

ZONING BOARD OF APPEALS
June 2, 2014 Meeting Minutes

Board Members Present: Shane O'Connor, Howard Aspinwall, Douglas Glazier,
Douglas Hamilton and Ronald King

Town Staff Present: Jennifer Rodriguez,
Town Planner & Certified Zoning Enforcement Officer

The meeting was called to order at 7:07 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the February 3, 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 February 3, 2014 meeting minutes, as published. Mr. Hamilton seconded the motion. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY13-14-012, Owner: Hickory North Properties, LLC, Applicant: Heavys Automotive, Inc. for a location approval for a Department of Motor Vehicles' Dealers and Repairers License for the property located at 4 National Drive.**

Attorney Thomas Fahey, with a law office on Spring Street, addressed the Board and stated that the owners of the property in question, David and Cheryl Mikalonis, and their sons Dan and Sam Mikalonis, principles with Heavys Automotive, were also present that evening. He stated that Heavys Automotive was currently located in East Windsor, but that the building that they occupied had recently been purchased by a new owner and they were going to have to vacate the building.

Attorney Fahey stated that the previous tenant of the property in question was Chief Automotive which was basically the same type of business as Heavy's Automotive. He then pointed out that the applicant currently held a Limited Use Car License for up to 3 vehicles for their East Windsor location and that they wanted to maintain that license for their new

Windsor Locks site. He then explained that the License would allow them to perform general repairs and to sell used cars.

Attorney Fahey commented that the applicant usually only had one vehicle for sale at a time and would never have more than three. He went on to say that the applicant was going to go before the Planning and Zoning Commission on June 9th for their approval and that they were going to ask the Commission for a condition of their approval that they have a maximum of only 3 vehicles for sale at any given time.

Attorney Fahey stated that Heavy's Automotive had been in business for five years and that they were a very high-tech shop that had become very successful. He then noted that a site plan had been provided.

Chairman O'Connor asked the Board members for any questions. Mr. Glazier referred to the maximum of three vehicles and asked if that meant a maximum of three vehicles on the lot to sell. Attorney Fahey replied that that was correct. He then pointed out the three parking spaces on the plan where the vehicles available for sale would be parked. He went on to say that the applicant was not in the business of selling cars, but that it might happen two or three times per year. Mr. Glazier then asked if those three parking spaces would be noted on the plan. Attorney Fahey stated that they would be noted on the plan and that they would probably have a sign in the parking lot at those three parking spaces as well. Mr. Glazier asked if the three car limitation was spelled out on the plan. Attorney Fahey replied that the Planning and Zoning Commission would regulate that.

Mr. Hamilton commented that the applicant kept a meticulous shop and that their work was well regarded. He also noted that they sold used cars at their current location in East Windsor and that he had never seen more than two or three vehicles for sale at the same time; they seemed to turn them over quickly. Mr. Hamilton stated that the applicants' father owned Three Sons Auto & Lube in town and that that facility was also well maintained.

Attorney Fahey stated that often times vehicles were dropped-off in the morning and picked-up in the afternoon the same day.

Mr. Glazier commented with regard to repairing vehicles that facilities could accumulate cars in the lot awaiting repairs. He then pointed out that Subway was located right next door to the facility in question and that he did not want the applicant to infringe on Subway's parking spaces. Attorney Fahey stated that the applicant had a parking count of 63 spaces on the plan and that that was more than they were required to have. David Mikalonis noted that the applicant would also have the ability to keep six vehicles inside the building.

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.

Joseph Scata of 535 Spring Street addressed the Board and stated that he had a question. He went on to say that he owned Scata's Auto and Truck Repair and that he had been in business in town for 25 years. He then asked, with regard to the license, that if the applicant was going for a Used Car Dealers' License it would mean that under the State Statute they would be allowed to sell any number of used vehicles. He went on to say that under the Repairers' License they would be allowed to sell vehicles, but not as many. Mr. Scata then suggested that that might be something that the Board would want to take a look at.

Attorney Fahey explained that the reason that the applicant was asking for the Planning and Zoning Commission to make it a condition of approval that they only be allowed to have a maximum of three vehicles available for sale on the lot was so that the Town could enforce it.

Chairman O'Connor asked Ms. Rodriguez for any comments or questions. Ms. Rodriguez read her memorandum dated May 5, 2014 as follows:

- “1. The applicant, Heavy's Automotive, is requesting a General Repairer Motor Vehicle License location approval per CGS Section 14-54 (b).
2. The applicant has submitted an application form and site plan proposal, and revised plan sets, for your reference.
3. The applicant has submitted an application fee.
4. The applicant has not claimed a hardship as this application is not requesting a variance.
5. Used car sales will be a new use for the site. Should your Board find this use suitable for the site, the proposal will be referred to the Planning and Zoning Commission for site plan review and a Special Use Permit.
6. Properties to the north, east and west have commercial uses.
7. It is recommended that the unit number of the space associated with this use be noted on the plan and any future permits for purposes of good record keeping.”

Chairman O'Connor asked the Board members for a motion regarding Application #FY13-14-012. Mr. Hamilton moved to approve Application #FY13-14-012, Owner: Hickory North Properties, LLC, Applicant: Heavys Automotive, Inc. for a location approval for a Department of Motor Vehicles' Dealers and Repairers License for the property located at 4 National Drive as outlined by Ms. Rodriguez' May 5, 2014 comments with the condition that the number of parking spaces be attached to the Planning and Zoning Commission application. Mr. Aspinwall seconded the motion. Chairman O'Connor asked for any discussion. Ms. Rodriguez requested that the Board specify the unit number for the site in question. Attorney Fahey stated that it was Unit 4D. Mr. Hamilton moved to amend his motion to include that the Dealers and

Repairers License was for the property located at 4 National Drive, Unit 4D. Mr. Glazier seconded the amended motion. All were in favor. The vote was 5 – 0, the motion was approved.

b. Public hearing on Application #FY13-14-13, Owner: Stuart Rothenberg, Applicant: Michael Zuraw for a location approval for a Department of Motor Vehicles' General Repairers License for the property located at 448 Spring Street.

Michael Zuraw addressed the Board and stated that he was the owner of Affordable Auto Works located at 448 Spring Street. He went on to say that he was before the Board that evening to request their approval for a General Repairers' License. He then noted that six months prior the Board had approved the site in question for what the Department of Motor Vehicles considered "minor repairs" which primarily consisted of oil changes and fleet maintenance (fluids, belts, hoses, etc.).

Mr. Zuraw pointed out that at the time of the previous approval he had been required to meet the Town's standards for parking, etc. for an automotive shop.

Mr. Zuraw stated that he wanted to offer additional services to his current customers. He went on to say that they specialized in fleet service of commercial vehicles. He then explained that typically they would pick-up a vehicle from their client, bring it back to the shop, fix-it and then return it to the client. Mr. Zuraw noted that it was typically a one to one ratio; one vehicle to one employee in the shop. He then stated that he was not looking to increase the volume.

Mr. Zuraw noted that it was a two-bay facility, therefore he could not have vehicles there for any extended period of time.

Mr. Zuraw commented that he had met with a lot of "push back" from other shops in the area when he had obtained his first approval and that since that time the Department of Motor Vehicles (DMV) had received multiple complaints about his facility. He went on to say that the DMV had visited his facility each time that they had received a complaint, halted all operations within the shop, taken photos of the operation and had never found them to be doing anything that they should not have been doing. Mr. Zuraw stated that, in order to continue to work without the DMV interruptions to his operation, he needed to obtain a Repairers' License so that there would be no future unnecessary interruptions to his operation. He then noted that he had lost one of his major clients due to those DMV temporary shut-downs.

Mr. Glazier asked where the vehicles awaiting repairs would be parked. Mr. Zuraw replied that he had 13 parking spaces designated per the Town's parking requirements. He then noted that that also took into consideration all of the other uses in the building. He went on to say that the parking was shown on the map and that along the side of the building there

were 11 parking spaces that were used by his operation and only one other tenant (the hair salon). He then noted that they had allowed the hair salon to use all of the parking spaces in the front of the building. Mr. Zuraw stated that the tax business was usually only opened in the evenings and did not have a whole lot of traffic. The discussion continued briefly and Mr. Zuraw stated that he had unspoken ownership of the parking spaces necessary for his business. Mr. Zuraw reiterated that it would be a one-to-one ratio, one vehicle to one employee, and that if there was ever any overflow it would be no more than three to five vehicles.

Mr. Glazier asked how large the vehicles were that they serviced, were they tractor trailers? Mr. Zuraw replied that they did not service tractor trailers; they services smaller vehicles, light duty vehicles (vans, rangers, utility vehicles, and rental car company vehicles).

Another discussion took place regarding the available parking and Mr. Zuraw again stated that there was an unspoken agreement between the tenants regarding the parking spaces and that the owner was in full support of his business.

Mr. Glazier read Mr. Stuart Rothenberg's comments dated May 14, 2014 as follows:

“To Whom It May Concern: Please be advised that all current and existing Tenants of 448 Spring Street, Windsor Locks, CT and it's current Owner and Landlord, do hereby fully support the pending application of Affordable Autoworks, LLC acting by and through it's managing member, Mr. Mike Zuraw, for a general repairer's license commensurate with it's business operations to be conducted at said premises located at 448 Spring Street, Rear, Windsor Locks, CT.”

Mr. Glazier asked if they would have to make any building modifications, if approval of the application were granted. Mr. Zuraw replied that they would not have to make any building modifications. Mr. Hamilton asked if there were flood drains and bathrooms in the building. Mr. Zuraw replied that there were no floor drains in the building. He went on to say that they disposed of and stored all oil according to the Department of Motor Vehicles. He then stated that he had been in business for six months and hadn't done anything other than what he had been asked to do.

Ms. Rodriguez noted that the Board was only looking at the harmony of the use with the neighborhood. Chairman O'Connor then noted that the Planning and Zoning Commission would oversee all of those other aspects. Ms. Rodriguez stated that that was correct.

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

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

Chairman O'Connor asked for any public input in opposition to the application.

Douglas Fournier of 466 Spring Street addressed the Board and stated that he was a managing partner of 466 Spring Street, LLC which owned the abutting property to the west of the property in question and that he was President of Fox Hill Auto Services which operated out 466 Spring Street. He noted that he had not made any complaints to the Department of Motor Vehicles about the property in question. Mr. Fournier stated that he did have a problem with the application itself. He pointed out that changing the license to a General Repairers License would allow them to do any repairs (transmissions, engines, anything). Mr. Fournier referred to Mr. Rothenberg's comments and pointed out that it did not state who was approving the comments, it was not notarized; it was just "blowing smoke". He then referred to the parking situation and noted that the previous approval was for the parking inside the building and two in front with nothing on the grass. He went on to say that now the map showed parking designated to the applicant that hadn't been before. He then questioned whether or not those parking spaces had been previously designated for the strip mall use.

Mr. Fournier stated that the map did not show any restroom facilities or place to wash your hands. He went on to say that the building in question was an auxiliary storage shed that they were trying to make into something else. He then pointed out that there was no place indicated on the map where customers could wait while their vehicle was being repaired. Mr. Fournier commented that if the application were approved it would set precedent and anyone who wanted to turn a small auxiliary shed into a DMV licensed repair facility would be able to do so. He went on to say that if it were approved it would also make the property "Grandfathered" and the use would follow the property into the future. Mr. Fournier concluded by stated that he did not think that the application should be approved.

Chairman O'Connor reiterated that, if the application before the Board that evening were approved, the applicant would still have to go before the Planning and Zoning Commission. He went on to say that the Zoning Board of Appeals was charged with just looking at whether or not the use was in harmony with the neighborhood.

Ms. Rodriguez noted that the Planning and Zoning Commission would do a site plan review, might look at a floor plan and would look at the details of the proposal. She then reiterated that the Zoning Board of Appeals, by Statute, was asked to look at the proposed use and the harmony that that use would have with the neighborhood, not the details of parking, bathrooms, etc.

A brief discussion took place regarding the map that had been submitted with the application.

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

Joseph Scata of Scata's Auto and Truck Repair located at 535 Spring Street addressed the Board and pointed out that there were a lot (approximately 15) of car dealerships or repair shops currently located on Spring Street. He then stated that he was against the application.

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

Chairman O'Connor asked the Board members for a motion regarding Application #FY13-14-13. Mr. Glazier moved to approve Application #FY13-14-13, Owner: Stuart Rothenberg, Applicant: Michael Zuraw for a location approval for a Department of Motor Vehicles' General Repairers License for the property located at 448 Spring Street. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

c. Appointment of new Board members

Mr. Glazier moved to appoint George Austin to fill Mike Russo's vacant Alternate position. Mr. Hamilton seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Hamilton moved to appoint Ronald King to fill Peter Lamberts vacant Board position. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Hamilton moved to add a discussion regarding refunding Angelo D'Aleo's application fees for his Center Street property to the evening's agenda as Item 6.d. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the motion approved.

A brief discussion took place regarding refunding Mr. D'Aleo's application fee.

Mr. Hamilton moved to authorize Ms. Rodriguez to move forward with refunding Mr. D'Aleo's \$185.00 application fee. Mr. Glazier seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

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 8:02 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.