



# TOWN OF ELLINGTON

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**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
MONDAY, MAY 6, 2019, 7:00 PM  
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**PRESENT:** Vice Chairman Arthur Aube, Regular Members Ken Braga, Mike Swanson, and Mort Heidari, and Alternates Rodger Hosig and Ron Stomberg

**ABSENT:** Chairman Mark Spurling and Alternate Ron Brown

**STAFF**

**PRESENT:** John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Barbra Galovich, Recording Clerk

**I. CALL TO ORDER:**

Acting Chairman Ken Braga called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): None**

**III. PUBLIC HEARINGS:**

1. V201906 – Harold G. Levesque, Jr. & Kelly D. Krechko, owner/ Old School Riders, Inc., applicant, request for location approval for dealing in and repairing motor vehicles pursuant to Conn. Gen. Stat. Sec. 14-54 at 398 Somers Road, APN 104-051-0000 in an Industrial (I) zone.

**TIME:** 7:01 PM

**SEATED:** Vice Chairman Arthur Aube, Ken Braga, Mike Swanson, Mort Heidari, and Alternate Rodger Hosig and Alternate Ron Stomberg

Beverly Crowley, 18 Gehring Road Ext., Tolland, CT, Chad Clark, 1406 Treasure Island Road, Webster, MA and Bryan Castor, 567 Morgan Road, West Springfield, MA were present to represent the application.

Mr. Clark explained their company is looking to purchase TSI Harley Davidson from Harold Levesque and Kelly Krechko. They currently own two other establishments located in Albany, NY and Auburn, MA. Acting Chairman Braga reiterated that the company will be conducting the same business operations as it currently does, and not selling cars. Mr. John Colonese clarified this application is for transfer of ownership and to comply with Connecticut General State Statutes Sec. 14-51. The owners informed the board they will not be making any changes to the site at this time.

No one from the public spoke in regards to this application.

**MOVED (SWANSON), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201906.**

**MOVED (AUBE), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE V201906** – Harold G. Levesque, Jr. & Kelly D. Krechko, owner/ Old School Riders, Inc., applicant, request for location approval for dealing in and repairing motor vehicles pursuant to Conn. Gen. Stat. Sec. 14-54 at 398 Somers Road, APN 104-051-0000 in an Industrial (I) zone.

2. V201903 – Bartłomiej Kolodziejczak, owner/applicant, request for variance of the Ellington Zoning Regulations Section 2.1.10-Highway Clearance Setback: to reduce the front yard setback from 60' to 44' for a front porch at 36 Sadds Mill Road, APN 071-039-0000 in a Rural Agricultural Residential (RAR) zone.

**TIME:** 7:04 PM

**SEATED:** Vice Chairman Arthur Aube, Ken Braga, Mike Swanson, Mort Heidari, and Alternate Ron Stomberg

Bartłomiej Kolodziejczak, 168 Park Avenue, Bloomfield, CT was present to represent the application.

Mr. Kolodziejczak said he recently purchased the property and is in the process of renovations. He stated there are no overhangs around the house and the snow and ice builds up at the steps due to the pitch of the roof. This is causing damage to the house and is not safe. He is looking to attach a front porch along the front of the home to solve the water issue. Mr. Kolodziejczak explained the porch will extend out five (5) feet and the stairs will extend one (1) foot beyond the porch.

Acting Chairman Braga confirmed the porch and stairs will extend the width of the front of the home and a second set of stairs will be constructed to the side of the porch towards the driveway. Commissioner Swanson asked for clarification of the setback requested. Mr. Colonese explained the setback requirement is 60 feet, which includes the highway clearance setback requirement, and noted the existing house appears to be located within this requirement.

No one from the public spoke in regards to this application.

**MOVED (AUBE), SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201903.**

**MOVED (SWANSON), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE V201903** – Bartłomiej Kolodziejczak, owner/applicant, request for variance of the Ellington Zoning Regulations Section 2.1.10-Highway Clearance Setback: to reduce the front yard setback from 60' to 44' for a front porch at 36 Sadds Mill Road, APN 071-039-0000 in a Rural Agricultural Residential (RAR) zone.

**HARDSHIP: Existing non-conforming single family home.**

3. V201905 – Tammy Weirs, owner/applicant, request for variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35' to 12' to expand an existing front deck at 6 Elm Street, APN 168-063-0000 in a Residential (R) zone.

**TIME:** 7:12 PM

**SEATED:** Vice Chairman Arthur Aube, Ken Braga, Mike Swanson, Mort Heidari, and Alternate Rodger Hosig

Tammy Weirs and Bob Brennan of 6 Elm Street were present to represent the application.

Mr. Brennan said the house was purchased in September of last year and the front stairs are in bad shape, steep, and need to be replaced for safety reasons. They are looking to replace the existing front deck and stairs and would like to extend the deck 10' x 19' around the side of the dwelling. Mr. Brennan also explained they will be lowering the existing deck while fixing the stairs.

Commissioner Hosig asked if the proposed deck expansion would be within the side yard setback. Mr. Colonese stated that according to the plan, the porch would not be encroaching within side yard setback. Mr. Colonese noted there was a variance granted in August of 2015 for a second floor addition to the dwelling.

No one from the public spoke in regards to this application.

**MOVED (SWANSON), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201905.**

**MOVED (SWANSON), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V201905** – Tammy Weirs, owner/applicant, request for variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35' to 12' to expand an existing front deck at 6 Elm Street, APN 168-063-0000 in a Residential (R) zone.

**HARDSHIP: Existing non-conforming single family home.**

4. V201904 – Frederick J. Buckley, owner/ Paw Safe Animal Rescue, Inc., applicant, request for variance of the Ellington Zoning Regulations Section 3.1-Permitted Uses: to expand the use of the commercial kennel allowing an existing shed and canopy to be used as commercial kennel space and permitting a 250SF addition to the existing commercial kennel building for animal isolation and office space at 110 Sandy Beach Road, APN 151-017-0000 in a Rural Agricultural Residential (RAR) zone.

**TIME:** 7:19 PM

**SEATED:** Vice Chairman Arthur Aube, Ken Braga, Mike Swanson, Mort Heidari, and Alternate Ron Stomberg

Scott Mangold and Diane Mangold, 119 Webster Road, Union, CT were present to represent the application.

Mr. Mangold stated that Diane Mangold is affiliated with Paw Safe Animal Rescue. He explained the history of the property, noting in July of 1970 the Zoning Board of Appeals granted a variance for a commercial dog kennel at the property in a residential zone. He stated they would like to use the property for an animal shelter to rescue dogs and have applied to the State Department of Agriculture for a license. There are currently 20 kennel spaces within the existing building that were approved in 1970. In addition, during the early 1990's, a shed was converted to 8 kennel spaces for overflow for the commercial kennel and personal use. The rescue organization would like use both buildings for the commercial kenneling of dogs, but modify the spaces to keep a total of 20 kennels between the buildings. Mr. Mangold explained they would like to add a 6'x15' overhang porch between the two structures to provide some shelter from the inclement weather. They are also looking to add a 250 square foot addition with a porch to the front of the building to expand the office area and add space for isolation of a possible sick dog as may be required by the Department of Agriculture when a new set of requirements are introduced.

Commissioner Swanson asked if they were planning on boarding any dogs. Mr. Mangold stated not at this time, but possibly in the future. Mrs. Mangold stated commercial kennels are governed by the State and the kennel license requirements need to be met in order to operate the rescue.

Commissioner Stomberg said the commercial kennel establishment has been there for as long as he can remember and feels the property has enough buffer between the properties so that the dogs would not be a nuisance. He noted that Ellington has a new dog nuisance ordinance. Mr. Colonese stated the Board of Selectmen recently approved the dog nuisance ordinance in conformance with the State Statues.

Commissioner Swanson asked what the hardship is for the application. Mr. Mangold explained that the July 1970 Zoning Board of Appeals meeting minutes stated the property was given a use variance for a commercial dog kennel. The 1970 ZBA meeting minutes and the building plans in the variance file show a 20 kennel building with office and utility space. In the early 1990s a building permit was issued for a storage shed located next to the commercial kennel building. Although there isn't any evidence of permit approval for converting the shed to the existing 8 kennel spaces, it has been used as such for almost thirty years. They plan to continue to use the two buildings for 20 kennel spaces after renovations which is in line with July 1970 variance approval. Mr. Mangold also described the structural improvements which need to be made to bring the buildings and kennel spaces up to code.

Commissioner Aube asked for an explanation of the difference between an animal shelter and a rescue. Mrs. Mangold stated a shelter is an actual structure while a rescue is basically a network of foster homes.

Bartlomiej Kolodziejczak, 168 Park Avenue, Bloomfield, CT stated he has a rescue dog and feels the dog rescue organization is very important to the community.

**MOVED (AUBE), SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201904.**

**MOVED (SWANSON), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V201904** – Frederick J. Buckley, owner/ Paw Safe Animal Rescue, Inc., applicant, request for variance of the Ellington Zoning Regulations Section 3.1-Permitted Uses: to expand the use of the commercial kennel allowing an existing shed and canopy to be used as commercial kennel space and permitting a 250SF addition to the existing commercial kennel building for

animal isolation and office space at 110 Sandy Beach Road, APN 151-017-0000 in a Rural Agricultural Residential (RAR) zone.

**HARDSHIP: Use Variance granted to allow commercial kennel on property in 1970. Renovations necessary to bring buildings up to code and for safety purposes.**

**IV. ADMINISTRATIVE BUSINESS:**

1. Approval of the November 5, 2018 and April 1, 2019 Regular Meeting Minutes.

**MOVED (SWANSON) SECONDED (AUBE) AND PASSED TO APPROVE THE NOVEMBER 5, 2018 MEETING MINUTES AS WRITTEN.**

**MOVED (SWANSON) SECONDED (AUBE) AND PASSED TO APPROVE THE APRIL 1, 2019 MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion: **None**

**V. ADJOURNMENT**

**MOVED (SWANSON), SECONDED (HOSIG) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 7:40 PM.**

Respectfully submitted,

Barbra Galovich, CZET  
Recording Secretary