area variances approved herein shall be specific and limited to the Right of Way Taking as detailed on the application plans as submitted. Any changes to the area variance extent or content shall render this approval null and void. Said approved area variances shall be inapplicable and non-transferrable to any other uses, structures or improvements on the subject premises.
2. The applicant shall provide five (5) signed and sealed certified copies of the Right of Way Survey. Said copies as approved shall be marked as "Final Approved" with a copy maintain in the record file of the ZBA.

3. Upon satisfaction of Condition #2 above, the applicant shall record an original copy of this approval document (as provided by the Planning and Zoning Department) in the Monroe Land Records. A copy of said recording showing all marks of recording shall be filed in the office of the Planning and Zoning Department. This approval shall not take effect until the date of such recording and completion of the filing of the recorded copy as set forth herein.
4. The area variance approved herein, in of itself, does not authorize any physical construction to commence, all other required administrative, health, fire, wetlands, zoning and building permits are required prior to any construction. Development of the subject property shall be subject to compliance with all regulations and requirements effective at the time of applications for a Certificate of Zoning Compliance and Building Permit.
5. Failure to comply with the above conditions within six (6) months of the date of this approval shall render this approval null and void.



**Town of Monroe Zoning Board of Appeals**  
**7 Fan Hill Road, Monroe, CT 06468**  
**Phone (203) 452-2812 – Fax (203) 261-6197**

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## **APPROVAL**

**Application ZBA-2015-05 – File #1379**  
**337 Monroe Turnpike – LOR District – Assessor Map 21, Lot 83**  
**Connecticut Department of Transportation (Applicant)**  
**Joés Negreiro et al (Owner)**

**June 2, 2015**

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**WHEREAS**, the Town of Monroe Zoning Board of Appeals (hereinafter “ZBA”), upon the holding of a duly noticed Public Hearing opened and closed on June 2, 2015, has considered an application from the Connecticut Department of Transportation (applicant) for an area variance of Zoning §5.1.6 (LOR District) to permit a minimum lot size of 1.18 acres (currently 1.22 acres) in lieu of the required 1.5 acres, as detailed in the following application materials and plans:

**Application:**

- Application ZBA-2015-05 – 337 Monroe Turnpike (Route 111);
- Zoning Variance Narrative, CTDOT;
- Adjoining Property Owners List;

**Plans:**

- Right of Way Survey, CTDOT, 04/14, revised 03/19/15; and

**WHEREAS**, the requested area variance is a result of a proposed State “Taking” of a portion of the subject property in association with the replacement of Bridge No. 02627 (State Project 84-106) on Monroe Turnpike (Route 111) which crosses over an unnamed watercourse; and

**WHEREAS**, the property owner as listed in the most recent Town of Monroe Assessor records is Jose Negreiro et al; and

**WHEREAS**, the subject property, located on the westerly side of Monroe Turnpike (Route 111), is an existing non-conforming undersized Limited Office Retail (LOR) District (minimum 1.5 acre) lot consisting of approximately 1.22 acres; and

**WHEREAS**, the subject property includes an existing building; and

**WHEREAS**, according to the Town Assessor records, the original building was constructed in 1949; and

**WHEREAS**, there are no variances of record associated with the subject premises; and

**WHEREAS**, the subject property is not within 500 feet of a town boundary; and

**WHEREAS**, the subject property is located within the Far Mill Reservoir Watershed, for which the applicant completed required notices thereof to the Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i; and

**WHEREAS**, on May 11, 2015, a copy of the public hearing notice was filed in the office of the Monroe Town Clerk and was published in the Monroe Courier on May 21 and 28, 2015; and

**WHEREAS**, the applicant mailed a copy of the public hearing notice of the proposed Area Variance application to abutting property owners within 100 feet of the subject property;

**NOW THEREFORE BE IT RESOLVED**, the ZBA at its meeting held on **June 2, 2015**, upon motion by **PAUL LISI** and seconded by **ROBERT SARACO**, voted **FIVE (5)** in favor and **NONE (0)** in opposition to **APPROVE**, for the reasons stated below, the above referenced application for an area variance **specific and solely to the use, structures, plans and other application materials submitted**, as follows:

<u>James Wendt</u>	<u>Chairman</u>	<u>AYE</u>
<u>Paul Lisi</u>	<u>Vice Chairman</u>	<u>AYE</u>
<u>Marion Callo</u>	<u>Secretary</u>	<u>AYE</u>
<u>Robert Saraco</u>	<u>Member</u>	<u>AYE</u>
<u>Michael Pinto</u>	<u>Alternate (seated)</u>	<u>AYE</u>

*For the ZBA:*

  
James Wendt, ZBA Chair

**BE IT FURTHER RESOLVED**, the ZBA relies on the following reasons in support of this **APPROVAL**:

- The minimum lot area variance is necessitated by the State Taking of a portion of the subject property in order to accommodate needed bridge replacement and corresponding road safety improvements (bypass lane and sidewalk); and

**BE IT FURTHER RESOLVED**, that the area variance approved herein shall be subject to the following:

1. The area variance approved herein shall be specific and limited to the Right of Way Taking as detailed on the application plans as submitted. Any changes to the area variance extent or content shall render this approval null and void. Said approved area variance shall be inapplicable and non-transferrable to any other uses, structures or improvements on the subject premises.
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4. The area variance approved herein, in of itself, does not authorize any physical construction to commence, all other required administrative, health, fire, wetlands, zoning and building permits are required prior to any construction. Development of the subject property shall be subject to compliance with all regulations and requirements effective at the time of applications for a Certificate of Zoning Compliance and Building Permit.
5. Failure to comply with the above conditions within six (6) months of the date of this approval shall render this approval null and void.