

TOWN OF SOUTHTON
ZONING BOARD OF APPEALS
TUESDAY, NOVEMBER 10, 2009

Chairman Joseph LaPorte called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:00 o'clock, p.m. in the Town Council Chambers with the following members in attendance:

Robert Salka, Paul Bedard, Edward Kuklinski and Patricia Potter

Others: Frank Vinci, Zoning Enforcement Officer

Absent: Michael Milo, Alternate
Joseph LaRosa, Alternate
Ronald Bohigian, Alternate
Robert Sherman, Alternate

A quorum was determined.

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

Mr. 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.

JOSEPH LAPORTE, Chairman, presiding:

Public Hearing Items:

A. Appeal #5743A, application of Southington Fire Department CO #2 for special exception approval for sale of Christmas trees as part of their annual fund raiser under Section 3-04.31 of the Zoning Regulations, 128 West Main Street, property of Town of Southington in an R-12 zone.

MR. VINCI: Will the applicant please state your name and address for the record.

ROBERT (Inaudible) Jr.: Representing the Southington Fire Department Company 2 of 128 West Main Street. We are looking for an approval for a special exception to have our annual Christmas tree sale on the property.

Set up with items will be November 27th and the sale will run through Christmas. And, then the items will be torn down after that.

THE CHAIR: Okay, we do have conditions.

MR. VINCI: Yes.

(1) The site be cleaned of all debris within one week of end of sales.

(2) Adequate insurance coverage be obtained.

(3) Permission be granted from the Town.

THE CHAIR: Questions for the applicant?

MR. SALKKA: They do a nice job every year.

THE CHAIR: Have you finished your presentation?

Thank you.

SPEAKER: Yes.

Thank you.

THE CHAIR: Anyone to speak in favor of the applicant?

(No response)

Anyone here opposing the applicant?

(No response)

If not, this appeal is closed.

B. Appeal #5744A, application of Vincenzo Testa for a parking variance for 3 parking spaces and a 6' side yard setback variance in connection with additions to an existing restaurant under Section 7A-00 and 12.01.1 of the Zoning Regulations, 26 South Center Street in a B zone.

MR. VINCI: Will the applicant's representative please state your name and address for the record.

ATTORNEY ANDREW DENORFIA: Good evening, Mr. Chairman and commission members. I'm Attorney Andrew Denorfia with an office at 133 Main Street representing the applicant, Vincenzo Testa.

We come before the commission under Section 7-A and 12.01.1 of the Zoning Regulations requesting a parking variance of three spaces and a six foot side yard setback for 26 South Center Street which as many of you know is currently Testa's Restaurant.

To give the commission a little background on this property, with the exception of two years, the property has been owned by the Testa Family since 1975. Prior to 1975, it was also a restaurant. The property is B-zoned. And, it is a pre-existing nonconforming building.

Currently, the premises serves as a bar and banquets facility and operates with a café license. The current hours of operation are 9:00 am to 1:00 am on the weekends (sic) and 9:00 am to 2:00 am on the weekends. I should say 9:00 am to 1:00 during the week and 9:00 am to 2:00 am during the weekends.

My client is before you tonight because he would like to change the business and turn it into an upscale banquet facility. He's proposing almost \$1 million in renovations that he believes will not only be good for the business but good for the downtown area.

My client is proposing to eliminate the sit down bar and only have a banquet facility. To do this, he's proposing two small additions to the building. What the commission may or may not be aware that in 1994 it approved two slightly smaller additions to the building that were never built. Now the two additions are on the northerly side of the property and the southerly side of the property.

I'll start with the one on the northerly side. The first floor will be 1,190 square feet. (Showed rendering)

As you can see up here, this is where the addition would be (indicating). This addition would have a beautiful open foyer, a coat room and a handicapped accessible bathroom.

The reason for this addition is that it will --- any upscale banquet facility needs some kind of beautiful open foyer type area

when you walk into the building as well as it will bring the building up to code in terms of handicapped accessibility.

The second floor will simply have a bridal suite for the bridal party to get ready with an accompanying powder room and two small offices. Again, this is more for an upscale type banquet facility where a bridal party could be during the activities.

The other addition is on the southerly side of the property. This is a small 300 square foot addition that will be used strictly for storage. Now, this is the area where we are requesting the 6 foot side yard variance. We believe that the variance is minor because the front of the building is already built to the property line.

And, the hardship is that it's a prior nonconforming building and the addition will not be any closer to the property line than the front of the building. Furthermore, this addition will not be visible from the street. As I mentioned, the front of the building is to the property line.

Now, we are also proposing a deck off the back of the property. This deck we believe will help the business and the surrounding neighborhood because if any people in the facility wanted to either have - get some fresh air or smoke, this puts them in one area. This doesn't have them in the front of the building, around the building. This keeps them corralled, I should say, basically in one area.

Now, with these additions, we're requesting a three space parking variance under 12.01.1. The site presently is approved for 38 spaces. My client presently uses 42 spaces. With the addition that we're proposing as well as the restriping of the lot, we're now proposing 35 spots.

As I mentioned, the proposed additions are not adding any more seating. Or area for customer service or assembly under 12.01.1(g). In fact, we are actually decreasing the amount of seating because we're eliminating the bar area to increase the size of the kitchen.

The hardship for this variance is that we could not add any more spots to the rear of the property due to the wetlands. We believe the parking will be ample because we already have currently banquets at the facility as well as a bar business which we would now be eliminating the bar business and doing banquets, only.

Now, furthermore, and I'd like to submit this for the record, Frank. The town has approved a municipal lot directly across the street. This will have 38 spots according to Town Engineer Tony Tranquillo. They're working on funding to get this built. They would like to do it as soon as possible.

Now, additionally, for the last 17 years, my client has had an agreement McLaughlin's Physical Therapy which is located directly to the south of the property to use the parking at night, if need be,

based on the size of the banquet. Now my client is very aware of the size of a party that this facility can accommodate and therefore books parties accordingly.

We believe that these proposed changes will be a great addition to the downtown area as this will be the only downtown banquet facility. My client is very excited for the changes and putting a lot of money into making the facility great.

To summarize, we believe the six foot variance is minor because the building is nonconforming and the addition is not any closer to the property line than the front of the building.

We believe the three spot parking variance is minor, as well, as we are actually eliminating seating and also eliminating bar business.

We believe with these hardships, as well as the benefits of the surrounding downtown area, far outweigh any negatives.

Now after having discussions with the town staff and this is obviously up to the commission, my client would be willing to as a stipulation of approval; change his liquor license from the café license to a restaurant license if that would make the commission more comfortable.

With that, my client is here if you have any questions and we'd be more than happy to answer them.

THE CHAIR: Okay. What you are not going to have is a bar area, is that what you're saying?

ATTORNEY DENORFIA: That's correct. That's correct. There will be no sit down bar area. Basically, under the definition, you'll have a bar area here and a bar area here (indicating) that are going to be for service, only.

THE CHAIR: Service only.

ATTORNEY DENORFIA: Right. No stools. Nothing like that.

MR. TESTA: It will be for private functions.

THE CHAIR: Right.

I think that this would be - this sounds like a plus. We're getting rid of a café and getting -

MR. VINCI: State your name and address for the record.

VINCENZO TESTA: 26 South Center Street.

MS. POTTER: I have never been to a function there that wasn't handled nicely. And, you do a lot of --- for the kids. My son spent

his proms --- they've been there before they've gone and made sure everything was nice. So I think you do a very good job.

MR. TESTA: Well, I think the difference is in this restaurant, we're all family. And, it's personalized to everybody when we have a function and I am on premise, I'm hands on. And, it's more personalized to me as it is I make my client feel you know, welcome there and I make sure that everything is fulfilled to their needs.

And, I know that having a bar there kind of restricts me in the past of growing my banquet facility and that's what I like to do in this one location is have a nicer banquet facility.

Everybody you talk to, you know, we have great food, we've got a great place and the staff is good. We're going to be bringing in more staff and we're going to bringing in employment for another thirty people in town.

I think this kind of generated from you know, this idea from downtown, keep carrying it through and making this you know, a nicer place to come and have a function. And, people more comfortable, you know, I want to do a larger and more developed and more classier, if you want to sort of say that.

THE CHAIR: You're changing the atmosphere down there. That's what you're doing.

MR. TESTA: Um, 101 percent.

THE CHAIR: Questions for the applicant?

MR. SALKA: The question I have is what is the capacity of this building once this is reconfigured?

MR. TESTA: It is not going to be any more than what we have existing now.

MR. SALKA: And, that is?

MR. TESTA: Right now, the fire marshal coded the banquet room and all that, it's like 440. That's without dancing.

That's if you do --- like we used to do midget football teams. What we do is we put everything on the dance floor, long style banquet tables. If we do that, it's going to stay the same.

Basically, we are taking away more square footage because we are also enlarging our kitchen to make this facility functionable with two sets of room. We're going to have one room that I have now and then that bar room is going to be part kitchen and part another smaller function where during peak months of like April, May or June, everybody wants to have a shower or a baptism and you have a wedding -

I'm refusing a lot of functions of 40, 50,60 people because I have my other function going on.

This will help me have another function at the same time. But I am not adding any more square footage to the amount of people that we're doing.

MR. SALKA: I guess the reason I'm asking that is, everything you've said, it's a great operation. There's no question about it. And, I think this will be an addition, really an add-on to the town.

But my concern is more, strictly it's the parking. It's not the addition. I think with the idea of the deck out back, I think that's all great. The parking, if you assume 440 people, you have a full house. And, the worse case, let's say you have 4 people per car, that's 100 cars. You've got 38 parking, 35 parking spaces. And, the only additional parking, you've got McLaughlin's, but across the street you've got the linear trail.

So that means any parking, if they park over there, you've got to cross over the linear trail. So the parking is the only thing I am really concerned about.

MS. POTTER: No linear trail because it would be in front of it. Because you know where Peck Stowe used to be? That whole strip is parking all the way up there. You wouldn't have to cross -

MR. SALKA: It's side parking. But you're going to get --- you're going to have 20 cars. That's about it. So you are still short 40 spaces, minimum.

MR. BEDARD: Actually, it's 38 across the street. Thirty-eight spaces that -

MS. POTTER: That they're adding in and out.

MR. BEDARD: --- are on this plan here.

MS.POTTER: Besides what is already down the street. Plus what you have on the other side streets.

ATTORNEY DENORFIA: I think with the building of this municipal, and obviously, we can't --- it's great for my client's business. I mean, I think we'll have as I said ample parking. I mean my client, he said to me, I asked him the similar type question today, and he said, he's aware of the different sizes of parties.

Because, if you were coming to a wedding and he overbooked it so much that you had to park a mile away, well now you're going to say, you know, the facility was great but I had to walk a mile to my car. Now that obviously doesn't help businesswise, as well. So, he's done with the site constraints that he's had, I think he has done the best he can to try to accommodate everybody.

MR. SALKA: I don't disagree with that at all. But if you've got Greenway Commons coming in, you're going to have a lot of parking and a lot of cars in that one little area. It's going to be great for his business. No question.

But again, you're assuming that that commuter parking lot or that parking lot is going to be there.

MS. POTTER: But he's there already.

MR. SALKA: I just want to make sure we know what we're getting into with parking.

MS. POTTER: But he's been doing that already.

THE CHAIR: How did you come up with 440 people?

MR. TESTA: Time out! That 440 is a --- it is a realistic number, but do I ever do a 440 function? No. My basic functions now are 180, 150. I stretch it to 220, 240. I do functions to this day and I have no problem with parking issues because my point is I'm in business today and when I do have a function there's plenty of parking in the front of the strip where the municipal lot is going to be. They park there. I've got my parking lot. I've got the rear parking lot. And, also McLaughlin's parking lot. They can park there because his business only consists of 8:00 am to 4:00 pm during the week. He's closed on Friday nights. Closed on Saturdays. Closed on Sundays. And, that's where my business comes into effect. Friday, Saturday and Sunday.

My overflow really uses the lot when needed when I hit a 250 or 300 person banquet which doesn't happen quite often. But when I do my 200, I have no problems with parking.

But with them, with the town, cleaning up that strip and doing the parking, it's going to add another 38 and that should be more than sufficient to what I need.

And, believe me, if I'm going to run a function and if you come there and you're parking like I brought up to Mr. Denorfia here is that if you're coming there and you've got to walk with your wife three blocks down, you're going to say boy, it was quite a walk.

The food was great. The place is nice. But they miss the parking.

My last thought as an alternative would be is that if I do have a great, successful business as it is now and continues to grow and we do two functions is that I would run a valet service. But you know, that's here; you know, here to come. So I am, I want to grow. I don't want to hurt my own existing --- shoot myself in the foot, say.

Because I want you to come back. I want you to come back for your daughter's wedding, for your anniversary or any retirement party or something you're going to come. And, I don't want to give you a negative thought not to come there. Like there is now.

THE CHAIR: Were you exaggerating when you said 440 people?

MR. TESTA: No, I was not.

THE CHAIR: Because how would you ever get 400 people in there?

MR. TESTA: Oh, back in the day. Phil's had that and it just carried on.

ATTORNEY DENORFIA: That's a fire marshal, I believe, code. That's code. I mean, we're talking, if you go into any building and there is probably one in here about how many people you can truly get into the building before the fire marshal has to start removing people.

So that's, I mean, I guess worse case -

MR. TESTA: My worst case scenario, I'll be honest with you, what I'm trying to do, is probably going to be around 300 to 350 people. That's what I'm going to try to do. I'm going to make it comfortable with round tables. We're not going to do long tables.

But you know -

THE CHAIR: Let me ask you something. This is the print we're going to go by, what we have got here.

MR. TESTA: The square footage. Correct.

THE CHAIR: The tables, how many tables you've got in here. You've only got 25 tables, am I right? Its 25 tables times 8. That's 200. So how would you get 400 people in here?

MR. TESTA: Long banquet style tables. You see, you turn - a round table circumference is or takes up more room. And, right now, say this long table is 8' long? You're only going to fit 10 to 12.

If I am going to put a round table there, I'm only going to fit 8 at the most.

So I can fit every - two round tables, I can fit say 16 people. I can eliminate that and put 20 people on a longer banquet table.

MR.SALKKA: You see, this will change depending on the type of function.

MR. TESTA: The style. You do different.

MR. SALKA: You could get more. I just want to make sure from a parking standpoint that we're not overburdening it, you know. Everything else is fine.

THE CHAIR: It's a plus. I know that. A big plus.

MR. SALKA: Oh, I agree.

MR. TESTA: I've been --- I am a native from this town. I think all these years, what I've put into it, into the place, I'm here and either I'm going to - I want to do more and I'm going to make the town better than where it's at. It's going to be much classier, I think.

THE CHAIR: That's great.

Any more questions for the applicant?

(No response)

Have you finished your presentation?

ATTORNEY DENORFIA: Yes.

THE CHAIR: Thank you.

Anybody here to speak in favor of the applicant?

(No response)

Anyone here opposing the applicant?

(No response)

If not, this appeal is closed.

C. Appeal #5745A, application of Terry L. Christensen for a variance to expand the size of nonconforming cottage in excess of 25% (59%) under Section 11-010.1 of the Zoning Regulations, Churchill Street a.k.a 1961 Mount Vernon Road a.k.a. 6 East Grannis Pond Road, property of Forestville Fishing Club, Inc. in an R-40 zone.

MR. VINCI: State your name and address, please.

MR. CHRISTENSEN: My name is Terry Christensen and I reside at 6 East Grannis Pond Road in Southington. And, I am looking to expand my existing cottage which is currently 740 square feet.

I'm looking to expand it by a garage and room above the garage which constitutes about 350 square feet. And, then adding a breezeway to connect the two which is 84 square feet.

The total addition is 436 square feet which would make it a total 1174.

THE CHAIR: Okay, do you want to explain your hardship?

MR. CHRISTENSEN: Well, for me, in this circumstance, I have a large family and I have this cottage as it exists right today as a single - single bathroom, single kitchen and a single bedroom. And, a living room.

I have six grandkids and they want to come and visit overnight and there's no room to put six grandkids and a daughter and son-in-law, et cetera in a one bedroom place.

THE CHAIR: These are more cottages. How many cottages up there, about twelve?

MR. CHRISTENSEN: Sixteen.

THE CHAIR: Oh, sixteen? And, there will never be more built?

MR. CHRISTENSEN: There can never be more than that. Eight on a side.

THE CHAIR: Okay. In them days, they built them very small.

MR. CHRISTENSEN: Yes.

THE CHAIR: Things have changed, though. And, 600 to 700 square feet isn't very big.

MR. CHRISTENSEN: It's very small.

THE CHAIR: Very, very small.

MR. CHRISTENSEN: And, this is a single room. It's not divided. There's no plumbing with the single room. With a garage actually that goes into a side hill that is underneath - a one car garage.

THE CHAIR: So things have really changed, okay.

MR.SALKA: Well, this is really a private club. And, it's really out away from --- you know, there's no neighbors around it other than the other club members, the other fourteen cottages.

And, this thing has been approved by the --- I remember we had a couple of them in here. This has been approved by the -

MR. CHRISTENSEN: Yes, the Board of Managers for the club has approved me to go forward with the town.

THE CHAIR: It is a unique situation up there.

MR. VINCI: I have a letter from the Club authorizing this application.

THE CHAIR: Any more questions for the applicant?

(No response)

Have you finished your presentation?

MR. CHRISTENSEN: Yes, I have.

THE CHAIR: Thank you.

Anybody here speaking in favor of the applicant?

(No response)

Anyone here opposing the applicant?

(No response)

If not, the appeal is closed.

D. Appeal #5746A, application of Robert F. Cacchillo for a variance to expand the size of nonconforming cottage in excess of 25% (47.5%) under Section 11-010.1 of the Zoning Regulations, Churchill Street a.k.a 1961 Mount Vernon Road a.k.a. 15 West Grannis Pond Road, property of Forestville Fishing Club, Inc. in an R-40 zone.

MR. VINCI: Even though the legal notice said Church Street, there is enough additional information to pinpoint the location of this site. I checked with the Town Attorney and he didn't have a problem with going forward on this application.

Please state your name and address for the record?

ROBERT CACCHILLO: My name is Bob Cacchillo. 237 Spruce Brook Road, Berlin, Connecticut. My cottage is 15 West Grannis Pond Road. It's off of 1961 Mount Vernon Road.

I have a couple of pictures here and I'd like to pass them around just to show what the cottage site looks like now.

The application is to expand the cottage at the northwest end of East Grannis Pond. Since the dredging project was completed up there the usefulness of the pond has come to such a high level. We want to upgrade some of our structures.

My existing cottage has a square footage of 438 square feet. It has a porch on the front which is 14 feet by 4 feet which would be removed and replaced with a porch of 14 feet by 6 feet.

And, then I would like to square off the actual structure itself which would be a 10 by 13 addition to the actual cottage. To square it off. That's the area that faces the pond.

And, then have it with a wrap around deck that would tie around to the porch and to the proposed addition. That would bring the total of the square footage to 659 square feet.

I think the biggest hardship here is because we are in an R-40 zone and the club itself has in excess of 150 acres, we don't --- the way we're documented through the town, we don't own an acre of land. We just have the footprint of the cottage which is particularly 6 feet outside of our cottage all the way around. So, to say I have an acre of land, I don't. The organization does.

And, also I have a letter signed from the Board of Managers that approves the proposed addition.

THE CHAIR: So your total square footage with your two additions -- now that porch, is that going to remain open?

MR. CACCHILLO: A screened porch.

THE CHAIR: It's going to be a screened porch.

MR. CACCHILLO: Yes.

THE CHAIR: Okay. So, what did you come up with for a total?

MR. CACCHILLO: I came up with 659.

THE CHAIR: That's small. That's small. I don't have a problem with this.

MR. CACCHILLO: It is.

(Pause)

THE CHAIR: Any questions for the applicant?

(No response)

Questions for the applicant?

(No response)

Have you finished your presentation?

MR. CACCHILLO: Thank you.

THE CHAIR: Anybody speaking in favor of the applicant?

(No response)

Anyone here opposing the applicant?

(No response)

If not, this appeal is closed.

7:30 pm.

REGULAR MEETING

Approval of Minutes

Regular Meeting of October 27, 2009

Mr. Salka made a motion to approve the Minutes of the meeting of October 27th. Mr. Bedard seconded. Motion passed unanimously on a voice vote.

NEW BUSINESS:

A. Appeal #5743A, application of Southington Fire Department CO #2 for special exception approval for sale of Christmas trees as part of their annual fund raiser under Section 3-04.31 of the Zoning Regulations, 128 West Main Street, property of Town of Southington in an R-12 zone.

Mr. Salka made a motion to approve Appeal 5743A with the stipulations read into the public hearing. Mr. Bedard seconded.

(1) The site be cleaned of all debris within one week of end of sales.

(2) Adequate insurance coverage be obtained.

(3) Permission be granted from the Town.

Mr. Salka added they do a nice job every year. The clean it up fast.

Mr. Bedard said it is identical to last year's stipulations. Nothing has changed.

Motion passed 5 to 0 on a roll call vote.

B. Appeal #5744A, application of Vincenzo Testa for a parking variance for 3 parking spaces and a 6' side yard setback variance in connection with additions to an existing restaurant under Section 7A-00 and 12.01.1 of the Zoning Regulations, 26 South Center Street in a B zone.

Mr. Salka made a motion to approve Appeal 5744A. Mr. Bedard seconded.

Stipulation: The permit be changed from café to restaurant license.

Mr. Salka commented basically the building itself is nonconforming and it's already out to the street. And, the addition on the front which is what is going to impact anything is not any closer to the road than the main building itself.

It is an improvement and I like the idea of the deck and the idea of getting rid of the bar. I think that just adds to it versus taking away, concluded Mr. Salka.

The Chair agreed.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

C. Appeal #5745A, application of Terry L. Christensen for a variance to expand the size of nonconforming cottage in excess of 25% (59%) under Section 11-010.1 of the Zoning Regulations, Churchill Street a.k.a 1961 Mount Vernon Road a.k.a. 6 East Grannis Pond Road, property of Forestville Fishing Club, Inc. in an R-40 zone.

Mr. Salka made a motion to approve Appeal 5745A. Mr. Bedard seconded.

Basically these are nonconforming. It is a private club. No impact on the town itself.

The Chair added it is private and unique.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

D. Appeal #5746A, application of Robert F. Cacchillo for a variance to expand the size of nonconforming cottage in excess of 25% (47.5%) under Section 11-010.1 of the Zoning Regulations, Churchill Street a.k.a 1961 Mount Vernon Road a.k.a. 15 West Grannis Pond Road, property of Forestville Fishing Club, Inc. in an R-40 zone.

Mr. Salka made a motion to approve Appeal 5746A. Ms. Potter seconded.

Mr. Salka noted the same reasoning applies for this cottage as well as the other one.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

MISCELLANEOUS / OLD BUSINESS/ NEW BUSINESS

Nothing this evening.

Mr. Salka made a motion to adjourn. Ms. Potter seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:36 o'clock, p.m.)

Joseph LaPorte, Chairman
Zoning Board of Appeals

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