

ZONING BOARD OF APPEALS
June 6, 2016 Meeting Minutes

Board Members Present: Shane O'Connor, Daniel Flanagan, Ronald King and
Alternate Christopher Halpin

Town Staff Present: Jennifer Rodriguez, Town Planner

The meeting was called to order at 7:00 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the May 2, 2016 meeting minutes and asked for any corrections or changes. There were none. Mr. King moved to approve the May 2, 2016 meeting minutes as published. Mr. Flanagan seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

a. DMV Applications

There were none.

b. Public Hearings

- 1. Public hearing on Application #FY15-16-10, Owner: Hertz Corporation, Applicant: John Barberino & Carite of Connecticut, LLC for a location approval for a Used Motor Vehicle Dealers' License for the properties located at 321 Ella Grasso Turnpike, 499 North Street and 501 North Street.**

Kevin Johnson from the engineering firm of Close, Jensen and Miller addressed the Board and summarized the site plan as follows:

- site located at the southeast corner of North Street and Route 75
- currently a vacant parcel
- located in the Industrial 3 Zone
- comprised of three separate parcels totaling +/- 12 acres
- site is surrounded by other commercial properties

Mr. Johnson noted that they were not before the Board that evening seeking a variance, they were seeking location approval for used car motor vehicle sales under Connecticut Statute 14-54. He went on to say that the proposal was for internet car sale operations. He then noted that the operation was currently owned by John Barberino and Carite of Connecticut and located on the north side of North Street. Mr. Johnson stated that the proposal was to relocate the operation to the parcel in question on the south side of North Street.

Mr. Johnson explained that three buildings were being proposed; two would be office buildings and the future third building would be for servicing of vehicles. He then noted that there would be storm drain improvements and drainage, site utilities, landscape improvements and fencing for security and screening purposes.

Mr. Johnson noted that the site was not in proximity to any churches, theaters or schools. He went on to say that the existing roadways, Route 75 and North Street, were of adequate width and that they did not feel that the proposal would impact the health and safety of the public.

Mr. Johnson pointed out that in September of 2001, the Board had approved a variance for rental and sales of motor vehicles. He then noted that the Planning and Zoning Commission in 2012 had approved a site plan for the parcel.

Chairman O'Connor asked Ms. Rodriguez for any comments. Ms. Rodriguez agreed that the Connecticut General Statutes Section 14-54 required for certain towns with a population of 20,000 or less, that the Zoning Board of Appeals was the agent responsible for locations of motor vehicle licenses. She confirmed that the license being requested by the applicant would be for internet auto sales and servicing of a minor nature. Ms. Rodriguez noted that the Industrial Zones did not permit used car sales, but that there was a variance for that use that had been previously granted. She went on to say that many of the details that were shown on the plan would be reviewed by the Planning and Zoning Commission. Ms. Rodriguez then stated that, if the Board were to grant the requested location approval, the site plan would then go before the Planning and Zoning Commission for review. She then summarized the comments listed on her June 3, 2016 memorandum to the Board.

Chairman O'Connor asked the Board members for any questions. Mr. King asked the applicant to explain what internet sales was and also to elaborate on the usage of the site. John Barberino addressed the Board and explained that they would be selling vehicles without sales people and behind a fence without a lot of fanfare. There was no real advertising other than on the internet. People shop on-line and then just come to Windsor Locks to purchase the vehicle. Mr. Barberino reiterated that everything was internet driven and was nothing like the typical auto sales operations.

Mr. King asked Mr. Barberino about the servicing that was going to be done on site and asked if it would be minimal. Mr. Barberino replied that that was correct. He then explained that they currently only sold vehicles that were 2013 or newer, therefore they did not require a lot of servicing. He then noted that as of April of next year they would only carry vehicles that were 2014 and newer. Mr. Barberino stated that all of the vehicles that they carried for sale were still covered under the manufacturer's warranty. He went on to say that due to that fact and that they only dealt with newer vehicles, they would only be doing minimal services.

Chairman O'Connor asked the Board members for any further questions. Mr. Flanagan asked if there was currently a wooded area on the proposed site and if that area would all become asphalt. Mr. Johnson replied that the building setback would be green. He then indicated on the plan the area that would be asphalt. He went on to say that there would be a detention pond to handle the entire site and that that area would be green as well. He also pointed out another green area on the plan.

Mr. Flanagan asked if there were storm water requirements that would have to be met. Mr. Johnson replied that they were on the plan. Mr. Flanagan then asked if storm water sampling would have to be done and reported to the State. Ms. Rodriguez replied that they would not have to report to the State. Chairman O'Connor noted that the storm water issue would be handled by the Planning and Zoning Commission.

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

Chairman O'Connor asked for any public comments in favor of the application.

Joe Calsetta of 21 Orchard Hill Drive addressed the Board. He commented that on Saturday afternoons at Mr. Barberino's current operation it was amazing to see so many people chatting, eating snacks and buying vehicles while having a good time. He went on to say that Mr. Barberino had done a lot of wonderful things for the Town of Windsor Locks. Mr. Calsetta then referred to the property located at 2 North Main Street which had been a total eye sore and Mr. Barberino had taken it upon himself to clean it up. He went on to say that Mr. Barberino provided jobs and paid taxes in town. Mr. Calsetta concluded by stating that he was in favor of the application.

Chairman O'Connor asked for any public comments in opposition to the application. There were none.

A member of the public asked Chairman O'Connor if she could ask a question. Mr. O'Connor replied that she could.

Arlene Taylor of 588 North Street asked what was going to be at the current location after they moved the operation to the new proposed site. Mr. Barberino replied that the same activity would remain on the current site, there would be no changes. Ms. Taylor clarified that this proposal was to expand the business. Mr. Barberino replied that that was correct. Ms. Taylor referred to the Abutters' Notification that she had received and noted that the Hertz Corporation was listed in that notice. She then asked how the Hertz Corporation was going to be involved. Mr. Johnson replied that the Hertz Corporation currently owned the property.

Chairman O'Connor asked the Board members for a motion regarding Application #FY15-16-10. Mr. King moved to approve Application FY#15-16-10, Owner: Hertz Corporation, Applicant: John Barberino and Carite of Connecticut, LLC for a location approval for a Used Motor Vehicle Dealers' License pursuant to Section 14-54 of the Connecticut General Statutes for the properties located at 321 Ella Grasso Turnpike, 499 North Street and 501 North Street with the stipulation that it be used as is described for a motor vehicle dealership with minor service facilities. The applicant will be required to obtain approval of a site plan proposal from the Planning and Zoning Commission. Mr. Halpin seconded the motion. There was no further discussion. All were in favor. The vote was 4 – 0, the motion was approved.

- 2. Public hearing on Application #FY15-16-11, Owner/Applicant: Leon and Angela St. Pierre for a variance for the property located at 50 South Street to reduce the front yard setback to 26 feet 8 inches, where 40 feet is required, to construct a 12' x 12' bedroom extension.**

Chairman O'Connor explained to the applicant that the Board normally had five members present for public hearings. He went on to say that they did have a quorum with the four members, but that any approval would have to be unanimous with only four members present. The applicant stated that they wanted to go ahead with the public hearing that evening with the four members.

Leon St. Pierre of 50 South Street and David Palmer of 210 Turnpike Road in Somers, CT were both present. Mr. Palmer noted that, if the variance were approved, he would be the contractor building the addition.

Mr. St. Pierre explained that they were proposing a 12' x 12' addition off of a current bedroom in order to add a little more closet space. He went on to say that since his property was on a corner, he needed to abide by the two front yard rules.

Mr. King asked if the bedroom was in the corner of the house that was being extended. Mr. St. Pierre replied that that was correct. Mr. King then asked if any

consideration had been given to moving the addition to the back of the house. Mr. St. Pierre replied that he really could not move the addition to the back of the house because his driveway was back there.

Mr. Flanagan noted that there was a hatchway in the back of the house and asked if the addition in the back of the house would interfere with the hatchway. Mr. St. Pierre stated that it would.

Mr. Palmer submitted a plan of the neighborhood showing the numbers for many of the properties. He then noted that even after the proposed addition, the property at 50 South Street would be more conforming than anything on Second Street.

Mr. King asked if the proposed addition would be on the Second Street side of the property. Mr. Palmer replied that that was correct. The discussion continued briefly and Mr. King asked if the abutting neighbors had been informed of the proposal. Ms. Rodriguez stated that they had been informed.

Chairman O'Connor asked what was located on the opposite side of the house. Mr. St. Pierre replied that the kitchen was on that side of the home. The discussion continued regarding the interior layout of the home and hatchway location.

Chairman O'Connor asked the Board members for any further questions. Mr. Halpin asked if the hardship was that the owner did not want to sell his home in order to accommodate the needs of his growing family. Mr. St. Pierre stated that that was correct.

Mr. King asked the applicant what year the home had been built. Mr. St. Pierre replied that it had been built in 1946.

Chairman O'Connor asked for any public comments in favor of the application. There were none.

Chairman O'Connor asked for any public comments in opposition to the application. There were none.

Chairman O'Connor asked the Board members for a motion regarding Application #FY15-16-11. Mr. King moved to approve Application #FY15-16-11, Owner/Applicant: Leon and Angela St. Pierre for a variance for the property located at 50 South Street to reduce the front yard setback to 26 feet 8 inches, where 40 feet is required, to construct a 12' x 12' bedroom extension on the Second Street side of the property. The hardship upon which this decision is based is that the home was built in 1946 and that the current configuration of the home and how it sits on the site precludes other options for additions to achieve desired space in the bedroom. It is also consistent with other homes in

the neighborhood and various additions and improvements that have been made to them. The granting of this variance is for the improvements proposed in this application only, permitting an exception to the requirements of the Zoning Regulations. Changes to this site plan may require a return to this Board. Mr. Flanagan seconded the motion. There was no further discussion. All were in favor. The vote was 4 – 0, the motion was approved.

Mr. Halpin moved to adjourn the meeting. Mr. Flanagan seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:43 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.