

TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
JUNE 6, 2016

The East Windsor Zoning Board of Appeals held a meeting on Monday, June 6, 2016 at the East Windsor Town Hall meeting room, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Nolan Davis, Scott Morgan and Thomas Talamini; and Alternate Member Robert Yosky. Also in attendance was Kathy Pippin, Board of Finance member. The meeting was called to order by Chairman José Giner at 7:00 p.m.

ESTABLISHMENT OF QUORUM:

A quorum was established as four regular members and one alternate member were present. It was determined that Robert Yosky would be sitting in as a voting member in the absence of Dan Noble.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

CONTINUED HEARING:

ZBA #2016-05 – Application of Diamond Estates, LLC for property located at 55 Winkler Road, owned by Walter Bass, Jr. for a variance of Section 802.11a. and 802.11c. *Multi Family Development District – Storage* to allow relief from the requirement of 1,400 cubic feet of storage for each multi-family unit. [MFDD zone; Map 114, Block 24, Lot 5A]

Chairman Giner noted that this was continued at the last regular meeting. The applicant was going to come up with some suggestions for alternatives for storage.

Representing the applicant was Patrick Snow and his associate Andreas Hadji. Mr. Snow referred to revised plans and explained that the alternative they came up with would almost not need a variance except for the requirement that the areas of storage be adjacent to the buildings. Mr. Snow noted that they are proposing a 10-bay garage next to building #1 and another 10-bay garage next to building #2. Above each garage would be pull-down stairs that would provide an area of 864 cubic feet. Each unit would be 12' x 24'. The only relief they would be looking for is that the regulations say that the area has to be adjacent to the building. He said for some fire safety reasons and for aesthetics they thought it would be better to have some space rather than attaching them to the buildings.

Chairman Giner asked if this would change the number of parking spaces. Mr. Snow replied that they are using the parking spaces in the garages. They would have the same number of parking spaces as before. Mr. Yosky asked if the garage areas are separated. Mr. Snow said each one has a garage door and they are separated by a wall. Mr. Talamini noted

that the storage areas are supposed to be 1,400 cubic feet. Mr. Giner said they would still be looking for a variance of about 600 cubic feet and not to have it immediately adjacent.

Chairman Giner opened up the hearing to the public. No one came forward to speak.

MOTION: To close the hearing on **ZBA # 2016-05.**

Morgan / Yosky / Unanimous

MOTION: To approve **ZBA #2016-05** the Application of Diamond Estates, LLC for property located at 55 Winkler Road, owned by Walter Bass, Jr. for a variance of Section 802.11a. and 802.11c. *Multi Family Development District – Storage* to allow relief from the requirement of 1,400 cubic feet of storage for each multi-family unit and the requirement that the storage area has to be adjacent to the buildings – with the modifications presented at tonight’s meeting and in accordance with the plans. [MFDD zone; Map 114, Block 24, Lot 5A]

Talamini / N. Davis

Discussion and Vote:

Mr. Morgan said they are still 600 feet short. He said there are some things that you wouldn’t be able to store in an attic space. People purchasing or renting would not have the opportunity for adequate storage. Mr. Talamini said he was concerned about the 600 cubic feet. He said some people collect things. He was concerned that garages could be full and questioned where they are going to park the cars. Mr. Giner said they have made an effort to resolve the issue. He said he didn’t know what the hardship is other than convenience or financial. Mr. Snow said, for clarification, the hardship was the environment with the high water table. Mr. Talamini said he would rather see the foundation raised. He said they have made a good effort but they are still quite a bit short.

In Favor: None

Opposed: Talamini; Davis, Giner, Morgan

Abstain: Yosky

Mr. Giner stated that there is a lack of a classical hardship and they are still short 536 cubic feet.

The application was denied.

ZBA #2016-07 – Application of WSJA, LLC for property located at 34 Newberry Road for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts (Side Yard Setback)* to allow an addition to an existing building to be located less than the required 20 feet from the side property line. [M-1 zone; Map 92, Block 19, Lot 1]

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

Representing the applicant was T. J. Barresi, the engineer for this application. Mr. Barresi explained that this parcel is in the M-1 zone and contains 1.38 acres. It is located on the south side of Newberry Road at the corner of Thompson and Newberry Roads. He noted that section 501 requires a 20 foot side yard. They are requesting an 8.3 foot variance to allow them to be 11.7 feet from the side property line. The addition will be put on the front of the building

Mr. Barresi said the hardship is that the existing building is nonconforming with regard to the side yard so any addition would require a variance. He said he did research on the building. He passed out copies of plans and other information that he obtained during his research. He explained that on June 25, 1974 a building permit was issued to locate the building in this location. To the best of his knowledge it looks like at one point the building was proposed to be at the 30 foot side yard. That would put the building much closer to the front line of Thompson Road. He said it appears that they were trying to determine the lot width. He felt that they made a concession and thought that it was more important that the building meet the requirement of the front yard at Thompson Road and put the building closer to the side property line. Mr. Barresi referred to a plan dated June 21, 1974 which is an official plot plan showing the building located 11.77 feet from the side property line. Then the building permit was issued on June 25, 1974 to locate the building at its present location. Mr. Barresi went on to explain that in 2007 the Zoning Enforcement Official inspected the property and came up with a letter that states that the subject property was in compliance. He said she probably felt that some formal process allowed them to place the building in its present location.

Mr. Barresi noted that the offices are located in the front of the building and they want to expand the office space. They are not going any closer to the side yard than what it is now. At its closest point this building is 11.6 feet from the side property line. They are proposing 11.7 feet. He said it looks like a lot of time and care went into positioning this building.

Chairman Giner opened up the hearing to the public.

Paul Benny of K. F. Machine, 36 Newberry Road, said he wanted to make sure that this wouldn't cause him any future restrictions. He said there is a gap between that property and his building. He said he had no major issues with it.

MOTION: To close the hearing on **ZBA #2016-07**.

Morgan / N. Davis / Unanimous

MOTION: To approve **ZBA #2016-07** the application of WSJA, LLC for property located at 34 Newberry Road for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts (Side Yard Setback)* to allow an addition to an existing building to be located 11.7 feet from the side property line where 20 feet is the minimum required. Approved in accordance with plans presented. [M-1 zone; Map 92, Block 19, Lot 1]

Talamini / Morgan / Unanimous

Mr. Giner said it is pretty straightforward. This was built in 1974. In accordance with State Statutes whether or not there was a variance, after three years it becomes grandfathered. This is pre-existing. They are not going any closer than the existing building. It wouldn't work somewhere else without major changes to the building layout. The hardship is that it is a corner lot with two fronts.

PUBLIC PARTICIPATION

No one requested to speak.

APPROVAL OF MINUTES:

It was pointed out that on page 1 the meeting location at Scout Hall was noted as Broad Brook and it should have been East Windsor.

MOTION: To approve the minutes of May 24, 2016 Special Meeting, as amended.
Talamini / N. Davis

In Favor: Talamini; Davis; Giner; Yosky

Abstain: Morgan

ADJOURNMENT:

MOTION: To adjourn. Morgan / Talamini / Unanimous

The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary