

ZONING BOARD OF APPEALS
April 7, 2008 Meeting Minutes

Board Members Present: Shane O'Connor, Robert Rosenberg, Howard Aspinwall,
Curtis Ruckey, and Ray Williams

Town Staff Present: David Elder, Temporary 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.

Chairman O'Connor referred to the March 3, 2008 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Rosenberg moved to accept the March 3, 2008 meeting minutes, as published. Mr. Ruckey 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 #FY07-08-08, Owner: Vanguard Real Estate Holdings, LLC, Applicant: Enterprise Rent A Car for a variance for the property located at 1 National Drive to reduce the front yard setback to 38.2 feet, where 60 feet are required.**

Attorney Paul Smith addressed the Board and noted that Kevin Kolsted, who managed the Enterprise Rent A Car facility on Route 75, was also present that evening. He explained that it was a 4 acre piece of property located on National Drive, the old Alaimo car rental facility. Attorney Smith then distributed a large scale map of the property to all of the Board members. He noted that the property in question was located at the corner on the easterly side of National Drive. He went on to say that there was an existing building, pavement and fencing on the property.

Attorney Smith stated that Enterprise was proposing to install some canopies, indicated by the striped areas on the plan. He noted that they were asking for a waiver of the front yard setback for the purposes of those canopies. Attorney Smith pointed out the following three areas where the canopies would encroach within the building line:

- the canopy located at the top of the plan would be 38.2 feet;
- the canopy located in the middle of the plan would be 46.4 feet; and
- the canopy located at the bottom of the plan would be 38.4 feet.

He then explained that those were the distances of the canopies from the street line.

Attorney Smith distributed an artists rendering of the canopies on the building.

Attorney Smith explained that Enterprise wanted to take the consumer portion of their operation off of Route 75 and put it on National Drive. He pointed out that that would be a positive thing for Enterprise and the Town. He went onto say that they were trying to direct their consumer traffic to a more user friendly site in terms of traffic and safety. Attorney Smith commented that he felt that it was a win-win situation for both Enterprise and the Town.

Attorney Smith stated that the reason for the canopy was a safety factor. They wanted to have the drop off and pick up of vehicles under a canopy, protected from the elements. He went on to say that they had looked at it as an upgrade to the existing facility that was located on the property. Attorney Smith then pointed out that the facility had been vacant for at least five years.

Attorney Smith stated that the site was located in a Business 1 zone with a 60 foot required building line setback. He then reiterated that the encroachment of that setback would not be for a building. Attorney Smith then stated that the hardship was that it was a fairly strange site with limited frontage on a curve. He then pointed out that the building had been built close to the front of the lot for visibility purposes.

Attorney Smith stated that he had worked with Enterprise in the past and that they had been a good corporate citizen of the Town for many years with clean, well-maintained facilities. He noted that they were a well run company.

No members of the public were in attendance, therefore there were no public comments either in favor or opposed to the application.

Chairman O'Connor asked Mr. Elder for any comments. Mr. Elder had none.

Chairman O'Connor asked the Board members for any questions or comments. Mr. Rosenberg asked if the northern most canopy could be moved back (east) at all. Mr. Kolsted replied that they had initially looked to cover the whole area just east of the northern canopy, but that there was an easement that ran there. He explained that the easement ran utilities (electric and sewer) to the bowling alley. He went on to say that they could not move the canopy back, because it would fall on top of the easement. Mr. Kolsted commented that if they ever needed access to the easement, they would have to take the canopy down. Attorney Smith noted that a condition of an easement like that was that you could not put any structures over them.

Mr. Rosenberg referred to the canopy located on the south side that came to 38.4 feet of the street line and commented that on the artist's rendering it appeared to come right out to the street. He then noted that they did not want a canopy right out to the street. Attorney Smith reiterated that it was just a rendering. He then referred to the actual site plan that had been prepared by Close, Jensen & Miller and pointed out the edge of the pavement. He went on to say that it was significantly back from the edge of the canopy. Attorney Smith noted that National Drive had never been an accepted street by the Town, it was a private drive.

Mr. Ruckey referred to the building located at the rear of property and commented that it appeared that the canopy would restrict access to that building. He then asked what the access to the building would be. Attorney Smith replied that they would have 10.6 feet of clearance under the canopy for access to that building and that there was also a back gate for emergency access.

Mr. Rosenberg asked if they had considered shortening any of the canopies. He explained that the Board wanted to try to minimize variances. Attorney Smith referred to the middle canopy and stated that they were trying to get some coverage right around the building and, unfortunately, the building was right on the building line. He then referred to the large square canopy at the bottom and explained that they had tried to keep it square so that architecturally it had some balance so that it would look better. Attorney Smith referred to the top, elongated canopy and stated that they were trying to match the canopy up to the parking that was located on the opposite side.

Mr. Kolsted stated that they had already cut the canopy coverage from 20+ parking spaces to the proposed 12 or 13 spaces. He went on to say that if they shrunk them any further then it would probably not be worth doing them at all; they really could not shrink the canopies any further. Attorney Smith stated that they had gone to the Board with the bare minimum that they could use.

Chairman O'Connor asked the Board members for any further questions. Mr. Williams asked what the construction of the canopies would be. Attorney Smith submitted a photograph of the proposed canopy. Mr. Kolsted then explained that they were metal circular pylons that went to a metal grid. He went on to say that they were similar to a gas station canopy. Mr. Rucky commented that it was a more permanent structure. Mr. Kolsted replied that that was correct. Attorney Smith pointed out that they were not canvas canopies.

Mr. Ruckey clarified that Enterprise's current building had no canopies, but that they wanted to implement the canopies on the new building. Mr. Kolsted replied that that was correct. He went on to say that they had looked into constructing canopies at their current facility, but that they could not do so because it was a very narrow long site. Mr. Kolsted explained that Enterprise had come up with new trade designs and dressings for their 50 years in business, which the canopies were part of. He then noted that their customers were now demanding the canopies.

Mr. Ruckey stated that his concern was that they had come into the property understanding the limitations and that they now wanted the Board to accept a variance based on those limitations which they had known about ahead of time. He then asked if it was the only facility in Town that would allow Enterprise the opportunity to put their facility with the proposed structures in. Attorney Smith replied that they had been looking for a location that was not only near the airport, but off of Route 75. He went on to say that it would be a benefit for the Town because they would be occupying what had been a vacant facility. Attorney Smith then stated that they were asking for some limited flexibility from the Board. He then pointed out that the site had already been approved for the proposed use.

Mr. Ruckey asked how long Enterprise's lease on the property was for. Mr. Kolsted replied that Enterprise had purchased Vanguard; therefore it was an internal 20 year lease.

Mr. Rosenberg asked if they were going to be vacating their Route 75 facility. Mr. Kolsted replied that they would be occupying the front and rear buildings, but not using them from a consumer standpoint. He went on to say that it was going to be an extension of their corporate office.

Mr. Williams asked if they had looked at other sites in Town. Mr. Kolsted replied that he had studied the real estate in Town for five years and had looked at a lot of other sites. He went on to say that in terms of the airport customers, they tried to put themselves as close to their competitors and the airport as possible.

Mr. Williams asked if they had any plans to reactivate the old site; would their ever be dual sites? Mr. Kolsted replied that they could possibly turn it into a maintenance facility some day, but that they had no plans to do anything yet. He went on to say that they were moving from an 1.25 acre site to a 4 acre site; therefore they would have a lot of room to grow if they needed it.

Mr. Williams asked what their plan would be if the Board did not grant the requested variance. Mr. Kolsted replied that he did not know. Mr. Williams stated that he was concerned that once the variance was granted that Spanzo & Associates would want a similar variance which would leave a very small space between two large structures. Attorney Smith replied that one of the Spanzo properties was actually a strip mall with the rear facing National Drive, therefore he did not foresee any request for a variance on that property. He went on to say that the second Spanzo property was a vacant parcel on National Drive. Attorney Smith pointed out that that property was a very large piece with a lot of frontage. He then commented that he did not see any real comparative.

Chairman O'Connor asked the Board members for any final questions or comments. They had none.

Chairman O'Connor asked for a motion regarding Application #FY07-08-08. Mr. Rosenberg moved to accept Application #FY07-08-08, Owner: Vanguard Real Estate Holdings, LLC, Applicant: Enterprise Rent A Car for a variance for the property located at 1 National Drive to reduce the front yard setback to 38.2 feet, where 60 feet are required. He then noted that the hardship was the unique configuration of the property and the easement that they had to deal with. The variance is solely for the structure in this application. Any additional changes shall require a return to the Board. This is not a permit to build. Please see the Building Department for necessary permits required prior to site work. Attorney Smith noted that they had an application pending before the Planning and Zoning Commission, because they needed to review any changes made to the site. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman O'Connor stated that he had received information regarding Connecticut Land Use Academy classes which First Selectman Wawruck had forwarded to Ms. Rodriguez. He went on to say that three of the classes were being offered at the University of Connecticut and one at Northeast Utilities. The dates were March 15th, May 17th, September 27th, and November 15th. Mr. O'Connor then stated that he would make copies of the information for the Board members and that if anyone was interested in attending they should let him know.

Chairman O'Connor asked the Board members if they had anything further for discussion. They had none.

Chairman O'Connor asked for a motion to adjourn. Mr. Ruckey moved to adjourn the meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:55 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

**ZONING BOARD OF APPEALS
Extract from the June 2, 2008 Meeting Minutes**

Chairman O'Connor referred to the April 7, 2008 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Rosenberg moved to accept the April 7, 2008 meeting minutes, as published. Mr. Ruckey seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.