

**TOWN OF EAST WINDSOR - ZONING BOARD OF APPEALS  
MINUTES OF REGULAR MEETING  
JANUARY 9, 2012**

The East Windsor Zoning Board of Appeals held a meeting on Monday, January 9, 2012 at the Park Hill Community Room, 1-A Park Hill, Broad Brook, CT. The following members were present: Regular Members José Giner, Scott Morgan, Dan Noble, James Stremper and Thomas Talamini; and Alternate Members Mystica Davis, Nolan Davis and Sharon Tripp. Also present was Robin Newton, Zoning Enforcement Official, Richard Pippin, Board of Selectmen liaison to ZBA, and Kathy Pippin, Board of Finance member.

The meeting began at 7:00 p.m.

**ZBA WORKSHOP:**

Ms. Newton referred to the Land Use Academy Fact Sheet (which was in the packet). She noted that the most important thing is to understand the concept when granting variances. The motion should always be in the affirmative. Four votes are required for a variance to pass. Among things to consider are: harmony with the zoning regulations; is it already non-conforming; and similar sites in the neighborhood. They need to consider whether there is a hardship, and financial reasons are not a suitable hardship. It has to be something unique about the property and can't be a self-created hardship. Mr. Giner pointed out that variances are put on the land records and stay there forever. Ms. Newton said another important thing when making the motions, they should always reference the plans and indicate the engineer, the date, and note that it is only for the structure as noted.

The ZBA also would act on an appeal of a decision made by the Zoning Enforcement Official. Mr. Giner noted that someone could appeal a decision that Ms. Newton makes such as a violation notice. The ZBA would hear all the evidence and make a decision as to whether there was a correct interpretation of the zoning regulations. They would be acting as a judge of whether she was correct in her interpretation of the regulations. Mr. Giner said it is important to have 5 members present. If only 4 are present it has to be a unanimous vote. He said if only 4 members were present, we would offer the applicant the option of whether to come back to the next meeting.

Ms. Tripp asked as an alternate, when would she sit in. Ms. Newton said if a regular member had a conflict and had to step down, the alternate would sit in. She noted that it is important for all the members to come to the meetings. If a member isn't present at a meeting and a hearing is continued, they should get a recording of the meeting. If it ever got to court they would ask if they are fully aware. Ms. Newton noted that the alternates can ask questions during the hearing but only the 5 seated members can participate in the deliberation and vote. She explained that once a hearing is closed, we are not supposed to get any further information from the applicants.

Ms. Newton indicated that our zoning regulations state that one of the things that we do not grant variances for is a use variance.

Another thing the ZBA acts on is location approval for motor vehicle licenses such as used car dealers, and repairers licenses. They are looking at whether the location is suitable and is not near churches or schools. Mr. Giner said they would be acting as an arm of the DMV and just saying does it fit the area. After the ZBA approval, it would go to the Planning and Zoning Commission for site plan approval.

### **REGULAR MEETING:**

Mr. Strepfner called the regular meeting to order at 7:30 p.m.

**MOTION:** To go out of order to take Election of Officers first.  
Giner / Morgan / Unanimous

### **ELECTION OF OFFICERS:**

**MOTION:** To nominate José Giner for Chairman.  
Morgan / Noble / Unanimous

**MOTION:** To nominate Scott Morgan for Vice Chairman.  
Noble / Strepfner / Unanimous

**MOTION:** To nominate Jim Strepfner for Secretary.  
Morgan / Noble / Unanimous

### **ADD AGENDA ITEM:**

**MOTION:** To add a Fee Schedule discussion item under Other Business.  
Noble / Morgan / Unanimous

### **ESTABLISHMENT OF QUORUM:**

A quorum was established as all 5 regular members and all 3 alternates were present. Mr. Strepfner read the legal notice as it appeared in publication.

### **NEW HEARING:**

**ZBA #2012-01** - Application of Vincent Porzio, for property located at 168 Bridge Street, owned by Balch Bridge Street Corporation, for a variance of Section 602.4 a. *Sign Regulations, Business and Industrial Zones (size of signs)* and Section 602.13 *Sign Permits*, to allow signage for an existing carwash that will exceed the total square footage of signage allowed. [B-2 zone]

Vincent Porzio came forward to explain his application. He referred to plans and indicated that their signage is pretty limited. He said they have a hardship because of the way the building is placed. They are running a carwash behind the Shell station and there is no visibility from the road. He said he got a letter from the town saying that they had too much signage. He said most of the people in town don't know that they are there.

Ms. Newton said this came about because of a violation notice. She said we have no sign permits for these signs. They are above and beyond what is allowed. They are allowed 70 square feet based on our regulations and we can't grant permits for anything over that. She referred to photos of the existing signs. She noted that there are price guide signs and directional signs that are not included; those are allowed. She said one of the things to look at is similar businesses and pointed out that there are 3 other carwashes in town and referred to photos of their signs. The only additional signs they have are directional signs and price signs. Ms. Newton indicated that the regulations allow 1.5 sq. ft. of signage for each lineal foot of building frontage. The car wash building is 18' x 50'. Ms. Newton noted that there is a variance for the highway sign on the site and we can't add more signage to that.

Ms. Tripp asked if there any examples in town of businesses that are behind other businesses. Ms. Newton said Pasco Commons is that type of situation. She said they don't have signs in the front, only on the buildings. She noted that some businesses are allowed plaza signs. Mr. Giner said that when you pull into the gas station you can see that there is a carwash. He said signs should be there to identify businesses. If the Planning & Zoning Commission feels the need for signage for carwashes, that is the place to go. He said he would not be in favor of signs facing the highway. There is a reason why they don't allow billboards on the highway. It is too dangerous. He said the directional signs serve a purpose to guide people on the property. The one out front is a lot bigger than what was there before. There is a limit. He said if you put the signs up without asking first it is a self-created hardship. Mr. Porzio said there were signs that they replaced. Mr. Talamini said that you can see the carwash from the highway and from Route 5.

Mr. Morgan asked how long it took for the applicant to come into the Planning Office. Ms. Newton said it took a significant amount of time. He didn't come in until after receiving a citation and fine. Mr. Morgan asked the applicant how long he has been in business. Mr. Porzio replied a little under one year. Mr. Porzio said he had many conversations with Mr. Balch and he led him to believe that the way they did it is the way to go. Mr. Giner said the bottom line is to go directly to the source.

Mr. Giner said if we grant this variance we will be inundated with other sign variances. If they think they need more signage the place to go is the PZC. He said variances stay on the land records. Ms. Newton noted that they are asking for 435 sq. ft of signage. The whole site was approved for 482 sq. ft. She noted that we have a new section in the regulations for temporary business signs. This allows businesses to have temporary signs, such as A-frames, 4 times a year for 2 weeks at a time. Businesses can register in our office for a minimal fee. Mr. Morgan noted that the Chamber of Commerce sends an "e-blast" every week that lists all the activities going on for the local businesses that are members of the Chamber.

Mr. Stremper said the best recommendation is to get compliant with the sign and take down the signs that do not comply. He said the office is easy to work with. He said there are so many other ways to get the word out. The Chamber of Commerce is good to recognize them without the sign.

Mr. Giner opened up the hearing to the public. No one came forward to speak. Mr. Giner asked if there were any more questions from the board or applicant. Since there weren't any more questions, Mr. Giner declared the hearing closed.

**MOTION:** To approve ZBA #2012-02 in accordance with the testimony given and the plans submitted.  
Stremper / Morgan

**Discussion and Vote:**

Mr. Stremper said he would recommend getting the right size sign even if it means taking down some signs. Mr. Talamini said he didn't think he could get down to 70 sq. ft. if you add up all the signs. Mr. Giner agreed that was probably correct. A lot of signs will need to come down. Mr. Giner said as Jim Stremper pointed out, he should talk with staff and find out what he can have. Mr. Noble said he didn't see the hardship. He said the applicant should start with what is allowed and work from there. Mr. Giner said this is not a unique hardship. He should talk to the PZC to see if they are agreeable to changing the signs that are allowed for carwashes. That is the way to go. Variances stay with the land forever. Mr. Morgan said he agreed with Jim Stremper. You have to be within the Regulations.

**In Favor:** None

**Opposed:** Unanimous

The reasons for the denial were that there is no legal hardship and this would not be in harmony with the regulations of the town.

**OTHER BUSINESS:**

**Discussion of Fee Schedule**

Ms. Newton noted that we have been looking at our fees for land use applications. For ZBA the current fee structure is from 1990. She explained that each application requires posting two legal notices before the hearing and then a third for the decision. The current fee of \$80 doesn't cover the cost for legal notices. Ms. Newton said on average we are losing \$30 to \$40 for ZBA. She said we are proposing to change the fee to \$110 or \$120 per application. That would cover our legal notices. There is also a \$60 mandated State fee that is added to each application. The first step is to have the ZBA approve it. It would then have to be approved by the Board of Selectmen.

Mr. Morgan suggested a fee of \$130. Mr. Giner said we have to set it to what it costs us. Ms. Newton said if the cost for a legal notice is \$40 per publication, that is \$120 for 3 publications. Mr. Giner suggested a different fee for appeals. He said maybe in the case of an appeal, if the applicant prevails the fee could be refunded. Mr. Pippin suggested that they can say that the fee could be assessed due to certain circumstances. He said maybe the Board of Selectmen can consider it and they should spell out the circumstances.

**MOTION:** To send the ZBA fee of \$130 to the Board of Selectmen.  
Talamini / Morgan

**Discussion and Vote:**

Mr. Noble felt that \$130 was too steep.

In Favor: Talamini; Morgan; Stremper; Giner  
Opposed: Noble

Mr. Pippin pointed out that the ordinance would have to be revised if this gets passed.

**PUBLIC PARTICIPATION:**

There was no public participation.

**APPROVAL OF MINUTES:**

**MOTION:** To approve the minutes of November 7, 2011. Stremper / Morgan  
**In Favor:** Stremper; Morgan; Giner; Noble  
**Abstain:** Talamini

**ADJOURNMENT:**

**MOTION:** To adjourn. Stremper / Morgan / Unanimous

The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary