

TOWN OF SOUTHLINGTON
ZONING BOARD OF APPEALS
TUESDAY, MAY 12, 2009

Vice Chairman Robert Salka 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:

Edward Kuklinski and Patricia Potter

Alternate: Joseph LaRosa

Others: Frank Vinci, Zoning Enforcement Officer

Absent: Joseph LaPorte, Chairman
Paul Bedard, Commissioner
Robert Sherman, Alternate
Michael Milo, Alternate
Ronald Bohigian, Alternate

A quorum was determined. Mr. LaRosa will be sitting in for Mr. Bedard.

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.

Mr. Vinci advised that there are four members present which constitute a quorum and four votes are necessary for an approval. If anyone was uncomfortable with going with just the four they could have their matter continued until a time when the full board would be present.

ROBERT SALKA, Vice Chairman, presiding:

PUBLIC HEARING ITEMS:

A. Appeal 5705A, application of TD Banknorth, National Association for a variance to replace n existing internally illuminated sign with same where internally illuminated signs are

not permitted under Section 13-07C & 15-04 of the Zoning Regulations, 130 North Main Street in a CB zone.

MR. VINCI: Please state your name and address for the record.

LUKE DESTEFANO: Bowler Engineering, 352 Turnpike Road, Southboro, Massachusetts.

The application before you tonight is pretty straight forward. This is the existing corporate training center located at 130 North Main Street.

Very limited sign package at this location. As a matter of fact, there is only one freestanding pylon sign that was previously permission to go in as an internally illuminated sign.

TD Banknorth right now is undergoing a \$96 million reimage program where they are reimaging all of their locations because of their name change. I am not sure if you're familiar, but they have changed from TD Banknorth to TD Bank.

So what they're looking to do at this facility as shown in the packets that were submitted and I have a board and if you'd like I could put it up but it's the same as what was included in the package.

They're looking to replace the sign that is there today with a much smaller sign. With a simple TD shield is what it's called. The sign that's there now, if you measure the entire face of the sign, from the bottom of what indicates Corporate Training Center to the top of the TD Banknorth, it's approximately 48 sf.

The TD shield that they're looking to install is approximately 30 sf. So we're looking at about an 18 sf reduction in overall area while trying to maintain a sign that is internally illuminated today.

My understanding is that in the CB zone which is where this facility is located internal illumination was allowed up until I think March of last year. So the sign is, I would assume grandfathered, or a preapproved use at this location. We're just simply looking to do that.

Because of the very limited sign package at the site and the fact that it's a corporate training center, it's a non destination location or it is a destination location, rather.

And, we need to be able to notify the folks that are going to be using that training facility that that is where it is. Now I drove up and down the road and I'm not familiar Southington and I drove by it twice before I had it. And, I had the benefit of the address, et cetera.

We think the application is pretty straight forward. There isn't a whole lot to it other than the fact that they are changing their name. In a perfect world they wouldn't. We'd keep the sign that is there and be perfectly happy. But as a trade off, we are looking to reduce the square footage like I said by 18 sf, make it a little smaller, and hopefully maintain the existing internal illumination.

And, with that, I'd be happy to answer any questions the board or the audience may have.

THE VICE CHAIR: Well, as you noted, we don't, as of March of '08, the Zoning Regulations have changed and we don't allow internally lit signs.

And, I guess the question is, do you have any other alternatives because as you note as you drove up and down that street there are no internally lit signs on that whole section of street in that business district.

And, if we allow one, how do we say no once they start coming forward? I guess that would be my major concern. That we try to limit those internally lit signs. The initial one was grandfathered in. But this new one, coming before this board, I don't really see where we have any leeway because it's pretty straight forward. It says: internally illuminated signs are not permitted in a CB zone, period. There is not a lot of leeway or options for us. That's my concern with it.

And, I think you ---you certainly have other options. And, again, being it's a training facility as well as a bank, you know, how much of it is really done at night anyway?

I don't really see, it's not like there's a lot of night being done and its going to be lit 24/7. I really don't see a reason that this board would grant approval for a sign that's obviously not permitted in that zone.

MR. VINCI: Mr. Chairman, if I may, the planning staff opposed this application. The planning and zoning commission has made it very clear to staff that they have a plan for downtown and that plan does not include internally illuminated signs.

That plan is going to take time. It's going to take years but as new businesses come, old businesses close or rebrand or reimage, the new signs will be externally illuminated and be consistent with the regulations.

If this board starts granting variances, well the variances run with the land so you'll never get that complete change in the regulations.

MS. POTTER: Well is it illuminated now?

MR. VINCI: It is.

MR. DESTEFANO: It is.

MS. POTTER: So if you keep it the way it is, if you keep it illuminated --- but if you change the outside you can't keep it illuminated.

MR. DESTEFANO: Correct. And, that's the alternative --- is what TD is looking at right now is simply refacing the existing sign there.

The trade off for TD is the town would get a smaller internally illuminated sign. It's our understanding based on conversations with town staff that if we came in and took the panel off that said TD Banknorth, put up a 48 sf TD Bank sign, we're allowed to do by right. It's a grandfathered internally illuminated sign.

We're looking to work with the town. TD doesn't want to come in and just put up a sign just for the sake of putting up a sign and that's where the trade off comes in. I think the difference is, Mr. Chair, to answer your initial question about why this site will be a little different is the fact that this site has an existing internally illuminated sign. The other sites up and down the corridor, they may not.

And, I agree with you, the regulations are in place and you come in after the fact and you're looking for something that isn't allowed, it's a little bit different.

This is a site that's been in existence. Has a permitted internally illuminated sign. So it is different in that regard.

Is there a true hardship here that traditionally warrants the need for the variance? I could probably make one, but it'd be difficult.

Again, as far as alternatives, sure there's alternatives but there's costs associated with it, as well.

I think at the end of the day if they're not allowed the sign, TD will have to make a decision to either go with the new sign and light it externally or go with a larger sign that they simply swap out and put new faces on. And, I guess that is ultimately the decision of the board as to how you would see the trade off.

Is it better to have a smaller sign that's internally illuminated or is it better to have a larger sign that may be internally illuminated.

MR. LA ROSA: I have a question: Were you aware of the fact that there was a change in the - oh you were aware of it?

MR. DESTEFANO: Yes, we were --- we've been having conversations right along. There are four or five other locations in Southington that we've worked on and we've avoided the need to come in front of this board for variances at any of those sites in working with Mr. Vinci and getting sign packages that are compliant with zoning.

So, TD and our office are very aware of what the zoning regulations indicate.

VICE CHAIR: And, the reason for this is because it's the CB zone versus -

MR. DESTEFANO: Correct.

VICE CHAIR: --- outside of the CB zone. And, for this board, it's like a Catch 22. I mean, if we don't approve the new sign which is smaller in footprint, you have two options, more, but at least two.

One is to take the TD and put it over the big one. Just make it larger and/or come back to this board with an externally lit sign.

And, I guess, that's one thing the board is going to have to say. Well, you're going to do what you're going to do, but we're trying to enforce the zoning regulations. The zoning regulations say that we can't, that we shouldn't permit or they're not permitted in the CB zone.

MR. VINCI: Mr. Chairman, if I may? We have another situation right over here on the corner of Berlin and Main

Street. This is a CB zone and the sign plan calls for an externally illuminated signs over here.

The same argument would apply to this site, as well. So again, I don't really see any hardship. They have the option of keeping the existing sign, even if it is a little bit smaller. That's the option they have as a right. But once they change it, they have to change it to a conforming sign and that's the whole purpose of nonconforming uses. Over time the utility will extinguish and a conforming use will be put in place.

VICE CHAIR: Let me clarify, let me just ask for clarification. The new sign will be actually a smaller footprint than the old sign. If they go and just change the face of the old sign we end up with more illumination than less.

MR. VINCI: Those are the options. The regulations allow that. They don't allow for when you change the sign to create -- - that's the purpose of the new regulation.

VICE CHAIR: Just trying to get it.

Any other questions?

(No response)

Thank you.

MR. DESTEFANO: Thank you.

VICE CHAIR: Anyone speaking in favor of the application?

(No response)

Anyone opposing the application?

(No response)

This application is closed.

B. Appeal 5706A, application of Kathleen Stalter to vary the side yard setback to 15' where 20' is required for an addition to an existing home under Section 7A-00 & 15-04 of the Zoning Regulations, 134 Gannet Drive in an R-20/25 zone.

MR. VINCI: Please state your name and address for the record.

KATHLEEN STALTER: 134 Gannet Drive in Southington. What I am requesting here is to do an addition to an existing house where there was an original variance on the side line of 5 feet.

I want to do an addition on that home. I have recently sold my home in New York and I'm moving back to Southington to take care of my Mom. And, I want to move into her existing house and go off the back because we need more room to bring my two children and my husband and keep her in the same house.

So it makes the most sense structurally to go along the same. I'm not increasing. I'm not --- I don't want to encroach any more. I just want to go along the same side line of that house and put the addition on.

MR. LAROSA: You are extending the 15' variance?

MS. STALTER: I am extending the 15' variance.

MR. LAROSA: How far back does that go from the existing building?

MS. STALTER: The addition?

MR. LAROSA: Yes.

MS. STALTER: It'd be 32 feet.

MR. LAROSA: It's 32 feet additional?

MS. STALTER: Um-hum.

VICE CHAIR: It's almost 76 feet.

What is the height of the addition? I don't see that.

MS. STALTER: Right. So, my intent if the variance is granted is to keep it a --- it's a ranch. Which is why the addition is longer. It is not to go to a second story.

I want to keep the same roofline and not go any higher than the roof and prefer not to have to go up for two reasons. One is

for cost reasons and two because I plan to, I am relocating my family, I hope I never have to move again and when I get older I want to live in a ranch, as well.

VICE CHAIR: How close is the neighbor's home?

MS. STALTER: So, the neighbor's home on that side?

VICE CHAIR: Yes.

MS. STALTER: The neighbor doesn't have a variance so they would be within the 20.

VICE CHAIR: So their house is within 20'.

MR. VINCI: At least 20' there.

VICE CHAIR: Right. I'm just wondering if it's further - I know it's got to be at least -

MS. STALTER: Oh, that, I don't know.

But I did, I mean, we have spoken with them. They are the original owners and they've been there the entire 40 years and they're aware of --- I spoke to the neighbors on both sides. They're aware.

MR. VINCI: The sign was posted, too.

VICE CHAIR: Yah. I don't have, I guess I don't have a problem as long as they're keeping the same sight lines they have now. We've done that many times in the past. It's not where it's going to be twice as high as the existing home, the roofline, et cetera.

MS. STALTER: That's the whole point. I don't want to be able to see it from the front.

VICE CHAIR: Right.

(Pause)

(Undertone comments)

VICE CHAIR: So that shed really is a garage?

MR. VINCI: It's a garage and some storage area, yes.

VICE CHAIR: Any other questions of this applicant?

MR. LA ROSA: That is not even visible from the road, though.

MS. STALTER: What?

MR. LA ROSA: The extension. It will not be.

MS. STALTER: No. No.

VICE CHAIR: Any other questions?

(No response)

Do you have anything else for the board?

MS. STALTER: No. That's it. Thank you for your time.

VICE CHAIR: Anyone speaking in favor of the application?

(No response)

Anyone opposing the application?

(No response)

This application is closed.

CONTINUED PUBLIC HEARING ITEM:

A. Appeal 5698A, application of Zion Evangelical church for a variance to install an 8' x 40', 320 sf steel storage shed for church use where 200 sf is allowed under Section 2-01AA1 of the Zoning Regulations, 531 Woodruff Street at the intersection with Pleasant Street in an R-20/25 zone.

MR. VINCI: Mr. Chairman, as I explained, I had gotten an email this afternoon requesting a withdrawal of the application.

They're going to rethink their application and come back at a later time with a new proposal.

WITHDRAWN.

TABLED PUBLIC HEARING ITEM:

A. Appeal 5694A, application of Faith Living Church for special exception approval to host their annual children's event beginning 6/19/2009 through 8/1/2009 under sections 4-01.21 & 15-05 of the Zoning Regulations, 12 Grove Street & 735 Main Street in a CB zone.

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

MIKE KANE: 19 Ciccio Court in Plainville. And, I'm here on behalf of Faith Living Church seeking permission to erect a temporary structure, a tent, a large tent, which will straddle the two parcels: one at 12 Grove Street and the other at 735 Main Street.

This is for our annual vacation bible school. I just want to point out that the event actually is one week where we actually have the children on site. And, that week is July 13th thru the 17th.

But we'll need to erect the tent to be able to prepare for that event in advance.

Happy to answer any questions you might have.

VICE CHAIR: I mean, you do this, how many times a year?

MR. KANE: Yah, once a year.

VICE CHAIR: Why don't you just give us \$1,000 and not have to come before this board, you know? A thousand dollars every year.

(Laughter)

Last year we had the normal stipulations for this type of event. Which is the double walled fence and there'll be a policeman on duty during the event.

MR. KANE: Yes, that's correct.

VICE CHAIR: Those two stipulations are not a problem I don't think.

MR. KANE: Yes, we'll follow those exact stipulations, yes.

VICE CHAIR: I have no questions of this applicant.

Any other questions?

MR. LA ROSA: I have no questions. I just found out something about your church and it's good, positive that the people do so much for children of all different ages. It impressive to me. I understand people come from out of town.

MR. KANE: Yes, Meriden, Bristol. Yah.

MR. LA ROSA: Pretty cool.

MR. KANE: Thank you. We have about 700 kids come.

MR. LA ROSA: Nothing berating I heard. The person that was telling me was so excited about the whole thing. And, I wasn't aware of what you folks did there.

MR. KANE: We try to influence them in a positive way.

VICE CHAIR: Thank you.

MR. KANE: Thank you.

VICE CHAIR: Anyone speaking in favor of the application?

(No response)

Anyone opposing the application?

(No response)

This application is closed.

REGULAR MEETING

NEW BUSINESS:

A. Appeal 5705A, application of TD Banknorth, National Association for a variance to replace n existing internally illuminated sign with same where internally illuminated signs are not permitted under Section 13-07C & 15-04 of the Zoning Regulations, 130 North Main Street in a CB zone.

Ms. Potter made a motion to approve Appeal 5705A. Mr. Kuklinski seconded.

Ms. Potter said she said no. Let them do what they have to do. If they have to put a bigger sign; we'll just take our licks.

The Vice Chairman added it's pretty straight forward in the regulations and it just is not even an option here. It says not permitted in a CB zone. So, I agree.

(Motion fails 0 to 5 on a roll call vote.)

B. Appeal 5706A, application of Kathleen Stalter to vary the side yard setback to 15' where 20' is required for an addition to an existing home under Section 7A-00 & 15-04 of the Zoning Regulations, 134 Gannet Drive in an R-20/25 zone.

Ms. Potter made a motion to approve Appeal 5706A. Mr. Kuklinski seconded.

Ms. Potter pointed out you are not going to see it from the road. It's just following the 15' line. I have no problem with it myself.

The Vice Chairman said the sign was posted appropriately. As you know, it can't be seen from the front. It's maintaining the same site line as the existing structure.

(Motion passed 5 to 0 on a roll call vote.)

One year to exercise permission.

CONTINUED PUBLIC HEARING ITEM:

A. Appeal 5698A, application of Zion Evangelical church for a variance to install an 8' x 40', 320 sf steel storage shed for church use where 200 sf is allowed under Section 2-01AA1 of the Zoning Regulations, 531 Woodruff Street at the intersection with Pleasant Street in an R-20/25 zone.

Withdrawn.

TABLED PUBLIC HEARING ITEM:

A. Appeal 5694A, application of Faith Living Church for special exception approval to host their annual children's event beginning 6/19/2009 through 8/1/2009 under sections 4-01.21 & 15-05 of the Zoning Regulations, 12 Grove Street & 735 Main Street in a CB zone.

Ms. Potter made a motion to approve Appeal 5694A with the two stipulations. Mr. Kuklinski seconded with the stipulations.

The Vice Chair noted it is the same thing they run every year, multiple times a year. They do a great job. It is always picked up. There is always a policeman out there. It's just great for the kids.

(Motion passed 5 to 0 on a roll call vote.)

APPROVAL OF MINUTES - regular Meeting of April 28, 2009.

Ms. Potter made a motion to approve the Minutes as presented. Mr. Kuklinski seconded. Motion passed unanimously on a voice vote.

MISCELLANEOUS/ OLD BUSINESS / NEW BUSINESS

Nothing to report.

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

(Whereupon, the meeting was adjourned at 7:33 o'clock, p.m.)

NEXT MEETING: WEDNESDAY, May 27th, 2009 at 7:00 pm.