

MINUTES OF THE CHESHIRE ZONING BOARD OF APPEALS, MEETING HELD ON WEDNESDAY, DECEMBER 9, 2015 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Ken Wilson, Chairman; Marion Nero, Secretary; Breina Schain, Agnes White

Absent: John Pepper

Alternates: Gerald Devine and Jackie Cianci; absent - Robert Formica

Staff: David Kehoss, Zoning Enforcement Officer

I. CALL TO ORDER.

Chairman Wilson called the meeting to order at 7:35 p.m. and read the fire safety announcement for the record.

Ms. Cianci was the alternate Board member for the meeting.

II. ROLL CALL

The clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES - August 3, 2015

MOTION by Ms. Cianci; seconded by Ms. Nero.

MOVED to accept the minutes of August 3, 2015 subject to corrections, additions, deletions.

VOTE The motion passed 4-0-1; Ms. Schain abstained.

VI. ELECTION OF OFFICERS

Chairman

MOTION by Ms. Nero; seconded by Ms. Schain.

MOVED that Ken Wilson be elected Chairman of the Zoning Board of Appeals.

Nominations were called three times; there were no other nominations.
Nominations were closed.

VOTE The motion to elect Ken Wilson as Chairman of the Zoning Board Of Appeals was unanimously approved by those present.

Secretary

MOTION by Mr. Wilson; seconded by Ms. White.

MOVED that Marion Nero be elected Secretary of the Zoning Board of Appeals.

Nominations were called three times; there were no other nominations. Nominations were closed.

VOTE The motion to elect Marion Nero as Secretary of the Zoning Board Of Appeals was unanimously approved by those present.

VII. APPROVAL OF 2016 MEETING DATES

MOTION by Ms. Nero; seconded by Ms. White.

MOVED that the Zoning Board of Appeals approve the following meeting dates for calendar year 2016 meetings to be held on the first Monday of each month at 7:30 p.m. in Council Chambers:

January 4, February 1, March 7, April 4, May 2, June 8 (Wednesday), July 6 (Wednesday), August 1, September 7 (Wednesday), October 5 (Wednesday), November 7, December 5, and January 4, 2017 (Wednesday).

VOTE The motion passed unanimously by those present.

VIII. PUBLIC HEARING

Chairman Wilson explained the procedures for a public hearing before the ZBA, and the definition of "hardship" for a legal variance approval by the Board.

Secretary Nero read the call of public hearing.

The application of Anthony Arisco, Jr. ET AL, c/o David V. Carson, OCC Group Inc, 2091 Highland Avenue, Cheshire CT 06410 requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 4 foot side line variance of the required 30 foot side line setback in an I-1 zone, the resulting side line setback requested is **26 feet**, and Section 30, Schedule A, 25.h requesting a 3 foot variance of the required 250 foot minimum lot width and a 34,500 s.f. variance of the required 100,000 s.f. minimum lot area for a veterinary facility for the proposed taking by the State of Connecticut for the Farmington Heritage Trail Extension, property located at 490 Cornwall Avenue, Cheshire CT 06410, as generally shown on Assessor's Map No.

undesirable for the Trail user to walk or bicycle through this environment. It was decided to utilize the rail corridor for the maximum length reasonable; then when in the industrial area, into the wooded property owned by Anthony Arisco, cutting back onto Dalton Enterprises, paralleling the canal to West Main Street. This is the section of the design being discussed for the variance. The railroad purchased by Dalton left no property for the Trail to go, and with all the rights-of-way required for the Trail through this section has to be acquired with the project by the State of Connecticut.

On the map, Mr. Bushee pointed out the Arisco building, Dalton Enterprises, and canopy buildings. He stated the DOT is present on behalf of the property owners. Mr. Bushee said the State cannot request a variance, but supports the variance requests. He also stated the property owners did not create this problem, but the State did in trying to put in the Trail.

Mr. Carson displayed a board with the plans that were submitted with the application. The Arisco property is colored red; the lower area is the Dalton property; shaded areas are the actual taking areas by the State; and in this zone a veterinary facility requires 100,000 s.f. lot area. The taking of the property by the State will reduce the lot area and requires a 34,500 s.f. variance. The other two variances are also for the veterinary facility -- a 3 foot variance for the sliver taken reducing it to 247 foot lot width, and a 4 foot side line variance reducing the side line setback to 26 feet. The existing lots and buildings are presently conforming, and the variances are requested because of the taking by the State.

It was stated by Mr. Carson that there is nothing in the zoning regulations which addresses eminent domain taking. The only recourse for the applicant is to come before the ZBA and request variances.

Chairman Wilson cited the reason for the hardship being the taking by the State, creating a hardship situation. The hardship is not the result of actions by the applicant. In the regulations there is no clause that applies when the State takes property by eminent domain. If the Board does nothing there will be a non-conforming situation and problem in the future should the applicant sell the property.

Mr. Kehoss informed the Board that abutters received appropriate notification and there have been no responses.

The fact that this is not a self created hardship, but one created by eminent domain was reiterated by Mr. Carson. Both properties are developed; there is no existing or foreseeable impact on other properties which might generate further variances; and the properties will continue to function as they are today. The variance is a means to clarify future title of the property.

It was clarified by Mr. Kehoss that if there were a change in use of the tenants in the buildings they would have to return for approvals.

THE PUBLIC HEARING WAS CLOSED.

Secretary Nero read the call of public hearing.

The application of Dalton Enterprises, Inc. c/o David V. Carson, OCC Group Inc, 2091 Highland Avenue, Cheshire CT 06410 requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 30 foot rear line variance of the required 40 foot rear line setback in an I-1 zone, the resulting side line setback requested is **10 feet**, for the proposed taking by the State of Connecticut for the Farmington Heritage Trail Extension, property located at 490 Cornwall Avenue, Cheshire CT 06410, as generally shown on Assessor's Map No. 56, Lot No. 195, in an I-1 zone. The application is on file and available for public inspection in the Planning Department, 84 South Main street, Cheshire CT 06410

- 2. Dalton Enterprises, Inc. 15-12-02 PH 12/09/15**
131 Willow Street MAD 02/12/16
Requesting a variance of Section 32, Sch. B
40 foot rear line setback in an I-1 zone
For the proposed taking by the State of Connecticut
For the Farmington Heritage Trail Extension
The resulting side line setback requested is 10 feet.

David V. Carson, OCC Group Inc. Partner represented the applicant.
Scott Bushee P.E. State of Connecticut Dept. of Transportation was present in support of the variance request.

Mr. Carson pointed out the Dalton property on the map, colored in red; the portion of the land being taken by the State is colored green; the existing building, subject of the variance, is colored brown. With the Trail configuration and parking in the area the State is taking land within 10 feet of the rear corner of the property. The variance request is 30 feet to the rear yard setback. This is not a self-created hardship; the building will continue to function as it is now; and the Trail will have no impact on the utilization of the site or the Trail. The variance is a simple elimination of a non-conformance by requesting it at this time.

The Board was told by Mr. Kehoss that all abutters were notified; there has been no communication received on this application; there are no open zoning issues on this property; there are no existing variances which would affect this part of the property.

Chairman Wilson stated this is the State taking the land; it is cleaning up the record; the State has title; and the property will not be non-conforming.

Mr. Devine questioned the wetlands and whether this matter goes before IWW as there is a bridge going over the area.

Chairman Wilson advised this property did not include wetlands.

IWW wants a non-encroachment line to protect the wetland area. More than one-half of the lot is taken up by wetland and upland review areas. The encroachment into the side yard setback results from a mistake in staking out the foundation when the excavators dug the hole for the foundation and setting of the forms for the foundation. Because of the tightness of the area there is little area on the lot where the house could have been built. The front porch is up against the front yard setback. To give the potential homeowner some room to get around the house for mowing and getting in and out of the back yard, and go around the house, the back corner is the deck which is less than 10 feet from the non-encroachment line.

Photographs - #1 shows the house as it is built; #2 shows the relationship between the house on the right hand side (subject of the variance), distance between the house and adjacent property on the side where a variance is sought. There is about 150 feet between the two houses; #3 shows the right hand side of the house, and in the back where the non-encroachment line is with respect to all the trees, and the upland review area; #4 shows the strip of land that is left and cleared up to the non-encroachment line, and area for the homeowner to get around the house.

Because of the existence of the wetlands and upland review area there is little room for error in staking out this property, and there was creation of a limited building area.

The hardship was cited by Mr. Fazzone, stating it arises from the extent of the wetlands and non-encroachment area, and it makes the error in the stake out more understandable. Mr. Fazzone said the variance request is minimal.

Chairman Wilson commented on the state out area which should have been 30 feet; the drawings state 30.7 feet; the building exists and the variance is requested so there is not a future non-conformance to the property owner.

On the map, Attorney Fazzone pointed out the distance between the two houses; this is where he scaled off the entire 150 feet; the entire subdivision is 3 lots and each of the other properties on the remaining parcels was wetlands, the entire upper area. With 18 acres of land only 4.7 acres was usable. The map shows the continuance of the wetlands line and 50 foot setback area.

Mr. Devine stated that, initially, this property had one house until 2 years ago, and the house was built on the vacant land. The 2nd house was sold after a year and a half on the market because of the wetland setup.

Stating he was unsure of the relationship in selling the house, Mr. Fazzone said the other house was under contract for some time.

According to Mr. Devine the hardship was caused by the builders, not by the Town of Cheshire or the wetlands which are there for a long time. He cannot believe the developer built a third house there.

The Board was told by Chairman Wilson that PZC and IWW approved the subdivision and all necessary paperwork was done. The error was in staking out the foundation.

Attorney Fazzone said the mistake was done by Milone and MacBroom.

Mr. Devine said they should be the ones who take the house down and do it the right way.

In response Mr. Fazzone said that would be very wasteful, and the error evolves from the amount of wetlands and upland review area.

It was stated by Mr. Devine that Mother Nature did not cause the hardship, and the mistake is based upon the builders and Milone and MacBroom. He also said greed could be the main issue for how or why the mistake was made. The house will be out of conformity; the mistake is a result of how stakes were placed in the ground; and they should be the responsible party and deal with the financial issue.

Chairman Wilson said the applicant acknowledges the building error and is requesting a variance. The Board is doing an after the fact variance so there are no future zoning problems, and will discuss and vote on the variance. If not approved the applicant has another legal remedy available to them.

Ms. Schain asked how the non-conformance was found out.

To get a building permit, Mr. Fazzone explained there must be an as-built survey submitted. When submitted to the Planning Department, the ZEO signs off before a certificate of occupancy (c/o) can be granted, and the error was discovered and the variance is required.

Ms. Schain asked if the building can be sold, at this time, with this encumbrance.

The issue must be addressed before the c/o can be issued and Mr. Fazzone said the people can then move into the house.

Mr. Kehoss explained the Town does not see the as-built until the house is 100% completed.

This house is sold and Mr. Fazzone said the people cannot move in because of the issue with the c/o. He further stated that the presence of the wetlands and upland review area and non-encroachment line presented and required by IWW gives rise to the hardship in that the error was understandable with the tight quarters within which to work to locate the house. This is a 2,300 s.f. house; it is not large for the area; and it is not unique to the area in its size.

THE PUBLIC HEARING WAS CLOSED.

Secretary Nero read the call of public hearing.

The application of Mahabub A. Rajan, 539 West Main Street, Cheshire CT 06410, requesting a variance of Section 34.9A to allow a 2nd freestanding sign, 32 square feet on this commercial lot, property located at 539 West Main Street, Cheshire CT 06410, as generally shown on Assessor's Map No. 49, Lot No. 8 in a C-3 zone. The application is on file and available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410.

4.	Mahabub A. Rajan	15-12-04	PH 12/09/15
	<u>539 West Main Street</u>		MAD 02/12/16
	Requesting a variance of Section 34.9A to		
	Allow a 2nd freestanding sign, 32 square		
	Feet on commercial lot.		

Mahabub Rajan and S. Woody Dawson were present for the application.

Mr. Kehoss advised that abutters were notified and no written communication has been received on the application.

Following a brief discussion on the drawings submitted which have technical information (from 1974) the Board decided an A-2 Survey was not required.

MOTION by Ms. Nero; seconded by Ms. Schain.

MOVED that the Zoning Board of Appeals waives the requirement for an A-2 Survey for the 539 West Main Street application.

S. Woody Dawson, 500 South Main Street, Apt. A, assisted the applicant, Mr. Rajan with his presentation on the variance request.

Mr. Dawson stated that Mr. Rajan owns the piece of property for his business operation, and had the intention to put a sign on the same site as the other business, Furniture Barn. He also thought he could have the bottom half of the Furniture Barn sign but the store denied him. In looking over the property and the map it shows another sign was there from the former gas station, with a slab, pole and mechanicals removed last year by the applicant. He then landscaped this area.

According to Mr. Dawson, the property owner, Mr. Rajan, has tried to work things out with his neighbor, does not want a lengthy legal process, and went to the Town Planner about his sign. He has 100 feet of frontage and right-of-way into the Furniture Barn, whose sign is on the applicant's property. There are no sight line issues for a sign; the property is far enough away from the sidewalk; and a sign will not block the sight lines.

Chairman Wilson commented on the stringent sign regulations in Cheshire, with one sign permitted per property. He noted the Furniture Barn sign is clearly on the applicant's property, and has been there for decades, and it is unknown if this was due to an agreement with a prior owner of 539 West Main Street (The Grog Shop). He said the applicant wants the opportunity for a sign for his business on the street.

Mr. Kehoss, ZEO Officer, reported the zoning regulations permit one free standing sign per lot. The Furniture Barn sign was installed prior to the sign regulations. Now, the property owner wants his own sign, but regulations only permit one sign on his property. The owner is before the ZBA for a variance of the sign regulation, and if granted, he could have a second sign on his property.

The Board was told by Mr. Dawson that the proposed sign would be 32 sq. ft. in size and will be installed on the west side of the owner's property.

The regulations permit a 32 sq. ft. sign, and Mr. Kehoss explained the applicant can apply for a sign permit, which Mr. Kehoss reviews before the sign is officially approved.

PUBLIC COMMENTS

David Carson, OCC Group, looked at the map of the subject property, and stated that with the original site plan approval it shows a sign in 1974. Therefore, it would be appropriate for the Board to grant approval of the requested sign. The other sign on the property is non-conforming.

Mr. Dawson cited the hardship for the variance request, stating it comes from the testimony and explanation about the property and existing sign. To save a lawsuit and hardship with the other business, it is better to ask for a variance. There was a sign on the subject property, and the applicant is requesting what he deserves, keep his business open, and he needs a sign.

If the sign variance is granted, Mr. Kehoss stated that there would be two signs, and the variance runs with the land unless there is a restriction on the approval.

THE PUBLIC HEARING WAS CLOSED.

IX. DECISION MAKING SESSION

Application #1 - Secretary Nero read the call of public hearing.

The application of Anthony Arisco, Jr. ET AL, c/o David V. Carson, OCC Group Inc, 2091 Highland Avenue, Cheshire CT 06410 requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 4 foot side line variance of the required 30 foot side line setback in an I-1 zone, the resulting side line setback requested is **26 feet**, and Section 30, Schedule A, 25.h requesting a 3 foot variance of the required 250 foot minimum lot width and a 34,500 s.f. variance of the required

and Section 30, Schedule A, 25.h requesting a 3 foot variance of the required 250 foot minimum lot width and a 34,500 s.f. variance of the required 100,000 s.f. minimum lot area for a veterinary facility for the proposed taking by the State of Connecticut for the Farmington Heritage Trail Extension, property located at 490 Cornwall Avenue, Cheshire CT 06410. Based upon the evidence presented at the public hearing and the general knowledge of the members of the Board it is hereby found that a hardship exists to the property which is not the result of actions of the applicant, and which is not applicable to other properties in the district; and that to strictly apply the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Regulations. Granting the variance will not confer upon the applicant any special privilege; that the variance is the minimum variance that will make possible the reasonable use of the land; that granting of the variance will be in harmony with the general intent and purpose of the regulations.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this public hearing dated December 9, 2015.

VOTE The motion passed unanimously by those present.

The variance request is not official until recorded on the land records of the Town of Cheshire in the Town Clerk's office, and this is the responsibility of the applicant.

Application #2 - Secretary Nero read the call of public hearing.

The application of Dalton Enterprises, Inc. c/o David V. Carson, OCC Group Inc, 2091 Highland Avenue, Cheshire CT 06410 requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 30 foot rear line variance of the required 40 foot rear line setback in an I-1 zone, the resulting side line setback requested is **10 feet**, for the proposed taking by the State of Connecticut for the Farmington Heritage Trail Extension, property located at 490 Cornwall Avenue, Cheshire CT 06410, as generally shown on Assessor's Map No. 56, Lot No. 195, in an I-1 zone. The application is on file and available for public inspection in the Planning Department, 84 South Main street, Cheshire CT 06410

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|-----------|--|-----------------|---------------------|
| 2. | Dalton Enterprises, Inc. | 15-12-02 | PH 12/09/15 |
| | <u>131 Willow Street</u> | | MAD 02/12/16 |
| | Requesting a variance of Section 32, Sch. B | | |
| | 40 foot rear line setback in an I-1 zone | | |
| | For the proposed taking by the State of Connecticut | | |
| | For the Farmington Heritage Trail Extension | | |
| | The resulting side line setback requested is 10 feet. | | |

Discussion

Chairman Wilson stated that applications 1 and 2 must be handled, hand in hand, as they are the same type of applications. An approval would clean up the activity on the land records to avoid future problems. He is in favor of granting the variance request.

Ms. Nero, Ms. White, Ms. Schain and Ms. Cianci concurred with the Chairman's statement, and cited their support of the variance approval.

MOTION by Mr. Wilson; seconded by Ms. Nero.

MOVED that the Zoning Board of Appeals approves the variance requests of Dalton Enterprises, Inc. for a variance of Section 32, Schedule B, Dimensional Requirements, requesting a 30 foot rear line variance of the required 40 foot rear line setback, in an I-1 Zone; the resulting rear line setback would be 10 feet, for the proposed taking by the State of Connecticut for the Farmington Heritage Trail Extension, property located at 131 Willow Street, Cheshire CT 06410. Based upon the evidence presented at the public hearing and the general knowledge of the members of the Board it is hereby found that a hardship exists to the property which is not the result of actions of the applicant, and which is not applicable to other properties in the district; and that to strictly apply the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Regulations. Granting the variance will not confer upon the applicant any special privilege; that the variance is the minimum variance that will make possible the reasonable use of the land; that granting of the variance will be in harmony with the general intent and purpose of the regulations.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this public hearing dated December 9, 2015.

VOTE The motion passed unanimously by those present.

The variance request is not official until recorded on the land records of the Town of Cheshire in the Town Clerk's office, and this is the responsibility of the applicant.

Application #3 - Secretary Nero read the call of public hearing.

The application of Diversified Builders LLC of Cheshire, c/o Anthony J. Fazzone, Esq. Two Town Center, Cheshire CT 06410, requesting a variance of Section 32, Schedule B, Dimensional Requirements, requesting a variance of up to 1.4 feet of the required minimum 30 foot side line setback in an R-40 zone. The resulting side line setback requested is no less than 28.6 feet, for construction of a residential single-family house, property located at 505 Peck Lane (Lot 1) Cheshire CT 06410, as generally shown on Assessor's Map No. 42, Lot No.193, in an R-40 zone. The application is on file and

available for public inspection in the Planning Department, 84 South Main Street, Cheshire CT 06410.

- 3. Diversified Builders LLC of Cheshire 15-12-03 PH 12/09/15
505 Peck Lane Lot 1 MAD 02/12/16**
**Requesting a variance of Section 32, Sch. B,
Dimensional Requirements requesting a variance of
Up to 1.4 feet of the required minimum 30 foot side
Line setback in an R-40 zone.
For a single family house.
The resulting side line setback requested is no less \
Than 28.6 feet.**

Discussion

Chairman Wilson commented on the fact that the house is already built; it is in the wrong location on the lot; and the applicant is requesting a 1.4 foot variance of the required 30 foot side line setback. The error in placing the house on the lot was discovered during an as-built permit process.

Ms. Schain stated it would be a shame to take down this house for 1.4 feet of error. She visited the site; noted it is unfortunate this happened; and she would leave the situation alone and learn from the mistake. Wetlands closely surround this property, so there was room for error. Ms. Schain said the people who purchased the house should be able to enjoy the home.

It was stated by Chairman Wilson that part of the hardship is because of the wetlands, and this attributed to the error in placement of the house. It is a 1.4 foot variance request to correct a construction error; it is also 150 feet to the next house; and there have been no complaints from abutters. He believes it is best to approve the variance.

Ms. Nero supports approval of the variance request of 1.4 feet, as it will resolve the problem with the error in placement of the house.

Ms. Cianci has questions back and forth on this application. She commented on it being a horrible lot to start with; the builders made a mistake when constructing the house; and they should be fined for something since everything should be in compliance with the plans.

In that regard, Mr. Wilson said ZBA comments should be directed to the PZC and IWW which reviewed and approved the drawings.

Stating her agreement with Ms. Cianci's comments, Ms. White said this should be a one time variance approval.

Allow a 2nd freestanding sign, 32 square Feet on commercial lot.

Discussion

Chairman Wilson commented on it being unfortunate to be at this point, but the sign law has not been enforced properly for the last two decades. The sign for Furniture Barn has been on the wrong property without correction. The former owner of the subject property, The Grog Shop and the Smith Family, did not address the sign issue and had a nice relationship with the neighboring business. Mr. Wilson thinks the approval should be phrased to grant the second sign with the condition that it would be in effect with **only one sign** for the subject applicant's business. This is regardless of what happens with the Furniture Barn sign now or in the future, or if there is a future agreement between the property owners. He favors a restriction on the variance approval.

Ms. Cianci disagreed with Mr. Wilson's statement...stating that she believes the applicant purchased this property with the Furniture Barn sign already there, and on his property. The applicant should be able to put his business sign under the Furniture Barn sign, on the applicant's side of the property (to the west). Ms. Cianci disagrees with the stipulation cited by Mr. Wilson, and the applicant should have a sign on his property advertising his business.

Mr. Wilson agrees the applicant should have a sign on the west side of his property. If Furniture Barn goes out of business, takes down their sign, the applicant does not get a second sign on his property.

Ms. White expressed agreement that the applicant should have a sign on his side of the property, and as a business he is entitled to one sign.

Ms. Schain thinks there are too many signs on RT 70, multiple driveways, and the applicant's building is close to the street, is a multi-colored business building, and stands out individually. As a regular customer of Mr. Rajan's business, she does not feel a sign is needed. It takes away from the community to have one sign after another. There could be a compromise looked at with Furniture Barn. She also sees the applicant's side with a request for having something he is entitled to...a business sign. Ms. Schain would err on the side of equality.

Ms. Nero favors granting the applicant a sign on his side of the property, as there was a sign there originally. Therefore, the applicant is entitled to a sign.

MOTION by Ms. Cianci; seconded by Ms. Nero.

MOVED that the Zoning Board of Appeals approves the variance request of Mahabub A. Rajan, 539 West Main Street, Cheshire CT 06410, for a variance of Section 34.9A to allow a 2nd free standing sign, 32 square feet on a commercial lot. Based upon the evidence presented at the public hearing and the general

knowledge of the members of the Board it is hereby found that a hardship exists to the property which is not the result of actions of the applicant, and which is not applicable to other properties in the district; and that to strictly apply the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Regulations. Granting the variance will not confer upon the applicant any special privilege; that the variance is the minimum variance that will make possible the reasonable use of the land; that granting of the variance will be in harmony with the general intent and purpose of the regulations.

If the existing Furniture Barn sign is removed for any reason, the applicant can still have only one sign for the subject business.

The scope of this variance is limited to that which is indicated in the plans and documents presented at this public hearing dated December 9, 2015.

VOTE The motion passed unanimously by those present.

The variance request is not official until recorded on the land records of the Town of Cheshire in the Town Clerk's office, and this is the responsibility of the applicant.

Mr. Kehoss informed all the applicants that the Planning Department would assist them with the forms and recording on the land records.

X. OTHER ZONING BOARD OF APPEALS BUSINESS

XI. CHAIRMAN'S REPORT

XII. ADJOURNMENT

MOTION by Ms. Nero; seconded by Ms. White

MOVED to adjourn the meeting at 9:38 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

