

TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
JUNE 6, 2005

The East Windsor Zoning Board of Appeals held a Regular Meeting on Monday, June 6, 2005 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, Connecticut. The following members were present: Regular Members Thomas Arcari, Michael Ceppetelli, Cliff Nelson and Stan Paleski; and Alternate Member Dan Leone. Nancy Rudek, Zoning Enforcement Official, was also present.

Mr. Ceppetelli called the meeting to order at 7:30 p.m. Mr. Nelson read the Legal Notice as it appeared in publication. Mr. Ceppetelli noted that four regular members and one alternate were present, and they would all be voting.

NEW HEARINGS:

ZBA #2005-08 Application of East Windsor Public Works for property located at 6 Woolam Road for a variance of Section 18 *Residential Bulk and Area Requirements (height requirements)* to allow a salt storage structure with a height of 46' where 35' is the maximum allowed. [A-1 zone; Map 34, Block 34, Lot1].

Len Norton, Public Works Director and Town Engineer, came forward to explain this application. He said that after many years of putting money aside, they are now able to have a salt shed as mandated by the DEP. He referred to the site plan and noted that they meet all of the setback requirements; however they need a height variance because these structures are pre-fab and the dome height will be 46'. He said it will have an 8' concrete wall with wooden trusses and asphalt-type shingles. Ms. Rudek noted that the abutters had all been notified and a sign had been posted on the site.

Mr. Ceppetelli opened up the hearing to the public. No one came forward.

Mr. Leone said that he lives across the street from the town garage and he has no objection. He felt that the town needs this.

MOTION: To close the hearing on **ZBA #2005-08**. Arcari / Nelson / Unanimous

Discussion and vote:

Mr. Nelson noted that this is a standard type of building. Other towns are going with this type of building. He said they are putting it in the back in a corner and no neighbors had any problems with it.

MOTION: To approve **ZBA #2005-08**. Nelson / Arcari / Unanimous

Mr. Nelson said he saw no problem with where they are proposing it. It is mandated by the State. Mr. Arcari said it is no different from what other towns are using. Mr. Paleski said it is a straightforward State mandated salt shed.

ZBA #2005-09 Application of Peter G. Alberici for property located at 22 Thompson Road, owned by Robert A. Ludwig and James J. Gessay, for a location approval under Sec. 14-54 and 14-55 of the CGS for a used car dealer license. [M-1 zone; Map 15, Block 19, Lot 111B].

Jay Ussery, of J. R. Russo & Associates, came forward along with Peter Alberici, the applicant. Mr. Ussery referred to the site plan and explained that the application is for a location approval for a DMV license to allow auto sales. He said that the license area is to the rear of the building; it is a 20' x 100' area that he will be leasing. They will be doing minor repairs in the building.

Mr. Ceppetelli opened up the hearing to the public. No one wished to speak.

MOTION: To close the hearing on **ZBA #2005-09.** Arcari / Nelson / Unanimous

Discussion and vote:

Mr. Nelson said he would be in favor of this. They have granted other licenses in this building for this same type of business. Mr. Arcari said this fits with the rest of the neighborhood. Mr. Paleski said there are dealerships in that area. Mr. Ceppetelli reminded the board members that they are acting as an agent of the State for this type of application.

MOTION: To approve **ZBA #2005-09.** Nelson / Arcari / Unanimous

ZBA #2005-10 Application of BT Properties, LLC for property located at Newberry & Winkler Roads, owned by George W. Bardaglio, for a variance of Section 9.2.1 *Buffer Zone* to allow a buffer of 70' where 100' is the requirement; and Section 11.4.3.3 *Free-Standing Signs* for a 15' variance of 50' setback requirement for free standing sign from residential district to allow a setback of 35' (10' from property line). [M-1 zone; Map 15, Block 19, Lot 15]

Jay Ussery, of J. R. Russo & Associates came forward along with Rich Beebe and Al Thomas of BT Properties, also known as Beebe Landscaping Services. Mr. Ussery explained that this property is located in the southwest corner of Newberry and Winkler Road across the street from the LTP Realty future active adult housing that was recently approved. The total parcel is just over 30 acres and approximately one-half of that is wetlands. Mr. Ussery referred to the plans showing the proposed building at the southeasterly corner of the parcel which will house their present landscaping business. The building will have storage space for their nursery stock. He pointed out that most of the upland area where you would like to locate a building is adjacent to both streets. He said the current Zoning Regulations require a 100' buffer between the commercial zone and the residential zone on the opposite side of Winkler Road and the opposite side of Newberry Road. They are asking for a reduction of 30' to a 70' buffer which will allow them to utilize some more of that area in the front. He said it is not the building itself but the driveway area and storage area that they are locating within the buffer. The building is located 104' back from the property line but the driveway and some parking area within the front of the building would be located somewhat within the buffer. There is a driveway connection between where the building is going and a storage area for plant material and their vehicles that they use to go back and forth to the different jobs. That is shown on the northeast corner.

Mr. Ussery noted that the sign variance they are requesting is for the sign location at the corner of Newberry and Winkler, approximately 10' from the property line where the regulation requires 50' back, and another sign located at the driveway entrance at the southeasterly corner. The signs would be within the buffer area if they moved them back as far as the requirement and they wouldn't be visible from the street because of the vegetated buffer. Mr. Ussery referred to a landscape plan showing the landscaping along the front of Newberry Road. Mr. Ussery noted that one entrance will be for their service vehicles coming in off of Newberry Road, and the office entrance for the office employees will be off of Winkler Road. He said if they complied with the 100' buffer they would be encroaching on the wetlands. It was noted that the zone across the street on Newberry Road had been changed to residential fairly recently.

Mr. Ceppetelli expressed concerns about the sign locations. He felt they might restrict some sight lines. Mr. Nelson suggested moving the signs 10' back. This was discussed further by the board members.

Mr. Ceppetelli opened the hearing to the public.

Robert Tripodi, of 101 Winkler Road, and Robert Tobey, of 97 Winkler Road, asked to view the plans more closely. Mr. Tripodi was concerned about the sign location on Winkler Road. He said the cars go around the corner fast and the sight line would be a problem. Mr. Tobey was opposed to the access off of Winkler Road because of the traffic. He said he didn't see any reason to alter the buffer. Mr. Beebe said there would only be about 10 to 12 vehicles coming in an out of that entrance. Mr. Ussery said they are asking for a reduction in the buffer and it doesn't have any bearing on the access or entrance. It is not their intention to use it for truck traffic.

A lengthy discussion ensued regarding the sign locations and sizes.

MOTION: To close the hearing on **ZBA #2005-20**. Nelson / Arcari / Unanimous

Discussion and vote:

Mr. Ceppetelli suggested conditions to place on this application such as moving the Newberry Road sign to the other side of the driveway, with a 15' variance which would be 35' off the residential zone. The second portion would be the other sign not to exceed 24 square feet, with a 10' variance rather than 15'.

MOTION: To approve **ZBA #2005-10**, with the following conditions: To allow 2 free standing signs: one, on Newberry Road, (110' west of intersection) to be located 35' from the residential zone (10' from the property line) and one (on Winkler Road), not to exceed 24 sq. ft., to be located 40' from the residential zone (15' from the property line) where the requirement is 50' for free standing signs from residential districts.
Nelson / Arcari / Unanimous

Mr. Nelson felt that they had proven their hardship due to the wetlands. He said the landscaping will fit that area. Mr. Arcari said they are making the best use of the property. Mr. Paleski said it is a unique piece of property. Between the wetlands and different zones across the street they have done their best trying to fit this in. Mr. Ceppetelli said it is a hardship due to the wetlands and the recent zone change on Newberry Road. Mr. Leone agreed with Mr. Nelson. He said they have done everything they could.

ZBA #2005-11 Application of Eastern Power Sports for property located at 191 South Main Street, owned by LCC Partnership and Southern Auto Sales, Inc., for a location approval under Sec. 14-54 and 14-55 of the CGS for a used car dealer license. [B-2 & A-1 zone; Map 34, Block 22, Lots 1, 2, 3 & 4].

Jay Ussery, of J. R. Russo & Associates came forward. He explained that this is an application for a site approval for a motor vehicle dealer license. He referred to plans of the property and noted that this is the former Railroad Salvage building. Eastern Power Sports is a subsidiary of Southern Auto Sales. It is an auction of motorcycles, boats, RV's, snowmobiles and those types of things. He said the DMV originally told them that this would be an extension of the existing license at 161 South Main Street. Then because of the fact that it is a subsidiary under a different name they determined that it needed a separate license. Mr. Ussery said for the most part this operates within the building. The auction takes place in the building and the vehicles are stored in the building.

Mr. Ceppetelli opened up the hearing to the public. No one came forward

MOTION: To close the hearing on **ZBA #2005-11.** Nelson / Arcari / Unanimous

MOTION: To approve **ZBA #2005-11.** Nelson / Arcari / Unanimous

Mr. Ceppetelli noted that again the board is acting as an agent of the State and this is an allowed use.

ZBA #2005-12 Application of Ray Varley for property located at 88 Miller Road for a variance of Section 18 *Residential Bulk and Area Requirements (front setback)* to allow a front porch to be located 40' from the front property line where 50' is the minimum requirement. [R-3 zone; Map 41, Block 69, Lot 23].

Ray and Donna Varley came forward. Mr. Varley referred to plans and explained that they want to build a country porch on the front. He felt that it will enhance the value of their property. It will be an open country porch. Mr. Ceppetelli noted that the house is located on the front setback line. Mr. Varley said they were the original owners of the house.

Mr. Ceppetelli opened up the hearing to the public. No one came forward.

MOTION: To close **ZBA #2005-12.** Nelson / Arcari / Unanimous

Discussion and vote:

Mr. Nelson said he looked at the site. He said there are other houses on the street that are closer than what they are asking for. He felt that this porch will fit within the realm of the neighborhood.

MOTION: To approve **ZBA #2005-12.** Nelson / Arcari / Unanimous

Mr. Ceppetelli said this is in keeping with the neighborhood. He said the original construction of the house left them no room for any future enhancement in front.

**EAST WINDSOR ZONING BOARD OF APPEALS
MEETING – JUNE 6, 2005**

Page 5

APPROVAL OF MINUTES:

MOTION: To approve the minutes of April 4, 2005. Arcari / Nelson Unanimous

OTHER BUSINESS:

Ms. Rudek said that the dealer license forms that come in from the Motor Vehicle Dept. require a signature. What we have been doing is having Mr. Ceppetelli sign them. Often he has to come into the office to sign. She said the board can authorize her to sign them.

MOTION: To give the Assistant Planner/Zoning Officer the authority to sign on the Chairman's behalf, the motor vehicle forms once it passes the ZBA.
Nelson / Arcari / Unanimous

ADJOURNMENT:

MOTION: To adjourn. Nelson / Paleski / Unanimous

The meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary