

TOWN OF SOUTHLINGTON
ZONING BOARD OF APPEALS
TUESDAY, FEBRUARY 24, 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 Council Chambers of the Southington Town Hall with the following members in attendance:

Robert Salka, Edward Kuklinski and Patricia Potter

Alternate: Robert Sherman

Others: Frank Vinci, Zoning Enforcement Officer

Absent: Paul Bedard, Commissioner
Joseph LaRosa, Alternate
Michael Milo, Alternate
Ronald Bohigian, Alternate

Mr. Sherman was seated for Mr. Bedard this evening. 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 #5689A, application of Southington Community Services to host the First Annual Farmer's Market on Fridays starting after April 15, 2009 and running through November 15, 2008 under Section 3-01.31G & Section 15-05 of the Zoning Regulations, 1003 South Main Street, Plantsville, property of Saucier Realty, LLC at the intersection with Werking Street in a B zone.

MR. VINCI: Is there anybody here for that application?

(No response)

Nobody is here. Mr. Chairman, they had changed the location of the event from one parcel to an adjacent parcel which has to be readvertised. They didn't have all the information in that they needed to as far as plans and stuff like that.

I explained to them that they would have to be tabled.

In addition to that, the event is going to be on a Friday from three in the afternoon to six. And, our regulation for this requires it to be on Saturdays or Sundays or holidays. So they needed a variance for that. So we had to notice it for that.

So, uh, I suggest we just table it. Nobody showed up to explain the application. Tonight just table it and we'll hear it the next time.

THE CHAIR: Okay, fine.

MR. SHERMAN: Make a motion to table, Mr. Chairman.

MR. SALKA: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: It will be in two weeks, a Tuesday, March 10th at 7:00 pm.

You do understand, right, what happened?

FROM THE AUDIENCE: I understand.

Thank you.

MR. SHERMAN: Sorry about that.

REGULAR MEETING

Approval of Minutes - Regular Meeting of February 10, 2009.

Mr. Salka made a motion to approve the Minutes of the February 10, 2009 meeting. Ms. Potter seconded. Motion passed unanimously on a voice vote.

NEW BUSINESS:

A. APPEAL #5689A, application of Southington Community Services to host the First Annual Farmer's Market on Fridays

starting after April 15, 2009 and running through November 15, 2008 under Section 3-01.31G & Section 15-05 of the Zoning Regulations, 1003 South Main Street, Plantsville, property of Saucier Realty, LLC at the intersection with Werking Street in a B zone.

Tabled during the public hearing.

MISCELLANEOUS/OLD BUSINESS/NEW BUSINESS

Mr. Vinci noted Mr. Spendy Bonova here from Machiavelli's Restaurant. And, he's here this evening for your permission to do the outside the dining again. I spoke with the Chairman and at his last approval which was a little over a year ago, one of the conditions was the approval is good for one year, renewed annually. And, the question was, do you want him to submit a formal application or can he do it by appearing before the board and getting your permission, waiving the fee and the requirement of the notice.

Mr. Sherman asked if the stipulations were going to carry over. Mr. Vinci said the stipulations would carry over. He still needs to get his permit from the Town Manager for the outside dining and the same conditions.

I'm not aware of any problems last year.

Everyone agreed they were in favor.

Mr. Vinci brought one other item. He got a call from Steve over at the Cava Restaurant on 1615 West Street. There's a new restaurant there and they had an existing restaurant and they had to gut the building and I'll pass around a photo of the side of it.

What you are looking at there --- Mr. Sherman interrupted saying he thought the board turned that down.

Ms. Potter said that was supposed to be the outdoor dining. This doesn't look outdoorsy to me, she commented.

Mr. Vinci said they had gotten approval to have alcohol on a patio. What they did was they enclosed the building so it's part of the restaurant now.

Mr. Sherman said he thought the board turned down the increase to the size of the building. This is an expansion of the building. It's not a patio.

Mr. Vinci said that has all been approved. That went to site plan and that's all been approved.

The Chair asked why he was showing us this now then. Mr. Vinci said they don't want to come in every year because they don't feel it's really outside dining like a patio because it's enclosed. I went in there yesterday. It's part of the restaurant. It's basically a three season area. They have tables in there. It's not a patio.

Mr. Sherman asked about the last application. We turned down either the lot coverage or the variance to come close to the

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Ms. Potter interjected saying she could remember talking about it, no bands outside. You know, neighbors. She said she didn't remember this.

Mr. Vinci said he would look that up.

Mr. Sherman said he thought they were just going to have a cement patio and that was going to be it. This expands the restaurant. They can have that year round. That's their intention, I guess.

Mr. Vinci agreed it is three seasons.

Ms. Potter said they agreed on the patio. A patio.

Mr. Sherman said he remembered distinctly.

Mr. Salka asked the issue. They came in for a patio and we approved the patio and they said I don't care about that anymore and they build an addition. It's nothing to do with us.

The Chair said this is a planning and zoning issue.

Mr. Sherman again said the thing was that they were wanting a variance because they were either too much lot coverage or too close to the side yard. One or the other. And, we turned it down because it was in the wrong zone. It's in a business overlay.

Mr. Vinci agreed the board did turn something down, but he didn't think this was it. I'll have to look. I'll check the Minutes.

They already have site plan approval. They have everything right now. We'll have to look into it.

The Chair said they got the approval for outdoor dining and they had a print and everything, right, at the time. So that is what we okayed, the outside dining. But this has to go in front of planning and zoning, Frank. This has nothing to do with us.

But if they come back for outside dining, they have to come back here.

Mr. Vinci said he didn't think they were going to go for outside dining. There's no room on this site. It is maxed out. This is what they came in for.

Ms. Potter said it was supposed to be this, indicating, and then they enclosed it.

Mr. Sherman said we had the same thing with Sepko's property up there on the hill. They were about 17 feet short of meeting the width of the lot. And, they wanted to put that lighting place in there. That's only one lot over from this. They came up pretty much the same time.

Mr. Salka questioned how they could get approval if they needed a variance to put that on to Bob's point.

Mr. Vinci indicated what this board approved. This board approved this. Now the addition is there. It was part of this approval here.

The Chair asked if the board had had that print before us. So it was outside dining and they enclosed it.

Mr. Sherman pointed out that is the sneaky way of doing it. They came in for a bigger restaurant and that is what we turned down. And, because of the zone, I remember that.

Ms. Potter agreed it was sneaky. They came in for a little patio on the ground with a couple walls and a ceiling and then they enclosed it and made an addition. And, we got snookered.

Mr. Vinci said he would check it out.

Mr. Salka wanted Mr. Vinci to find out if they did an end run.

Mr. Vinci asked: What do you think? It's totally enclosed. Ms. Potter said as long as it's on the up and up, what're we going to do? They got us.

Mr. Vinci said he would check out the approvals and see how they did that. Okay.

No further business to discuss, Mr. Salka made a motion to adjourn. Ms. Potter seconded. Motion passed unanimously.

(Whereupon, the meeting was adjourned at 7:15 o'clock, p.m.)

Joseph LaPorte, Chairman
Zoning Board of Appeals