

TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
JUNE 5, 2017

The East Windsor Zoning Board of Appeals held a meeting on Monday, June 5, 2017 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 Member Robert Yosky. Also in attendance was Shawn Rairigh, Zoning & Wetlands Enforcement Official / Assistant Planner; Dick Pippin, Board of Selectman member and Kathy Pippin Board of Finance member. The meeting was called to order by Chairman José Giner at 7:04 p.m.

ESTABLISHMENT OF QUORUM:

A quorum was established as three regular members and one alternate member were present. It was determined that Robert Yosky would be sitting in as a voting member.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

NEW HEARING:

Chairman Giner explained that by State law we require four affirmative votes to approve a variance. He gave the applicants the opportunity to postpone the hearing. Tim Coon of J. R. Russo & Associates said they are prepared to proceed.

Mr. Talamini read the Legal Notice as it appeared in publication.

ZBA #2017-04 – Application of Harken’s Landscape Supply & Garden Center for property located at 122 South Main Street, owned by T & J South Main Street LLC, for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts*; and Section 303.2b *Alterations of Non-Conforming Buildings* to allow: 1) construction of a new ADA accessible entrance, a portion of which will be located 44 feet from the front property line; and 2) replacement of existing steps to the front entrance with a landing and stairs to be located 14 feet from the front property line, where a minimum setback of 50 feet is required. [TZ5 zone; Map 42, Block 5, Lot 58]

Appearing for the applicant were Tim Coon of J. R. Russo & Associates and Jamie Gilbert, the owner. Mr. Coon referred to plans of the site and explained that there is an existing residential home on the site that has been abandoned for a while. The applicant plans to create a flower shop in the existing structure with an additional use for display and sales of fencing and outdoor structures such as sheds and gazebos.

Mr. Coon noted that the house was constructed in 1835, prior to the establishment of zoning. This is currently in the TZ5 zone which requires a 50 foot front setback. The building is 21 feet from the front property line which is already within the front setback. To develop as a flower shop they

have to provide ADA accessibility. The current front step does not meet ADA accessibility requirements. They are proposing to put a new entrance off the north side of the house. It will have stairs as well as a ramp. Mr. Coon passed out copies of an architectural drawing showing what the building will look like. They will provide a ramp and will replace the existing dilapidated steps in the front and need a variance to do that. It will be 14 feet in the front at the new entrance and the ramp and step will be within 44 feet of the front property line.

Mr. Coon said the hardship is that this house was constructed prior to zoning, with the front entrance already in the front setback. It is now zoned TZ5 which allows business uses and they need to make these improvements to the house.

At this time Mr. Giner opened up the hearing to the public.

Tim Ellison represented Meadowview Condominiums, which abuts this site. He said Meadowview has no objection to the variance.

Shawn Rairigh noted that this zone doesn't allow residential use and to do a business use this would have to meet ADA requirements.

MOTION: To close the hearing on **ZBA #2017-04.**

Morgan / Yosky

MOTION: To approve the application of Harken's Landscape Supply & Garden Center for property located at 122 South Main Street, owned by T & J South Main Street LLC, for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts*; and Section 303.2b *Alterations of Non-Conforming Buildings* to allow: 1) construction of a new ADA accessible entrance, a portion of which will be located 44 feet from the front property line; and 2) replacement of existing steps to the front entrance with a landing and stairs to be located 14 feet from the front property line, where a minimum setback of 50 feet is required. Approved in accordance with the plans submitted.

Talamini / Morgan / Unanimous

Mr. Giner said this is a legitimate hardship. It was built prior to zoning. He said it will be nice to have that eyesore restored and have a useful use of the property.

OTHER BUSINESS:

ZBA #2017-05 – Application of Penske Truck Leasing Company, L.P. for property located at 10 Shoham Road, owned by 10 Shoham Road, LLC, for Location Approval under Section 14-54 of the CGS for a Repairer's and Used Car Dealers License. [M-1 zone: Map 113, Block 17, Lots 6A & J]

Tim Coon of J. R. Russo & Associates represented the applicant. He said currently they lease trucks at this site and they now want to also sell trucks. It is zoned M-1 which allows this use.

The shop and maintenance area already exists on the site. Mr. Coon noted that they will also need to go to the Planning & Zoning Commission for site plan approval.

MOTION: To approve **ZBA #2017-05** – Application of Penske Truck Leasing Company, L.P. for property located at 10 Shoham Road, owned by 10 Shoham Road, LLC, for Location Approval under Section 14-54 of the CGS for a Repairer's and Used Car Dealers License. {M-1 zone: Map 113, Block 17, Lots 6A & J}
Morgan / Talamini / Unanimous

PUBLIC PARTICIPATION

No one requested to speak.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of May 1, 2017.
Morgan / Talamini / Unanimous

ADJOURNMENT:

MOTION: To adjourn.
Morgan / Yosky / Unanimous

The meeting was adjourned at 7:00 p.m.

Respectfully submitted,
Marlene Bauer, Recording Secretary