

**ZONING BOARD OF APPEALS**  
**November 4, 2013 Meeting Minutes**

Board Members Present: Curtis Ruckey, Howard Aspinwall, Robert Rosenberg,  
Douglas Hamilton and Alternate Daniel Merrigan

Town Staff Present: Jennifer Rodriguez,  
Town Planner & Certified Zoning Enforcement Officer

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Chairman Ruckey called the meeting to order at 7:23 pm

Board roll call was taken.

**MINUTES:**

**Chairman Ruckey referred to the September 3 and October 7, 2013 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. Aspinwall moved to accept the September 3 and October 7, 2013 meeting minutes, as published. Mr. Rosenberg seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**BILLS & CORRESPONDENCE:**

Chairman Ruckey stated that he had received an invoice from the Journal Inquirer which he had already taken care of.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- a. Public hearing on Application #FY13-14-06, Owner: Stuart White, Applicant: Brian Dupuis for a modification of a prior location approval for a Department of Motor Vehicles' License for the property located at 361 South Center Street.**

The following were present at the meeting:

- Brian Dupuis, owner of Connecticut Car Company, located at 361 South Center Street; and
- Zachary Dupuis, Brian Dupuis' son, runs the daily operations of the business.

Mr. Brian Dupuis stated that they were requesting an increase in the amount of vehicles to be parked on the property in question. He explained that when he had applied for his license two years prior the number of vehicles allowed to be parked on the site was 29. He went on to say that they had supplied a plan with their current application that accurately depicted the lined parking spaces that were currently on the site.

Mr. Dupuis noted that some Department of Motor Vehicles' laws had changed and that he was now required to have parking available for customer's vehicles that were brought onto the lot for repair. He went on to say that they had hired some additional staff and that they currently had four employees that required parking spaces. Mr. Dupuis also noted that a vehicle could not be sold in the State of Connecticut unless it had been emissioned and displayed for sale otherwise they could be subject to fines up to \$250.00 per day. Therefore he was in need of parking spaces to hold the vehicles awaiting service prior to being offered for sale. He then commented that they had no control over how long it took someone to actually pick up a vehicle that they purchased; sometimes vehicles were purchased and then remained on the lot for a few days before the new owner actually picked them up.

Chairman Ruckey clarified that when Mr. Dupuis had originally come before the Board he had stated that he would bring vehicles in, repair them and then offer them for sale. Mr. Dupuis stated that that was correct, but that at that time he had used the map that was on file with the Town which had only shown 29 parking spaces. He went on to say that that map had been incorrect.

Mr. Dupuis reiterated that the new map that had been submitted with the current application was correct and showed all of the available parking currently on the site. He went on to say that they were only asking to utilize the parking spaces that are were currently on the site and not being used.

Ms. Rodriguez stated that there were two things that needed to happen in order for any changes to happen on the property. She went on to say that Mr. Dupuis presence at the meeting was more than a courtesy. She explained that when the Zoning Board of Appeals took an action and placed some kind of limit on a property as a condition of approval it was done prior to it going before the Planning and Zoning Commission which would review and approve any site plan modifications.

Chairman Ruckey clarified that the Board would not approve the site plan. Ms. Rodriguez stated that that was correct; they would not approve the site plan.

Ms. Rodriguez explained that before Mr. Dupuis could go before the Planning and Zoning Commission for his site plan modifications he would need to have the vehicle cap lifted from the property.

Mr. Hamilton asked Ms. Rodriguez if Mr. Dupuis should go before the Planning and Zoning Commission first. Ms. Rodriguez replied that he could not go before the Planning and Zoning Commission first, because they would be required to follow whatever restrictions the Zoning Board of Appeals placed on the property.

Chairman Ruckey asked why part of the 29 parking spaces could not be used for what was needed. Mr. Dupuis replied that after he set aside the employee parking, the parking spaces for vehicles waiting to be emissioned and the parking spaces set aside for customer vehicles awaiting repairs it would not leave him with enough parking spaces for the vehicles he was offering for sale.

Mr. Hamilton asked if the increased number of required parking spaces was a result of the applicant wanting to do emissions testing on site. Mr. Dupuis replied that they did not do emission testing; it was simply to hold the vehicles awaiting necessary repairs in order to prepare them to go thru emissions testing. The discussion then continued briefly and Mr. Hamilton clarified that the applicant was not going to be conducting emissions testing. Mr. Dupuis stated that that was correct; they would not be conducting emissions testing.

Chairman Ruckey commented that the applicant had had as many as 30-something vehicles on the site and that some complaints had been filed. Mr. Dupuis admitted that they had had up to 38 vehicles on the site, utilizing all of the parking spaces on the site. He then explained that parking spaces used for displaying vehicles for sale were required to be 9 feet wide, while other parking spaces had a smaller width requirement.

Mr. Merrigan asked how many of the requested parking spaces needed to be striped in. Mr. Dupuis replied that he would not have to stripe any spaces in; they were already there.

Mr. Hamilton asked Ms Rodriguez how many complaints her office had received regarding the property in question. Ms. Rodriguez replied that the complaints all came from the same person (about 2 or 3 complaints each week) and that they never left their name or contact information. The discussion then continued briefly.

Chairman Ruckey asked the Board members for any further questions. They had none.

Chairman Ruckey asked for any public input in opposition to the application. There was none.

Chairman Ruckey asked for any public input in favor of the application. There was none.

Mr. Dupuis asked, if the Board did not feel comfortable with 38 parking spaces, if there was a number somewhere between the 29 and 38 that they would feel comfortable with for the site.

Chairman Ruckey asked Ms. Rodriguez if it was okay for the Board to suggest to the Planning and Zoning Commission a maximum number of vehicles to be parking on the property. Ms. Rodriguez replied that the number of vehicles should be left to the Planning and Zoning Commission to set after the Town Engineer has looked at it. Their discussion continued briefly and Mr. Ruckey clarified that, because the board had put the cap on the number of vehicles to be parking on the site, the Board needed to remove that cap. Ms. Rodriguez stated that that was correct; if that was what the Board members decided that they wanted to do.

**Chairman Ruckey asked for a motion regarding Application #FY13-14-06. Mr. Rosenberg moved to approve a modification of the prior location approval for the Department of Motor Vehicles' License for the property located at 361 South Center Street by removing the cap of 29 vehicles allowed to be parking on the site. He went on to say that the amount of vehicles allowed to be parked on the site would be based upon what the Planning and Zoning Commission deemed acceptable for that property. Mr. Hamilton added the following to Mr. Rosenberg's motion:**

**- The marked up site plan submitted as part of the application is not being approved by the Board; it is being referred to as a general concept submitted as part of the request.  
-- The applicant should provide an updated professional site plan for preliminary review by Ms. Rodriguez, the Town Planner and Zoning Enforcement Officer, and the Town Engineering Consultant Dana Steele as a first step in the Planning and Zoning Commission applicant process.**

**Mr. Aspinwall seconded the amended motion. All were in favor. The vote was 5 – 0; the motion was approved.**

**b. Public hearing on Application #FY13-14-07, Owner: Parul Shah, Applicant: Grillo Brothers (Mike Grillo) for a variance for the property located at 364 Green Manor Terrace to reduce the side yard setback to 5.8 feet, where 12 feet is required.**

Mike Grillo addressed the Board and stated that he had been a builder in the area for over 46 years. He explained that the property in question currently had an attached breezeway which they were proposing to take down and add a two car garage in its place. He went on to say that they would like to construct a 22 foot wide garage, which was the smallest size garage that would still be comfortable to hold two vehicles. Mr. Grillo noted that the abutting

neighbor's garage would be adjacent to the proposed garage. He then commented that the neighbor was okay with what was being proposed. Chairman Ruckey asked Mr. Grillo if he had a letter from that neighbor. Mr. Grillo replied that he did not.

Mr. Grillo stated that this would be his third project on Green Manor Terrace. He went on to say that he had looked at the variances that had previously been granted on that street and noted that six of them were for side yard setback variances of 5 feet or less.

Mr. Hamilton asked if the abutting neighbor had been contacted. Mr. Grillo stated that he had spoken with the neighbor when he was at the property taking measurements. Ms. Rodriguez also stated that the Recording Secretary had sent out Abutter's Notifications to all of the abutting property owners.

Chairman Ruckey clarified that the garage roof line would be in line with the existing house roof line, just higher. Mr. Grillo stated that that was correct; the garage roof line would be 15 inches higher in order to keep the pitch the same as that on the house.

Mr. Hamilton asked what the hardship was. Mr. Grillo replied that the hardship was the size of the lot; it was a narrow lot in a nonconforming neighborhood.

Mr. Hamilton asked Mr. Grillo what they were going to do with regard to the driveway. Mr. Grillo replied that there was currently a wide driveway on the property. He went on to say that they would simply be cutting away a portion of the driveway in order to install the foundation for the garage and that that portion would be left as stone for a year before the driveway was redone.

Chairman Ruckey commented that they would be looking at the 5.8 foot variance all the way to the street. Ms. Rodriguez pointed out that the Regulations allowed the driveway to match the accessory structure to within 5 feet of the property line. The discussion then continued briefly.

Chairman Ruckey asked the Board members for any further questions. They had none.

Chairman Ruckey asked for any public input in opposition to the application. There was none.

Chairman Ruckey asked for any public input in favor of the application. There was none.

**Chairman Ruckey asked for a motion regarding Application #FY13-14-07. Mr. Rosenberg moved to approve Application #FY13-14-07, Owner: Parul Shah, Applicant: Grillo Brothers (Mike Grillo) for a variance for the property located at 364 Green Manor Terrace to reduce the side yard setback to 5.8 feet, where 12 feet is required. The variance is solely for the garage as described in the application. This approval is not a permit to build. Please see the Building Department for further requirements prior to any start of work. Mr. Rosenberg then stated that the hardship as the narrowness of the property. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**Mr. Hamilton moved to adjourn the meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 8:06 pm**

Respectfully submitted,

Diane Ferrari  
Recording Secretaty

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**THIS IS A DRAFT**

**Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.**