

ZONING BOARD OF APPEALS
February 7, 2011 Meeting Minutes

Board Members Present: Shane O'Connor, Howard Aspinwall, Curtis Ruckey,
Peter Lambert and Alternate Daniel Merrigan

Town Staff Present: Jennifer Rodriguez,
Planning Coordinator and Assistant Zoning and Wetlands Officer

Chairman O'Connor called the meeting to order at 7:05 pm.

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the November 1, 2010 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. Lambert moved to accept the November 1, 2010 meeting minutes, as published. Mr. Merrigan seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY10-11-02, Owner: NQGQ Realty, LLC, Applicant: Unlimited Auto Sales and Detailing, Inc. for a Motor Vehicle Dealers License for the property located at 59 King Spring Road.**

Attorney Paul Smith addressed the Board on behalf of the applicant and stated that Jerry Lucci, owner of Unlimited Auto Sales and Detailing, was also present that evening. He then pointed out that it was not a variance application, but rather an application under General Statutes Section 14-54 which required that when someone applied for a Motor Vehicle Dealer's License or a Motor Vehicle Repairer's License they go before the Zoning Board of Appeals and the Planning and Zoning Commission. Attorney Smith commented that under the Statute the Board was obligated to review the applicant's request for a Dealer's License.

Attorney Smith noted the following criterion for reviewing the application:

- was it an appropriate use for the proposed location (neighborhood);
- was it on a street where the proposed operation might create a traffic hazard; and

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- was there something about the site that might interfere with public safety or welfare in any way.

Attorney Smith stated that Unlimited Auto Sales and Detailing, Inc. currently operated at 59 King Spring Road which was an industrial area with fairly intense industrial uses. He then pointed out that there were a number of motor vehicle uses currently on King Spring Road.

Attorney Smith described the site as follows:

- owned by the Quagliaroli family;
- 2 acre site on the north side of King Spring Road;
- the buildings at the site were used by a number of different tenants;
- Mr. Lucci leased Units D & E; and
- Mr. Lucci's business had occupied the site in question for about 14 years.

Attorney Smith explained that Mr. Lucci's business typically took in four to five vehicles per day, detailed them and then brought them back to his client or auction.

Attorney Smith stated that Mr. Lucci's interest in obtaining a Dealer's License was not so that he could operate a retail establishment, but rather so that he could participate in auto auctions. He then noted that without a Dealer's License Mr. Lucci could not participate or be involved with any auto auction. He went on to say that Mr. Lucci's desire was to obtain a Dealer's License in order to expand his businesses ability to operate by buying and selling cars to his clients and at auction. Attorney Smith reiterated that Mr. Lucci had no intent to sell cars from the site in question; he would continue to do auto detailing. He then pointed out that Mr. Lucci would buy and sell vehicles at the auction.

Attorney Smith again stated that Mr. Lucci would not sell or service vehicles at the site in question; it would continue to be only an auto detailing site. He then noted that there had been no incidents with Mr. Lucci's site over the past 14.

Attorney Smith referred to the site's location and pointed out that Frank's Auto Sales was located to the west of Mr. Lucci's site and that Frank's held a Dealer's License. He went on to say that also on King Spring Road was the asphalt plant, the C & S Distribution operation and the tobacco warehouse facility. Attorney Smith commented that Mr. Lucci's business fit well in the area. He then mentioned that traffic should not be an issue.

Attorney Smith stated that Mr. Lucci was required to obtain approval from the Zoning Board of Appeals, then the Planning and Zoning Commission and ultimately the Department of Motor Vehicles (DMV). He also noted that a letter from the Police Chief was required by the DMV.

Attorney Smith stated that they had received a letter from the Police Chief dated January 19, 2011. He then read the letter as follows:

“I have reviewed the above referenced site plan and have no concerns with the plans as submitted, provided all Planning and Zoning regulations are met.”

Chairman O’Connor asked the Board members for any questions. Mr. Ruckey commented that if Mr. Lucci obtained the Dealer’s License it would not necessarily restrict him from selling vehicles at the site in question. He then asked what would prevent Mr. Lucci from doing so in the future. Attorney Smith replied that Mr. Lucci did not have approval from the Town for that use; therefore he would be in violation of the Zoning Regulations. He went on to say that when Mr. Lucci went to the Planning and Zoning Commission that Commission would probably attach conditions to their approval.

Mr. Ruckey asked if an additional permit would be required in order for Mr. Lucci to operate a retail dealership at the site. Attorney Smith replied that a Special Use Permit from the Town would be required. He then noted that Industrial was not zoned for a retail dealership.

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

Chairman O’Connor asked Ms. Rodriguez for any comments or questions. Ms. Rodriguez replied that she had submitted a report and noted that there was nothing in her report that had not been addressed by Attorney Smith. She then suggested that Item 1 from her February 7, 2011 memorandum/report be referenced in any approval of the application.

Chairman O’Connor asked for a motion regarding Application FY10-11-02. Mr. Ruckey moved to approve Application #FY10-11-02, Owner: NQGQ Realty, LLC, Applicant: Unlimited Auto Sales and Detailing, Inc. for a Motor Vehicle Dealers License for the property located at 59 King Spring Road. The applicant, Unlimited Auto Sales and Detailing, LLC, is requesting location approval for a new MVD license at the existing facility on 59 King Spring Road Units D and E in order to buy and sell vehicles at dealer’s auctions. No sales to public or repairs are to be done on the premises by the applicant. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Ruckey moved to adjourn the meeting. Mr. Lambert seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:25 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.