

ZONING BOARD OF APPEALS
January 5, 2015 Meeting Minutes

Board Members Present: Shane O'Connor, Howard Aspinwall, Douglas Glazier,
Douglas Hamilton and Ronald King

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

The meeting was called to order at 7:00 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the September 2, 2014 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. A motion was made to accept the September 2, 2014 meeting minutes, as published. The motion was seconded. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

a. DMV Applications

b. Public Hearings

- 2. Public hearing on Application #FY14-15-05, Owner: Sales Corporation, Applicant: Mal's Auto & Truck Repair, Inc. for a Department of Motor Vehicle Limited Repairer's License for the property located at 465 Spring Street.**

Amanda Bickford with Mal's Auto & Truck Repair, Inc. of 6 Center Road in Old Saybrook, CT addressed the Board. She explained that AAA had been having some trouble covering this territory in Connecticut, therefore they had asked Mal's to come up over the summer to provide towing services for them. She went on to say that their contract was supposed to end on September 1, 2014. Ms. Bickford then stated that on September 1st AAA came to them again and told them that they were doing

such a good job that they wanted them to stay. She pointed out that if they were going to stay in the area and continue to work with AAA that they needed to find a place where they could park their trucks.

Ms. Bickford stated that they had found the garage located at 465 Spring Street which they proceeded to rent in order to initially just do AAA towing from the facility. She went on to say that they were now looking to expand a little bit to work with the Town's Police Department and do some local towing. She then noted that they were not looking to do repairs. Ms. Bickford reiterated that they would be towing only.

Mr. Glazier asked Ms. Bickford if they needed a DMV Repairer's License in order to provide towing services. Ms. Bickford replied that they needed a Limited Repairer's License to do towing, they did not need a General Repairer's License. She then noted that they would not even be servicing their own trucks at the facility, they would be brought back to their larger facility in Old Saybrook for servicing. Ms. Bickford stated that the facility was going to be used for storage. Their trucks would be stored inside as well as any vehicles that were towed; no vehicles would be stored outside.

Mr. Hamilton clarified that storage of the trucks and all vehicles would be totally inside. Ms. Bickford confirmed that that was correct. Mr. Hamilton then asked how many bays they were looking at. Ms. Bickford replied that they had two units. She went on to say that the two units were pretty large and could hold quite a bit of vehicles. She noted that they currently had two flatbed trucks parked inside overnight (they only operated from 7:00 am to 7:00 pm) and that her two employees parked their personal vehicles inside when they picked up the trucks.

Mr. Hamilton verified that there would be absolutely no vehicles parked outside the building. Ms. Bickford stated that that was correct, no vehicles would be parked outside.

Mr. Hamilton asked what other facilities they had been working out of in this area. Ms. Bickford replied that there were other towing facilities in the area that they were friendly with that had allowed them to park their vehicles at their facilities. Mr. Hamilton asked specifically which facilities they were using. Ms. Bickford could not recall the names, but stated that a couple of them were located in Hartford. She offered to get Mr. Hamilton the names, if he wanted, at a later time.

Mr. O'Connor clarified that the AAA towed vehicles were being towed to the customer's facility of choice not to Ms. Bickford's facility. Ms. Bickford stated that that was correct. She went on to say that they would only tow vehicles to their Old Saybrook facility if requested to do so since they were a AAA approved repair facility down there. She then reiterated that they were not looking to do that in Windsor Locks.

A brief discussion took place regarding why a Limited Repairer's License would be required by the Department of Motor Vehicles for towing.

Ms. Rodriguez stated that the two units being rented by Mal's were Units E and F. Mr. Glazier mentioned that he had driven by the facility and noted that the units were marked and there was a small business sign already in place.

Mr. Hamilton commented that he was having difficulty understanding why signs were already in place, vehicles were already parked at the facility and the business was already operating, but they were only now just coming before the Board requesting the necessary license. Ms. Bickford stated that they were currently working only for AAA and that doing so did not require any DMV license. She went on to explain that in order to start working with the Police Department they needed to be registered/licensed thru the Department of Motor Vehicles. She further explained that if they were only going to be towing for AAA no license would be necessary; it was only needed so that they could start working with the Police Department.

Ms. Rodriguez clarified that AAA had their own license/contract and since Mal's was a subcontractor for AAA they were covered under that. Ms. Bickford stated that that was correct; AAA would cover them for any AAA towing that they did.

Mr. Hamilton asked where the vehicles that they towed for the Police Department were going to be towed. Ms. Bickford replied that that would depend. She explained that in most cases the vehicles would go back to the Police Department depending on what the tow was being called for. She noted that many vehicles would be towed from accidents and that some would be either unregistered or uninsured vehicles. Ms. Bickford stated that the unregistered/uninsured vehicles would be towed back to their facility and stored inside the building until the owner claimed the vehicle with the proper identification and required paperwork.

Mr. Hamilton asked how many vehicles they could store in the two units. Ms. Bickford replied that she did not know exactly how many, but that she could find out for him. Mr. Hamilton clarified that they had two flatbed trucks, but he wanted to know how many additional vehicles they could store inside the building. Ms. Bickford contacted the owner of business to find out how many vehicles could be stored inside the building. She then noted that they would not be towing a high volume of vehicles for the Police Department and those that they did tow for them would be picked up by the owners pretty quickly; people typically wanted to get their vehicles back right away. Ms. Bickford received a reply from the owner stating that fifteen vehicles could be stored inside the building.

Mr. Hamilton asked Ms. Bickford if they would object to the Board stipulating that no vehicles could be stored externally of the building. Ms. Bickford stated that they could not store vehicles outside the building anyway. She explained that the vehicles

needed to be stored in a secure facility and that that was governed by the Department of Motor Vehicles.

Mr. Glazier pointed out that the applicant was allowed six parking spaces outside as part of the rental agreement. Ms. Rodriguez stated that under the Planning and Zoning approval for the site those six spaces were for employee and customer parking. Ms. Bickford and Chairman O'Connor both reiterated that they could not store any vehicles outside. Ms. Bickford stated that it would be a huge liability for them to do so. The discussion continued briefly.

Mr. Hamilton commented that his concern was that in the past the Board had granted a number of Motor Vehicle Licenses with limitations as to the number of vehicles that could be stored outside, but that those limitations had not be adhered to. He went on to say that he did not want that to happen in this case. Ms. Bickford invited Board members to visit their facility in Old Saybrook. She pointed out that they were a very reputable company which had been in business since 1972. Mr. Hamilton reiterated that he would have no problem approving the requested license for the location as long as the Board stipulated that no vehicles other than employee vehicles could be external to the building. Mr. Glazier stated that they needed to allow customers to park externally as well.

Chairman O'Connor asked Ms. Rodriguez for any comments. Ms. Rodriguez reviewed her memorandum dated January 5, 2015 and stated that everything in her memo had already been discussed.

Chairman O'Connor asked the Board members for any further questions. They had none.

Chairman O'Connor read the following letter dated January 5, 2015:

“My name is Douglas Fournier. I am unable to attend this evening’s meeting and would like to have my correspondence read and entered into the record please.

I am president of Fox Hill Auto Services, Inc. 466 Spring Street, Windsor Locks. I am also managing partner of 466 Spring Street, LLC which owns the property at 466 Spring Street, Windsor Locks.

My Fox Hill Auto Services has been in similar business to Mal’s Auto for 40 years. I also pay the taxes at 466 Spring Street.

In regards to the application of Mal’s Auto for a Limited Repair License with DMV, as a businessman I am against this application because it is right across the street from my business. But as an American, I believe Mal’s should have the same opportunity to do business as anyone else.

That is provided this will be a real business and not just a shell to support a towing business only. The trucks should be registered in Windsor Locks to support the tax base. You should be able to have your car repaired there. This should be a REAL place and not just a satellite towing location of the Old Saybrook operation. There are DMV laws in place to deal with this type of thing. Therefore I would allow this use if done lawfully.

I do not believe in nor am I seeking protectionism from competition. The weakest players always drop out anyways. Knowing that the Board's job is to determine if this use is compatible with the rest of the neighborhood, please note that Spring Street is already saturated with automotive repair licenses and other automotive uses. It is up to the Board to see that the Town does not license EVERY garage door that goes up and down on Spring Street."

Chairman O'Connor asked for any public comments in favor or against the application. No members of the general public were present, therefore no comments for made.

Chairman O'Connor asked the Board members for a motion regarding Application #FY14-15-05. Mr. Hamilton moved to approve Application #FY14-15-05, Owner: Sales Corporation, Applicant: Mal's Auto & Truck Repair, Inc. for a Department of Motor Vehicle Limited Repairer's License for the property located at 465 Spring Street with the following stipulation, no towed or repair vehicles can be located outside of the two bay areas; the six parking spaces are for employees and customer parking only. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

A motion to adjourn the meeting was made. The motion was seconded. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:45 pm

Respectfully submitted,

Diane Ferrari
Recording Secretary

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.