The meeting was called to order at 7:00 pm

Board roll call was taken.

MINUTES:

Chairman O’Connor referred to the July 7, 2014 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. Mr. Glazier moved to accept the July 7, 2014 meeting minutes, as published. Mr. King seconded the motion. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

a. DMV Applications

1. Discussion of 361 South Center Street

Chairman O’Connor read the following from Ms. Rodriguez’ memorandum dated August 4, 2014:

“David Bishop has submitted a request for approval of a DMV Dealer/General Repairer License for the subject property. 361 South Center Street is a .81 acre Residential AA parcel where there is currently an existing DMV Dealer/General Repairer license. This site and the properties to the south and west are zoned Business – 2, to the north (Waterworks Brook Park) is Residential AA and to the east is Residential B.”
Mr. Glazier asked Ms. Rodriguez what the Board’s objective was for that evening with regard to the DMV approval request. Ms. Rodriguez stated that the K-7 DMV Application that Mr. Bishop had completed for submittal to the Department of Motor Vehicles required that the Zoning Board of Appeals Chairman sign-off on it. She went on to explain that the public hearing may be waived by the Zoning Board of Appeals, but that the K-7 form must be signed and the appropriate information regarding the waiver and the previous approval must be completed. Ms. Rodriguez noted that towns currently had several options in dealing with the DMV applications; public hearings were no longer required. She then stated that some towns were continuing to hold public hearings while others were opting to have their Zoning Board of Appeals’ Chairman sign-off on the applications and maps after the Zoning Enforcement Officer put a packet of information together on the property in question. Ms. Rodriguez stated that as part of that process the Board had the opportunity to approve the location and ask that any details of the recent approval be attached to the K-7 form.

Mr. Hamilton stated that the existing property owner had come before the Board requesting an increase in the number of allowable parking spaces. He went on to say that the Board had accepted it, but had left it up to the Planning and Zoning Commission to set a limitation. He then commented that it was his understanding that they never went to the Planning and Zoning Commission. Ms. Rodriguez confirmed that that was correct.

Mr. Hamilton asked what the allowable number of parking spaces was under the existing ownership. Ms. Rodriguez explained that when there was no new site plan approved that the location would fall back under the most recent approval which in the case of the property in question was 29 spaces. Mr. Hamilton stated that that number of spaces had never been approved. Ms. Rodriguez stated that that was what had been agreed upon and approved for the previous application, not the most recent application where the applicant had asked for the number of spaces to be increased. She then clarified that the 29 spaces were approved two applications ago.

Mr. Hamilton commented that they were aware that the current ownership was parking between 35 and 45 vehicles on the site daily. He then asked if the Town had notified the Department of Motor Vehicles that they were not in compliance. Ms. Rodriguez replied that they had not notified the DMV, but that she could do so. Mr. Hamilton then asked if the current owner had been notified that he was not in compliance. Ms. Rodriguez stated that she did not remember when the last order had been sent out. She then noted that the Board could decide to have the minutes from the evening’s discussion attached to the application to the DMV.

Mr. Hamilton asked if the current request was for 29 spaces. Ms. Rodriguez stated that the current plan was for 28 parking spaces and three bays which was based upon an approval from 2001.
Ms. Rodriguez stated that she had the file from 2003 with her at the meeting that evening. She went on to say that approval had been given for used car sales and that the plan that was attached to the 2003 application had the same number of parking spaces as the 2001 approval.

Mr. Glazier clarified that the Board was just discussing the application that evening and would not be taking any action on it. Ms. Rodriguez stated that it was communicated to her at the last meeting that the Board did not want to have public hearings on the DMV applications any longer; that the process would be that the DMV application would come before the Board and the Board would put any restrictions on the property on their report and that Ms. Rodriguez would send that information along with the DMV application.

A discussion then took place regarding the DMV application process. Ms. Rodriguez stated that the new DMV application process without holding a public hearing was only for existing uses; a DMV application for a new use would be required to go before the Planning and Zoning Commission. The discussion continued further and the Board members agreed not to hold public hearings on DMV applications, but to discuss them at their future meetings.

Ms. Rodriguez read the following from her August 4, 2014 memorandum:

1. **PROPOSAL** The submitted plans indicate no proposed site improvements. The proposal is specifically for DMV Location Approval per Statute 14-54. The layout indicates 28 spaces and 3 service bays. A previous approval by the ZBA for this property lifted the maximum number of spaces permitted in order to allow a previous applicant the opportunity to go to the Planning and Zoning Commission to revise the site and parking layout. No such application to the PZC occurred according to available records in our office. Therefore, the number of parking spaces approved is per the most recent approval on file prior to that decision.

2. **LAND USE** This property is located within the Residential AA Zone. The DMV dealer/repairer use is a legal non-conforming use in the zone which may continue until the owner shows proof of intent to abandon such use.

3. **ZONING** DMV license location approvals are not addressed in Chapter XIII Zoning Board of Appeals. Unlike variances or appeals, license location approvals require the ZBA to act as an agent of the state.

4. **Connecticut General Statutes Section 14-54.** Location to be approved by local authority.

5. **SITE IMPROVEMENTS** No new structures are being proposed based on submitted information. Should any site or layout changes be proposed a review would be required by the Planning and Zoning Commission.

6. **SIGNS** New signs such as building signs, freestanding pylons and temporary signs shall be approved by the Building, Planning and Zoning Department as an administrative approval.
Ms. Rodriguez pointed out that she had supplied sections of the actual Statutes on her memorandum for the Board’s reference.

Mr. Glazier clarified that the property located at 361 South Center Street had been operating as a used car dealership for years. Ms. Rodriguez stated that 2003 was when the addition of used car sales was made to the Repairers’ license. She went on to say that the Repairers’ license had been in effect well before that time. Mr. Glazier asked if the current applicant was the same one who had been operating from that location all along. Ms. Rodriguez replied that he was not; it was a new owner/licensee and that that was what had triggered the necessity for a new DMV application. The discussion then continued briefly.

Mr. Hamilton asked Mr. Bishop if he operated as Extreme Performance. Mr. Bishop replied that he did not. Mr. Hamilton then stated that he had looked up David Bishop and had found that there were 50 violations with the Department of Motor Vehicles. He then asked Mr. Bishop if he was the same David Bishop. Mr. Bishop replied that he was not. Mr. Hamilton then clarified that Mr. Bishop had no affiliation with Extreme Performance. Mr. Bishop stated that he had worked at Extreme Performance years earlier, but had nothing to do with it.

Mr. Hamilton stated that the DMV website showed that there were 50 complaints filed regarding things like vehicles being sold without titles and in October, 2010 Eyewitness News had done a special report which indicated that a David Bishop was selling cars without titles resulting in excess of $250,000 being lost by people attempting to register vehicles purchased from David Bishop. He again asked Mr. Bishop if he was that same David Bishop. Mr. Bishop again stated that he was not.

Mr. Hamilton stated that he would like the information regarding the complaints forwarded to the Planning and Zoning Commission. A discussion then followed and Mr. Bishop again stated that he was not that same David Bishop.

Mr. Hamilton clarified that Mr. Bishop’s DMV application would next go before the Planning and Zoning Commission. Ms. Rodriguez stated that that was not correct; Mr. Bishop was not proposing any chances to the site, therefore the DMV application would go to the Department of Motor Vehicles with any additional information that the Board chose to attach to it. She then noted that the only thing that would trigger a Planning and Zoning Commission review of a DMV application would be for a site change or a new use.

Mr. Glazier clarified that the vehicles currently parked on the site in question did not belong to Mr. Bishop. Mr. Bishop stated that that was correct; they belonged to the current owner of the property. Mr. Glazier asked Mr. Bishop if he was planning on purchasing the property in question. Mr. Bishop replied that he was going to be leasing
the property. Mr. Glazier asked if the current dealer on the property was also the owner of the property. Ms. Rodriguez replied that the current dealer did not own the property; the owner of the property was Stuart White.

Mr. Glazier asked Mr. Bishop if he had owned any car dealerships in the past. Mr. Bishop replied that he had not; although he had worked for various car dealerships. Mr. Glazier asked Mr. Bishop how for fifteen years.

Chairman O’Connor clarified that any proposed changes to the site would have to go before the Planning and Zoning Commission. Ms. Rodriguez stated that that was correct.

Chairman O’Connor asked the Board members if they had any further questions. Mr. Glazier asked what the K-7 form was. Ms. Rodriguez stated that it was the actual application that the Department of Motor Vehicles required.

Mr. Glazier moved to approve the request submitted by David Bishop for approval of the DMV Dealer/General Repairer License for 361 South Center Street as written up in Ms. Rodriguez’ August 4, 2014 memorandum to the Board. Ms. Rodriguez asked if the Board wanted to reference the map that had been submitted. Mr. Glazier then stated, as part of his motion, that the June 6, 2001 plan prepared by Bongiovanni Group, Inc., Land Surveyors, Newington, CT be included with the K-7 form as part of the application package. Ms. Rodriguez then stated that she would include a copy of the evening’s meeting minutes with the forms as well. Mr. Hamilton seconded the motion. The vote was 4 – 0 (Mr. Hamilton abstained in order to do further investigation), the motion was approved.

b. Public Hearings

None

Mr. Hamilton moved to adjourn the meeting. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:48 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.