

TOWN OF SOUTHTON
ZONING BOARD OF APPEALS
TUESDAY, JUNE 14, 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 and Patricia Potter

Alternates: Matthew O'Keefe
Juanita Champagne

Others: Rob Librandi, Zoning Enforcement Officer

Absent: Edmund Costello, Commissioner
Bryan Wysong, Commissioner
Ronald Bohigian, Alternate
Michael Milo, Alternate

The Chair seated Matthew O'Keefe for Edmund Costello and Juanita Champagne for Bryan Wysong. A quorum was determined.

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

The Chair 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 #5853A, Application of Southington Community Services for special exception approval to allow the Southington Community Services to hold a Farmer's Market on Fridays July - October under Sections 3-01.31G & 15-05 of the Zoning Regulations, 1003 South Main Street, property of Saucier Realty LLC, at the intersection with Working Street in a B zone.

MS. SEWELL: My name is Rebecca Sewell and I work for Southington Community Services at 91 Norton Street.

The past two years and this will be our third year to have the farmers market. It's just a special use permit.

THE CHAIR: Okay. Last year you had some stipulations on that particular appeal.

- The approval was good for one year.
- The applicant will clean up the area at the end of each day's event.
- The sign will not be larger than 32 square feet.
- The sign will be set back 10' from the property line.
- The farmers are fully insured. The insurance for the event shall be private and the town has no culpability.

Do you agree with those stipulations? They're the same as you've had for the last two years so you are pretty familiar with them.

MS. SEWELL: Yes.

THE CHAIR: Do you have any questions of the applicant?

MR. O'KEEFE: I do not.

THE CHAIR: They do a lot. It's a nice operation. I think the town -- it is well received within the town.

MS. SEWELL: They're giving us vouchers again this year.

THE CHAIR: Good.

MS. SEWELL: Thank you

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

(No response)

Is there anyone opposing this application?

(No response)

Hearing none, this appeal is closed.

B. APPEAL #5854A, Application of Doug Lombardo for a 6' front yard setback variance to allow 34' where 40' is required to enlarge an existing front porch to 5' x 22' under Sections 7A-00 & 15-04 of the Zoning Regulations, 20 Whitlock Avenue, property of Albert A. & Sharon L. Gaug, at the intersection with Atkins Way in an R-20/25 zone.

MR. LOMBARDO: Hi, I'm Doug Lombardo. I'm a contractor working for Albert Gaug. They have a 4' concrete stoop existing in front of their home now. They want to enlarge it an extra foot bringing it out where the setback, it doesn't meet the requirement. So we're asking for that one foot. Well, actually, we are 45' now minus the 10' of the town land as it exists now. We would end up being a foot closer to the road with this new front porch we are requesting.

Okay. Anything else on your application?

MR. LOMBARDO: That's it.

THE CHAIR: Any questions of the applicant?

Now, this is basically a handicapped ramp, correct?

MR. LOMBARDO: Well, it's going to be a residential ramp. I've already talked to the Building Inspector and he told me that the requirement was 8 x 1 rather than 12 x 1 as required for handicapped.

It's just a ramp for ease of use for the homeowners.

THE CHAIR: Okay. So, it's not a handicapped ---

MR. LOMBARDO: It's not handicapped. No.

THE CHAIR: Oh, okay.

MR. LOMBARDO: They just requested that instead of stairs. And, as I said, I spoke to the Building Inspector and a residential ramp can be an 8" rise for every 1" --- or an 8" run for every 1" up. It's only going to be about 14" off the ground, so it's going to be relatively --- not very steep as it goes. It will meet the residential code but it won't be a handicapped code.

THE CHAIR: So, it's already nonconforming because you're saying where 40' is required, you're saying you are only asking for a foot. Initially, you said a foot.

MR. LOMBARDO: Right.

THE CHAIR: So, it's already nonconforming.

MR. LOMBARDO: Right.

THE CHAIR: So, you are basically at 35, so you are asking for another foot to go to 34.

MR. LOMBARDO: Correct.

THE CHAIR: Is that right? That's the way I understand it.

Okay. Are there any questions?

(No response)

MS. CHAMPAGNE: Just for clarification, there is no ramp there now with the 4' porch?

MR. LOMBARDO: No.

MS. CHAMPAGNE: Okay.

MR. LOMBARDO: It's a concrete steep with one step.

MR. O'KEEFE: Do you know the size of the concrete stoop? You said it goes out 4'. How wide is it?

MR. LOMBARDO: Four feet. It's a 4' square concrete stoop.

MR. O'KEEFE: Okay.

MR. LOMBARDO: With the one foot --- with the one step off of it. All pretty low.

MR. LIBRANDI: If you put the ramp on the side, are you going to enclose that step or are you going to leave it open?

MR. LOMBARDO: No, it will be covered right over. It would be eliminated. Yes.

THE CHAIR: I'm sorry. Say that again?

MR. LOMBARDO: The step actually comes off the side going towards the driveway, if you have the as built in front of you?

THE CHAIR: Um-hum.

MR. LOMBARDO: It goes towards the driveway, the step. It doesn't come towards the front.

MR. O'KEEFE: And, the ramp would continue towards the -

MR. LOMBARDO: The ramp is going to go out towards the driveway, correct.

So, that'll get covered right over.

THE CHAIR: So, the shape of the property, that's where you're getting in --- on the right-hand side, that's really where you're getting into the variance.

MR. LOMBARDO: Correct.

THE CHAIR: According to the as built.

Any questions, any other further questions?

(No response.)

Thank you.

MR. LOMBARDO: Thank you.

THE CHAIR: Is there 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 #5855A, Application of Kevin Grant for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license with outdoor patio under Section 11-04 & 15-05 of the Zoning Regulations, 25 Center Street, property of DELTO LLC, in a CB zone.

MR. GRANT: Kevin Grant, 25 Center Street, K-Gee's Gourmet Burgers and Beers. Right across the street.

We're looking to do the outside dining thing. Twenty-five Center Street, prior to me opening, they used to have it. I think you guys should have it over there.

I just want to be seen outside with my big burgers. You know. Present it. Anthony Jack's has a nice layout. Fireplace, nice layout. Machiavelli's. I also want to be part of that.

That's pretty much it. I've got everything the same way that 25 Center Street had it. I'd like to serve everybody outside with the nice weather. Obviously, when it's raining, we'll be closed for outside. And, in the wintertime.

THE CHAIR: Any questions of the applicant?

MR. O'KEEFE: Just in terms of stipulations, you have seen the stipulations on the prior ---

MR. GRANT: Correct.

MR. O'KEEFE: And, you don't -

MR. GRANT: I did do a written statement for no music or any PA system at all. Just for dining and drinking. Beverages.

MR. O'KEEFE: There will be no music?

MR. GRANT: No music outside.

MR. O'KEEFE: And, how many seats would there be? It was limited to 13 and you'll keep it at 13?

MR. GRANT: Yes.

MR. O'KEEFE: What about hours of operation?

MR. GRANT: Right now I am operating Tuesday thru Sunday noon to bar time. And, sometimes we close early if there's nobody in that at bar time.

And, Monday's we open up at 4:00.

MR. O'KEEFE: But what time would it close? I think for the outside dining?

MR. GRANT: Well, probably or 9:00 or 10:00 pm. At the latest.

THE CHAIR: That's pretty consistent.

Just a clarification. I'm looking at the layout you gave us. And, okay, it's the bar seats that are not to exceed 13. There is only going to be five tables outside.

MR. GRANT: Correct.

THE CHAIR: Okay, okay. And, all the stipulations, Matt, that you covered, no music, no amplification, it's good for one year with renewal. Um, alcoholic beverages shall be served in glasses and not the original containers.

MR. GRANT: Correct.

THE CHAIR: Okay.

MR. LIBRANDI: And, before you do go out there, you have to apply for the outdoor patio in the Town Manager's office.

MR. GRANT: Yup. And, I have the paperwork for that right now. I wanted to do this first. I'll come down tomorrow morning and take care of that.

THE CHAIR: Any other questions of the applicant?

MS. POTTER: Awesome.

MR. GRANT: Thank you.

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

(No response)

Is there anyone opposing this application?

(No response)

Hearing none, this appeal is closed.

D. APPEAL #5856A, Application of Waldemar & Jo Ann Krause for a 176 square foot variance to allow a 576 square foot accessory structure where 300 square feet is allowed under Sections 2-01.A.1 & 15-04 of the Zoning Regulations, 42 Rockwood Drive, property of Waldemar H. & JoAnn Krause in a R-40 zone.

MR. KRAUSE: My name is Wald Krause at 42 Rockwood Drive, Southington. We just bought the house and we would like remodel it. I have some little presentation for you to take a look with the pictures what it looks like.

(Handed around)

(Pause)

The reason we are applying for this variance is we would like to put an additional garage in the setback of the property. And, since there are --- since there is an in ground pool behind the house, we were planning to put a slightly oversized garage to cover the pool equipment shed and the equipment shed and the garage in the same spot which creates the least invasion of the property.

So, the fact is the current garage --- the house was built in 1974 so the current garage doesn't allow for storing equipment in it and parking two cars. I can't fit a snow blower in, a tractor, if I park my cars in there. Landscaping tools, unless they hang on the wall - there is a picture in the presentation there - is a risk for children. And, again no storage space for equipment.

If we combine the garage, the pool house and the equipment shed in the back of the garage with one structure is the least invasive way and it's pretty much the only flat spot on the property.

If I put three different sheds, another two sheds for equipment and a pool shed, first, there is no place to put them unless I put them somewhere all the way around the property or put it next to my neighbor's yard within 10' of the border line, it would kind of disturb the look of the property and I don't think anybody would like to see that.

And, the structures all over the place would take away from the play area for the children. As you know, we try to make as much green area as possible as we have two young children.

So, again, separate locations would not serve the purpose of the needs we have. And, then on the other hand, the equipment shed is needed close to the driveway for snow removal and the same thing when you drive out, you want to be close to the grass and have everything in one location.

And, another spot, there is another spot next to the other side of the house which is very steep and there is no access to the property from that area.

I also have some pictures of the property. The first picture, you look at pretty much the beginning of the garage into my neighbor's property. You see the big tree. So what my neighbor would see is pretty much the roofline of the garage, pretty much.

The second picture shows the area where the garage would be along the fence of the pool. That's where the garage would start and end with the fence of the pool. That's exactly 32' in depth.

The excavation is set down at exactly the same level with nothing protruding on the top.

The third picture shows you the driveway so if you look down from the driveway, same thing, you would just see the garage on the backside. There is no obstruction of view.

You see the current garage where the equipment is right now. That's, we just moved in, so we don't have the equipment for landscaping. The way it is set up, hanging along the wall.

And, the rest, the picture shows the other side of the property where you look down and there is another bank going down so there is no access from the road to the property.

So, that's the reason we applied for this variance. Instead of putting, you know, three separate structures in the yard which does look terrible, we'd like to accommodate everything in one garage, slightly oversized.

Also, my friend and contractor, Ron Kapazewski, from Distinctive Designs is here to answer all the questions you have for detail purposes.

THE CHAIR: Do we have any questions of this applicant?

MR. GWOREK: What is the height, the total height of the building at the highest point?

MR. KAPAZEWSKI: (From the audience) it's 14'.

MR. GWOREK: Fourteen.

MS. POTTER: Can you step up?

MR. KAPAZEWSKI: I'm sorry.

MS. POTTER: On the other side of his garage, what's ---

THE CHAIR: Would you please state your name and address for the record?

MR. KAPAZEWSKI: Ronald Kapazewski, 33 Village Gate Drive in Southington, CT.

THE CHAIR: Thank you.

MS. POTTER: I just think it's such an extreme. It's almost double.

MR. KAPAZEWSKI: They're incorporating three buildings into one. Instead of 900 sf on the property, it's only 500 sf on the property. So, it is actually less.

MR. O'KEEFE: I don't know that you could have three buildings on that property, anyway.

THE CHAIR: No, you can't.

MS. POTTER: You can't. Not in Southington.

MR. O'KEEFE: It's kind of a moot point.

MS. POTTER: So, but I am saying it is 300 sf is that what's allowed.

MR. KAPAZEWSKI: For a --- we are trying to incorporate this into one simple structure. And, because of the land, because of the hilly section, this is going to be dug into the side of a hill. As it shows on the drawing.

MR. LIBRANDI: What they --- you have a two car garage, right now, right?

MR. KAPAZEWSKI: He has an undersized two car garage that he can't get a tractor into or a snow blower.

MR. LIBRANDI: What I think they're trying to do is --- usually we base an extra carport on the 12 by 24. What they're doing is trying to combine the structure amount with the 12 by 24, combining both of them.

Is there anywhere else you could put this structure?

MR. KAPAZEWSKI: There really isn't. We want to put the structure where the driveway is so that we can get in to snow blow the driveway from the garage.

And, then adding just the --- they have three cars. Um, to add, to put a car in there, there'd be no room for a tractor or a snow blower. By just adding one structure.

THE CHAIR: Well, one of the things that we deal with on this board all the time is that people, you know, come to us and they have a lot of stuff. Stuff meaning tractors and trailers and all the other stuff that goes along with that and that is not something that we normally would deal with. I mean, that's the homeowner's issue. He's got the stuff.

One of the issues, this thing, we just came out with a new regulation three months ago? Three months ago. Where before it was 200 sf were allowed and now what we've done is we've upped that saying, okay, based on the size of the lot and now for an R -40 you can now have 300 sf. And, yet, you're going beyond that and saying I want 572 when you could have two structures on the property.

My concern with this is that 18 by 32, I mean, that's huge. That's another garage. And, you know, where do we draw the line?

We thought we had answered a lot of questions by upping it to 300 sf on an R-40, which is a half acre lot. Now you're going and asking for a 75 percent -

MS. POTTER: Upgrade to that.

THE CHAIR: -- over that. And, that's what I have a problem with.

I understand that you are going to incorporate all of this but that's sort of your issue. I don't know where the hardship is other than you've got a lot of stuff that you want to store there.

MR. KAPAZEWSKI: The hardship that we're --- well, I don't know if you could call it a hardship but, we --- would you allow a shed and a garage on that property? That's a question.

THE CHAIR: Well, you've got a two car garage.

MR. KAPAZEWSKI: We have a two --- an undersized two car garage.

THE CHAIR: You have a two car garage.

MR. KAPAZEWSKI: Yah, that you can get two cars in.

THE CHAIR: You could expand the size of the garage. But you can have two --- what is it, two auxiliary buildings ---

MR. LIBRANDI: You could have like for this you could have up to a three car garage.

THE CHAIR: Right.

MR. LIBRANDI: Usually, we allow for a shed. And, if they don't have a three car, two car ports, we'll allow another accessory garage.

You know in a 12 by 24, we're saying that that is enough to put your car in and have a little bit of storage, also.

THE CHAIR: Right.

MR. LIBRANDI: To kind of alleviate, you know, the process of the situation of you getting a shed almost to a certain degree.

THE CHAIR: Right.

MR. KAPAZEWSKI: My question is, would you allow a shed and a 24 by 12 garage? On the property?

THE CHAIR: As long as, my feeling is, based on the Zoning Enforcement Officer, but as long as you've got the room for it.

MR. KAPAZEWSKI: Well, that is what we're trying not to do. Is to put two structures on the property and incorporate it into one. If the size is ---

MS. POTTER: A garage is permanent. A shed usually isn't permanent. A garage is --- something that size is just massive.

MR. KAPAZEWSKI: A shed is basically an eyesore. It's a necessary eyesore. We are trying to incorporate a nice looking structure on the property.

MS. POTTER: But you told me you can't see anything but the roofline, right? Is that what you just said to me?

MR. KAPAZEWSKI: That's correct. If we do it one structure, we're cutting it into the hill.

If we add a shed on the back of the property, then it will be the height of the shed.

The property goes up about 8' from the top of the or the bottom of the driveway to the top of the neighbor's property.

MS. POTTER: Uh-huh. I've got the picture here.

MR. O'KEEFE: I think one of the issues is you are trying to essentially add three elements where two elements is a stretch.

MR. KAPAZEWSKI: Well, would you accept two elements then?

THE CHAIR: Well, you are allowed two elements. You're allowed up to a 300 sf shed and you're allowed a third car port/car garage. You are allowed a three car garage.

So yes, we are saying you could have two. But again, I think what you are hearing is that the size of this particular structure is way over what we even just expanded our regulations to include.

So, you know ---

MR. LIBRANDI: Is there any way you could fit say a shed in another location?

MR. KAPAZEWSKI: Yes. But we are trying not to do that. We are trying not to have two structures on --- we are trying to incorporate

the nicer looking --- we spent a lot of time on this. Trying to do the nicest looking thing for the neighborhood.

MR. KRAUSE: The other thing is, you know the rest of the property slopes. So the only way to put the shed the way it is now would be on the outer corner of the property where I have to walk 70' to get the snow blower or more than that.

MR. KAPAZEWSKI: Which is nowhere near the driveway. This is the only spot that makes sense for the equipment.

MS. POTTER: I just can't see it.

THE CHAIR: Well, if you go through all of you --- if you go through your power point here, there is nothing on here that shows any kind of a hardship. All it's basically saying is my car garage is small. My landscaping tools don't fit. The pool house equipment doesn't fit. Structure would take away from the children's play area.

Again, this is all a self-imposed hardship. It's not a hardship, you know, a handicapped hardship or a hardship that says that the total slope of my property just --- or I've got wetlands on my property. That's a hardship. And, we try to work with that.

But to say that you've got, and again, for lack of a better term, you've got a lot of stuff, that's not within our regulations to say that that is a hardship. So, again, what we are telling you is you are allowed a three car garage on that property and one shed outside. And, the shed, hopefully, would fit within the 300 sf.

MR. KAPAZEWSKI: How big is the shed?

THE CHAIR: I'm sorry?

MR. KAPAZEWSKI: How large of a shed is allowed to be on the property?

THE CHAIR: Three hundred square feet. For an R-40 -

MR. KAPAZEWSKI: So that's a total of 600 sf that you allow.

THE CHAIR: Correct.

MR. KAPAZEWSKI: We're asking for 500 in one location.

THE CHAIR: I understand that, as well.

MS. POTTER: That is not the zoning rule. The regulations -

MR. KAPAZEWSKI: That's what we're asking the variance for. Instead of two buildings at 600, we're asking for one building at 500.

MS. POTTER: I know. But you are not understanding. It was 200 and they raised it to 300 on one structure and now you want us to

raise it to 576 on one structure where two structures --- I know you want to put them together and I understand that.

But you are stretching from 200' to 300'.

MR. KAPAZEWSKI: No, we're not.

MS. POTTER: To 576. Even though I understand what you're saying, two structures, but that is what the regulations call for. It doesn't call for one big, massive structure.

MR. KRAUSE: Let's say we built the third garage which is 12 by 24, okay? The location would be the same, okay, for the view; it would be exactly the same. The same height. Okay? From the front and from the side because I -

MS. POTTER: I understand what you're saying. You can tell me a hundred times and I don't think you are hearing what I'm saying.

MR. KRAUSE: No, I understand what you're saying. We are trying to avoid putting another shed which takes even more space out and then I have two structures there which doesn't fit.

If I ask my neighbor like would he like to see a shed? Because the only place to put the shed is pretty much next to the garage, if I build a third garage.

So there'd be another shed 10' off his property. You know, I would hate to do that but --- again, I just moved in and I don't have all this stuff. Just for the future? Okay? I need a snow blower which I didn't have because I didn't know where to put it. I don't have a lawn mower because I don't have nowhere to put it. Okay?

MS. POTTER: If you built a 10 by 24 structure that would give you somewhere to put that stuff. Then in the future, if you need the shed, you are allowed that.

MR. KRAUSE: But then again, I have a third car. So, that's I think the least invasive approach to do that.

MR. KAPAZEWSKI: You are allowing two 300' structures on the property which we are trying to incorporate into one. It's just a one single garage and storage in one building which will look better than putting two structures on the property.

MS. POTTER: Now you are nonconforming and you've got this 576' structures. And, then you've got more stuff and you build another 300' structure --- to your friend -

MR. KAPAZEWSKI: No, we're willing to sign off not to be able to build anything else on the property.

THE CHAIR: Okay, let's slow down.

I think you are hearing the board. What I would like to do is if we could have a motion to continue the public hearing. I'd like to continue the public hearing, take a look at it again. Have you go back and think about it with what you are hearing the board saying, look at alternatives and again, I'll take another ride out there, take a look at it with whoever else on the board would like to take a look at it. Because you are saying that there is a steep slope on the right hand side where, the way I'm looking at the picture, where your two car garage is. To the right of the house.

MR. KAPAZEWSKI: That's correct. To the left of the house. Looking at the face of the house, the structure would be to the left of it.

THE CHAIR: I'm sorry. I'm looking at this one here.

MR. KRAUSE: If you are looking from the street, this is the right side of the house and this has steep -

THE CHAIR: Right. That's what I am looking at. Okay.

You want to put the shed on the left-hand side of the house.

MR. KAPAZEWSKI: Correct.

THE CHAIR: So, I'd like to take a look and see how steep that grade is. In the meantime, I think if you take a look at it and look at alternatives, I think you are hearing that the board is concerned about the 300 sf. Hearing all of you said about how you are trying to combine it, um, I understand that. But that is not the way the regulations are written.

What we try to do is not change the regulations. We try to enforce the existing regulations with minor variances. Considering the hardships, et cetera, et cetera.

Right now we are not hearing a lot of hardship other than what you want to do is you'd rather not build a garage but you'd rather combine it into one instead of having a single 300 sf building with, say, another garage.

So, think about that.

And, if it is the desire of the board to continue the public hearing, I'll take a motion to do that.

MS. POTTER: I'll make a motion that we continue this public hearing to the next meeting.

MR. O'KEEFE: I'll second that.

(Motion passed unanimously on a voice vote.)

Motion carried.

CONTINUED PUBLIC HEARING ITEMS:

A. APPEAL #5850A, Application of Michael Miller & Greg Maloney for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license under Section 4-03.32A, 11-04 & 15-05 of the Zoning Regulations, 1678 a.k.a. 1672 Meriden Waterbury Road, property of Southington Center Ltd in a B zone.

MR. MILLER: Mike Miller from Blackstone Pub, 1678 Meriden Waterbury Turnpike, Milldale.

MR. MALONEY: Greg Malone 1678 Meriden Waterbury Turnpike, Milldale.

THE CHAIR: Okay, go ahead.

MR. MILLER: We're basically looking to just expand our dining room into the next door unit that's available. We want to add some more tables, booths.

And, then our dining crowd has pretty much doubled since we opened a year and a half ago. We're just looking for tables and chairs and another bathroom for the crowd.

That's pretty much it.

THE CHAIR: So, basically, it's an expansion of an existing facility. You have just branched or you've moved, you've purchased the building next to it or -

MR. MILLER: Leasing it.

THE CHAIR: The space.

MR. MILLER: Yup.

THE CHAIR: Okay.

MR. MORIARTY: It used to be that way back in the day, I guess. They closed it off. But we definitely need the bathroom space. We only have one bathroom for each --- you know, one male and one female bathroom now. So people end up waiting too long. We have a problem with it so far.

THE CHAIR: Okay.

Questions of the applicant?

MS. POTTER: Business has been good.

MR. MILLER: Good, yes.

MR. LIBRANDI: Since you are expanding, have you contacted the building department?

MR. MILLER: Yes. We sat down with James Butler. Like Greg said, the building next door, the part that we're taking over, used to be part of this building. It's all structural. Everything is inside and they just sealed it up. Before we took the building over. Everything structural is already there. We're just putting some paint in and some carpet and putting in another bathroom.

MS. POTTER: Take down the whole wall?

MR. MILLER: Yah. The wall on the other side of ours is already framed out. There are three eight foot openings. Everything is framed out and ready to go. Just put sheetrock over it. You can see it when you look in there.

THE CHAIR: You've already got the liquor permit. What you're --- and the reason, I guess you have to reapply is because you are expanding the number of seats, et cetera, et cetera and the size of the facility. But you already have a liquor permit.

MR. MILLER: Yah. Our permit says any change in the dining room you have to reapply. So we're here to reapply.

THE CHAIR: Right.

MS. POTTER: Same stipulations?

MR. MILLER: Everything is the same.

THE CHAIR: Okay.

Questions?

MS. POTTER: Now, you are extending the bar, too, right?

MR. MILLER: Nope.

MR. O'KEEFE: So there'd be no live entertainment in that facility, correct?

MR. MILLER: Booths, tables and then the bathrooms.

THE CHAIR: So, would it fall under the same stipulations that we had before, Rob, for this?

MR. LIBRANDI: In terms of expanding the floor area that they have to come back?

THE CHAIR: Yes.

MR. LIBRANDI: Yes.

THE CHAIR: Right, okay.

MR. LIBRANDI: Any type of modification to the plan they would have to come back.

THE CHAIR: Okay. And, they already have the stipulations about music outside and all of that kind of stuff. There's already the stipulations there.

MR. LIBRANDI: Well, we could just, you know, since they are reapplying, we should put them on again.

THE CHAIR: Okay. I think that would make sense just so we have clarification.

I know there has been no problems over there. So, it's really a formality, except, you know, you are expanding just the size of your operation. Let's make sure that we have the same stipulations that we had before for the record.

We had: No exotic dancers, male or female, public or private.

- The number of bar seats shall not exceed ---what do you --- you are not changing the bar area. You are just adding seating capacity at tables.

MR. MILLER: Where the dining room ends now, we are just going over another 25' for tables.

THE CHAIR: Okay. And, it is a service bar, only.

MR. MILLER: There is no bar over there.

THE CHAIR: No, but I mean, part of your whole establishment. What we are doing is we are re-establishing your whole environment.

MR. MILLER: Yup.

THE CHAIR: Okay. And, no live entertainment, you have no live entertainment, you said.

MR. MILLER: We do some karaoke and we do some three piece bands and stuff like that.

THE CHAIR: Okay, so that is what it would be limited to for now. Okay.

Any significant changes to the floor plan --- let's see --- and any changes to the management shall require a new application. That's required anyway by the state liquor.

Okay, any questions? Any additional questions?

(No response)

Okay, thank you.

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

(No response)

Is there anyone opposing this application?

(No response)

Hearing none, this appeal is closed.

B. APPEAL #5851A, Application of Mark Zommer for a side yard variance to 1' where 30' is required for an ice cream sales area under Sections 7A-00,9-00 & 15-04 of the Zoning Regulations, 83 West Main Street, property of Rick A. & Joanne Rice in an I-2 zone.

MR.ZOMMER: Mark Zommer, 83 North Main Street, Plantsville. Hello, again.

We're looking to expand what would be just an ice cream service counter and pass thru window. Our concept has changed over the last several months. We hired a chef and the dining is going to be a little more, I wouldn't say elegant but, a step up from your average pizzeria.

The ice cream counter is basically going to be an 18' opening right on the dining room. Once we finished designing the dining room, we realized that someone sitting down eating a \$22 plate of seafood fradiavo would not want to hear ice cream blenders going off in the background.

What we hope to do is to bump out the side of the building which is already nonconforming, 7' in one location and 11' in the other to a 1' setback which would give us the ability to put a separation inside the dining room - a wall basically. There will still be a little counter out in the front of the building for wait staff to go up and get ice creams or desserts for diners inside the building. But it would create a nice separation and give us more room to expand what was only going to be about eight or ten flavors to 24 flavors, smoothies, sundaes, cones.

I think, given the circumstances right next to the Rails to Trails, it would be more ideal for residents in the area to enjoy a more full service ice cream area rather than just what we had originally anticipated.

THE CHAIR: Anything else?

MR. LIBRANDI: So, the window is on the side of the property right now, right?

MR. ZOMMER: Right now it is, yes.

MR. LIBRANDI: And, it's going to change to the -

MR. ZOMMER: Front.

MR. O'KEEFE: Do you have any renderings of what it would look like?

MR. ZOMMER: Well, we didn't, you know, the project has been a long, pain staking, expensive one. You know, what was going to be this was doubled from what was originally anticipated. We didn't want

to do any drawings and spend money on architectural and what not until we got some feedback from you guys.

MR. LIBRANDI: I assume it's going to be uniform to the rest of the building?

MR. ZOMMER: Absolutely.

THE CHAIR: What will the height of that additional structure be?

MR.ZOMMER: We'd have to raise the roofline where it goes out to the side now probably about 3' which would be pretty much what the height is on the roofline on the other side of the building. It'll be the same type of roof. Metal sheet roof so it would match the other side of the building and aesthetically look the same.

THE CHAIR: Because basically the whole building is nonconforming and if you look at the left-hand side of the building from the front, you've got the 1' that runs the whole length of that building. So, this is not, um, outside of what is already there in the nonconforming.

MR. ZOMMER: It would be less nonconforming. I think its 6" at one point and zero, almost, at the second point. So it would be, we're figuring at least 12" away from the property line.

MR. O'KEEFE: So, the service window would be to the front of the building which would be really on West Main Street?

MR. ZOMMER: Yah. Facing West Main Street, right. Where there is a patio now actually.

MS. CHAMPAGNE: I was going to ask, does that take any parking spaces away?

MR. ZOMMER: No. No. This is just a patio outside.

MR.LIBRANDI: Is there going to be lighting along that front building area?

MR. ZOMMER: Yes.

MR. LIBRANDI: Is it going to be cut off lighting?

MR. ZOMMER: Uh, well, we have an awning in the front of the building that's going to be extending out 13' and there will be lights - all kind of lights underneath it.

THE CHAIR: Underneath it.

MR. ZOMMER: Right. And, on the outside of the building we put gooseneck lights which never existed on the building before.

If you see the building, I believe the timer is on, if you go over there, it's a pretty well lit structure. More so than it used to be.

THE CHAIR: Do you have an opening date for this building? It's like a --- a never ending project.

MR. ZOMMER: It's like a wart or something. But we are anticipating on opening the restaurant, we're putting kitchen equipment in. We had some back orders on some flooring. So we're hoping sometime mid-July we should be open.

THE CHAIR: And, the ice cream piece, because I know the meeting we didn't have a quorum, one of your big, I mean, obviously, you've got to sell ice cream in the June, July, August timeframe. When, would this be open before the actual restaurant?

MR. ZOMMER: Well, depending upon the finances, probably not. What it would enable us to do, if this was --- this application was accepted, um, we could figure out what we're going to do with the dining room wall and put the flooring down. That way it'll be done. And, we could pursue the construction while we are still opening. Because we don't want this to delay the start in selling pasta and food.

MS.CHAMPAGNE: Will that service window be open year round or is that just seasonal?

MR. ZOMMER: As long as the people are willing to --- hopefully, the demand and supply will coincide, co-exist. As long as ---the Trail is open from my understanding as long as there is no snow on it. I'm not sure what the regulations are. But we are hoping to stay open until the end of October.

I mean your functions in Plantsville, hopefully, they'll stay where they are with highlighting Halloween in the Village, and we hope that this will be the focus.

THE CHAIR: Quite honestly, it's a good addition to Plantsville because they don't have that kind of facility. They have a restaurant facility but they don't have the ice cream facility like they do down on Center Street or downtown.

MR. ZOMMER: Well, we figured the anticipation, the usage, I don't know how many hundreds, and thousands of people a week use the Trail. But we don't feel that what we had originally planned on doing over there would not be enough for the demand that we think we're going to get now.

MR. O'KEEFE: Now, I know you've got your service window in the front, how big is the service window going to be and is it going to near the property line or is it going to be closer toward the structure?

MR. ZOMMER: No, it's going to face West Main Street.

MR. O'KEEFE: Right. But is it going to be all over on the right --- left hand side as you're looking at the building?

MR. ZOMMER: Well, I guess that's something that we'll have to decide. We'd like to have it as far away and near the property line as possible.

MR. O'KEEFE: Right. But then you may have people standing in line.

MR. ZOMMER: Right.

MR. O'KEEFE: Not in the road but on the town property and then somebody gets hurt on the town property and you've got a liability issue.

MR. ZOMMER: Well, we were planning on putting some kind of separation planters or landscaping to keep people on the patio straight forward towards West Main Street.

MR. LIBRANDI: And, there's going to be no seating outside or anything?

MR. ZOMMER: In the front of the building there is. And, then on the side of the building, um, there have been discussions to put down, to donate some tables to the Town of Southington to perhaps allow for seating for people on the Trail.

MR. LIBRANDI: Okay, so you would put that on the town property?

MR. ZOMMER: Right.

MR. LIBRANDI: Okay.

THE CHAIR: Could we stipulate then, I mean, to Mr. O'Keefe's point, could we stipulate that you would put some plantings because I agree if you do get the kind of crowd that you're hoping for um, even though it's a pretty good sized front patio out front, they may wander off into that grassy area which again then becomes a town liability.

I'd like to have that blocked off which keeps them on your property. And, then if the town with the Planning & Zoning decides to something else, that's a whole different ---

MR. O'KEEFE: Right, just to make them people come sort of like off the path and toward the street and then back toward the building as opposed to forming a line toward the path.

MR. LIBRANDI: So, connected to the existing sidewalk that's there? Just arborvitaes or something going along?

MR. O'KEEFE: I mean, something low, obviously. You don't want something big. But something along the property line that would keep lines of people in front of the building on your property as opposed to stacking them into the town property.

THE CHAIR: I would ask the applicant to work with the Zoning Enforcement Officer and Planning. But again, I think you're hearing the board, basically saying that there needs to be a separation between the town property and your property.

So, if we can include that if we decide to approve that with the motion.

Okay, anything else?

MR. ZOMMER: That's it.

THE CHAIR: Okay, thank you.

MR. ZOMMER: Thank you.

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

(No response)

Is there anyone opposing this application?

(No response)

Hearing none, this application is closed.

C. APPEAL #5852A, Application of UNICO Italian Festival Committee for special exception approval to host their annual Italian Festival July 29-31, 2011 under Sections 4-01.31 & 15-05 of the Zoning Regulations, lower Center Street area, property of Town of Southington & others in a CB & I-2 zone.

THE CHAIR: Will the applicant's representative please come forward and state their name and address for the record?

(No response)

I guess they are not here.

MS. POTTER: I make a motion we table it to the next meeting. So, they can be notified.

THE CHAIR: Do we have a second?

MS. CHAMPAGNE: Second.

(Motion passed unanimously on a voice vote.)

7:48 pm.

REGULAR MEETING

Approval of Minutes:

- Regular Meeting of May 10, 2011
- Regular Meeting of May 24, 2011

Ms. Potter made a motion to accept the Minutes of the last two meetings, the May 10th and the May 24th meetings.

Ms. Champagne seconded.

Motion passed unanimously on a voice vote.

NEW BUSINESS

A. APPEAL #5853A, Application of Southington Community Services for special exception approval to allow the Southington Community Services to hold a Farmer's Market on Fridays July - October under Sections 3-01.31G & 15-05 of the Zoning Regulations, 1003 South Main Street, property of Saucier Realty LLC, at the intersection with Werking Street in a B zone.

Ms. Potter made a motion to accept Appeal #5853A, application of Southington Community Services. I think the farmers market is a good thing for the town. There's never been any problems there.

Stipulations:

- The approval was good for one year.
- The applicant will clean up the area at the end of each day's event.
- The sign will not be larger than 32 square feet.
- The sign will be set back 10' from the property line.
- The farmers are fully insured. The insurance for the event shall be private and the town has no culpability.

Mr. O'Keefe seconded the motion with the stipulations from last year to be added to it.

Motion passed 5 to 0 on a roll call vote.

B. APPEAL #5854A, Application of Doug Lombardo for a 6' front yard setback variance to allow 34' where 40' is required to enlarge an existing front porch to 5' x 22' under Sections 7A-00 & 15-04 of the

Zoning Regulations, 20 Whitlock Avenue, property of Albert A. & Sharon L. Gaug, at the intersection with Atkins Way in an R-20/25 zone.

Ms. Potter made a motion to accept Appeal # 5854A for a 6' yard setback variance for 34' where 40' is required. Mr. O'Keefe seconded the motion.

Ms. Potter said she at first thought it was a handicapped ramp. But it's not. It's only coming out 1', so it's really kind of minor.

The Chair said it is a minor variance. It's already a nonconforming.

Mr. O'Keefe added they are not adding square footage to the house. It's just basically access to the house. No different if you were putting a sidewalk essentially except it is a foot off the ground.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

C. APPEAL #5855A, Application of Kevin Grant for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license with outdoor patio under Section 11-04 & 15-05 of the Zoning Regulations, 25 Center Street, property of DELTO LLC, in a CB zone.

Ms. Potter made a motion to accept Appeal 5855A with the stipulations of the restaurant / cafes that were already initiated years before.

Ms. Champagne seconded with the stipulations.

Stipulations:

1. The hours of operation shall be limited from opening to 10:00 pm.
2. All alcoholic beverages shall be served in glass, cups, et cetera and not in the original containers.
3. There shall be no music or entertainment.
4. There shall be no amplifications or loud speakers.
5. Permit shall be good for one year, renewed annually.

Mr. O'Keefe added:

6. Not more than five round tables.

Motion passed 5 to 0 on a roll call vote.

D. APPEAL #5856A, Application of Waldemar & Jo Ann Krause for a 176 square foot variance to allow a 576 square foot accessory structure where 300 square feet is allowed under Sections 2-01.A.1 & 15-04 of the Zoning Regulations, 42 Rockwood Drive, property of Waldemar H. & JoAnn Krause in a R-40 zone.

Tabled to the next meeting during the public hearing portion of the meeting.

CONTINUED PUBLIC HEARING ITEMS:

A. APPEAL #5850A, Application of Michael Miller & Greg Maloney for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license under Section 4-03.32A, 11-04 & 15-05 of the Zoning Regulations, 1678 a.k.a. 1672 Meriden Waterbury Road, property of Southington Center Ltd in a B zone.

Ms. Potter made a motion to approve with the same stipulations they had previous. Ms. Champagne seconded with those stipulations.

Ms. Potter said they are just changing the floor plan. The bar stays the same and seats stay the same. They're just adding tables. They've never had any problems at the bar that I know of.

Mr. O'Keefe said they already have a special exception. The conditions aren't any different. The square footage of the building is really the only change. I don't have an issue with it.

It's nice to see a business doing well.

Motion passed 5 to 0 on a roll call vote.

B. APPEAL #5851A, Application of Mark Zommer for a side yard variance to 1' where 30' is required for an ice cream sales area under Sections 7A-00,9-00 & 15-04 of the Zoning Regulations, 83 West Main Street, property of Rick A. & Joanne Rice in an I-2 zone.

Ms. Potter made a motion to approve Appeal 5851A with the stipulation there is an actual separation between the town property and the selling of the ice cream on his property.

Mr. O'Keefe added the stipulation that the service window be facing West Main Street and that the applicant be responsible for queuing patrons so that any line that forms for the ice cream would be on the applicant's property and not on town property.

Ms. Champagne seconded with those stipulations.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

C. APPEAL #5852A, Application of UNICO Italian Festival Committee for special exception approval to host their annual Italian Festival July 29-31, 2011 under Sections 4-01.31 & 15-05 of the Zoning Regulations, lower Center Street area, property of Town of Southington & others in a CB & I-2 zone.

Tabled to the next meeting.

MISCELLANEOUS / OLD BUSINESS / NEW BUSINESS

The Chair noted a letter of resignation from the Vice Chairman, Edmund Costello. Zoning Enforcement Officer Rob Librandi read the letter into the record. (On file in the Town Planner's Office for review.)

Mr. O'Keefe made a motion to adjourn. Ms. Champagne seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:55 o'clock, p.m.)

Robert Salka, Chairman
Zoning Board of Appeals