

**TOWN OF EAST WINDSOR - ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
NOVEMBER 7, 2011**

The East Windsor Zoning Board of Appeals held a Regular Meeting on Monday, November 7, 2011. Chairman Tom Arcari called the meeting to order at 7:30 P.M. in the parking lot outside the Park Hill community room. There was no access to the community room as the doors were locked. Therefore, it was decided to reconvene at the town hall.

MOTION: To reconvene at the town hall. Giner / Paleski / Unanimous

The meeting reconvened at 7:40 p.m. in the lobby of the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members Tom Arcari, José Giner, Stan Paleski and James Stremper. Also present was Robin Newton, Zoning Enforcement Official.

Mr. Arcari explained to the applicants that 4 votes in favor were needed to approve a variance. He told the applicants that they had the choice of whether to proceed with 4 members or wait until the next meeting. Both applicants agreed to proceed tonight. Mr. Paleski read the legal notice as it appeared in publication.

ESTABLISHMENT OF QUORUM

A quorum was established, as four regular members were present.

NEW HEARINGS:

ZBA #2011-05 - Application of Fred Mueller, of Tighe & Bond, for property located at 12 Thompson Road, owned by BASF Corporation, for a variance of Section 503.1 b) *Outdoor Storage Location Requirements*, to allow the relocation of an existing liquefied gas system to a new location, that will be within the side yard requirement of 20 feet. [M-1 zone]

Mr. Fred Mueller of Tighe & Bond came forward. He referred to plans of the property and explained that the owner, BASF has a manufacturing facility at the south end of the site. They are located at the corner of Thompson Road and Park Road. He noted that right now there is an existing access road that runs around the rear of the facility. There is an existing set of liquefied gas tanks. They want to be able to construct a site that will help them with their potable water usage. Because they have problems with the foundations of the existing tanks, they want to relocate the existing tanks and their evaporators in the side yard. One of the tanks will be replaced with a smaller tank.

Mr. Mueller indicated that they reviewed this with the Fire Marshal, Christy Delvey, and she agreed that it makes sense to keep these tanks away from the building and provide a nice access for fire equipment around the building. He said this is a tight site. The new location will not be too far from where they are now. Mr. Mueller referred to photos of the existing tanks and pointed out on plans where they will be located. The concrete pads for the tanks will be located 10 feet on one end and

13 feet at the other end, off the property line. There will be a gas line that will be buried. Mr. Giner asked if this backs up to the field area. Mr. Mueller said that it does. He said there aren't any structures near there. Mr. Giner asked exactly what variance they were asking for. Ms. Newton noted that unlike what we have for residential zones, there are no setback requirements for accessory structures in the industrial and commercial zones. They have to go by the regular side yard setback, which is 20 feet. She said they have no room to fit this in and have room for the roadway.

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

MOTION: To close the hearing on **ZBA #2001-05**.

Giner / Paleski / Unanimous

Discussion and Vote:

Mr. Giner said this is pretty straightforward. It is a pretty tight site. He said the setbacks are made to protect the adjacent neighbors, and this really won't bother anyone. Mr. Stremper said that he drove by the site and felt that they had no other place to put the tanks. Mr. Paleski noted that they have problems with the foundation. This is probably the best place to locate the tanks.

MOTION: To approve **ZBA #2011-05** in accordance with the plans submitted with the purpose of the structures as identified at the public hearing.

Giner / Paleski / Unanimous

ZBA #2011-06 – Application of Richard Sullivan for property located at 37 Rye Street, for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (Accessory Structure Requirements, Maximum Size)* & Section 402 *Permitted Uses In Residential & Agricultural Districts* to allow an accessory structure that will exceed the required 1,000 sq. ft maximum size requirement. [R-2 zone]

Mr. Richard Sullivan came forward to explain his application. He referred to plans and indicated that he would like to remove an existing one and one-half story building that is uninsurable. He said he used it to store a lot of different equipment. He said it is 1,440 sq. ft. with one-half story on top. Mr. Sullivan said he is proposing to build a new building that has a bigger footprint but has less square footage, if you take off the one-half story. It will be used for the storage of farm equipment. He said he needs the room and would love to have a place to park his vehicles.

Mr. Giner asked if he will be using it for any commercial use. Mr. Sullivan said no, it would not. Ms. Newton pointed out that we recently updated our farm regulations that became effective on August 1st. There is a lot of new language. They put in a caveat to the farm building exemptions. She felt that he might have been able to have the larger structure before because it was exempt in the past for farming. Now the regulations have language that says, "Structures that are accessory to a commercial farm use shall be exempt from the maximum size requirements for accessory structures" so you have to prove that you farm for profit to have the size exemptions. Mr. Sullivan said he farms for a hobby. He pointed out where he has nursery stock and fruit trees. Mr. Paleski asked what would be the requirement for normal residential use. Ms. Newton said they only allow 1,000 sq. ft. in that zone for an accessory structure. She said we would have allowed this prior to the update of the farm regulations. Mr. Paleski said if you take the total square footage of the existing structure, he is actually reducing the square footage.

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

MOTION: To close the hearing on **ZBA #2001-06.** Giner / Stremper / Unanimous

Discussion and Vote:

Mr. Giner said the adoption of the regulations caused the hardship in the first place. If he had done this earlier he would not have needed to come here at all. He has a building that has aged. This is actually decreasing the degree of nonconformity. Mr. Arcari felt that he is improving his property by taking the old building down and putting up a new one. Mr. Paleski said he thought the existing building dated back before any of those regulations. He is reducing the square footage and if he had come in earlier he would be all set.

MOTION: To approve **ZBA #2011-06** in accordance with the plans submitted and for the use as specified at the public hearing. Giner / Paleski / Unanimous

PUBLIC PARTICIPATION:

There was no public participation.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of October 3, 2011.
Giner / Arcari / Unanimous

Mr. Giner said he would like to thank everyone who is leaving the ZBA, especially Tom Arcari. He has been on the board for a long time. Mr. Giner said he wanted to express his thanks from the time that he was a staff person for his support and he wished him well. He said he hoped that he would reconsider coming back later on. He said we could use people like him and everyone else that was not running again.

ADJOURNMENT:

MOTION: To adjourn. Paleski //Stremper / Unanimous

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary