

CITY OF TORRINGTON



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To: Torrington Zoning Board of Appeals  
From: Nate Nardi-Cyrus, Zoning Enforcement Officer *NNC*  
Date: December 11, 2023  
RE: ZEO Decision Appeal – 441 Oak Avenue

On 10/23/23, under my authority as the Zoning Enforcement Officer for the City of Torrington, I issued a Notice of Violation to Mr. Gary Hatstat, owner of 441 Oak Avenue in Torrington, CT, with a determination that his residence within a legal pre-existing, non-conforming commercial garage was grounds for extinguishment of the “grandfathered” commercial garage use in favor of the conforming residential use. This notice requires him to obtain the necessary permits to legally convert the building into a residence and discontinue his current commercial use of the property. This includes the removal of inoperable and unregistered vehicles and associated materials classified as “junk” being stored outside of an enclosed structure.

In land use law, property uses that existed prior to the enactment of zoning regulations (effective date in Torrington 12/24/57), or specific sections of those regulations that have since been amended, are allowed as legal pre-existing non-conforming uses. In lay terms, this is often called “grandfathering.” However, if a use is abandoned, the property loses that status and must conform to the current zoning code. There is an abundance of case law which clarifies what constitutes an abandonment. Kement Family Ltd. P’ship v. E. Windsor Zoning Board of Appeals, CV-05-4001820-S, 2007 Conn. Super. LEXIS 88 (January 10, 2007) established that a use abandonment does not have to be “voluntary,” but can be determined based on the property owners use of the site. Because the garage is not divided into multiple units, two uses cannot exist simultaneously and therefore the non-conforming commercial garage use must be extinguished in favor of the permitted residential use of the property due to the demonstrated residential use of the property.

On 11/17/23, Mr. Hatstat filed an appeal of this decision with our office, on the grounds that he does not reside at that address and therefore has not abandoned the commercial garage use (established in 1950 according to assessor records) of the property.

The following is a timeline of Land Use Department enforcement actions, with evidence used to support the determination that Mr. Hatstat has resided at 441 Oak Ave on multiple occasions over the years. Bold sections indicate formal notices sent to Mr. Hatstat from our department. Note that only one instance of Mr. Hatstat residing at 441 Oak Ave is necessary to consider the pre-existing non-conforming use abandoned:

- 10/20/20 – Original complaint re: illegal use of commercial garage as residence
- 11/2/20 – Deputy fire marshal inspection record... “Gary did say the building department was here and I told him he needs to go to zoning to change the occupancy because he stays here. He did say that may happen in the near future.”
- **11/2/20 – Notice of possible blight violation – sent to 32 Overlook Court**
- **11/25/20 – Notice of possible blight violation – sent to 441 Oak Ave, where formally received.**
- **12/28/20 –1<sup>st</sup> Zoning Notice of Violation re: illegal use of commercial garage as residence**
- **2/4/21 – Zoning Notice of Violation follow-up.** “If our office determines at any point in the future that you are continuing to use this building as a residence, you will immediately lose your grandfathered zoning use as a commercial garage and will be required to obtain all permits to bring the building up to residential standards.”
- 3/21 – **\*\*Police Report\*\*** Landlord at 32 Overlook Court, Mr. Hatstat’s claimed residence, indicated Mr. Hatstat received mail but did not live there.
- 3/21 - **\*\* Police Report\*\*** police observed futon, woodstove, and space heater at 441 Oak Ave
- 4/11/21 - **\*\*Judicial record\*\*** Arrested for failure to register on sex offender registry. Court case is still pending.
- 11/2021 **\*\* Police Report\*\*** Officer observed driver’s license lists 441 Oak Ave as residence
- 4/11/2023 - **\*\*Superior court decision\*\*** – Mr. Hatstat must vacate his abode at 127 Mundry Road by 4/25/23.
- 5/5/23 – New complaint about illegal use of commercial garage as residence from same complainant in 2020.
- **10/23/23 – Second Zoning Notice of Violation re: abandonment of preexisting non-conforming use in a residential zone**
- 11/17/23 – Appeal from decision of an official from Gary

Conclusion:

Based on the above explanation of legal pre-existing non-conformities, and their abandonment, I consider Mr. Hatstat’s residence at 441 Oak Avenue as a formal abandonment of his legal pre-

existing non-conforming commercial repair use of the property. The most significant evidence demonstrating Mr. Hatstat's residence of the property, after being warned by former ZEO Jeremy Leifert's 2/4/2021 letter, includes:

- A March 2021 police report where the landlord at 32 Overlook Court asserted Mr. Hatstat did not live at him claimed address
- An April 2021 arrest of Mr. Hatstat for violation of his sex offender registry reporting requirement
- A November 2021 police report claiming Mr. Hatstat's valid drivers license showed 441 Oak Avenue as his address
- An April 2023 court order requiring Mr. Hatstat vacate a legal residence at 127 Mundry Road and subsequent May 2023 complaint claiming he was again occupying 441 Oak Ave.
- Multiple consecutive video recordings from June and July 2023 showing Mr. Hatstat staying overnight at his garage and leaving the following morning.
- Mr. Hatstat's Sex Offender Registry (accessed 12/2023) listing his address as homeless in Woodbury, with a secondary address of 441 Oak Avenue.
- The submitted Zoning Decision Appeal Application, only listing 441 Oak Ave as his mailing address with no other addresses listed.
- Neighbor complaints attesting to Mr. Hatstat's residence at 441 Oak Ave
- Mailing address on file from Torrington Tax Collector and Assessor is 441 Oak Ave.
- Police report showing, over the past 2 years, Mr. Hatstat has been observed at 441 Oak Ave at all hours of the day, not just during the night as claimed.
- Police dash cam records showing Mr. Hatstat's vehicles only parked at 441 Oak Ave when not driving.

Cc: Gary Hatstat, Property Owner  
Jeremy Leifert, City Planner

**Kement Family, LP v. East Windsor**

2007 Ct. Sup. 726 (Conn. Super. Ct. 2007)  
Decided Jan 10, 2007

No. CV 05 4001820 S

January 10, 2007

*MEMORANDUM OF DECISION*

LAWRENCE C. KLACZAK, J.T.R.

*I STATEMENT OF APPEAL*

The plaintiffs, the Kement Family Limited Partnership and Isabella Kement, appeal from the decision of the defendant, the East Windsor zoning board of appeals (ZBA), upholding a denial of a certificate of zoning compliance by the East Windsor zoning enforcement officer. The zoning enforcement officer (ZEO) had denied the plaintiffs' request, finding that the plaintiffs had abandoned their preexisting nonconforming use of the landfill site located along North Road in East Windsor on an area of land zoned A-1 agricultural.<sup>1</sup>

<sup>1</sup> The plaintiffs' "[l]and [f]ill [a]rea" "on the northerly side of North Road, Broad Brook, Connecticut" was recognized as a nonconforming use by the East Windsor ZBA in 1976. (Return of Record [ROR] Exhibit 11, Item R-8; Item R-9.)

*II FACTUAL BACKGROUND*

On August 4, 2004, the plaintiffs applied for a certificate of zoning compliance from the ZEO, claiming that the entire North Road parcel had retained its status as a nonconforming solid waste disposal site.<sup>2</sup> (Return of Record [ROR] Exhibit 11, Item R-1.) On October 7, 2004, the ZEO

issued a written response denying the plaintiffs' request, finding that the plaintiffs' voluntary cooperation with the department of environmental protection had resulted in an abandonment of the property's status as a prior nonconforming use upon closure of the landfill in 1983. (ROR, Exhibit 11, Item R-21.) On October 19, 2004, the plaintiffs filed an appeal with the ZBA challenging the validity of the ZEO's decision. (ROR, Exhibit 11, Item R-23.) Thereafter, on January 3, 2005, the ZBA, after providing the required notice, conducted a public hearing on the plaintiffs' application; (ROR, Exhibit 1, p. 1; Exhibit 5); which was continued to February 7, 2005. (ROR, Exhibit 2, p. 1; Exhibit 6.) At these hearings, various individuals testified concerning <sup>727</sup> \*727 their positions on the application. At the conclusion of the February 7 hearing, the ZBA upheld the ZEO's decision, unanimously voting to deny the plaintiffs' appeal (ROR, Exhibit 2, p. 13; Exhibit 7.) Subsequently, the plaintiffs appealed from the ZBA's decision to the Superior Court. On October 25, 2006, this court conducted the trial in this matter.

<sup>2</sup> The plaintiffs' purpose for seeking the certificate of zoning compliance was to obtain evidence of local zoning compliance to satisfy General Statutes § 22a-208b, which requires an applicant seeking a permit from the department of environmental protection for the construction of a solid waste disposal facility to provide evidence of local zoning compliance. (ROR, Exhibit 11, Item R-1.)

*III JURISDICTION*

General Statutes § 8-8 governs an appeal from a zoning board of appeals to the Superior Court. "A statutory right to appeal may be taken advantage of only by strict compliance with the statutory provisions by which it is created." (Internal quotation marks omitted.) *Cardoza v. Zoning Commission*, 211 Conn. 78, 82, 557 A.2d 545 (1989).

### *A Aggrievement*

"[P]leading and proof of aggrievement are prerequisites to a trial court's jurisdiction over the subject matter of an administrative appeal . . . It is [therefore] fundamental that in order to have standing to bring an administrative appeal, a person must be aggrieved." (Citation omitted; internal quotation marks omitted.) *Bongiorno Supermarket, Inc. v. Zoning Board of Appeals*, 266 Conn. 531, 537-38, 833 A.2d 883 (2003). "Aggrievement presents a question of fact for the trial court and the party alleging aggrievement bears the burden of proving it." *Id.*, 538-39. An owner of property that is the subject of an application is aggrieved for the purpose of bringing an appeal, and a plaintiff may prove aggrievement by testimony at the time of trial; *Winchester Woods Associates v. Planning Zoning Commission*, 219 Conn. 303, 308, 592 A.2d 953 (1991); or "by the production of the original documents or certified copies from the record." (Internal quotation marks omitted.) *Quarry Knoll II Corp. v. Planning Zoning Commission*, 256 Conn. 674, 703, 780 A.2d 1 (2001).

The plaintiffs allege that they are both statutorily and classically aggrieved in the complaint.<sup>3</sup> At trial, the attorney for the plaintiffs submitted into evidence a quitclaim deed evidencing the Kement Family Limited Partnership's ownership interest in four parcels of land on North Road, Village of Broad Brook, East Windsor, Connecticut consisting of "[f]irst [p]iece," a twenty-five-acre parcel, "[s]econd [p]iece," a four-acre parcel, "[t]hird [p]iece," a forty-three-acre parcel and "[f]ourth [p]iece," a ten-acre parcel. (Plaintiff's

728 Exhibit \*728 1.) During the trial on October 25, 2006 the parties also stipulated that the plaintiffs at all relevant times were and are the owners of the property that is the subject of this appeal. Therefore, the court finds that the plaintiffs are aggrieved and are entitled to bring this appeal.

<sup>3</sup> In the complaint, the plaintiffs allege that they "are statutorily aggrieved by the decision of the [ZBA] in that they are the owners of the premises which is the subject of this matter and were the applicants before the board"; (Appeal, ¶ 28); and that they "are classically aggrieved in that they have a specific legal interest in the subject matter of the decision of the [ZBA] which interest has been specially and injuriously affected. The interest of the Plaintiffs arises out of their ownership of the premises. The decision of the [ZBA] has specially and injuriously affected them in that, under the existing zoning regulations, solid waste facilities are not permitted in the zone in which the premises lies. Accordingly, unless the premises retains its status as a non-conforming solid waste use, the plaintiffs will be unable to put the premises to their intended use thereby causing great financial harm to them and adversely affecting the value of their property." (Appeal, ¶ 29.)

### *B Timeliness and Service of Process*

Pursuant to General Statutes § 8-8(b), an "appeal shall be commenced by service of process in accordance with subsections (f) and (g) of this section within fifteen days from the date that notice of the decision was published as required by the general statutes." General Statutes § 8-8(f) (2) further provides that "[for any appeal taken on or after October 1, 2004, process shall be served in accordance with subdivision (5) of subsection (b) of section 52-57 . . ." General Statutes § 52-57(b) provides that "[p]rocess in civil actions against the following-described classes of defendants shall be served as follows . . . (5) against a board, commission, department or agency of a town, city

or borough, notwithstanding any provision of law, upon the clerk of the town, city or borough, provided two copies of such process shall be served upon the clerk and the clerk shall retain one copy and forward the second copy to the board, commission, department or agency . . ."

The ZBA's decision was published in the *Journal Inquirer* on February 10, 2005. (Appeal, ¶ 27; Answer, ¶ 1.) The plaintiffs commenced their appeal on February 22, 2005 by service of process upon the East Windsor town clerk by serving the original writ, summons and summons and appeal. (Marshal's Return.) As this appeal was commenced by service of process within fifteen days from the date of publication, the court finds that it is timely and that service was proper.

#### IV SCOPE OF REVIEW

"In reviewing a decision of a zoning board, a reviewing court is bound by the substantial evidence rule, according to which, [c]onclusions reached by . . . [a zoning board of appeals] must be upheld by the trial court if they are reasonably supported by the record . . . The question is not whether the trial court would have reached the same conclusion, but whether the record before the [board] supports the decision reached." (Internal quotation marks omitted.) *Municipal Funding, LLC v. Zoning Board of Appeals*, 270 Conn. 447, 453, 853 A.2d 511 (2004). "The Superior Court's scope of review is limited to determining only whether \*729 the board's actions were unreasonable, arbitrary or illegal." *RR Pool Patio, Inc. v. Zoning Board of Appeals*, 257 Conn. 456, 470, 778 A.2d 61. "It is well settled that a court, in reviewing the actions of an administrative agency, is not permitted to substitute its judgment for that of the agency or to make factual determinations on its own." (Internal quotation marks omitted.) *Connecticut Resources Recovery Authority v. Planning Zoning Commission*, 225 Conn. 731, 744, 626 A.2d 705 (1993).

"[F]ollowing an appeal from the action of a zoning enforcement officer to a zoning board of appeals, a court reviewing the decision of the zoning board of appeals must focus, not on the decision of the zoning enforcement officer, but on the decision of the board and the record before the board." *Caserta v. Zoning Board of Appeals*, 226 Conn. 80, 82, 626 A.2d 744 (1993). "[T]he proper focus of a reviewing court is on the decision of the zoning agency and, with regard to its factual determinations, on the evidence before it that supports, rather than contradicts, its decision." (Internal quotation marks omitted.) *Caserta v. Zoning Board of Appeals*, 41 Conn.App. 77, 79-80 n. 2, 674 A.2d 855 (1996). "The conclusion that this scope of review applies upon judicial review is not undermined by the fact that . . . the zoning agency was a zoning board of appeals reviewing the decision of a zoning enforcement officer in an appeal from that decision pursuant to [the General Statutes] . . . [I]t is clear from both the entire statutory scheme and our zoning case law that the zoning board hears and decides such an appeal de novo, and that the action of the zoning enforcement officer that is the subject of the appeal is entitled to no special deference by the court." (Internal quotation marks omitted.) *Caserta v. Zoning Board of Appeals*, *supra*, 226 Conn. 87-89.

A review of the record reveals that the ZBA did not formally state its reasons for upholding the ZEO's cease and desist order. "Where a zoning board of appeals does not formally state the reasons for its decision . . . the trial court must search the record for a basis for the board's decision." *Municipal Funding, LLC v. Zoning Board of Appeals*, *supra*, 270 Conn. 454. "The principle that a court should confine its review to the reasons given by a zoning agency . . . applies [only] where the agency has rendered a formal, official, collective statement of reasons for its action . . . It does not apply to mere utterances of individual members of the agency." (Internal quotation marks omitted.) *Clifford v. Planning*

*Zoning Commission*, 280 Conn. 434, 439-40 n. 6, 908 A.2d 1049 (2006). Therefore, although the statements of individual board members are contained in the record, the court must search the entire record to determine whether substantial evidence supports the ZBA's decision to uphold

730 the ZEO's order. \*730

### V DISCUSSION

The plaintiffs appeal on the grounds that the ZBA acted arbitrarily, illegally and in abuse of its discretion in the following manner: (a) "[t]he decision of the Board was not supported by substantial evidence;" (b) "[t]he Board gave great deference to the decision of the Zoning Enforcement Officer when the law provided no such deference was appropriate;" (c) "[t]he Board prejudged and predetermined the application;" (d) "[t]he Board held the [p]laintiffs to an improper burden;" and (e) "[t]he decision of the Board amounts to an inverse condemnation of the [p]laintiffs' property in violation of Article I Section II of the Connecticut Constitution." (Appeal, ¶ 30.)

Although the plaintiffs alleged several grounds in its complaint, they have not briefed all of these grounds. "Issues that are initially raised in a zoning appeal which are not briefed by the plaintiff will be considered abandoned and will not be decided." *Cybulski v. Planning Zoning Commission*, 43 Conn.App. 105, 109 n. 3, 682 A.2d 1070, cert. denied, 239 Conn. 949, 686 A.2d 123 (1996). Accordingly, any grounds asserted in the plaintiffs' appeal which are not briefed are deemed abandoned and will not be addressed by the court.

In its memorandum of law, the plaintiffs contend that the ZBA incorrectly determined that its preexisting nonconforming use was abandoned after the plaintiffs entered into a 1983 stipulated judgment providing for the closure of the landfill. The plaintiffs argue that neither the closure of the landfill nor the role played by the plaintiffs in

actively participating in the closure activities establish that they intended to abandon the nonconforming use of the property.

#### *A Whether Substantial Evidence Exists in the Record to Demonstrate that the Plaintiffs Abandoned the Preexisting Nonconforming Use of the Subject Property*

In their brief, the plaintiffs first argue that the ZBA's decision, which upheld the ZEO's determination that the plaintiffs' use of the nonconforming landfill had been abandoned, was not supported by substantial evidence. The plaintiffs maintain that the "closure" of the landfill amounts to a mere "suspension" of use, and contend that Skip Kement's testimony at the

731 \*731 the family's inquiries regarding the possibility of continued use of the subject property as a landfill and the ongoing landfill closure operations evidence an uncontroverted manifest expression of intent to continue using the property as a nonconforming landfill. The plaintiffs further maintain that their "decade-long court battle" with the department of environmental protection regarding the closure of the landfill cannot be construed as voluntary in that they were subject to large fines if they continued to operate the landfill.

The defendant counters that the record contains substantial evidence supporting the ZBA's decision to uphold the decision of the ZEO, who refused to issue a certificate of zoning compliance because the plaintiffs intended to abandon the property's use as a landfill. The defendant first points to the stipulated judgment entered into between the plaintiffs and the DEP that provided for the closure of the landfill. The defendant also contends that the plaintiffs' voluntary cooperation with the department of environmental protection, which included the subsequent "hiring [of] the required engineers and compl[iance] with the various departmental and court orders in properly closing the landfill pursuant to regulatory requirements" further demonstrates a voluntary intent to abandon. The defendant further argues

that although Skip Kement testified that his family's intentions were to continue using the site as a landfill, and notwithstanding the Kement's inquires regarding the possible use of other portions of the site for disposal activities, the record reflects "no effort by the Kements from 1983 to 2004 to obtain any local or state permits to restore the solid waste disposal use to the site." Further, the defendant claims that a 1993 report to the Superior Court prepared by the plaintiffs' attorney indicating that the landfill "site ha[d] been dormant since 1983 and [would] remain dormant" provides further factual support for its conclusion.

"A nonconformity has been defined as a use or structure [that is] prohibited by the zoning regulations but is permitted because of its existence at the time that the regulations [were] adopted . . . For a use to be considered nonconforming . . . that use must possess two characteristics. First, it must be *lawful* and second, it must be *in existence* at the time that the zoning regulation making the use nonconforming was enacted." (Emphasis in original; internal quotation marks omitted.) *Horace v. Zoning Board of Appeals*, 85 Conn.App. 162, 165 n. 5, 855 A.2d 1044 (2004). "Nonconforming uses are protected by the express language of General Statutes § 8-2 . . . To be sure, [i]t is the indisputable goal of zoning to reduce nonconforming to conforming uses with all the speed justice will tolerate . . . While [t]he accepted policy of zoning . . . is to

732 prevent the extension of nonconforming uses \*732 . . . legally existing nonconforming uses are property rights vested in the land . . . [T]he rule concerning the continuance of a nonconforming use protects the right of a user to continue the same use of the property as it existed before the date of the adoption of the zoning regulations." (Citation omitted; internal quotation marks omitted.) *Campion v. Board of Aldermen*, 85 Conn.App. 820, 842-43, 859 A.2d 586 (2004), rev'd on other grounds, 278 Conn. 500, 899 A.2d 542 (2006).

"Once a nonconforming use is established, the only way it can be lost is through abandonment . . . The issue of a specific intent to relinquish a nonconforming use presents a question for the trier of fact." (Citation omitted; internal quotation marks omitted.) *Campion v. Board of Aldermen*, supra, 85 Conn.App. 842-43. "Abandonment is a question of fact which implies a voluntary and intentional renunciation. Nevertheless, the intent to abandon may be inferred as a fact from the circumstances . . . To establish abandonment, the intention on the part of the owner [must be] to relinquish *permanently* the nonconforming use."<sup>4</sup> (Citations omitted; emphasis in original; internal quotation marks omitted.) *Cummings v. Tripp*, 204 Conn. 67, 93, 527 A.2d 230 (1987). Abandonment must be "evidenced by overt acts or failure to act sufficient to constitute proof of that intent." *Dubitzky v. Liquor Control Commission*, 160 Conn. 120, 125, 273 A.2d 876 (1970). "Because the conclusion as to the intention of the landowner is an inference of fact, it is not reviewable unless it was one which the trier could not reasonably make." (Internal quotation marks omitted.) *Cummings v. Tripp*, supra, 93.

<sup>4</sup> General Statutes § 8-2 provides, in relevant part, that zoning "regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use."

Given the considerable confusion apparent in the record regarding the legal effect of the discontinuation of a nonconforming use for a period of time,<sup>5</sup> a brief review of the law is appropriate. The Supreme Court has determined that a nonconforming use is not abandoned "by a mere temporary suspension for a reasonable time, for reasons beyond the owner's control, where there exists a manifested intention on the part of the owner to resume the nonconforming use as soon as . . . [possible]." *State ex rel. Eramo v. Payne*, 127 Conn. 239, 241-42, 16 A.2d 286



(1940). The passage of time, however, although "not an essential element of abandonment . . . is evidential, especially in connection with facts evidencing such intention." *Id.*, 241. To summarize, the law provides that operational suspension of a nonconforming use for a substantial period of time, when accompanied by evidence in the form of an overt action or failure to act relating to the use of the property, reasonably supports an inference of an intent to abandon. See *id.*; see also *Dubitzky v. Liquor Control Commission*, *supra*, 125 Conn. 125; *Palmieri Cove Associates v. Zoning Board of Appeals*, Superior Court, judicial district of New Haven, Docket No. CV \*733 04 0491317 (March 16, 2006, Corradino, J.).

<sup>5</sup> For example, after hearing testimony, receiving evidence and obtaining a briefing on the law of abandonment by the town attorney, one ZBA member proclaimed, "[w]ell, it's bad enough when we have, unfortunately, when one lawyer comes. Now, now we got three and it's more confusing than ever." (ROR, Exhibit 1, p. 11.)

In the present case, the record reveals an adequate basis to support a finding by the ZBA that the plaintiffs intended to abandon the preexisting nonconforming use of the property.<sup>6</sup> Although, as the plaintiffs argue, the 1983 closure of the landfill may not have been truly voluntary in that the plaintiffs were indeed subjected to fines for noncompliance with the closure plan; (ROR, Exhibit 11, Item R-16); the record indicates that the plaintiffs were provided with the opportunity to apply for permits that would have allowed them to continue solid waste disposal activities on the North Road property.<sup>7</sup> (ROR, Exhibit 11, Item A-2, ¶ 7; Exhibit 11, Item R-15.) Indeed, the 1983 stipulated judgment recognized that any future inquires should have been "pursued independently of [the] judgment." (ROR, Exhibit 11, Item A-2, ¶ 7.) In response to the plaintiffs' subsequent inquiries, the department of environmental

protection invited the Kements to apply for these permits. (ROR, Exhibit 11, Item R-15.) The record reveals, however, that from 1983 to 2004 the plaintiffs neglected to take any affirmative steps towards realizing the possibility of continued disposal activities on the site. (ROR, Exhibit 11, Item R-16; Exhibit 1, p. 15 and 22.) Although Skip Kement testified that his family intended to continue using the property for disposal activities; (ROR, Exhibit 1, pp. 13-16); the considerable passage of time during which the plaintiffs declined to pursue the requisite regulatory permits following the 1983 stipulated judgment reasonably evinces a contrary intention. Based on the evidence contained in the record, the ZBA could reasonably have concluded that the record provided no explanation for the plaintiffs' failure to apply for a permit within a reasonable period of time following the 1983 judgment. (ROR, Exhibit 1, p. 15.) In light of this manifest failure to act, which, when considered in conjunction with the twenty-year period of non-use for lawful disposal activities, the ZBA could reasonably have inferred that the plaintiff's continued cooperation with the closure proceedings evidenced an intention to abandon the preexisting nonconforming use.

<sup>6</sup> The ZBA may reasonably have determined that substantial evidence in the record demonstrates that the preexisting nonconforming use of the plaintiffs' property, as it existed at the time of the enactment of the East Windsor zoning regulations, was limited to the portion of land known as the "Kement Park Sanitary Landfill," as delineated by the "Final Closure Plan for the Kement Park Sanitary Landfill, Route 140, East Windsor Connecticut." (ROR, Exhibit 11, Item R-11.) An examination of the record reveals that the area of the plaintiffs' property known as the "Kement Park Sanitary Landfill" was limited to eleven acres of the parcel at the time of closure. (ROR, Exhibit 11, Item R-11, ¶ 2.1.) In the December 2, 1983 motion for stipulated judgment, which was granted by the Superior Court,

O'Neill, J., the plaintiffs admitted that the then existing operations at the landfill site were limited to the area of the parcel known as the "Kement Park Sanitary Landfill." (ROR, Exhibit 11, Item A-2, ¶ 5.) "An evidential admission is subject to explanation by the party making it so that the trier may properly evaluate it." (Internal quotation marks omitted.) *Willow Funding Co., L.P. v. Grencom Associates*, 246 Conn. 615, 621, 717 A.2d 1211 (1998). An evidential admission, "while relevant as proof of the matter stated . . . [is] not conclusive." (Citation omitted.) *Remkiewicz v. Remkiewicz*, 180 Conn. 114, 118, 429 A.2d 833 (1980). Thus, the ZBA may reasonably have concluded that the plaintiffs admitted that the scope of the nonconforming use was limited to the eleven-acre portion of their property known as the "Kement Park Sanitary Landfill." This conclusion is bolstered by additional statements contained in the stipulated judgment which recognized that any change in the then existing conditions would be considered as an "expansion" of, or, alternatively, the "establishment of a new landfill." (Emphasis added.) (ROR, Exhibit 11, Item A-2, ¶ 7.)

<sup>7</sup> The court notes that although the plaintiffs have attempted to characterize their post-closure affairs with the department of environmental protection in the Superior Court as a "decade-long court battle," a careful review of the record indicates that ZBA may reasonably have concluded that the continued court involvement resulted from a combination of both the ongoing nature of landfill closure activities and the plaintiffs' own dilatory conduct in satisfying mandated closure deadlines. (ROR, Exhibit 11, Item R-13; R-15; R-16; R-18.)

The plaintiffs maintain that the facts of the present case are similar to those presented to the Superior Court in *Davis v. Zoning Board of Appeals*, Superior Court, judicial district of Fairfield,

Docket No. CV 92 0291298 (January 29, 1993, Pittman, J.) [ 8 Conn. L. Rptr. 753]. The court disagrees. In *Davis*, in 1991, a property owner applied for, and subsequently received, a certificate of zoning compliance for the use of his residentially zoned property as a hotel and restaurant. The hotel had been in business at the time zoning regulations were enacted in 1926 until sometime in 1966 when the owner suspended operation of the nonconforming hotel after he  
734 began to experience financial hardship. \*734 After the zoning board of appeals approved the issuance of the certificate, adjoining property owners filed an appeal with the Superior Court contending that the landowner had abandoned the nonconforming use upon closure of the hotel in 1966. The court reviewed the record, determining that substantial evidence supported the board's conclusion that the owner intended to resume operations, noting that the owner's intention to recommence operation was bolstered by his overt actions, which included upgrading hardware, purchasing additional furniture and actively collaborating with a developer to arrange for the sale, renovation and reopening of the hotel. In the present case, unlike the property owner in *Davis*, the record lacks any evidence indicating that the plaintiffs took any measures from 1983 to 2004 that would have facilitated the continued use of the property for disposal activities.

*B Whether Substantial Evidence Exists in the Record that Would Have Enabled the ZBA to Conclude that the Plaintiffs' Proposed Bulky Waste Facility Would Constitute an Illegal Expansion of the Preexisting Nonconforming Use*

In their brief, as an alternative ground supporting the ZBA's decision, the defendant argues that even if the plaintiffs had not abandoned the use of the nonconforming landfill, the proposed bulky waste facility would amount to an illegal horizontal expansion of the nonconforming landfill in violation of the law of nonconforming uses and section 9A.2 of the East Windsor zoning regulations. The defendant contends that before

the plaintiffs could lawfully operate a bulky waste facility on another portion of the site, under the East Windsor zoning regulations, the plaintiffs would first have to acquire a special use permit pursuant to section 9A.2 for the horizontal expansion of the nonconforming use.<sup>8</sup>

<sup>8</sup> Section 9A.2 provides: "A solid waste facility which was lawfully in existence prior to the adoption of these regulations may continue to operate, provided it complies with all local, state and federal laws, ordinances and regulations. However, no such use may be extended horizontally beyond the physical limits of the existing facility without first receiving a Special Use Permit under these regulations. It is the intent of these Regulations that non-conforming solid waste facilities be eliminated in accordance with Section 8-2 of the General Statutes. Accordingly, such a non-conforming use shall terminate and may not be resumed without a Special Use Permit, if actual non-use of the land as a solid waste facility exists for one year, regardless of the intent of the owners."

"It is a general principle in zoning that nonconforming uses should be abolished or reduced to conformity as quickly as the fair interest of the parties will permit. In no case should they be allowed to increase." *Salerni v. Scheuy*, 140 Conn. 566, 570, 102 A.2d 528 (1954). "[General Statutes] § 8-2 protects the right of a user to continue the same use of the property as it existed before the date of the adoption of the zoning regulations . . ." (Emphasis in original; internal quotation marks omitted.) *Bauer v. Waste Management of Connecticut, Inc.*, 234 Conn. 221, 240, 662 A.2d 1179 (1995). "[W]hile it is true that mere intensification of a nonconforming use is permissible so long as the nature of use is not substantially changed, it is generally recognized that the right of a landowner to continue the same  
735 kind of use to which the property was \*735 devoted on the critical date does not confer on him a right to subsequently change or add to that use a

new and different one amounting to a drastic enlargement or extension of the prior existing use." (Internal quotation marks omitted.) *Planning Zoning Commission v. Craft*, 12 Conn.App. 90, 96, 529 A.2d 1328, cert. denied, 205 Conn. 804, 531 A.2d 937 (1987). This principle is reflected in sections 2.2 and 2.3.2 of the East Windsor zoning regulations.

"In deciding whether the current activity is within the scope of a nonconforming use consideration should be given to three factors: (1) the extent to which the current use reflects the nature and purpose of the original use; (2) any differences in the character, nature and kind of use involved; and (3) any substantial difference in effect upon the neighborhood resulting from differences in the activities conducted on the property." *Zachs v. Zoning Board of Appeals*, 218 Conn. 324, 332, 589 A.2d 351 (1991). Section 9A.2 of the zoning regulations provides that a nonconforming solid waste facility "may [not] be extended horizontally beyond the physical limits of the existing facility without first receiving a Special Use Permit . . ."

Based upon substantial evidence contained in the record, in denying the plaintiffs' request for a certificate of zoning compliance, the ZBA could reasonably have found that the proposed bulky waste facility would represent a horizontal expansion of the nonconforming use that required a special use permit. Given the fact that the plaintiffs proposed to construct the bulky waste facility on an area of the parcel that was adjacent to the existing landfill site, it would have been reasonable for the ZBA to have concluded that the issuance of a certificate of zoning compliance was inappropriate, as the proposed bulky waste facility may reasonably have been determined to represent a horizontal expansion requiring a special use permit under the East Windsor zoning regulations. (ROR, Exhibit 11, Item A-5.)<sup>9</sup>

<sup>9</sup> Even if, as the plaintiffs appear to argue, the area of the property where intermittent activities occurred, including the salvage operations and the storage of small

amounts of the plaintiffs' own construction debris, was determined to have been an independent nonconforming use, the question would become whether the use of the same property to support a new commercial undertaking involving the operation of a bulky waste facility amounts to an enlargement that would change the character of the nonconforming use. "A change in the character of a use . . . constitute[s] an unlawful extension of the prior use." *Helicopter Associates, Inc. v. Stamford*, 201 Conn. 700, 716, 519 A.2d 49 (1986). Based on the evidence presented, the ZBA could reasonably have found that the proposed bulky waste facility would constitute an illegal expansion of the use in violation of section 2.3.2 of the East Windsor Zoning Regulations. (ROR, Exhibit 11, Item A-5.)

739 \*739

## *VI CONCLUSION*

For the foregoing reasons, the court dismisses the plaintiffs' appeal.

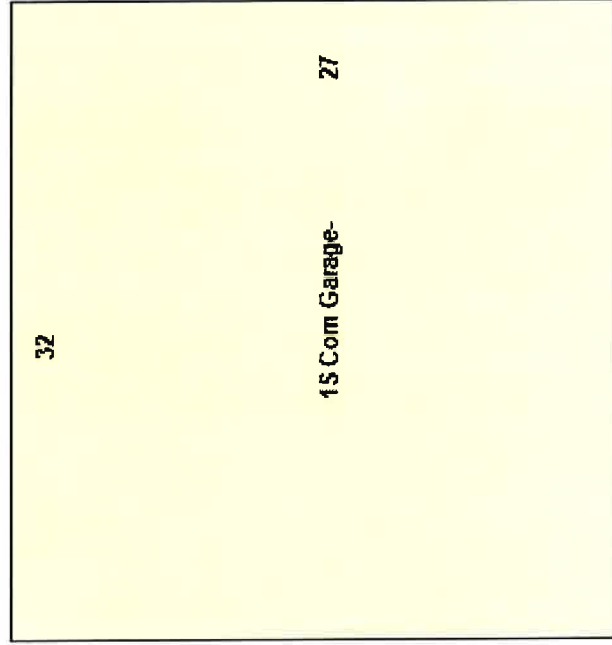


Torrington

Unique ID: 1114

Location: 441 OAK AVE

Unit



Commercial Building Description	Description	Area/Qty
Building Use	Automotive	864
Class	Masonry and Wood Frame	
Overall Condition	Average	
Construction Quality	Average	
Stories	1.00	
Year Built	1950	
Remodel		
Percent Complete	100	
GLA		864
<b>Basement</b>		
Basement Area	0	
<b>HVAC</b>		
Heating Type	FHA Non Duct	
Fuel Type	Gas	
Cooling Type		
<b>Interior</b>		
Floors	Concrete	
Walls	Masonry	
Wall Height		
<b>Exterior</b>		
Exterior Walls	Concrete Block	
Roof Type	Asphalt	
Roof Cover		
<b>Special Features</b>		

Attached Component Computations		
Type	Yr Blt	Area/Qty
Canopy	Average	90

Detached Component Computations			
Type	Year	Condition	Area/Qty
Canopy	1950	Average	90

Information may be deemed reliable, but not guaranteed.

Jeremy Leifert

Exhibit C

**From:** Martin J Connor  
**Sent:** Monday, November 23, 2020 3:21 PM  
**To:** liztieman@sbcglobal.net; Jeremy Leifert; Ashley Clement; TStansfield@tahd.org  
**Cc:** Brett Zuraitis  
**Subject:** FW: 441 Oak Ave. Phone Conversation  
**Attachments:** chimney.JPG; chimney1.JPG; marving st side.JPG; signs on tele pole.JPG; wood pile.JPG

Dear Ms. Tieman, I will ask our Zoning Enforcement Officer and Blight Officer to investigate your complaint. We will also forward your complaint to the Torrington Area Health District.

Happy Thanksgiving,

Martin J. Connor, AICP  
City Planner  
City of Torrington  
140 Main Street  
Torrington, CT 06790  
860-489-2220

**From:** elizabeth tieman <liztieman@sbcglobal.net>  
**Sent:** Monday, November 23, 2020 1:27 PM  
**To:** Martin J Connor <Martin\_Connor@torringtonct.org>  
**Subject:** Re: 441 Oak Ave. Phone Conversation

Thanks so much for your kindness on the phone today. I sent in a complaint to the Building Dept. in early October of 2020. I have not heard anything in response but I will call them to check on the status. My main concern is that he is living there with no sewer or water and has a wood burning stove that has lots of issues.

These are some of the main points:

1. Mr. Gary Hatstat moved into 441 Oak Ave. in August 2020.
2. 441 Oak is a commercially zoned building. It is basically a cinder block garage with a driveway. There is **no sewer or water service**. I have already (nicely) asked him not to urinate outside as he was standing next to the garage and peeing. It was used by the previous owner to store antique cars for 42 years with no problems at all.
3. Mr. Hatstat has some sort of wood burning stove and is burning 'green' wood, pallets, boards and I'm not sure what else, which not only stinks but causes eye irritating smoke that fills the neighborhood, smells like chemicals and is often yellow or black.
4. He stores and works on dirt bikes in the garage. Since they have gas and oil in them, the fumes may also pose a danger with a wood stove. The creosote spatters onto the building, runs down the pipe and drips onto the ground.
5. I have lived in my home since 1978 and have never run into anything like this happening in our neighborhood. I have lost the use of my yard, deck, clothes line and any outside activities. Just taking out the garbage makes it necessary to change my clothes because of the stench they pick up.

6. All the homes and the condos in the area are well maintained and this surely is taking away the enjoyment of our yards and homes.
7. I've attached a few pictures to show you what I'm talking about. As you can see, my home is very close (past the wood pile) and since the garage is lower than my home, the smoke and smell come right at me.

If you need anything else from me, or any of my neighbors, please don't hesitate to call (860-489-5096) or email.

Thank you in advance for any help or guidance you can give me.

Elizabeth Tieman  
451 Oak Ave.  
Torrington, CT 06790

[liztieman@sbcglobal.net](mailto:liztieman@sbcglobal.net)  
(860)489-5096



October 10, 2020

Attn: Building Dept., Torrington, CT

**Re: 441 Oak Avenue, Torrington, CT Complaint**

Attached please find the complaint form that I received from your office. I tried to fill it out as best as I could.

I do have a couple of comments to add to explain my concerns about the building:

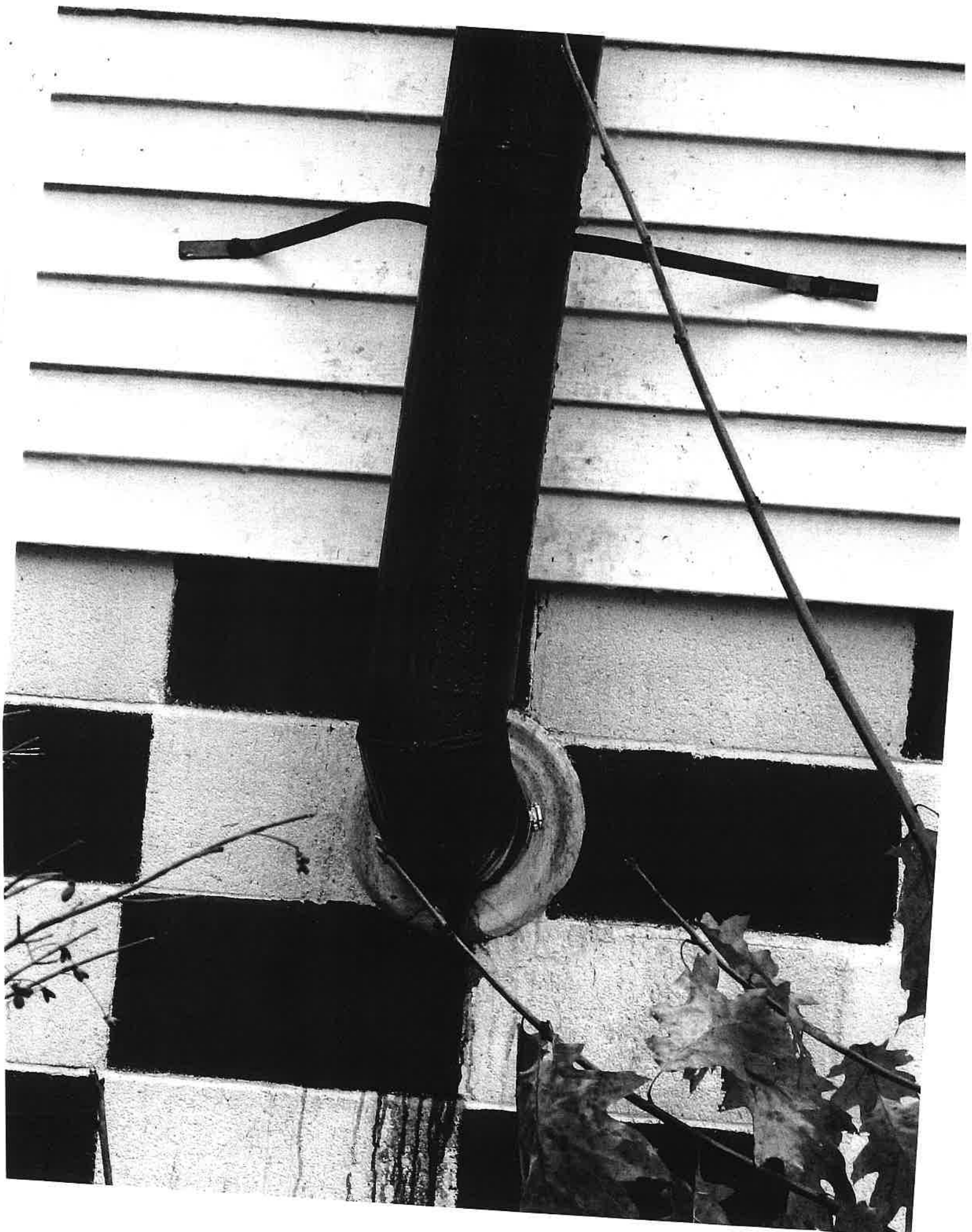
1. Mr. Hatstat moved into 441 Oak Ave. in August 2020. He has changed his 'home' address on the Ct Sex Registry to 441 Oak Avenue and since i see him every day I can also confirm that he is, in fact, living there. Across the street is a home with young girls. (Police say there is nothing that they can do, it would be a city problem).
2. 441 Oak is a commercially zoned building only. It is basically a cinder block garage and a driveway. There is no sewer or water service. It previously was used for years and years to store old antique cars with no problems at all. I have already (nicely) asked him not to urinate outside as he was standing next to the garage and peeing.
3. He has put in some sort of wood burning stove and is burning 'green' wood, which not only stinks but causes eye irritating smoke that fills the immediate neighborhood. He also works on dirt bikes which are in the garage. Since they have gas and oil in them, the fumes may also pose a danger with a wood stove.
4. I have lived in my home since 1978 and have never run into anything like this happening in our neighborhood.
5. Every home in the area is well maintained and this surely is taking away our enjoyment of our yards and homes.
6. I've attached some pictures to show some of what I'm talking about.

If you need anything else from me, or my neighbors, please don't hesitate to call (860-489-5096). I would prefer to be anonymous as his offenses scare me a little and I'm very close to the garage.

Thanks in advance for any help you can give.

Elizabeth Tieman  
451 Oak Ave.  
Torrington, CT 06790

[liztieman@sbcglobal.net](mailto:liztieman@sbcglobal.net)  
(860)489-5096





**TORRINGTON FIRE MARSHAL'S CHRONOLOGICAL INSPECTION RECORD**

CASE #

20-1688

OCCUPANCY TYPE

Industrial

Date

Location	
Commercial Garage	
441	Oak Av
Torrington	CT 06790

Date Printed  
11/5/2020

Date	Inspected By	Type of Inspection	Remarks
11/2/2020	Deputy Fire Marshal Jarred Howe	Site Inspection	Met with Gary, he is working on the place, is using it as a repair garage. Does have a wood stove inside that he uses for heat. No Bathroom on the main floor or up in the unfinished attic. Gary did say the building

**Exhibit D**

Met with Gary, he is working on the place, is using it as a repair garage. Does have a wood stove inside that he uses for heat. No Bathroom on the main floor or up in the unfinished attic. Gary did say the building department was here and I told him that he needs to go to zoning to change the occupancy because he stays here. He did say that may happen in the near future.

**Exhibit E**

# CITY OF TORRINGTON



LAND USE OFFICE  
140 Main Street • City Hall  
Torrington, CT 06790-5245

Phone: (860) 489-2221  
Fax: (860) 496-5928  
[www.torringtonct.org](http://www.torringtonct.org)

**November 2, 2020**

## USPS, Regular Mail

Gary Hatstat  
32 Overlook Ct  
Torrington, CT 06790

### Re: Possible Blight Violation

Dear Mr. Hatstat,

It has recently come to my attention that your property, located at 441 Oak Ave, appears to have several violations. These conditions may be a violation of the City codes such as The City of Torrington Blight "Property Maintenance":

Please call me immediately so we can discuss this matter and resolve it before any further enforcement action is needed. I can be reached Mon. – Thurs. 8:30am-12:30pm, either by phone 860-489-2221 or by email [Ashley\\_Clement@torringtonct.org](mailto:Ashley_Clement@torringtonct.org).

If I do not hear from you by **November 11, 2020** then I will have no choice but to make a decision based on the information I have gathered and begin a formal enforcement action against you.

I look forward to talking to you regarding this matter

Respectfully,

Ashley Clement  
Blight & Asst. Zoning Enforcement Officer

# CITY OF TORRINGTON

LAND USE OFFICE  
140 Main Street • City Hall  
Torrington, CT 06790-5245



Phone: (860) 489-2221  
Fax: (860) 496-5928  
[www.torringtonct.org](http://www.torringtonct.org)

**November 25, 2020**

## USPS, Regular Mail

Gary Hatstat  
441 Oak Ave  
Torrington, CT 06790

**Re: Possible Blight Violation**

Dear Mr. Hatstat,

It has recently come to my attention that your property, located at 441 Oak Ave, appears to have several violations. These condition may be a violation of the City codes such as The City of Torrington Blight "Property Maintenance":

Please call me immediately so we can discuss this matter and resolve it before any further enforcement action is needed. I can be reached Mon. – Thurs. 8:30am-12:30pm, either by phone 860-489-2221 or by email [Ashley\\_Clement@torringtonct.org](mailto:Ashley_Clement@torringtonct.org).

If I do not hear from you by December 9, 2020 then I will have no choice but to make a decision based on the information I have gathered and begin a formal enforcement action against you.

I look forward to talking to you regarding this matter

Respectfully,



Ashley Clement  
Blight & Asst. Zoning Enforcement Officer

# CITY OF TORRINGTON

# Exhibit F

LAND USE OFFICE  
140 Main Street • City Hall  
Torrington, CT 06790-5245



Phone: (860) 489-2221  
Fax: (860) 496-5928  
[www.torringtonct.org](http://www.torringtonct.org)

## Notice of Zoning Violation

December 28, 2020

USPS, Regular Mail

Gary Hatstat  
441 Oak Avenue  
Torrington, CT 06790

Dear Gary,

I have performed inspections at your property at **441 Oak Avenue** in Torrington on November 17, 2020 and December 9, 2020 in response to a complaint received by the City Fire Marshal's Office and abutting neighbors. You appear to be occupying the building on this property as a residence without permits from this office and in violation of City zoning regulations. Please refer to section 3.0 of the City zoning regulations for allowed uses in your zone (R10 residential).

The current approved use at this property is for a commercial auto repair garage and storage as a legal pre-existing non-conforming (grandfathered) use on the property. The property is zoned residential, meaning that it may be converted to residential use by permit or continued occupation, but the use as a commercial garage will be permanently abandoned and not allowed to continue at this location.

You are required to perform one of the following actions within thirty (30) days of receipt of this notice:

- Vacate the property as a residence and maintain the use as a commercial repair garage **or**
- Apply for zoning permit to change the use to a single family residence. Please be aware that there are additional requirements through other departments to satisfy before final approval of a zoning permit may be granted (sewer, water, etc.).

Please contact the Land Use office within the next thirty (30) days to resolve these violations. Our office can be reached at 860-489-2221 or through email at [Jeremy.Leifert@torringtonct.org](mailto:Jeremy.Leifert@torringtonct.org).

Respectfully,

  
Jeremy Leifert, CZEO  
Assistant City Planner  
Zoning/Wetlands Enforcement Official

Cc: File

City of Torrington - Land Use Office	
<input type="checkbox"/>	Time Expired - Approved
<input checked="" type="checkbox"/>	Complies/Inspected - Approved
<input type="checkbox"/>	Void - work not started by 1 year
<input type="checkbox"/>	other <i>Compliant/Closed</i> By <i>J. Leifert</i>

9-16-21



# CITY OF TORRINGTON

# Exhibit G

LAND USE OFFICE  
140 Main Street • City Hall  
Torrington, CT 06790-5245



Phone: (860) 489-2221  
Fax: (860) 496-5928  
[www.torringtonct.org](http://www.torringtonct.org)

## Notice of Zoning Violation – Follow Up

February 4, 2021

USPS, Regular Mail

Gary Hatstat  
441 Oak Avenue  
Torrington, CT 06790

Gary,

I am in receipt of your letter pertaining to the occupancy and use of the property at 441 Oak Avenue in Torrington. I have noted that you have indicated in this letter that you have moved your residence address to 32 Overlook Court in Torrington. However, we are still receiving reports from neighborhood complainants that you are still residing at this location.

I will mark your file in accordance with your letter. However, if our office determines at any point in the future that you are continuing to use this building as a residence, you will immediately lose your grandfathered zoning use as a commercial garage and will be required to obtain all permits to bring the building up to residential standards.

We will continue to periodically monitor this property to ensure the use is as a commercial garage only. Please contact our office with any questions. Our office can be reached at 860-489-2221 or through email at [Jeremy.Leifert@torringtonct.org](mailto:Jeremy.Leifert@torringtonct.org).

Respectfully,

  
Jeremy Leifert, CZEO  
Assistant City Planner  
Zoning/Wetlands Enforcement Official

Cc: File

**Nate Nardi-Cyrus**

---

**From:** Sergeant Baldis  
**Sent:** Wednesday, December 6, 2023 5:00 PM  
**To:** Nate Nardi-Cyrus  
**Cc:** Sergeant Bernabucci; Dale Swanson  
**Subject:** RE: 441 Oak Ave - Police reports

Nate,

I am going to give you a synopsis of the events up to current for police contacts:

In **March of 2021** reports of Hatstat living at the garage were made and midnight shift officers responded at 0213 hours. At the time of contact both of Hatstat's vehicles were in the driveway and woodstove smoke was coming from the garage. No noise was made at the time of contact and lights were all off. When contact was made Hatstat said he works all hours and doesn't want to wake up his roommates at 32 Overlook CT where he claimed to reside. There was a futon and space heater in one section of the garage, as noted but no obvious ways to cook food seen. (case 21-7647) When this case was followed up for 32 Overlook CT. The landlord of the property confirmed that Hatstat had rented a room but had not stayed there in months. The landlord said Hatstat had not been living there at least prior to the New Year. The landlord said he would call Hatstat and he would go get his mail. Hatstat was later arrested for registry compliance violation of failing to confirm his residence. Case still pending in court. An address of 127 Mundry Road was also provided and proven to also not be an actual residence in which Hatstat resided.

In **March of 2021** at 1120 hours was a noise complaint (21-9578) for excessive music but complaint was unfounded.

In **November of 2021** officers responded to the address 441 Oak Avenue for a complaint of a sex offender living at a garage. Contact was made with Hatstat who upon contact at 0325 in the morning said he was working on an air compressor without even being asked a question. Hatstat said he does not live at 440 Oak Avenue and it is not his permanent residence although his driver's license lists his address as 441 Oak Avenue. When advised if he doesn't register he could face criminal charges he replied it was ridiculous. (21-40735)

In **March of 2022** at 1143 hours a harassment complaint was made by Hatstat about his neighbor bothering him. The neighbor was trying to get his attention and Hatstat ignored the person. Both people were told to limit their contact with one another (22-8395)

In **April of 2022** at around 1359 hours a noise complaint was received for loud rap music with swears. Officer reported no obvious violation for the music as the garage door was open at the time. Again checked on 1443 hours by officers for noise. (22-12998)

In **January of 2023** at around 1602 hours Hatstat wanted to report a suspicious vehicle around his property. The investigation resulted in wanting it documented but nothing appeared taken and there was no suspect for the damage done to a tie down strap. (23-2885)

**October 3 of 2023** at around 18:01 hours officers responded for a male who was listed on the sex registry talking to her 15 year old when he got off the bus. There was no outcome of the case. (23-35003)

In **October of 2023** at around 1213 hours contact with made with Hatstat as this is ongoing problem between zoning and the registry as to whether Hatstat does or does not reside at the address of 441 Oak Avenue. Contact was made. Hatstat said he does not live there and is listed in Woodbury. A later check of the registry shows as "noncompliant" for addresses when listed as homeless as they have nowhere to send the confirmation card. Hatstat

shows a secondary address of 441 Oak Avenue on the registry. Hatstat said he works odd hours at this business and the neighbors are just there to harass him at this point.

In conclusion you can see that police have had interaction with Hatstat on numerous occasions over the last 2 years whether early in the am, midday, or evening and Hatstat is at the garage when contact is made yet Hatstat claims to work off hours and does not reside there. Hatstat's vehicles are consistently parked at 441 Oak Avenue which are a red Dodge Pickup truck and a silver/gray Volvo. The registered Volvo does not leave the driveway and the dash cameras on the police cruiser have picked up the license plate the Volvo 40 times parked at 441 Oak Avenue not moving. The red Dodge is also consistently at that same address of 441 Oak Avenue at all hours day and night when a patrol car passed by 441 Oak Avenue showing the Dodge in motion on three days on South Main Street and Main Street in Torrington but all others of the 38 times between November 6<sup>th</sup> and December 5<sup>th</sup> to be at 441 Oak Avenue.

One last item was that contact was made with SORU (Sex offender registry unit) to see if Hatstat status in the public access website was correct being noncompliant. SORU said that when people are listed as homeless in a location the address cards cannot be sent therefore they are not in compliance. I asked about the secondary address listed and she said the information provided is all they have to enter but that he only provided homeless for the entry as his residence. SORU did inform me that if it is established this is his residence with the zoning hearing we can open another case of registry compliance for failure to register.

***Sgt. Dustin Baldis #312***

Traffic Division  
Torrington Police Department  
576 Main Street  
Torrington, CT. 06790  
860.489.2019 (w) 860.601-5558  
dbaldis@torringtonpd.org

---

**From:** Nate Nardi-Cyrus <Nate\_Nardi-Cyrus@torringtonct.org>

**Sent:** Tuesday, December 5, 2023 3:51 PM

**To:** Sergeant Baldis <DBaldis@torringtonpd.org>

**Subject:** 441 Oak Ave - Police reports

Hey Dustin,

Would you be able to get me those police reports by tomorrow? I have to put a memo together with the case by the end of the week.

Thanks!

Nate

***Nate Nardi-Cyrus, AZT***

Assistant City Planner  
City of Torrington Land Use Dept.  
(860) 489-2220



# Exhibit I

Monday,  
December 4, 2023  
Docket Search  
by Court Location

## Pending Case Detail

**Information is accurate as of December 02, 2023 04:50 AM**

Monday,  
December 4, 2023  
Docket Search  
by Defendant

### Defendant Information

**Last, First:** HATSTAT GARY A  
**Birth Year:** 1970

**Represented By:**  
**Times on the Docket:** 17

Pending Cases  
Search by Defendant

Pending Cases  
Search by Docket Number

### Docket Information

<b>Docket No:</b>	L18W-CR21-0183766-S	<b>Arresting Agency:</b>	LOCAL POLICE TORRINGTON
<b>Companion:</b>		<b>Arrest Date:</b>	4/11/2021
<b>Program:</b>		<b>Bond Amount:</b>	\$2,500 (This case only)
<b>Court:</b>	Torrington GA 18	<b>Bond Type:</b>	Nonsurety (Released From Custody)
<b>Miscellaneous:</b>			

Convictions Search  
by Defendant

Convictions Search  
by Docket Number

Attorney/Firm Case List

Attorney/Firm Look-up  
Numbers

GA Court Phone  
Numbers

JD Court Phone  
Numbers

Home

**Activity:** On the Trial List, To Be Scheduled

**Trial List  
Date:** 10/11/2023 10:00 AM

### Current Charges

Statute	Description	Class	Type	Occ	Offense Date	Plea	Verdict Finding
54-251	FL TO REGISTER-MINOR/NONVIOLNT	D	Felony	1	3/8/2021	Not Guilty	

CT SAVIN - (Connecticut Statewide Automated Victim Information and Notification) is a free, confidential service that gives crime victims and members of the community information about an offender's court case.

Register with CT SAVIN

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Copyright © 2023, State of Connecticut Judicial Branch



Name: Hatstat, Gary      Race: W      Years old at Arrest: 50  
Address: 32 Overlook Ct      Arrested: 4/11/2021 @ 11:30Hrs.  
TORRINGTON CT      Bond: \$2500.00 Non Surety  
Court Date:  
Charge(s): 54-251 FLR TO REGISTER

Gary Hatstat was arrested after an investigation into him using an address on Oak Ave. in Torrington as his residence when in fact the Oak Ave. address was a commercial building. Hatstat then changed his address 2 additional times and but remained living at the Oak Ave address. Hatstat was found to have violated his terms and conditions under the sex offender registration guidelines. Hatstat was released on a 2500.00 NSB for court was set for 4/26/2021 at 10 am in Torrington.



## Torrington Police Department Incident Report

Additional NIBRS Codes

Incident Number **21-40735** Code **212** **Civilian Request**

Incident Number	21-40735	
Youth Involved	Report Date	Report Time
	11-22-2021	02:36
Occurred On	Occurred On	Occurred To
Date	Date	Date
11-22-2021	11-22-2021	2:36
Time	Time	Time

Incident Location Street **441 OAK AV** Apt **MARVIN ST** Intersection **007 Cook** Primary Officer **007 Cook** Report Writer **007 Cook**

(Interviewed) Hatstat, Gary A. S: M R: W DOB: 7/25/1970 Work: (860) 618-8565 441 Oak Av, TORRINGTON, CT Lic#: 196209870 CT

On 11/22/2021 at approximately 03:25 hours, I (Ofc Cook) was dispatched 441 Oak Ave. after receiving a complaint that a sex offender was living at this address and not registered.

Upon arrival I knocked on the main entry door and was greeted by Gary Hatstat. Hatstat immediately told me that he was there working on his compressor without even being asked. I explained that the reason we were there is because if he was staying at this address it had to be listed on the sex offender registry. Hatstat said that he spends a lot of time there but that it is not his permanent residence. A COLLECT search shows that Hatstat uses this address as his permanent address on his license. When I asked Hatstat why this is he said that it was an error and again tried to say he was not living at this address. I advised Hatstat that he must register at this address or he may face criminal charges and he said "this is ridiculous". I have notified the Detective Bureau in regard to this call for service.

Case Status: FYI Detective Bureau

Ofc Copy  Prosecutor  Det Div  Youth  Records  Spec Serv  Patrol  Traffic  Admin

This report is signed under the penalties provided by state law for making a false statement.

Subscribed and sworn to before me 38 ID ea 12/2/2021 Date

Supervisor [Signature] Reporting Officer [Signature] ID 1-24 CGS Date 12/2/2021

This 2 Day of December 2021 Notary  1-24 CGS Page 1

DMV USE ONLY  NEW  OUT OF STATE TRANSFER  DRIVE ONLY  ADD/REMOVE ENDORSEMENT/RESTRICTION  EXCHANGE  RETEST

**APPLICATION FOR A NON-COMMERCIAL LEARNER PERMIT AND/OR DRIVER LICENSE**  
R-229 REV. 7-2023

STATE OF CONNECTICUT  
**DEPARTMENT OF MOTOR VEHICLES**  
On The Web At [ct.gov/dmv](http://ct.gov/dmv)



**INSTRUCTIONS: Complete 1-18, then present**

1. Required Identification Documents & Proof of Connecticut Residency: see "Acceptable Forms of ID" at [ct.gov/dmv](http://ct.gov/dmv)
2. 16 and 17 year olds: Certificate of Parental Consent Form 2D (if not accompanied by authorized individual)
3. Applicable Fees

<b>NO FEE</b> <input type="checkbox"/> US MILITARY	<b>LEARNER PERMIT NUMBER</b>	<b>DATE OF ISSUE</b>
---	------------------------------	----------------------

<b>1. APPLICANT'S NAME</b> (Last, First, Middle, Suffix)	<b>2. GENDER</b> <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> X	<b>3. DATE OF BIRTH</b>	<b>4. HEIGHT</b> ft. in.	<b>5. COLOR OF EYES</b>
--	--	-------------------------	-----------------------------	-------------------------

<b>6. MAILING ADDRESS</b> (No., Street, City or Town, State, Zip Code)	<b>7. RESIDENCE ADDRESS</b> (If different from mailing address)
--	---

<b>8. US CITIZEN?</b> If "NO", list ALIEN REGISTRATION NO. <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>9. CONNECTICUT RESIDENT?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>10. DO YOU WANT TO BE IN THE ORGAN/TISSUE DONOR REGISTRY?</b> If yes, you are agreeing to be a donor and the designation will be on your license. <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>11. DAYTIME PHONE NO.</b> ( )
--	---	--	-------------------------------------

<b>12. SOCIAL SECURITY NUMBER</b>	<b>13. LIST ANY OTHER NAMES EVER USED</b> (Alias, Maiden, etc)	<b>14. E-MAIL ADDRESS</b>
-----------------------------------	--	---------------------------

QUESTIONS	YES (✓)	NO (✓)	LOCATION	DATE
<b>15. Have you previously failed a driver's license examination in Connecticut?</b>			<b>FAILED</b> <input type="checkbox"/> VISION <input type="checkbox"/> KNOWLEDGE <input type="checkbox"/> ROAD	
<b>16. Do you now, or have you ever held a Connecticut Learner Permit, License or Non-Driver Identification Card?</b>			<b>PERMIT, LICENSE OR ID NO.</b> (9 digits)	<b>EXPIRATION DATE</b> <b>NO. OF YEARS</b>
<b>17. Do you now, or have you ever held an Operator's License or Identification Card from another state?</b>			<b>STATE</b> <b>DRIVER LICENSE OR ID. NO.</b>	<b>EXPIRATION DATE</b> <b>NO. OF YEARS</b>
<b>18. Is your privilege to operate a motor vehicle suspended or subject to suspension in Connecticut or in any other state?</b>			<b>IN WHAT STATE(S)?</b>	

<b>SELECTIVE SERVICE CONSENT</b> Section 14-36l of the Connecticut General Statutes requires the Commissioner to transmit my information to the Selective Service System. By signing and submitting this application, I consent to be registered with the Selective Service System, provided I am at least age 16 but under age 26 and meet the criteria for registration in accordance with the Military Selective Service Act. If I am under age 18, I understand that my information will be transmitted to Selective Service but I will not be registered until I reach age 18.	<b>MEDICAL CERTIFICATION</b> <input type="checkbox"/> I hereby certify that I do not have any health or vision problems or conditions that prevent me from driving safely.
--	---

<b>CERTIFICATION BY APPLICANT</b> The information provided to the Commissioner of Motor Vehicles herein is subscribed by me, under penalty of false statement, in accordance with the provisions of Section 14-110 and 53a-157b of the Connecticut General Statutes. I understand that if I make a statement which I do not believe to be true, with the intent to mislead the Commissioner, I will be subject to prosecution under the above-cited laws.	<b>SIGNATURE OF APPLICANT</b>  X	<b>DATE SIGNED</b>
--	--	--------------------

**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**

<b>PROOF OF IDENTIFICATION</b> TYPE OF IDENTIFICATION SHOWN <input type="checkbox"/> I.D. SCANNED FIRST VISIT	<b>EXAMINERS INITIALS</b>	<b>STAMP NO.</b>
---	---------------------------	------------------

**FULL LEGAL NAME**  
If different than entered in name section above (# 1)

<b>PARENTAL CONSENT AGE 16 OR 17 ONLY</b> I hereby request that a learner's permit and/or license be issued to the minor filing this application.	<b>RELATIONSHIP TO MINOR</b>	<b>SIGNED (Authorized Consenter)</b>  X	<b>CONSENTER'S LIC. NO. OR OTHER I.D.</b>
--	------------------------------	---	---

<b>VISION SCREENING RESULTS</b> <b>VISUAL AID USED</b> <input type="checkbox"/> NONE <input type="checkbox"/> GLASSES/CONTACTS	<b>RESULTS</b> <input type="checkbox"/> PASSED <input type="checkbox"/> FAILED	<b>AGENTS INITIALS</b>	<b>PUNCH NO. AND PUNCH</b>
--	---	------------------------	----------------------------

<b>KNOWLEDGE TEST</b> <input type="checkbox"/> COMPUTER/AUDIO <input type="checkbox"/> WRITTEN	<b>TEST RESULTS</b> <input type="checkbox"/> WAIVED <input type="checkbox"/> PASSED <input type="checkbox"/> FAILED	<b>APPLICANTS INITIALS CONFIRMING IDENTIFICATION DOCUMENTS RETURNED</b>
---	--	---

<b>PERMIT</b> <input type="checkbox"/> ISSUE LEARNER PERMIT <input type="checkbox"/> ISSUE MOTORCYCLE PERMIT	<input type="checkbox"/> ISSUE PERMIT WITH CORRECTIVE LENSES (B-RESTRICTION)	<input type="checkbox"/> ISSUE DRIVE ONLY (Y-RESTRICTION)
---	--	---

<b>AGENT CERTIFICATION</b> I hereby certify that I have examined the applicant's identity documents and the test results stated herein are true and correct.	<b>SIGNED (Agent)</b>  X	<b>PUNCH NO. AND PUNCH</b>	<b>DATE SIGNED</b>
---	--------------------------------	----------------------------	--------------------

<b>DRIVER TRAINING</b>	<b>CLASSROOM INSTRUCTION</b>	<b>SCHOOL NAME</b>	<b>COMMERCIAL SCHOOL LICENSE NO.</b>	<b>DRIVER EDUCATION CERTIFICATE NO.</b>
	<b>PRACTICE DRIVING</b>	<b>SCHOOL NAME</b> (If same as above print "same")	<b>COMMERCIAL SCHOOL LICENSE NO.</b>	<b>DRIVER EDUCATION CERTIFICATE NO.</b>

<b>HOME TRAINING/COMMERCIAL TRAINING CERTIFICATION</b> I hereby subscribe and certify under penalty of false statement, in accordance with the provisions of Section 14-110 and 53a-157b of the Connecticut General Statutes that I understand that if I make a statement, which I do not believe to be true, with the intent to mislead the Commissioner I will be subject to prosecution under the above-cited laws, that I am qualified under Section 14-36, of the Connecticut General Statutes, over 20 years of age, have no suspensions within the previous 4 years and the Applicant has received the required training, including the equivalent of 22 hours classroom training; 40 hours on-the-road instruction; the 8 hours Safe Driver course, including a 2 hour Parent Training, as supported by a parent log and/or driving school certificate.	<b>SIGNATURE OF INSTRUCTOR (Home Training/Commercial)</b>  X	<b>OPERATOR LICENSE NUMBER OR SCHOOL LICENSE NUMBER</b>			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">1 Home Training 22 hr class equiv 40 hr on-the-road 8 hr safe driving</td> <td style="width: 33%; text-align: center;">2 Comm/Sec and Home 30 hrs class/minimum 8 hr safe driving plus home training 40 hrs on-the-road</td> <td style="width: 33%; text-align: center;">3 Comm/Sec Only 30 hrs class 40 hrs on-the-road</td> </tr> </table>	1 Home Training 22 hr class equiv 40 hr on-the-road 8 hr safe driving	2 Comm/Sec and Home 30 hrs class/minimum 8 hr safe driving plus home training 40 hrs on-the-road	3 Comm/Sec Only 30 hrs class 40 hrs on-the-road		
1 Home Training 22 hr class equiv 40 hr on-the-road 8 hr safe driving	2 Comm/Sec and Home 30 hrs class/minimum 8 hr safe driving plus home training 40 hrs on-the-road	3 Comm/Sec Only 30 hrs class 40 hrs on-the-road			

<b>ROAD TEST AND LICENSE INFORMATION</b> <input type="checkbox"/> WAIVED <input type="checkbox"/> PASSED <input type="checkbox"/> FAILED	<b>SPECIAL EQUIPMENT</b>
---	--------------------------

<b>NON-COMMERCIAL CLASS</b> D	<b>ENDORSEMENT</b> M Q	<b>RESTRICTIONS (Circle All Applicable)</b> 3 B C D E F G R U Y
----------------------------------	---------------------------	--

<b>AGENT CERTIFICATION</b> I hereby certify that I have verified the applicant's identity and the test results stated herein are true and correct.	<b>SIGNED (Agent)</b>  X	<b>PUNCH NO. AND PUNCH</b>	<b>DATE SIGNED</b>
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DOCKET NO: LLICV235015269S

SUPERIOR COURT

BLANDINO, LOIS  
V.  
HATSTAT, GARYJUDICIAL DISTRICT OF LITCHFIELD  
AT TORRINGTON

4/11/2023

ORDER

All Parties Present.

The following order is entered in the above matter:

## ORDER:

This is a summary process action based on right or privilege terminated. The case was tried on April 11, 2023. The court has weighed all the evidence and assessed the credibility of the witnesses. Based on the evidence presented, the court makes the following findings regarding the respective claims and defenses.

- 1) The plaintiff owns the property located at 127 Mundry Road, Torrington, CT. Approximately 2-3 years ago, the plaintiff's husband invited the defendant to stay on their couch until the defendant got back on his feet financially;
- 2) The plaintiff's husband passed away in March of 2022, and the plaintiff now wishes to have her home solely to herself;
- 3) As such, the defendant originally had the right to occupy but the right has terminated;
- 4) On January 27, 2023, the plaintiff served the notice to quit on the defendant to vacate the premises by January 31, 2023;
- 5) Although the defendant indicates he would have started looking for alternative housing prior to the notice to quit if he had known of the plaintiff's wishes, the defendant is still in possession of the premises. The defendant also owns a garage elsewhere.

The court finds that the plaintiff has proved, by a fair preponderance of the evidence, all the elements of the case.

The court finds that the defendant has not proved, by a fair preponderance of the evidence, any defenses.

Having considered the law and equity, the court enters judgment for the plaintiff for immediate possession. Said order is stayed until April 25, 2023, to allow the defendant the opportunity to remove what limited possessions he has at the home to another space.

434444

---

Judge: JASON MICHAEL LOBO

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.



Return Date: 3/9/2023

Superior Court

Lois F. Blandino  
(Plaintiff)

J.D. of Litchfield

v.

at Torrington

Gary Hatstat  
(Defendant)

2/16/2023  
(Date)

**COMPLAINT**

The plaintiff, Lois F. Blandino, brings this summary process action pursuant to Connecticut General Statutes Secs. 47a-23 and 47a-23a. In support of this motion, the plaintiff states the following (*number each paragraph*):

1. Connecticut General Statutes Sec. 47a-23(G)(2) "when such premises, or any part thereof, is occupied by one who never had a right or privilege to occupy such premises; or (3) when one originally had the right or privilege to occupy such premises but such right or privilege has terminated" is a ground for eviction.

2. In March 2021, my late husband, Robert Blandino had allowed, Gary Hatstat to stay with us temporarily until he found a place of his own. He has not paid rent, just helped my husband work on his cars. The agreement was with my husband, and my husband told me about him staying until he found a place. My husband passed 3/5/22 and he has not left and since my ~~late~~ husband is not living any more, he should leave.

Since my husband passed, Gary has taken over, doing yard work, etc. Now that he has been asked to leave, he has been throwing it in my face that anything I ask of him, he does. He takes it upon himself to do it. I have rarely asked him for anything.

There is tension between him and my daughter and I don't need that. My daughter and family are important to me. He claims my daughter only comes around now because my husband is gone and not before as he never saw her at the house. He never saw her as he works days and is not there and my daughter works second shift and he comes "home" any time after 11:00.

We are in the process of cleaning house as I may have to sell the house because of large mortgage. I have asked my grand son, Matthew Meyers to move in for help and companionship and would feel more comfortable if he was gone.

Wherefore, the Plaintiff Asks The Court For Judgment For Immediate Possession Of The Premises.

THE PLAINTIFF

By: Lois F. Klardino

(Name), Pro se

(Address)

(Phone No.)

127 ~~W~~ Munday Rd  
860-238-7540

# City Of Torrington

# Exhibit M



LAND USE OFFICE  
140 Main Street • Room 304  
Torrington, CT 06790

Tel: (860) 489-2221  
Fax: (860) 496-5928  
www.torringtonct.org

Date: 5/5/23

### Person Making Complaint:

Name: Elizabeth Tieman Phone: 860-489-5096

Address: 451 Oak Ave, Torrington

Address of Property Involved: 441 Oak Ave, Torrington

Property Owner: Gary A. Hatstat

### Description of Complaint:

Mr. Hatstat is living @ 441 Oak Ave. It is zoned commercial and has no sewer or water service. (see attached letter dated 12/28/20). This situation involves other concerns (see attached letter dated 10/10/20). My original complaint is also attached (dated 10/10/20). I spoke with Mr. Saffiot. at Torrington Health and he suggested I file with you. My main concern is the health problems and the extensive cars machines scrap wood and fluids that are present.

\*\*\*\*\* Also see 4/11/21 arrest record for the same violation. (still in court system) \*\*\*\*\*

For City Use:

### Actions Taken:

- lots of small engine machines
  - 2 Tanks notices
  - 3 unregistered vehicles
  - smoke pipe w/ residue
  - unknown if living there
- Town Base w/ Blight Task force

City has right to enter max property @ 451 Oak to view rubbish piled next to garage.  
Gabriel Lemire 5/5/23

# CITY OF TORRINGTON

# Exhibit N

LAND USE OFFICE  
140 Main Street • City Hall  
Torrington, CT 06790-5245



Phone: (860) 489-2221  
Fax: (860) 496-5928  
[www.torringtonct.org](http://www.torringtonct.org)

## Notice of Zoning Violation

October 23, 2023

USPS, Regular Mail  
UPPS, Certified Mail

Gary Hatstat  
441 Oak Avenue  
Torrington, CT 06790

Dear Mr. Hatstat,

We continue to receive reports and collect evidence documenting your residence within the property you own at **441 Oak Avenue** in Torrington.

Because the commercial use of this property is not currently permitted under the City zoning code, and you have formally abandoned this legal pre-existing non-conforming (grandfathered) use by occupying the structure as a residence, we will begin enforcement related to:

- 1) unregistered/inoperable vehicle storage outside of an enclosed structure
- 2) unauthorized commercial operations
- 3) junk storage
- 4) change in property use without the necessary permits

**Please remove unregistered/inoperable vehicles/associated junk, cease all commercial operations, and obtain the necessary permits from the Land Use and Building Departments in the next 30 days.**

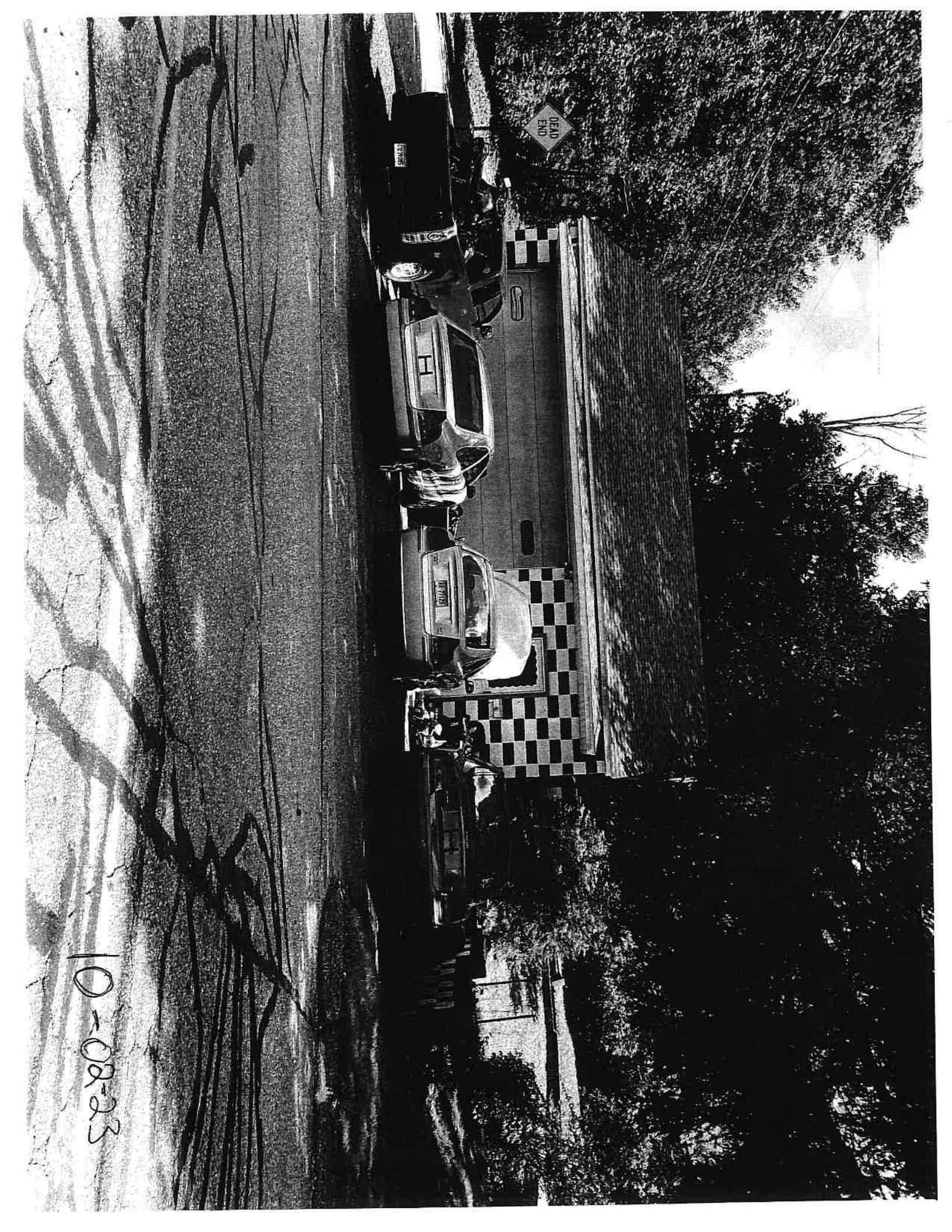
If you have any questions regarding this notice, our office can be reached at 860-489-2221 or I can be reached through email at [nate\\_nardi-cyrus@torringtonct.org](mailto:nate_nardi-cyrus@torringtonct.org). Failure to comply with this notice within the above time frame will result in issuance of a Cease-and-Desist order, referral to the City Attorney and any fine and fees allowed by ordinance.

Respectfully,

  
Nate Nardi-Cyrus, AZT  
Assistant City Planner  
Zoning/Wetlands Enforcement Official

Cc: . File

Ashley Clement – Blight Enforcement Officer



10-08-23

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary Hutzstet  
 441 Oak Ave  
 Torrington, CT 06790



9590 9402 6833 1074 3377 95

2. Article Number (transfer from service label)

7021 2720 0001 3474 3456

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - 1 Mail
  - 1 Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To *Gary Hutzstet*  
 Street and Apt. No. for PO Box No. *441 Oak Ave*  
 City, State, ZIP+4® *Torrington, CT 06790*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here

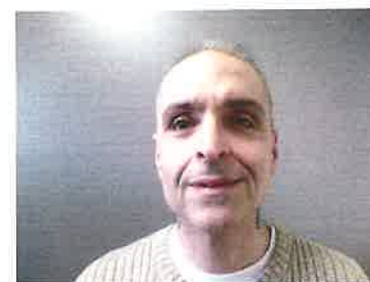
9590 9402 6833 1074 3377 95



Offender Search: Offender Details

**Exhibit**

## Details

**Name:** GARY A HATSTAT **Registration #:** 513708**Last Verification Date:** 05/05/2023

GARY A HATSTAT

### Physical Description

- |  |                         |
|--|-------------------------|
| • <b>Age:</b> 53 (DOB: 07/25/1970)                               | • <b>Height:</b> 5'11"  |
| • <b>Sex:</b> M  | • <b>Weight:</b> 155lbs |
| • <b>Race:</b> White   | • <b>Eyes:</b> Brown    |
| • <b>Hair:</b> Brown   |                         |
| • <b>Scars/Tattoos:</b> Tattoo on Neck (SPADE AND MALTESE CROSS) |                         |

### Address

HOMELESS WOODBURY, CT 06790

Other Known Addresses

### Offenses

- **Description:** 53-21(a)(2) - Injury or risk of injury to a child - Illegal Sexual Contact of a child under 16 years old  
[View this statute](#)
- **Date Convicted:** 07/20/2012
- **Conviction State:** Connecticut
- **Release Date:** 10/24/2014
- **Details:** The offender showed the minor victim who was between the ages of 7 and 8 at the time some pornographic pictures on the computer but it wasn't used to facilitate the offense. The offender did touch the minor victim buttocks and vagina under her clothing. The offender also made the victim touch his penis and put it in her mouth. The offender also had anal intercourse with the victim.

### Comments

Secondary Address - 441 Oak Ave, Torrington, CT

### • Probation Conditions

- None Entered

**Non-compliant**

- Failed to Verify Address

To report information on the whereabouts of this offender please email us at [sex.offender.registry@ct.gov](mailto:sex.offender.registry@ct.gov)

[Submit a tip or correction for this offender](#)

[Register to track this offender](#)



## Other Known Addresses

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### Other Known Addresses

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- School Addresses
- Volunteer Addresses

The Department of Emergency Services & Public Protection has not considered or assessed the specific risk of re-offense with regard to any individual prior to his or her inclusion within this registry, and has made no determination that any individual included in the Registry is currently dangerous. Individuals included within the registry are included solely by virtue of their conviction record and state law. The main purpose of providing this data on the Internet is to make the information more easily available and accessible, not to warn about any specific individual.

**WARNING**

**"ANY PERSON WHO USES INFORMATION IN THIS REGISTRY TO INJURE, HARASS OR COMMIT A CRIMINAL ACT AGAINST ANY PERSON INCLUDED IN THE REGISTRY OR ANY OTHER PERSON IS SUBJECT TO CRIMINAL PROSECUTION."**



CITY OF TORRINGTON  
ZONING BOARD OF APPEALS

**Exhibit P**

APPEAL FROM THE DECISION OF AN OFFICIAL  
CHARGED WITH THE ENFORCEMENT OF THE ZONING REGULATIONS

Fee is \$210 (including \$60 State Tax)

Date: Nov 17, 2023

Property Location: 441 Oak Ave, Torrington CT 06790  
Assessor's Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Zone: \_\_\_\_\_ Lot Area: \_\_\_\_\_

Property Owner: Gary A. Hartstat  
Address: Mailing address: 441 Oak Ave, Torrington CT 06790

Appellant: Gary A. Hartstat  
Address: Mailing address: 441 Oak Ave, Torrington CT 06790  
Phone: 860-618-8565 Fax: \_\_\_\_\_ E-Mail: garyhartstat@gmail.com

Appellant Signature: [Handwritten Signature]

Appellant's interest in property: (check One)  Owner  Contract Purchaser  Lessee  
 Agent  Abutting Landowner  Other \_\_\_\_\_

Date of the action being appealed: Oct 27, 2023  
(Important information for the Appellants: Connecticut General Statutes: Section 8-7 requires that an appeal shall be filed with the ZBA within 30 days of the action being appealed.)

Name(s) of the official(s) whose order, decision or requirement is being appealed: Nate Nardi - Cyrus AZT - Assistant City Planner

Action being appealed: Alleged change of zoning based on ~~staged~~ ongoing complaints by Elizabeth A. Rieman who owns a property located at 451 Oak Ave, which is adjacent to mine.

Grounds for Appeal: I do not reside at my property located at 441 oak ave! I work full time at my day job I work in my garage at night. I have neighbors who will want to be heard at the hearing as well to testify to what I do here at my property  
[Public Hearing information on back of form.]

FOR OFFICE USE ONLY

Is this property within 500 feet of another municipality?  Yes  No  
If yes, the town name(s): \_\_\_\_\_

Date town(s) was notified of Public Hearing: N/A

Date of ZBA Decision: \_\_\_\_\_ Action: \_\_\_\_\_

**Nate Nardi-Cyrus**

**From:** Launa Goslee  
**Sent:** Thursday, December 7, 2023 9:18 AM  
**To:** Nate Nardi-Cyrus  
**Subject:** RE: 441 Oak Ave

Gary Hatstat  
441 Oak Ave

Thank you,



**Launa M. Goslee, CCMC**  
**City of Torrington Tax Collector**  
140 Main Street, Room 134  
Torrington, CT 06790

**Tel: 860.489.2209 x1001**  
**Fax: 860.496.5905**  
[Launa\\_goslee@torringtonct.org](mailto:Launa_goslee@torringtonct.org)  
[www.torringtonct.org](http://www.torringtonct.org)

**OFFICE HOURS:**  
**Mondays – Wednesdays 8:30-12:00**  
**Thursdays 8:30-12:00**  
**Fridays 8:30-12:00**

You may visit the tax collector's home page on the City website to look up your tax bill, research your tax payment history, pay your taxes online, or find answers to questions taxpayers frequently ask about property taxes. That site is <https://www.torringtonct.org/tax-collectors-office>. Thank you. Be well and stay safe.

\*\*\*\*\*  
This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter. Thank you.  
\*\*\*\*\*

**From:** Nate Nardi-Cyrus <Nate\_Nardi-Cyrus@torringtonct.org>  
**Sent:** Tuesday, December 5, 2023 3:59 PM  
**To:** Launa Goslee <Launa\_Goslee@torringtonct.org>  
**Subject:** 441 Oak Ave

Hi Launa,

Who and where do you send the tax bill for 441 Oak Ave?

Thanks!

***Nate Nardi-Cyrus, AZT***  
Assistant City Planner  
City of Torrington Land Use Dept.  
(860) 489-2220