

**TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
OCTOBER 3, 2016**

The East Windsor Zoning Board of Appeals held a meeting on Monday, October 3, 2016 at the East Windsor Town Hall, 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 Richard Pippin, Board of Selectman member and 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.

NEW HEARING:

Chairman Giner explained the procedure for the public hearing and noted that it takes four votes in favor to approve a variance. Mr. Talamini read the Legal Notice as it appeared in publication.

ZBA #2016-10 – Application of Bacher Corporation for property located at Wells Road at the intersection of North Road, owned by Richard A. Montgomery, for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts (Front Yard Setback)* to allow the construction of a two-phase commercial building to be located less than the required 75 feet from the front property line. [B-3 zone; Map 125, Block 24, Lot 24]

Tim Coon of J. R. Russo & Associates LLC came forward along with James Viggiano of Bacher Corporation. Mr. Coon referred to plans of the property and explained that it is located southwest of the intersection of North Road and Wells Road. He noted that this property is currently zoned B-3. That zone was created in 2012 when they created the North Road business corridor.

Mr. Coon pointed out the wetlands line on the site and noted that it takes up a good portion of the western area of the property. He said Mr. Viggiano would like to move his business from the industrial park to this location. They want to construct a 10,000 sq. ft. commercial building in two phases. The access will be off Wells Road. There is public sewer available. They will do some enhancements to the wetlands so it has more habitat value.

Mr. Coon noted that they are requesting a variance to allow a 50-foot front setback. That was the requirement prior to the B-3 zone. It is a corner lot and when it went from 50 feet to 75 feet it encroached on the ability to develop the property. He said with the wetlands and being a corner lot it creates a hardship. They want to minimize the wetlands disturbance. He said they will be going before the Wetlands board the following Wednesday (10/5/16). Mr. Viggiano said they sell year-round power equipment. They sell mowers and tractors to the towns and state. Some other products they sell now are changing. They are starting to sell consumer products. He said this site will help draw people from the surrounding towns.

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

MOTION: To close the hearing on **ZBA #2016-10**.

Morgan / Yosky / Unanimous

MOTION: To approve **ZBA #2016-10** – Application of Bacher Corporation for property located at Wells Road at the intersection of North Road, owned by Richard A. Montgomery, for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts (Front Yard Setback)* to allow the construction of a two-phase commercial building to be located 50 feet from the front property line where 75 feet is the minimum requirement. Approved in accordance with the plans submitted.
[B-3 zone; Map 125, Block 24, Lot 24] Talamini / Morgan / Unanimous

Mr. Giner said he believed the applicant has demonstrated a hardship. This is a corner lot with wetlands. Also the Town went and changed the setback requirement when they changed the zone. This was not a self-created hardship. Mr. Talamini said it is a corner lot which makes it difficult to meet the regulations.

PUBLIC PARTICIPATION

No one requested to speak.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of July 11, 2016. Morgan / Davis / Unanimous

ADJOURNMENT:

MOTION: To adjourn. Morgan / Davis / Unanimous

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,
Marlene Bauer, Recording Secretary