

## PLANNING BOARD OF APPEALS 2012 Meeting Minutes

Board Members Present: Curtis Ruckey, Peter Lambert, Douglas Glazier, and Michael Russo

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

---

Curtis Ruckey called the meeting to order at 7:03 pm.

Board roll call was taken.

### MINUTES:

Chairman Ruckey referred to the May 7, 2012 meeting minutes and asked the Board members and staff for any comments or corrections. There were none. Mr. Ruckey then asked for a motion. Mr. Lambert moved to approve the May 7, 2012 meeting minutes, as published. Mr. Russo seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

### BILLS & CORRESPONDENCE:

There were none.

### OLD BUSINESS:

Mr. Glazier asked about the quorum and the need for a unanimous vote that evening with only four members present. A brief discussion followed and Ms. Rodriguez commented although she did not have the Statute with her that evening she believed that a unanimous vote was required because the Board had a more quasi-judicial role than the Planning and Zoning Commission. She then stated that she would check the Statutes and report back to the Board at the following meeting.

### NEW BUSINESS:

- a. **Public hearing on Application #FY11-12-12, Owner: DRV Spring St, LLC Applicant: Thermo King Northeast, LLC for a Motor Vehicle License for the property located at 548 Spring Street.**

Donald Devivo of 305 Edgewood Road, Kensington, CT, the owner and president of Thermo King, addressed the Board and stated that his current business was located in East Windsor. He went on to say that they had recently leased the building at 548 Spring Street in addition to acquiring the assets and employees. He then noted that that building had been occupied by Toria Truck Leasing which held a Used Car Dealers License for the site.

Mr. Devivo stated that he currently operated a business that did truck refrigeration repair in East Windsor and that he would continue to operate that business as well as the business that Toria had operated which was also a truck repair business. He then noted that they had hired Toria's employees. Mr. Devivo explained that, because there was a new owner of Toria Truck, the Department of Motor Vehicles was requiring that they apply for a new Dealers License. He then pointed out that it would essentially be a transfer.

Mr. Devivo stated that they were not going to change the character of the building or the type of business operations. He noted that the property in question was bounded by Thrifty Car Rental on one side and Camp Hartell on the other.

Mr. Devivo stated that he had an A-2 Survey dated August 10, 1988. He went on to say that they had an option to purchase the property and that they intended on doing so. He then explained that they were currently having a new A-2 Survey completed on the site and that they would supply that to the Town once it was completed. Mr. Devivo stated that they had made no changes to the site other than removing several dumpsters full of junk from the building, painting some walls and cleaning up the yard.

Chairman Ruckey asked the Board members for any questions.

Mr. Glazier commented that he had driven by the property in question recently and noticed that the parking area was very small with two cars parked on the lawn area. Mr. Devivo stated that that was going to be rectified. He explained that the property located at 550 Spring was actually part of the site in question, although it was currently leased to Enterprise Rent-A-Car. He went on to say that that lease would be expiring in January of 2013. Mr. Devivo stated that once the lease had expired they were going to remove the existing fence and use that space for additional parking. The discussion continued briefly and Chairman Ruckey then clarified that the application before the Board was only to continue the existing business at the property located at 548 Spring Street.

Mr. Devivo explained that there were four levels of Dealers Licenses issued by the Department of Motor Vehicles:

- New Car Dealer (the highest level);
- Used Car Dealer (allows the license holder to sell used cars;)

Mr. Devivo stated that they did not intend on selling used cars. He then explained that the only reason that they were applying for that type of license was because that was what was currently held for the site.

- General Repair; and
- Limited Repair.



Your complimentary  
use period has ended.  
Thank you for using  
PDF Complete.

[Click Here to upgrade to  
Unlimited Pages and Expanded Features](#)

Chairman Ruckey clarified that the applicant was going to receive trucks and perform refrigeration and general repairs on those trucks. The trucks would come in and go out once the repairs were made. Mr. Devivo stated that that was correct.

Ms. Rodriguez stated that, if the changes mentioned by the applicant with regard to the property at 550 Spring Street were to happen, the applicant would have to go before the Planning and Zoning Commission for review and approval.

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

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

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

Ms. Rodriguez commented that regardless of how the property had been used it had had approval at least since 1995 and another in 1999 for the following uses:

- car and truck rental/leasing
- large vehicle repair;
- private car wash; and
- used large vehicle sales.

**Chairman Ruckey asked for a motion regarding Application #FY11-12-12. Mr. Lambert moved to approve Application #FY11-12-12, Owner: DRV Spring St, LLC Applicant: Thermo King Northeast, LLC for a Motor Vehicle License for the property located at 548 Spring Street to continue the current uses on the subject property including operation as a large vehicle repair facility that sells parts, service and used vehicles. He then noted that the reason for his motion to approve the application was because the applicant had purchased the business and was going to continue the same service on the property. Mr. Russo seconded the motion. Mr. Ruckey noted that it was not an approval to change anything on the property; any changes would have to go before the Planning and Zoning Commission. In addition, any structural or mechanical work proposed as part of the project would have to be brought to the attention of the Building Official, Fire Marshal and various other departments. All were in favor. The vote was 4 – 0, the motion was approved.**



Your complimentary  
use period has ended.  
Thank you for using  
PDF Complete.

[Click Here to upgrade to  
Unlimited Pages and Expanded Features](#)

**Mr. Russo moved to adjourn the meeting. Mr. Glazier seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:22 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.**