

TOWN OF SOUTHTON
 ZONING BOARD OF APPEALS
 TUESDAY, OCTOBER 25, 2011

Chairman Robert Salka called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:02 o'clock, p.m. in the Town Council Chambers with the following members in attendance:

Jeffrey Gworek, Matthew O'Keefe, Patricia Potter & Bryan Wysong

Alternates: Juanita Champagne

Others: Rob Librandi, Zoning Enforcement Officer

Absent: Ronald Bohigian, Alternate
 Michael Milo, Alternate

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

Chairman Robert Salka explained to the audience the procedure to be followed in the presentation of an appeal. He advised that should their appeal be approved, they file it with the Town Clerk's Office before proceeding with the project.

ROBERT SALKA, Chairman, presiding:

PUBLIC HEARING ITEMS:

A. APPEAL #5884A, application of William Lange for a 2.3' side yard setback variance to 22.7' where 25' is required & a 16.5' front yard setback variance to 33.5' where 41.5' exists and 50' is required under Sections 7A-00 & 15-04 of the Zoning Regulations, 124 Thistle Lane, property of William H. & Diane C. Lange in an R-40 zone.

WILLIAM LANGE: Bill Lange, 134 Thistle Lane, Southington, CT. What I'd like to start with is what or where all these numbers just came from that Rob just read off. I got this information from Rob when I was making out the application.

Originally, I guess, when the house was built the zoning was R-20-25 which is a 40' setback. You can see by the map that I got from

the town that it made that. Sometime after the development was finished, the town rezoned it to an R-40 which is a 50' setback. So, right off the bat, now the house is, at least my house is too close to the front property line. So that's where this big variance is coming from.

What I'd like to try and do is put a covered front porch on the front of the house. The problem being that the front of the house faces directly north. During the wintertime it gets no sun at all. There was no --- there is no cover --- there was no cover over the front steps. So a few times when it snowed or when there was an ice storm or anything, trying to chip off the ice in the front and again there is no sun to melt anything, I slipped off the front stairs a couple of times. That to me causes a liability. So, if I can slip off, anybody can slip off of it.

So what I want to try and do is put a covered front porch just on half of the house, the living room half of the house. And, just so I can try and now hopefully use the front doorway.

Because for the last few years when it snowed, I didn't use the front doorway at all. I didn't try and plow it. I didn't do anything. Because if I can slip off the front porch, I didn't want anybody else to try to do it. So, we just used the side door.

Um, the porch will be, will come out 7.5'. It'll be again, 23' long which is just the front section of the house where the living room is. It's going to go 4' up on to the existing roof which is going to give a pitch; something about every 1' of run is going to go up a little over 2". It won't be a flat roof but it will have some pitch to it so water will run off it.

The biggest thing though is I just want to be able to use the front door again without a liability. I feel it's a liability. If I can slip off an icy front porch, I think anybody can.

And, then there's the last thing which is curb appeal. As you see around town, everybody's putting a front porch on with the 8" round white columns. I think it looks pretty nice. I think this will spruce up the front of the house a little bit, along with taking care of the possibility of anybody falling or slipping off the front porch trying to use the front door.

Basically, that's all I've got.

THE CHAIR: Okay, thank you. Any questions of the applicant?

MR. WYSONG: You were here in December of last year, Mr. Lange?

MR. LANGE: Yes, I was.

MR. WYSONG: And, an appeal that included a front porch and a garage.

MR. LANGE: The garage has been withdrawn.

MR. WYSONG: I understand it has been withdrawn. The essence of my question is: Is this the same porch you were basically here with last year?

MR. LANGE: Yes.

MR. WYSONG: Thank you.

THE CHAIR: Anything else? Any other questions for this applicant?

MR. LANGE: Thank you.

THE CHAIR: Thank you.

Is there anyone here speaking in favor of this application?

(No response)

Is there anyone opposing this application?

(No response)

Hearing none, this appeal is closed.

B. APPEAL #5885A, application of Southington Fire Department Company #2, for special exception approval for the annual Christmas tree sale under Sections 3-01.31.D & 15-05 of the Zoning Regulations, 128 W. Main Street, property of Town of Southington in an R-12 zone.

DOUG KALWAT: Good evening, my name is Doug Kalwat and I'm a Lieutenant with the Southington Fire Department, Engine Company #2, 128 West Main Street.

We are requesting permission this year for our annual Christmas tree sale. We've already gained permission from the Board of Fire Commissioners for the use of the property. And, we're looking to have our usual stipulations of cleanup immediately afterwards and um, maintain the property.

THE CHAIR: Okay. Just go through the three to make sure we're clear.

MR. GWOREK: I just have the same list from last year. Like you said, the site to be cleaned of all debris within one week of the end of sales. Adequate insurance coverage is obtained and number three, permission from the town is obtained.

All set with those?

THE CHAIR: They have done a nice job every year. No issue here.

Any other questions of this applicant?

(No response)

Thank you, sir.

MR. KALWAT: Thank you.

THE CHAIR: Okay. Is there here anyone speaking in favor of this application?

(No response)

Is there anyone opposing this application?

(No response)

Hearing none, this appeal is closed.

C. APPEAL #5886A, application of Michael L. Wilson for a 10' front yard setback variance to 30' where 40' is required: also a 5' side yard setback variance to 10' where 15' is required & a 10' rear yard setback variance to 10' where 20' is required under Sections 7A-00 & 15-04 of the Zoning Regulations, 27 Grove Street, property of Michael L. Wilson in an R-12 zone.

MICHAEL WILSON: Good evening, I'm Mike Wilson, 27 Grove Street, in the Plantsville section of Southington.

We have a home that was built in 1920 which I believe predates setback requirements. At one point before we purchased the home, the lot was subdivided. It was subdivided in a way and I think it's evident on the drawing that we brought in, subdivided in a way that anything short of like a shoe closet, I think, would have been in violation of the setback requirements.

We proposed to build a 24 sf by 24 sf garage that is - the front of which is roughly parallel to the front of the existing house so that nothing from this new construction would project farther towards the street than the current physical structure the house projects.

One on side, also the proposed garage where one of the property lines is, there is a thick covering of brush, trees, things like that. So it does not create an eyesore on that side.

And, then the rear of the property, there is an existing fence, vinyl fence, put in by the neighbors to the rear.

We want the garage I think for intuitive reasons. Particularly after last winter, storage, storage of our automobiles and also security of our automobiles and other possessions.

THE CHAIR: That's it? Questions of the applicant?

MR. O'KEEFE: Just one. The garage, you are looking for a variance on the side yard. Would it be possible to move the garage 5' closer to your house and at least eliminate the side yard piece of the variance without really changing it in the front and the rear? It would just give you a little bit more space between you and your neighbor.

MR. WILSON: Um, if you don't mind, I'll look at the drawings.

MR. O'KEEFE: Sure. Absolutely.

MR. WILSON: I haven't looked at the drawings in a little while.
(Pause)

MR. WILSON: Part of the rationale for placing it where it is is the thought of getting a curb cut out between the existing trees which

are placed on the property. Moving it too far one way or the other from that, too far with respect to side yard, I think would produce a little bit of a sway in the driveway or whatever. We are looking to try to make it as direct a route as possible from the street to the proposed garage.

MR. GWOREK: So, the access to the garage is on the west side?

MR. WILSON: Uh ---

MR. GWOREK: The Grove Street side?

MR. WILSON: The access would be on the Grove Street side, yes.

MR. O'KEEFE: But couldn't you take the driveway at a little bit of an angle between the trees even if you pushed it in?

What I am thinking is the neighbors. That you are pushing, you know, closer to the neighbors and farther away from your house when if you just brought it 5' south you're still basically the same in the front and the back but you've got more space between you and your neighbor.

MR. WILSON: I can see your point, yes. I don't think there is -- we would not be averse to moving it 5' away from the side yard there.

THE CHAIR: So, you've got to move it 5' south is what you are recommending?

MR. O'KEEFE: Yah, what I am recommending is moving it so that the side yard, you know, ran roughly parallel with the building requirement. I don't think it would be exactly 5' but approximately 5'.

THE CHAIR: So, what would the --- how would that change the appeal? Which one of the - um.

MR. LIBRANDI: It would eliminate the side yard, I believe.

MR. O'KEEFE: It would eliminate the side --- essentially eliminate the side yard piece. And, I think the rear yard would go from 10 to maybe an extra foot. If you moved it forward, you know, a foot or two, you could work it in such a way that maybe you wouldn't have 30 in the front. You might have 29 or 28. And, 10 in the back and nothing on the side.

But you've got somebody's neighbor in the back so that's not going to be objectionable as something right on the side.

THE CHAIR: No. That makes a lot of sense.

I'm not sure; you're probably more like 28' in the front. Just so we understand that.

MR. O'KEEFE: Yah, I would think.

THE CHAIR: Okay. Any other discussion?

MR. GWOREK: It's currently wooded behind the north side, the back side of that proposed garage?

MR. WILSON: I'm sorry, north?

MR. GWOREK: On the north side.

MR. WILSON: I'm sorry. I am not a very good Lewis & Clark guide. Yes, on the north side, where that side yard goes, it's just unkempt brush, trees, leaves, tall -

MR. GWOREK: Would that be removed so you would have clear sight through your neighbor's yard?

MR. WILSON: Well, we weren't planning on it. Except as necessary to where the 10' or 15' was.

MR. O'KEEFE: You would be taking less out now if you moved it which makes it even better.

THE CHAIR: Is that acceptable to you?

MR. WILSON: Yes.

THE CHAIR: Five feet?

MR. WILSON: Yes.

MR. LIBRANDI: How close are the existing trees, the maple trees to the street? Would that cause a sight line issue if you went through there?

MR. WILSON: Um, they are essentially butting up against the sidewalk. In terms of backing out and things like that, um, I haven't done it so I can't say definitely. Um, I think the angle of where the driver's seat is in a vehicle um, you know, it's not on the same plane as those of the trees. As you are backing out, you are farther ahead toward the garage. So, I believe it does allow --- does allow for sufficient sight.

(Undertone comments)

MR. LIBRANDI: Would you keep the same, would you keep the driveway on the - the existing driveway?

MR. WILSON: Would we keep it on the existing driveway?

MR. LIBRANDI: Yes.

MR. WILSON: Yes, we planned to. We hoped to actually erect a portable basketball hoop or something there.

THE CHAIR: We'd have to make it as a stipulation because it's posted as this is what is the public hearing. So we'd have to stipulate it.

Rob, we'll stipulate that 5'. Because we've already got, you know, this is what the appeal was and this is what was posted. We'll stipulate you'll move it 5'.

MR. LIBRANDI: We may have to change other variances, also. We don't have an exact number on what he's going to need for the front unless we're 100 percent sure. If it's going to alter the other variances.

MR. O'KEEFE: I think it is probably because you're going to push it up a foot. So you're probably going to be 28 on the -

THE CHAIR: Twenty-eight on the front and maybe 9 or 9.5 on the back.

MR. LIBRANDI: You may want to give a foot or more just in case.

MR. O'KEEFE: I think it will come to 28 in the front.

THE CHAIR: Okay. Well, why don't we do that in the stipulation? Same thing in the back, make it go to 9' in the back.

Any other questions of this applicant?

MR. WYSONG: I guess just a comment or maybe a question to Mr. Wilson. Have you considered squaring the garage up with the property lines? And, making your entrance out of the south side of your garage?

MR. WILSON: Out of the south side. Um, squaring it with the Grove Street property line? I'm sorry?

MR. WYSONG: Squaring it up, squaring it up with the two side yard and back yard property lines.

MR. WILSON: Our thought was trying to keep the front of the garage and the front of the house all on the same plane. We think visually that would be or make the most sense.

MR. WYSONG: Okay. Have you considered having the garage doors face the south and coming in in a 90 degree turn into the garage?

MR. WILSON: No, we haven't. For some of the same reasons. We wanted it in as direct a route as possible from the street for the driveway um.

MR. WYSONG: You are telling me you don't like to shovel snow, huh?

MR. WILSON: Um, when I was younger, I didn't mind it. I thought it was a good workout.

MR. WYSONG: Okay, it was just a thought as I looked at it.

If you have a sight line problem, I think your sight line is going to be to the north. The tree is, well you can see around the trunk of the tree. You have your neighbor's hedge parallel to the sidewalk all of the way up to Main Street to the north.

MR. WILSON: Correct.

MR. WYSONG: To the south, I think your sight line is probably all right because you can look around the tree.

What's directly across the street from your proposed driveway?

MR. WILSON: Directly across the street um --- I'm not sure exactly where the property lines are. One is the Faith Living Bible Church and the other is um, a home or condominium. I believe it's a two family home. Um -

(Pause)

MR. WYSONG: I'm fine, thank you.

THE CHAIR: Okay, thank you.

MR. WILSON: Thank you.

THE CHAIR: Anyone speaking in favor of this application?

(No response)

Is there anyone here opposing the application?

(No response)

Hearing none, this application is closed.

D. APPEAL #5887A, application of David Carabetta for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license under Sections 4-01.32, 11-04 & 11-05 of the Zoning Regulations, 837 Meriden Waterbury Road, property of Bruno A. Carabetta in a B zone.

DAVID CARABETTA: Good evening, my name is Dave Carabetta and I'm the owner of Fratelli's Italian Restaurant with my brother, Bruno.

We're just looking to increase our restaurant for a bar in the front area as shown. We've been there for going on 23 years now and we just seem, we just are trying to stay with everybody else and survive.

If you have any questions, please feel free.

THE CHAIR: Any questions for the applicant?

MR. O'KEEFE: Where it says "proposed" where would that fit in here?

BRUNO CARABETTA: My name is Bruno Carabetta. And, uh, and I love on 1031 Peck Lane in Cheshire.

And, um, yah, it fits right where the front entrance is.

MR. O'KEEFE: Okay.

MR. CARABETTA: If you can see the two swinging doors.

MR. O'KEEFE: So, this "L" thing here would be where it says sandwich unit, cash register?

MR. CARABETTA: Right. And, we're basically just going to push my area back more to make room for the "L" shaped door. And, that's it. Just to, you know, just to have somebody wait, you know, for dinner if they want to sit down and have a drink until a seat opens because we're so small. It would add to the restaurant. You know. You know.

You know, we have plenty of parking because we share, we share, probably have like 30 spaces now. And, also Dr. Bogdanski is right next to us and you know, he lets me use his parking lot and I use his and we have like a mutual agreement with him.

And, um, you know, I think it'll work and I think it'll improve my restaurant and make us make some more money and hire some more people, I don't know.

I don't know. We've always wanted to do this. We've been putting it off and I think the time is right. So --- you know. You know, I'm flexible. I think that's a good way out. It'll work.

Any questions?

(Pause)

THE CHAIR: We have some stipulations that we'd like to make sure um, we talk about music and entertainment. I know what you're trying to do but we just want to make sure we get those stipulations in. And, so when there's mutual agreement then they're on the record. Then nothing, we don't want to get any surprises. Okay?

MR. CARABETTA: Okay.

MR. GWOREK: There are nine seats on the proposed layout. Is that dead set on the nine seats maximum? I mean, is that accurate? Okay.

MR. CARABETTA: You have to two seat tables there, too. The little high-tops there.

MR. GWOREK: Okay, we'll go over the list of the stipulations.

No exotic dancers, male or female, public or private. I'm assuming no?

Number of bar seats shall not exceed nine.

Service bar, only.

MR. CARABETTA: Yes.

MR. GWOREK: No live entertainment or --- did you have a question? I was confused on the service bar.

MR. WYSONG: I would have thought it was a stipulation two or three. If you have three, you don't have two and if you have two you don't have three.

You currently have a service bar, only.

THE CHAIR: That's what you have now.

MR. WYSONG: You're adding a bar.

THE CHAIR: You're adding a bar, so three is out.

MR. CARABETTA: I think we have a service bar now. And, we just want, and I don't know what you call it - a regular bar. But we have, you know -

MR. D. CARABETTA: Basically, what we're trying to do is our restaurant is, we only have like --- we're open five days a week and over the years we've gone, we open at 4:00 and we close around 9:00 or 9:30, tops. And, what we're trying to is from that 4:00 to 6:00 range to get more people to come in because we've seen over the years that it's gone down to like 5:30 to 7:30. And, that's our --- and we're trying to pick up that 4:00 to 6:00 range. Not to be open to midnight or anything like that. And, that's it. We're a family restaurant and that's all we want to be.

MR. GWOREK: No live entertainment.

MR. CARABETTA: No, not at all.

MR. GWOREK: Any significant change to the floor plan as determined by the zoning enforcement officer shall require a new application.

And, any changes in management or permittee shall require a new application.

MR. CARABETTA: Yes.

THE CHAIR: The bottom line is, if you make any significant changes other than what you've shown us here, you know, the zoning enforcement officer will ask you to come back for approval for that. Okay?

MR. CARABETTA: Yah, that's fine. But will the building department have final approval or --- is that, I mean, after I, you know, if you approve it, do I go to building?

THE CHAIR: Go ahead, Rob.

MR. LIBRANDI: After you, say they do approve this, then you have to come back to the Town Clerk's Office and put it in the land records and then come back to my office and I sign off on the liquor permit. Then you bring that to the um --- then you can go to the building department and start the process there.

THE CHAIR: Any other questions?

MR. WYSONG: Does the State Liquor Commission have any input into this? Is that part of the application, Rob?

MR. LIBRANDI: Well, they need to get the application from the state prior to getting any type of a permit. What happens is, I sign off on the permit once the ZBA approves it.

MR. O'KEEFE: Yah, as I understand it, this would be part of the Liquor Control Application because they can't get the liquor permit from the liquor control without your signature.

MR. LIBRANDI: Yes.

MR. O'KEEFE: And, they can't get your signature without our vote.

MR. LIBRANDI: Yes.

MR. WYSONG: Okay, so we vote on it. You sign it. And, then does it go to the liquor commission before the building department or after?

MR. LIBRANDI: Once we approve it and it gets signed off in terms of allowing the use, we're, you know, we've approved it and it's done.

If they have to go back to the building department to do that portion of switching the floor plan around, you know, that's between them and the building department.

THE CHAIR: But the sequence of events, I think they're asking the sequence of events. We approve it, you've signed off on it. He gets the sign off in the mail, does he take it to the liquor commission and they have to review it again making sure all of the sign offs. They don't care necessarily about the building permit; they are concerned about are we authorizing them to sell liquor.

MR. LIBRANDI: I think there is a certain limit or number of, I don't know if it's just for liquor stores and I'm not one hundred percent or restaurants also that could sell liquor. I think they control that, to a certain degree.

MR. WYSONG: I'm trying to help the applicant. So you don't take Rob's signature and go to the building department for a building permit.

Mr. Carabetta: My question is, do I have to deal with the Liquor Commission?

MR. WYSONG: That's my question, also. I suspect you will but I don't know where in the sequence you want to have approval of the Liquor Commission. Certainly, before you tear down walls and start putting new fixtures in.

MR. LIBRANDI: You know what, if we do sign off on it, I would call the Commission and see what they have to say and what you have to give them because from our end, we signed off on the use and it's a specially excepted use. So --- the town approved it. So --

(Everyone commenting)

MR. WYSONG: I have no further questions.

THE CHAIR: Okay.

Thank you very much.

MR. CARABETTA: Thank you.

THE CHAIR: Is there anyone here speaking in favor of this application?

(No response)

Is here anyone opposing this application?

(No response)

Hearing none, this application is closed.

E. APPEAL #5888A, application of JK Realty Holdings LLC for the removal of the existing gazebo located in the rear & a 276 sf variance for a 24' x 24' (576 sf) pavilion which has already been constructed under Sections 2-01 & 15-04 of the Zoning Regulations, 306 Rockwood Drive, property of JK Realty Holdings LLC in an R-40 zone.

ATTORNEY ANDREW DENORFIA: Good evening, Mr. Chairman and commission members. Attorney Andrew Denorfia with offices at 133 Main Street in Southington representing the applicant, JK Realty Holdings, as Rob said, the owner of 306 Rockwood Drive.

We come before you tonight for the removal of an existing gazebo which is located in the rear of the property. To avoid any confusion, the gazebo is highlighted in pink. As well as we're coming in before you for a 276 sf variance for a covered family pavilion under Section 2-01 and 15-04 of the regulations. The pavilion is highlighted in yellow here.

This application we believe will bring the property more in compliance with the existing Southington zoning regulations. To give you a little background, the subject property consists of approximately 2.45 acres and is located in an R-40 zone. The property was originally made up of 3 parcels and consists of 2.5 building lots. The original buyer bought two approved lots and a portion of the property to the rear to make up the 2.45 acres.

Now, under Section 2-01 of the zoning regulations, no more than one accessory shed or structure may be erected on the lot. We were informed by the zoning enforcement officer that currently we have or my client has two structures on the property.

So, because of that, we are proposing to remove the gazebo as to meet Section 2-01.

Additionally, we are requesting a 276 sf variance for the family pavilion which currently is 24 x 24 which is 576 sf.

I know as part of the record there were the pictures submitted. As you can see, the thing is, the pavilion is really quite beautiful. (Inaudible) ceiling and stone pillars, an outdoor kitchen with appliances as well as an island area for seating. It has a pizza oven and a gas built in range.

Now we believe the pavilion is not excessive in relation to the large and unique size of the property. The actual home is approximately 7,000 sf.

In terms of a hardship, we believe this is a unique property that consists of 2.5 building lots and the existing regulations do not take into account such unique properties.

Obviously, if the property was split there would be, the regulations would permit more than 600 sf in terms of structures.

So we believe the removal of the exiting gazebo as well as the 276 sf variance for the family pavilion brings the property more in compliance with the Southington zoning regulations.

With that, I would be more than happy to answer any questions.

THE CHAIR: Questions of the applicant?

MR. O'KEEFE: You know, as I look at the pavilion, I don't think --- and I agree with you with regard to the size of it in relation to the property. The question and concern I have is that although there may be 2.5 lots, it looks like all of the improvements are essentially on one of those lots and not on the other 1.5 lot. It looks like they are on lot 11-R. Or 12-R.

And, the other concern I have is that the pavilion is 35' from the property line whereas if the pavilion had been say to the south of the pool or to the east of the pool, it would be more on the property and more away from the other property.

I think my main objection is the location of it as opposed to the size of it.

ATTORNEY DENORFIA: My client has, and I don't know if anybody is here, but I know that according to the information he gave me, he has discussed it with the neighbors. There has not been objection that I know of. It's also very difficult to see from the front of the house to the roadway on Rockwood Drive. So, in terms of the location, I think it is fairly well hidden. I understand what you are saying that it is not in the middle of the property but the middle of the property is actually where the pool is.

MR. O'KEEFE: No. But I am saying is if it was any other side of the pool, the same side as the gazebo or on the other side of the - on the south side of the pool which would be --- if you were immediately south of the pool or immediately east of the pool, you'd sort of be in the middle of the property and you wouldn't be impinging on the pool in any way. And, the structure is an open structure which means that there are going to be people there and potentially noise in the proximity that you have to the neighbor.

ATTORNEY DENORFIA: I also got a little history on the gazebo. Because the gazebo was actually there, I believe, the original owner, which was two owners ago, put that in there. So he was, my client was unaware of the two structure requirement. So that may have limited the location of the pavilion. Because obviously if he knew that he

was going to have to renew that gazebo, obviously, that might have the changed the location of where you would put the pavilion.

THE CHAIR: One thing about the, where the location of the pavilion is, it is entirely to the rear of the home which means to your point you really cannot see it from Rockwood Drive because of the position of it.

And, the landscape of the property, the way the property has been landscaped and I'm assuming that the pavilion was put up after the pool and all the other structures, so I mean, where it was placed certainly made sense to put it there.

To put it east of the pool wouldn't really do anything for it as far as I can see. And, putting it directly behind the house, I think it would lose the total affect of what, you know, the beauty of the property.

To me, you've satisfied my requirement which was the second structure. And, I think that was the big concern that I had.

The size of the property and the location of the nearest neighbors and the tree line that's bordering it, et cetera, I mean, it's so covered, so blocked, I think it's appropriate for the property.

THE CHAIR: Any other comments?

(No response)

Thank you.

ATTORNEY DENORFIA: Thank you.

THE CHAIR: Anyone here speaking in favor of the application?

(No response)

Is there anyone opposing this application?

(No response)

Anyone opposing?

(No response)

Hearing none, this application is closed.

F. APPEAL #5889A, application of Ambalal S. Patel for special exception approval to allow a package store liquor permit at this location under Sections 11-04 & 15-05 of the Zoning Regulations, 255 Berlin Avenue, property of Rajshree LLC in an R-12 zone.

MR. PATEL: Good evening, commission. How are you? My name is Mr. Patel and I'm trying the process to get a package store at 255 Berlin Avenue. That is an existing store there for like 30 years.

(Pause)

MR. GWOREK: There are not going to be any changes to the interior structure?

MR. PATEL: No. The same thing.

THE CHAIR: This is the one that's on the corner next to the - fairly near the plumbing?

MR. PATEL: Say again?

THE CHAIR: Plumbing business.

MR. LIBRANDI: Right at the bend of Berlin Avenue.

THE CHAIR: Oh, okay.

Any questions?

MR. WYSONG: Are you a new owner to this piece of property?

MR. PATEL: No. I'm just taking over the business.

MR. WYSONG: You are taking over the business. Actually, I was trying to ascertain what -

THE CHAIR: It's already a liquor store so we are just transferring the liquor -

MR. O'KEEFE: It's a new permittee.

THE CHAIR: Right, correct.

Any other questions of the applicant?

(No response)

Thank you very much.

MR. PATEL: Thank you, sir.

THE CHAIR: Anyone here speaking in favor of this application?

(No response)

Is there anyone opposing this application?

(No response)

Hearing none, this application is closed.

CONTINUED PUBLIC HEARING ITEMS

A. APPEAL #5871A, application of Pattison Brothers Construction LLC for a 14.5' side yard setback variance to 15.5' where 30' is required under Sections 7A-00 & 15-04 of the Zoning Regulations, 1774 Mt. Vernon Road, property of Bell City Rifle Club in an R-80 zone.

MR. PATTISON: Good evening. I'm here to briefly outline this proposed addition. I'm Mike Pattison from Pattison Construction and I reside at 363 Winding Ridge. The proposed addition is at 1774 Mount Vernon Road, Bell City Rifle Club.

The existing building to the left side of the property predates zoning regulations. It was built in the roughly 1920's. We're looking to build an addition to the back side of the building roughly 16' out and 27' full width.

To update the bullet trap for safety, maintenance, et cetera. The existing trap is roughly 4' off the building. It's outdated. The newer traps that are on the market basically take up about 11 to 15 feet and that would push too far into the range itself. So, we're looking to add this 16' on the back of the range to accommodate the new traps.

THE CHAIR: Okay, we have received a letter from the health department. Would you like to read that into the Minutes?

MR. GWOREK: Yes.

"Regarding the hearing for the Bell City Rifle Club variance to install new bullet traps, I will recommend that the ZBA move forward with their application. Bell City has cooperated in trying to resolve the outstanding violation and I see no reason to hold up their planned improvements as we are near resolution in the case.

Bell City has agreed to provide a statement to the health district confirming the discontinuation of the organized activities with minors and that they will inform members and guests of the lead hazards at the rifle range and continue best efforts at minimizing lead dust exposure.

This appears to be the best reasonable outcome to resolve the violation. At this point, the ZBA has done all it can to help us resolve this case. Bell City Rifle Club has acted in good faith and no more can be accomplished by further delays in the application.

Improving the bullet traps will improve bullet conditions at the rifle range which is ultimately the goal of the health district.

Thank you for your assistance in this matter and contact me if there are any questions.

Scott Cook, Sanitarian."

MR. PATTISON: I do have another copy of the letter to bring TO Scott tomorrow.

THE CHAIR: The letter that would state that you are discontinuing the -

MR. GWOREK: Rob, do you have this?

MR. LIBRANDI: Yah, I could uh, I'll put it in the record.

THE CHAIR: Okay.

Are there any questions of the applicant?

MR. GWOREK: I had a question about the shed in the rear. Is it to be relocated or removed?

MR. PATTISON: We are just going to move that back and spin it so the doors are now facing the back side of the building.

MR. GWOREK: Is it going to be any closer to the property boundary, or no?

MR. PATTISON: Um, that rear setback is pretty far back, so I think the shed could be moved back 15' roughly. Right now there is about 6 to 8 feet between the building and the shed. So if we were to take it back, spin it so the doors are facing the front side of the property, we'll use it for storage.

THE CHAIR: Are there additional questions?

I think they've satisfied the requirement that we had. Sorry it took so long, but we get to the conclusion.

Thank you.

Anyone here speaking in favor of this application?

(No response)

Anyone opposing?

(No response)

Hearing none, this application is closed.

REGULAR MEETING

Approval of Minutes - Regular Meeting of September 27, 2011.

Mr. O'Keefe made a motion to approve which Ms. Potter seconded. Motion passed unanimously on a voice vote.

NEW BUSINESS:

A. APPEAL #5884A, application of William Lange for a 2.3' side yard setback variance to 22.7' where 25' is required & a 16.5' front yard setback variance to 33.5' where 41.5' exists and 50' is required under Sections 7A-00 & 15-04 of the Zoning Regulations, 124 Thistle Lane, property of William H. & Diane C. Lange in an R-40 zone.

Mr. Gworek made a motion to approve Appeal #5884A. Mr. Librandi asked if we should be more specific in where the variance is rather than just the number? If it is approved or not, saying at this side, for the front porch instead of just giving the number of feet? Because if we're not that specific maybe it could be determined as just the whole side rather than just that structure they are going for.

The Chair clarified we are approving it based on what is on the appeal or on the application along with the drawings that are submitted to us. So when we approve Appeal 5884A, we are approving it as published along with the documentation that we have.

Mr. O'Keefe suggested the wording be: to approve the appeal as requested in the application.

The request in the application is very specific so it would be nothing other than that.

Mr. O'Keefe then made a motion to accept Appeal 5884A as stated in the application. Ms. Potter seconded.

The Chair noted he is not going to enclose. He felt it would add to the home itself. It is a safety issue. I would recommend approval.

Mr. O'Keefe concurred with that. Given the property was in a smaller zone when the house was built and the setback, if there was a 50' setback more thought would have been given to pushing the house back in the initial construction and the variance sought would have been a smaller variance.

Mr. Wysong asked if the issue of multiple buildings on this lot has been resolved and Mr. Librandi confirmed it has been resolved.

Motion passed 5 to 0 on a roll call vote.

B. APPEAL #5885A, application of Southington Fire Department Company #2, for special exception approval for the annual Christmas tree sale under Sections 3-01.31.D & 15-05 of the Zoning Regulations, 128 W. Main Street, property of Town of Southington in an R-12 zone.

Mr. Gworek made a motion to approve Appeal #5885A with the following stipulations:

- The site be cleaned of all debris within one week of sales.
- Adequate insurance coverage is obtained.
- Permission from the town is obtained.

Mr. Wysong seconded.

Ms. Potter commented they do a good job.

Mr. O'Keefe felt they did, too, however he would be more comfortable with the wording: with insurance as approved by the town with permission. Different people can say different things about adequate. The Chair said there is a very specific amount they have to provide. Mr. O'Keefe reiterated: define adequate as an amount approved by the town.

Mr. Wysong asked if that was an amendment to the motion on the floor and Mr. O'Keefe responded: Definitely, I suppose it is.

Mr. Wysong seconded.

Motion passed 5 to 0.

C. APPEAL #5886A, application of Michael L. Wilson for a 10' front yard setback variance to 30' where 40' is required: also a 5' side yard setback variance to 10' where 15' is required & a 10' rear yard setback variance to 10' where 20' is required under Sections 7A-00 & 15-04 of the Zoning Regulations, 27 Grove Street, property of Michael L. Wilson in an R-12 zone.

Mr. Gworek made a motion to approve Appeal 5886A with the stipulations as we discussed: 12 instead of a 10 foot front yard setback and the rear 9' instead of a 10' rear yard setback.

The Chair felt the motion should read: On the north side, I think it was 15'. He was asking for 10' and we asked him to go 15' which would have changed the front, reduced it by 2' and reduce the back by 1'.

Mr. O'Keefe suggested that we are acting relative to the front yard and the rear yard variances and not to side yard variances. It is our understanding he is not seeking a side yard variance because it would be 15'. So, the motion would be to approve a front yard variance to allow 28' where 40' is required and a rear yard variance to allow 9' where 20 is required. That sort of moves it up.

The Chair pointed out the application is saying that he's asking for a variance for the rear yard. Wouldn't we have to stipulate that it would be 15'? You are not saying that he has to move the thing forward.

Mr. Librandi added you are already allowing him to move in those directions.

Mr. O'Keefe said it is in the motion because right now you're got 20' required and he's looking for a 10' variance. So I think what we are then saying is if we're moving it forward and sideways that he's going to be needing 28' in the front and not 30 and 9' in the back and not 10. And, nothing on the side because he is going to be 15' from the side.

Mr. Wysong wondered about another way of doing this.

Mr. Librandi suggested tabling and having him come back with a revised plan showing the exact measurements.

Mr. Wysong asked if there was an alternative of stipulating the garage is no larger than 24' by 24'? And, that the front yard variance is something --- 32'.

Mr. Librandi said he has not garage space as of right now. Mr. Wysong said he understood but we are being very mathematical by shifting around the 24 by 24 square and every time you move it, all three variances change. Can you say, can you approve the appeal on the stipulation that it is a 24 by 24 garage with a front yard variance of a number, no side yard variance and the back yard variance becomes what it becomes? Then I or any architect or engineer can lay it out and tell you exactly what it's going to be. We can't do that here.

Discussion of tabling the item.

Mr. Wysong said he agreed with Mr. O'Keefe that we should continue this until a drawing of the relocated garage is provided to the board and then the question is removed.

Mr. Wysong then made a motion to continue Appeal 5886A to the next meeting. Ms. Potter seconded.

Motion to continue passed 5 to 0 on a roll call vote.

D. APPEAL #5887A, application of David Carabetta for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license under Sections 4-01.32, 11-04 & 11-05 of the Zoning Regulations, 837 Meriden Waterbury Road, property of Bruno A. Carabetta in a B zone.

Mr. Gworek made a motion to approve Appeal 5887A with the following stipulations:

1. No exotic dancers, male or female, public or private.
2. Number of bar seats shall not exceed nine.
3. No live entertainment.
4. Any significant change to the floor plan as determined by the Zoning Enforcement Officer shall require a new application.
5. Any changes in management, permittee shall require a new application.

Ms. Potter seconded.

Ms. Potter said it's going to be nice for them. It's a small place and it's not going to be party central as it never was.

The Chair added they've been a good partner for Southington for years. I don't think that's going to change.

Motion passed 5 to 0 on a roll call vote.

E. APPEAL #5888A, application of JK Realty Holdings LLC for the removal of the existing gazebo located in the rear & a 276 sf variance for a 24' x 24' (576 sf) pavilion which has already been constructed under Sections 2-01 & 15-04 of the Zoning Regulations, 306 Rockwood Drive, property of JK Realty Holdings LLC in an R-40 zone.

Mr. Gworek made a motion to approve Appeal 5888A. Ms. Potter seconded.

Mr. O'Keefe said in terms of discussion he did think it was a better application than last time with the gazebo. I do not have a problem with the size of the pavilion on this particular property. I

am, however, troubled by its location - 36' from the boundary. There may not be an issue between this owner and the next door neighbor but if we approve this and it is located in that spot, then it's there forever. And, it is open-air. I think for that, it's the location that really troubles me.

The Chair commented when we talk about the positioning of it, the only concern I have and I think we talked about this before is that it was built after the fact or before the fact, before they received approval. And, we are starting to see more and more of these which is a concern for me. And, it probably will be for this board ongoing. It is what it is.

Motion passed 4 to 1 with Mr. O'Keefe opposed.

F. APPEAL #5889A, application of Ambalal S. Patel for special exception approval to allow a package store liquor permit at this location under Sections 11-04 & 15-05 of the Zoning Regulations, 255 Berlin Avenue, property of Rajshree LLC in an R-12 zone.

Mr. Gworek made a motion to approve Appeal 5889A. Ms. Potter seconded.

It's already there. It's a generic. It's a requirement of the Liquor Control Department. All, we're doing is saying it was there before and it is a new permittee.

Motion passed 5 to 0 on a roll call vote.

CONTINUED PUBLIC HEARING ITEMS

A. APPEAL #5871A, application of Pattison Brothers Construction LLC for a 14.5' side yard setback variance to 15.5' where 30' is required under Sections 7A-00 & 15-04 of the Zoning Regulations, 1774 Mt. Vernon Road, property of Bell City Rifle Club in an R-80 zone.

Mr. Gworek made a motion to approve Appeal 5871A. Ms. Potter seconded.

The Chair commented they satisfied the questions this board has. The health department letter was really the hold up. I think what they're trying to do is improve their property and improve the health of the members of the club. I think this is a win/win for the club and the town.

Mr. O'Keefe noted it seems to be a safety upgrade and but for the location of the existing building they wouldn't be looking for a variance.

Motion passed 5 to 0 on a roll call vote.

MISCELLANEOUS/OLD BUSINESS/NEW BUSINESS

Ms. Potter announced this was her last meeting to sit and she indicated it was a pleasure. The Chair thanked her for serving.

(Ms. Potter left the meeting.)

The Chair seated Ms. Champagne for Ms. Potter for the remainder of the meeting.

A. Determination of 2012 ZBA meeting schedule.

After discussion, Mr. Librandi noted the schedule would be modified to show a meeting for July 10th and August 14th and not on July 24th and August 28th. Other than that, the schedule would be approved as presented.

And, finally, the Chair stated with the election coming up most of you are fairly new so you've got a four year appointment so you'll be here a while. This is the last meeting for the Chair, depending upon how the election goes. I may or may not be here but I'm sure you guys will carry on. We'll know more after the election. I do enjoy the board.

Ms. Champagne made a motion to adjourn which Ms. Champagne seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:04 o'clock, p.m.)