

MANSFIELD ZONING BOARD OF APPEALS – REGULAR MEETING  
MINUTES  
JUNE 11, 2008

Chairman Pellegrine called the meeting to order at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building.

Present: Members – Fraenkel, Katz, Pellegrine, Singer-Bansal, Wright

Alternate – Accorsi, Clauson, Gotch

**ROSS LJ&G PROPERTIES LLC (CONTINUANCE) – 7:00 PM**

Singer-Bansal recused herself due to her absence at the start of the hearing.

An opinion was received from town attorney, Attorney Dennis O'Brien, and was reviewed by ZBA members and the applicant prior to the meeting. Copies were made available to the public.

Pellegrine spoke to the zoning enforcement officer in Chaplin, who was not there when the Ross action took place. The reasons for their approval were vague but he said a “town line is not a property line, it’s a tax jurisdiction and a town line can be a property line if it is in fact a property line but it does not have to be a property line”.

In March of 2006, Attorney Schrager contacted Jana Butts, the then Zoning Agent/Planner for Chaplin and told her that this piece of land constituted a non-conforming lot. The engineers depicted on the subdivision map for Mansfield the location of a house in this Chaplin triangle that was within all setbacks, with the only problem being insufficient size and frontage. Atty. Schrager received a letter from Ms. Butts saying that this was a valid, non-conforming lot and that they would issue a zoning permit. The applicant then decided that it would be a better plan to move the house further back. When they discussed this with Chaplin ZBA, they were informed by them that the town line did not constitute a property line, which is contrary to the position given to

them by Mansfield's town planner, Gregory Padick. Atty. Schrager said that he has no doubt that a house can be built in Chaplin on this very small lot and that the septic, well, and driveway can be put on a lot that is not an approved building lot and could be put on the Mansfield side of the lot with proper permits.

Pellegrine noted that the letter states that a dwelling would be permitted "upon the proper approval of a Zoning Permit" and that he may run into problems trying to obtain that.

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Accorsi questioned the request of neighbor, Mr. Tom Smith, for deed restrictions to create a natural buffer with existing trees. Atty. Schrager responded that the applicant is willing to place restrictions on the lot so that the house could not be placed near the neighboring lots but he is not willing to keep a natural buffer because he didn't feel it was necessary, plus it would be an issue addressed by Planning & Zoning.

Pellegrine noted a reference in Mr. Lennon's letter to covenants and restrictions placed on the property by the developer, referring to all the Aurora Subdivision lots, placed on Mansfield property only.

Fraenkel asked how this lot was originally created and was told that part of it was split off of lot #2 and was approved by Planning & Zoning in 2006. At that time, the town line changed. Fraenkel asked the applicant to restate his hardship. Atty. Schrager said that their hardship is that there is not enough land in the town of Mansfield and the uniqueness of the situation is that there is adjoining land in Chaplin, owned by the same person.

Atty. Schrager said that they were advised by Mansfield's zoning officer to request a variance. They never requested a zoning permit, therefore they were never denied.

Mr. Robert Lennon, 20 Jackson Lane, spoke to Mr. Demian Sorrentino, Chaplin's current zoning agent, and received a letter stating his opinion of the situation. This letter was submitted to the board. Mr. Lennon pointed out that the applicant accepted the decision of Mansfield's

Planning & Zoning in 2006 and agreed at that time that this would not create a building lot or portion thereof.

Pellegrine noted concerns that because a variance was already granted by Chaplin, if Mansfield also grants a variance, that it could be interpreted as approval for 2 separate lots.

Atty. Schrager stated that the parcel, including property from the two towns, has enough frontage and lot area. Pellegrine responded that the call is for the Mansfield property only.

### **BUSINESS MEETING**

Wright made a motion to approve the application of Ross LJ&G Properties, LLC, South Bedlam Rd (west side), for a Variance of Art VIII, Sec A, Schedule of Dimensional Requirements, to construct a single-family house on a lot having 110.57' less than the required frontage and 11,130 sq ft less than required lot area, as shown on submitted plan.

Gotch acted as voting member of the Zoning Board of Appeals for this hearing.

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Opposed: Fraenkel, Gotch, Pellegrine, Wright

Katz abstained from voting.

Reasons for denial:

- Hardship appears to be economic
- ZBA members have no right to determine boundary lines
- Applicant should have gone to Planning & Zoning first
- Configuration for approval was created by applicant
- Hardship was self-created

### **APPROVAL OF MINUTES FROM MAY 14, 2008**

Wright moved, seconded by Katz to approve the minutes of May 14, 2008 as presented.

All in favor.

**ADJOURNMENT**

Meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Julie Wright  
Secretary