

**TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
JULY 6, 2015**

The East Windsor Zoning Board of Appeals held a meeting on Monday, July 6, 2015 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Scott Morgan and Thomas Talamini; and Alternate Members Joe Sauerhoefer and Robert Yosky. The meeting was called to order by Chairman José Giner at 7:00 p.m.

ESTABLISHMENT OF QUORUM:

A quorum was established as three regular members and two alternate members were present. Joe Sauerhoefer and Bob Yosky sat in as voting members in the absence of Nolan Davis and Dan Noble.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

Chairman Giner explained to the applicants that at least four votes are needed to a variance to be approved.

Mr. Talamini read the legal notice as it appeared in publication.

NEW HEARINGS:

ZBA #2015-01 - Application of Valerie Galinski for property located at 227 South Main Street, owned by John Galinski, for a variance of Section 305.3 b.1. *Keeping of Livestock, Non-Commercial Farms* to allow a chicken coop to be located on less than one contiguous acre of usable pasture; and 305.3 d.1. *General Livestock Requirements* to allow a chicken coop to be located less than the minimum 100 feet from any side or rear property line. [B-2 zone; Map 12, Block 23, Lot 1-2]

Valerie Galinski came forward and explained that they are requesting a variance due to zoning laws that don't allow them to have a chicken coop on her brother's property. She noted that the chicken coop is 6' x 5'. She submitted a letter from the abutting property owner stating that she is fine with this. Ms. Galinski noted that it is a 4-H project for her daughter. She said she would prefer that the chicken coop stay where it is in close proximity to their house so that she can keep an eye on her daughter. There are a lot of people coming in and out of the property.

Chairman Giner asked Ms. Galinski if when talking to staff was it suggested to ask the Planning & Zoning Commission to consider reducing the setback requirement for business zones. She said they didn't ask about it. She said she did explain that it is a 4-H project. Mr. Giner said the problem is that the hardship has to go with the property and they would need to show that it is different from other properties. Personal hardships are not sufficient. He noted that variances are recorded on the land records and stay with the property. Ms. Galinski noted that Baggott's is across the street and they have chickens.

Chairman Giner open up the hearing to the public. No one wished to speak.

MOTION: To close the hearing on **ZBA #2015-01.**
Talamini Morgan/Unanimous

MOTION: To approve **ZBA #2015-01** - Application of Valerie Galinski for property located at 227 South Main Street, owned by John Galinski, for a variance of Section 305.3 b.1. *Keeping of Livestock, Non-Commercial Farms* to allow a chicken coop to be located on less than one contiguous acre of usable pasture; and 305.3 d.1. *General Livestock Requirements* to allow a chicken coop to be located less than the minimum 100 feet from any side or rear property line. [B-2 zone; Map 12, Block 23, Lot 1-2]
Talamini / Morgan

Discussion and Vote:

Mr. Morgan said he was trying to find the real hardship here. He said he could see the way the land is set up in the back. There is not a lot of room. Mr. Giner said if they grant this variance they would be establishing a precedent.

In Favor: Morgan

Opposed: Talamini; Giner; Sauerhoefer; Yosky

Mr. Giner suggested that Ms. Galinski go to the Planning & Zoning Commission to change the regulations to have different requirements for business zones. He said there also might be a way to get the PZC to rethink their rule on contiguous pasture area for poultry. Mr. Morgan suggested appearing before the PZC during public participation. Mr. Talamini suggested contacting other towns to see what they have for regulations.

ZBA #2015-02 – Application of owner WBGLA of Westfield, MA, LLC for property located at 76 North Road for a variance of Section 602.4 a. *Total Sign Area – Business and Industrial Districts*, to allow 170.25 sq. ft. of signage where 120 sq. ft. is the maximum permitted; Section 602.4 b. *Number of Signs*, to allow 5 signs where 3 are the maximum permitted; Section 602.5 b. *Freestanding Signs - Ground Sign Height and Area*, to allow a sign to be 19 feet in height where the maximum allowed is 15 feet and to allow a sign to be 78 sq. ft. where 32 sq. ft. is the maximum allowed. [B-3 zone: Map 113, Block 24, Lot 2-1]

Appearing for the applicant were Mark G. Smith of Noble Energy, Inc. and Mike Frisbie of WBGLA of Westfield, MA, LLC. Mr. Smith referred to plans of the property and renderings of the proposed signs. He noted that the proposed ground sign meets the set back requirement. Mr. Smith explained that Noble is the brand of gas. Frisbie's is the drive through operation. They will be selling ice cream, coffee and that type of thing. Mr. Smith said the total signage they are asking for is 170 sq. ft. He said the sign regulations allow 1.5 sq. ft. per lineal building frontage. He said he interprets the canopy as a building. He read the definition of a building: "Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, vehicles or materials." He interprets the canopy as a structure to house vehicles. He felt that there are two buildings, one with 80 feet and one with 40 feet for a total of 120 lineal feet, and therefore they comply with the total square footage. He said if you have to meet the building setbacks it is a building. Mr. Smith noted that there is an office building that won't have any signs.

Mr. Smith said the regulations say you are allowed three signs per business. They are asking for five signs. They feel that it is the minimum to promote the business. He said this is a unique brand and it is important to identify them separately. Mr. Smith indicated that this area has a 40 mph speed limit. It takes four to five seconds to identify a sign. They don't want people distracted. He said you are looking at 500 feet to get the information on the sign without being distracted. You can keep your eyes on the road. The Noble logo is 18 inches and the price signs are 12 inches. They are in the range of the federal highway guidelines.

Mr. Smith said they are not trying to set a precedent. He referred to the filling station at 11 South Main Street that received a variance for a 120 sq. ft. ground sign. He felt that the variances they were requesting are consistent with other signage in town. He said on Route 140 all of the signs are similar with square footage, such as Olender's and Golden Gavel. He said filling stations are somewhat unique. It is competitive. You have to put your prices out on the road. That is where you have a need for additional square footage. Mr. Giner noted that the Sunoco variance came in when the signage allowed was one square foot per lineal foot.

Chairman Giner said this is a brand new B-3 zone created with a lot of thought. Businesses that want to locate know what the rules are. He said he didn't think it is ZBA's job to second guess the PZC. In terms of height, he didn't see that they are different from any other businesses that want to locate in the B-3 zone. He said regarding the fuel signs, keep it simple. Identify the brand. Many businesses have a grand opening. He said after a month people will know what they have there. It is not an economic hardship. He suggested that they try to convince the PZC that perhaps gas stations require some special treatment for the prices of the fuel. Mr. Morgan suggested that they eliminate one of the cash/credit signs to make the ground sign smaller.

Mr. Smith asked if there was a way to table this. He said he would like to talk to staff and reconfigure this. He said they would consider withdrawing the application.

MOTION: To close the hearing on **ZBA #2015-02.**

Morgan / Talamini / Unanimous

MOTION: To table the decision on **ZBA #2015-02** until the next meeting on August 3, 2015.

Morgan / Talamini / Unanimous

OTHER BUSINESS:

None

PUBLIC PARTICIPATION

No one requested to speak.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of December 1, 2014.

Morgan / Talamini / Unanimous

ADJOURNMENT:

MOTION: To adjourn.

Morgan / Yosky / Unanimous

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary