

## BOARD OF APPEALS , 2012 Meeting Minutes

Board Members Present: Curtis Ruckey, Howard Aspinwall, Peter Lambert,  
Douglas Glazier, Robert Rosenberg and Michael Russo

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

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Curtis Ruckey called the meeting to order at 7:00 pm.

Board roll call was taken.

### MINUTES:

Mr. Ruckey referred to the March 5, 2012 meeting minutes and asked the Board members and staff for any comments or corrections. There were none. Mr. Ruckey asked for a motion. Mr. Lambert moved to accept the March 5, 2012 meeting minutes, as published. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

### BILLS & CORRESPONDENCE:

There were none.

### OLD BUSINESS:

There was none

### NEW BUSINESS:

- a. **Public hearing on Application #FY11-12-08, Owner/Applicant: Roncari Development Company for a variance for the property located at 9 Schoenphoester Road to allow placement of light poles with a height of 30 feet, where 14 feet is the maximum allowed, and to allow non-full cut-off fixtures, where cut-off fixtures are required.**

Attorney Paul Smith addressed the Board on behalf of the applicant and noted the following about the Roncari property:

- 25 acre total parcel;
- the Roncari parcel consisted of several parking lots;
- Roncari's main parking lot was farther down on Schoenphoester Road;
- Roncari also owned the abutting property located at 82 Ella Grasso Turnpike;
- the parcel in question was not part of that main parking operation;
- the State of Connecticut had an easement for the driveway to the State parking lot which ran thru the Roncari parcel;



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- the parcel in question was a 4.5 acre paved parking lot; and
- there was a large ravine adjacent to the property and on the other side of that ravine was Roncari's main parking area.

Attorney Smith stated that the applicant wanted to convert the site in question to a self-park parking lot, similar to the State of Connecticut parking lot.

Attorney Smith stated that the entire area had been zoned Industrial back when it was originally developed in the 1980s, but that it was later rezoned by the Town to Business 1. He then pointed out that the Business 1 zoning limited the light pole height to 14 feet and required that there be full cut-off fixtures.

Attorney Smith stated that the applicant was concerned about adequate visibility in the parking lot for safety reasons. He went on to say that in order to light the parking lot adequately would require over thirty 14 foot poles. He then noted that the applicant had brought a design plan before the Planning and Zoning Commission over a year ago and that there were some significant areas of darkness on that plan.

Attorney Smith described the area around the parcel as follows:

To the east ó State parking lot with 25 to 30 foot high light poles (essentially street lights)

In the rear ó more parking

To the north ó a large berm of land approximately 100 feet wide and then Schoenphoester Road

To the west ó property owned by Roncari

Attorney Smith commented that there would be no adverse effects to any neighboring properties.

Attorney Smith stated that the applicant had had a new photometric plan prepared which showed where all of the light poles would be located, the height of the poles and the foot candles. He explained that there would be two light poles in the interior of the lot with the others around the exterior of the lot. He then pointed out that they would be tilt lights with a top shield and that they would be tilted to shoot the light into the property. Attorney Smith stated that the new plan would eliminate all of the dead spots in the lot. He then noted that it also met the requirement that there be less than .5 foot candles of light spillage onto any adjacent properties.

Attorney Smith commented that they felt that it was a reasonable plan and that the applicant had tried to be as modest as they could while still meeting their needs and the needs of their potential customers.



Attorney Smith stated that the hardship was the configuration of the lot. He went on to say that in order to meet the required low fixture height they would have had to install over 30 light poles, thus creating hazards to the members of the public using the lot.

Attorney Smith pointed out that the area was not directly in the flight glide path of any planes approaching Bradley International Airport. He went on to say that the height restrictions in the area were very, very high and that the applicant's light poles would be well under those restrictions.

Attorney Smith concluded by pointing out that the site was well maintained with landscaping in the front of all of the parking areas and that the site was currently unlit. He then distributed copies of light fixture spec sheets for both the full cut-off and the tilt fixtures.

Mr. Lambert asked if the applicant had considered the use of shades on the lights. Attorney Smith replied that they had not because Schoenphoester Road was so far from the parking lot. Mr. Lambert commented that he was not that concerned about the parcel in question, but that he was concerned about setting a precedent. A brief discussion followed and Mr. Rosenberg pointed out that any ruling made by the Board would not set precedence. Attorney Smith then reiterated that it was a unique site.

Ms. Rodriguez pointed out that the Regulations required a minimum of .5 foot candles for public safety. She went on to say that even the Planning and Zoning Commission had some flexibility given certain circumstances and could allow up to a maximum of 6 foot candles. She then noted that public safety in a unique use, a gas station or a car dealership were some of the exceptions that the Planning and Zoning Commission could use in order to allow greater foot candles.

Mr. Ruckey clarified that, if the Board were to approve the variance application, the applicant would still need to go before the Planning and Zoning Commission. Ms. Rodriguez replied that the applicant may or may not need to go before the Planning and Zoning Commission; it would depend on what else they might be proposing to do on the site.

Mr. Ruckey commented that he did not know if there was truly a hardship, since there was currently no lighting at all on the property. He went on to say that if any 30 foot high poles were to fall, they could potentially fall onto adjacent properties. Attorney Smith pointed out that the poles had to be wind rated to something like 100 mph winds. He went on to say that all of the proposed poles would be well within the confines of the applicant's property.

Attorney Smith stated that the uniqueness of the site was that it was a large paved parking lot and that in order to utilize it beyond daylight hours required lighting. He went on to say that it was unique because at one time it was zoned Industrial, where 30 foot poles would have



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been acceptable. Attorney Smith reiterated that the parcel's size, location and configuration were all unique. He then pointed out that the hardship was not self-created; it was created by the changing of the zone.

Mr. Russo asked Attorney Smith if he was aware of any poles going down during the October, 2011 storm. Attorney Smith replied that he was not aware of any. Mr. Russo then pointed out that the lower poles would mean more poles and more dark spots in the parking lot.

Mr. Ruckey read the following from the Regulations:

“Outdoor lighting fixtures shall be limited to a maximum of 14 feet in height unless in a unique circumstance a taller light pole is otherwise approved in Industrial zones by the Commission through a Special Permit application.”

Mr. Ruckey clarified that even if the parcel were zoned Industrial the Board would still have had to approve the 30 foot poles. Attorney Smith stated that that was not the case; the Planning and Zoning Commission could approve 30 foot poles in an Industrial Zone.

Mr. Lambert asked who had changed the zoning. Attorney Smith replied that the Town had made the determination to change all of the zoning in the area from Industrial.

Mr. Ruckey asked the Board members for any questions. Mr. Glazier asked if the property in question was near Schoenphoester Road or right on it. Attorney Smith replied that there was a large berm between the parcel and Schoenphoester Road. Mr. Glazier then asked if any consideration had been given to the traffic on Schoenphoester Road. Attorney Smith stated that the property in question was over 100 feet away from the edge of Schoenphoester Road. Mr. Glazier clarified that the adjacent property already had 30 foot high poles on it. Attorney Smith replied that that was correct; the adjacent State parking lot basically had street lights on it.

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

Mr. Ruckey asked for any public comments in favor of the application. There were none.

Mr. Ruckey asked for any public comments in opposition to the application. There were none.

**Mr. Ruckey asked for a motion regarding Application FY#11-12-08. Mr. Lambert moved to approve Application FY#11-12-08, Owner/Applicant: Roncari Development Company for a variance for the property located at 9 Schoenphoester Road to allow placement of light poles with a height of 30 feet, where 14 feet is the maximum allowed, and to allow non-full cut-off fixtures, where full cut-off fixtures are required because of**



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**the unique quality of the property. Mr. Ruckey added to the motion by noting that the Board had considered the fact that the property had previously been zoned Industrial and had been changed to Business 1. In addition, the proposed lighting plan would not adversely affect any adjacent properties. Mr. Glazier seconded the motion and noted that a major part of the hardship was that if shorter poles were utilized there would be so many of them throughout the lot that it would become a hazard to the members of the public trying to park their vehicles in the lot. All were in favor. The vote was 5 – 0, the motion was approved.**

**Mr. Rosenberg moved to adjourn the meeting. Mr. Lambert seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:46 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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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.**