

TOWN OF SOUTHTON
ZONING BOARD OF APPEALS
TUESDAY, JUNE 28, 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, Patricia Potter and Bryan Wysong

Alternates: Matthew O'Keefe

Others: Rob Librandi, Zoning Enforcement Officer

Absent: Juanita Champagne, Alternate
Ronald Bohigian, Alternate
Michael Milo, Alternate

The Chair seated Matthew O'Keefe for Edmund Costello. A quorum was determined.

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

Ms. Potter 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 #5857A, application of Feng Tian Zhou for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license under Section 4-01.23, 11-04 & 15-05 of the Zoning Regulations, 973 Meriden Waterbury Road, aka 1 Lion Condo (Map 023, Parcel 017), property of Alina & Stephen Farago in a B zone.

ATTORNEY MANGIAFICO: Attorney Emanuele Mangiafico, 185 West Main Street, New Britain, CT. for the applicant Feng Tian Zhou. Feng is here in the audience and if we need her, she can come up.

We're here to request a special exception for a liquor permit. An on premises permit. This is the Sushi House on the Meriden Waterbury Road.

Its hours of operation are Monday thru Thursday, 11:00 am to 3:00 pm and 4:30 pm to 10:00 pm. Friday, 11:00 am to 3:00 pm and 4:30 to 10:00 pm. And, Saturday, 11:00 am to 10:30 pm and Sunday 12:00 noon to 10:00 pm.

We are going to be requesting from the state a beer and wine permit, only. It is Sushi House and it is customary in all sushi houses you can have some saky (sp) with dinner and that is primarily what they want to do.

It is next door to Super 66 which is a full package store. Their hours of operation are 9:00 am to 9:00 pm.

It's also in the parking lot, if you're familiar with it, there is the baby store.

I think this is a reasonable application. The owner is here. It's a husband and wife that run the store. They are there all the time. If one of them is not there then the other one is there. Primarily, they're going to be handling all the alcohol because the wife, who is here, acts as the server. If she is not there, the husband stands in.

And, again, it is not going to be a full bar. It's just going to be a service bar.

THE CHAIR: Okay. And, how many seats at that bar? Is it based on the layout, what you've got? Eight seats?

ATTORNEY MANGIAFICO: It's not a bar. It's a restaurant and by service bar, I mean it's just going to be in the back where they'll just take the wine or beer and serve it to the clients at the table. There is no actual bar bar.

THE CHAIR: Okay.

ATTORNEY MANGIAFICO: There is a sushi bar. But that's primarily to eat dinner. It's not to serve alcohol.

THE CHAIR: Okay. Any questions of the applicant?

MS. POTTER: Do we have any stipulations that we usually -

THE CHAIR: Well, with the stipulations we have, I'll just read them to you and if it's okay.

1. Not exotic dancers, male or female, public or private.

Are you going to have any live entertainment in the building?

ATTORNEY MANGIAFICO: No.

THE CHAIR: The number - here are no bar seats.

ATTORNEY MANGIAFICO: I am going to have Feng come up. I can represent.

They're just going to have some questions about the restaurant.

FENG TIAN ZHOU: Because my English is not very good.

ATTORNEY MANGIAFICO: That's okay. You can stand next to me and I'll ask you what they ask.

They want to know if you're going to have -

THE CHAIR: Please state your name and address for the record.

FENG TIAN ZHOU: My name is Feng Tian Zhou. My address is 973 Meriden Waterbury.

THE CHAIR: Okay.

ATTORNEY MANGIAFICO: They want to know if you are going to have live entertainment inside. Any dancers?

FENG TIAN ZHOU: No.

THE CHAIR: Service bar, only?

ATTORNEY MANGIAFICO: Service bar, only.

THE CHAIR: Any significant change in the floor plan as determined by the Zoning Enforcement Officer shall require a new application.

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

And, we're assuming they're not going to be coming in for any outdoor dining or anything like that?

ATTORNEY MANGIAFICO: There is no outdoor dining.

FENG TIAN ZHOU: No, no outdoor dining. Not at all. It is parking lot outside. There is not even a patio or any room for that.

MR. LIBRANDI: Are they, for this type of a restaurant, do they need a grease trap? This is just sushi. Is it going to require any type of cooking or frying or anything like that?

ATTORNEY MANGIAFICO: Do you have a grease trap now?

FENG TIAN ZHOU: Yah.

ATTORNEY MANGIAFICO: Yah, there is a grease trap.

THE CHAIR: Are there any questions of the applicant?

(No response)

Thank you.

ATTORNEY MANGIAFICIO: Thank you.

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

(No response)

Is there any one opposing this application?

(No response)

Hearing none, this application is closed.

CONTINUED PUBLIC HEARING ITEMS:

A. 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.

BRYAN MECCARIELLO: Good evening, Mr. Chairman and Board members. Bryan Meccariello, 142 North Main Street in Southington.

I first want to apologize. I was here at the May 24th hearing when you didn't have a quorum, unfortunately. I may not have been clear. I would've allowed this application to stand on its own at the next meeting. But that's fine.

We appreciate the invitation back tonight. I'm back once again on behalf of the Southington Italian American Festival. I just want to say for the record just in fairness to the Sons of Italy, they're part of the organization. I just happen to be a member of UNICO. But I'm the one in charge of making these requests.

We are once again requesting a special exception to hold our annual Italian Festival on the last weekend in July. This year it's July 29th, Friday, 7:00 am to 11:00 pm, Saturday, July 30th, 11:00 am to 11:00 pm and Sunday, July 31st 7:00 am to 8:00 pm.

I'm not sure if you have the conditions and the agreements and the rules we agreed to last year. This is Rob's first meeting. We have dealt with Frank the last few years.

I can read it.

THE CHAIR: Why don't you just read it through. Most, some of the board members may not be familiar with it.

ATTORNEY MECCARIELLO: Okay. So, we, the applicant, agree to obtain all necessary permits from the proper owners in the Town of Southington. Just so you know, we have spoken with all the individual business owners and there are not objections. And, then property owners, as well, that may have a couple tenants. No objections.

We are going to conform to all health, safety and fire regulations. There is such a presence, you know, the health department, Charles Motes, comes down. The fire department, they have to do the inspection of each and every tent.

We have the carnival rides and that's a special investigation. So, we're fine with that.

We're going to be responsible for policing and cleaning up the public and private properties. What you may know is up and down Center Street, you know, people and walk and those garbage cans are

full. I'm also responsible for the cleanup. So, we have our people cleaning up go up and down Center Street. We think that's our responsibility, as well. And, Dan Quinlan comes in at night, each night, and he has his machines and he cleans the road and the parking lot. In fact, we have two parking lots this year; we have the one behind the Groggy Frog and the one next to Paul Gregory.

A certificate of liability insurance, that's being done through Mark Sciota and his office.

The carnival noise, um, we restrict it on Sundays to hours after 12:00 noon. We won't start until 12:00 noon on Sunday.

No alcoholic beverages served by us. I just want to let everybody know there are restaurants open. We have no control, although we're close and tell them not to.

We've submitted a layout of the booths. We may rearrange a couple just because of things that happen that day. And, that was, we are allowed to do it within the prescribed area. Incidentally, that map, every year, we've got to thank Tony Tranquillo and his office. They help us put that together.

We don't charge for municipal parking. We've gone to the Parking Authority and we have their approval, as well.

And, then the hours I mentioned.

If there's any other rules or conditions that might come up, we'll certainly abide by them.

MS. POTTER: Seems pretty clear from last year.

THE CHAIR: They do a nice job.

MS. POTTER: Yah, it's just a formality.

THE CHAIR: There have been no problems in the past and I wouldn't expect there to be any in the future, either.

ATTORNEY MECCARIELLO: In fact, you know, we have a police officer there 24 hours. We have the road closed from that Friday morning until Sunday. It's pretty well contained.

THE CHAIR: Any questions of the applicant?

MR. O'KEEFE: Just one question: Is the layout typically the same as last year in terms of the tents and things like that?

ATTORNEY MECCARIELLO: Yes. What is before you is almost identical to last year. I don't know what is before you because I don't have it, if they show the carnival, a second carnival which is -

MR. O'KEEFE: Yah, the amusements are here. I can hold it up for you.

ATTORNEY MECCARIELLO: That's going to be to the north.

MR. O'KEEFE: By the Groggy Frog?

ATTORNEY MECCARIELLO: Yes.

MR. O'KEEFE: Okay.

ATTORNEY MECCARIELLO: Other than that the layout is the same.

THE CHAIR: No more questions?

(No response)

Okay. Thank you.

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.

B. APPEAL #5856A, application of Waldemar & JoAnn Krause for a 276 sf variance to allow a 576 sf accessory structure where 300 sf is allowed under Sections 2-01.A.1 7 15-04 of the Zoning Regulations, 42 Rockwood Drive, property of Waldemar & JoAnn Krause in a an R-40 zone.

MR. KRAUSE: Waldemar Krause, 42 Rockwood Drive, Southington.

MR. KAPRAZEWSKI: Ron Kaprazewski. I did the drawings, the sketches. 33 Village Gate Drive in Southington.

MR. KRAUSE: What we are applying for is simply instead of two buildings each 300 but a slightly oversized one car garage with space for storage for equipment for lawn mowing and snow blowing.

Two weeks ago, we ended the meeting, Ron Kaprazewski, submitted another set of drawings. We marked out the property where it shows how much extension we are asking for which is basically two steps in each direction which is being excavated and doesn't protrude in any way on the property. And, there is really no other place on the property to put anything else since everything is sloped.

MR. KAPRAZEWSKI: The hardship is the lot and being able to build a presentable building that will match the existing house and the neighborhood. We are proposing to build something that is the same structure, the same type of structure as everything else in the neighborhood.

We have the drawings that shows the two buildings and in red our proposed variance. The two buildings you have, the difference in the grade from the back property to where we propose to build is 8 feet. So, the building that you would allow would be 8 feet higher than the building we are proposing to build.

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

MR. O'KEEFE: Have you considered alternatives?

MR. KAPRAZEWSKI: We have --- we have some issues with getting concrete into the site. We are going to have to pump from the road as it is to our variance to this area. The usage is going to be in this area for the pool and for the snow blower. So this is the area that it has to be in. We can't reach any other corner with the concrete other than mixing or trying to contact the neighbor and get a cement truck in there.

MR. KRAUSE: Pretty much the whole access area on the property is sloped as it is. I know, I think some, one gentleman was there to the property and I think you have seen the flags which is pretty much, you know, it's not twice the building, it's just really you know two steps in each direction.

THE CHAIR: Basically, I stopped out there and I took a look at what you wanted to do. And, I think I spoke with your wife. And, I

was, when I was out there, I can't figure out why you wouldn't want to put the shed, call it the shed, in the upper right hand corner which is a beautiful area for it.

MR. KAPRAZEWSKI: How would we, first of all, get the concrete up there? And, second of all, how would you get the snow blower?

THE CHAIR: Why would you, when you buy a shed, Klotter Farms or whatever ---

MR. KAPRAZEWSKI: We are not going to buy a shed. We are going to build a structure that matches the house.

We don't want to put just a crappy shed on the property. We want it to match the neighborhood. He is very concerned about the neighborhood, as all the neighbors are.

We contacted all the neighbors and explained what we wanted to do.

MR. O'KEEFE: A question: How many of the neighbors have accessory structures that are approximately 600 square feet?

MR. KAPRAZEWSKI: I don't know. I didn't look.

MR. O'KEEFE: Are there any?

MR. KAPRAZEWSKI: I don't know. I didn't look.

MR. O'KEEFE: Because you are saying you want to match the neighborhood, so I am assuming ---

MR. KAPRAZEWSKI: We want to match the neighborhood structures.

THE CHAIR: Well, in that area, when you look at it, you've got trees surrounding the property. No one is going to see the structure. And, again, you can buy an awful lot of very nice looking sheds or build a nice looking shed that doesn't need a concrete pad. If you are going to store snow blowers, lawn mowers, things like that, most people, you know, have sheds that are sitting on crushed stone or whatever.

And, again, I am not telling you what to do. That's your option to do what you want.

But when I was out there, the only thing that your wife had said is that you want to save the area for a playscape for the children.
Um ---

MR. KAPRAZEWSKI: It's one of the only flat areas in the -

THE CHAIR: It is a flat area. But it's out of the way.

MR. KAPRAZEWSKI: But again, you know, how do we get the snow blower from that corner -

THE CHAIR: The same way I do when I have my shed up in the upper right hand corner of my --- I live on a hill the same way. You bring out during the summer or during the late fall and you know.

MR. KRAUSE: The reasoning for this, since we want to build a third car garage, it's to me, very logical. Instead of putting up two buildings, just extend it. I mean, no double wide or double long, okay? It's not really noticeable as this would be excavated into the grade. Okay?

So why put up two structures which doesn't look favorable to the yard since there is a nice wooded area there anyway and then um, for the snow blower, I'll have to push the snow blower 100 yards to get to the driveway. And, the driveway is very steep.

(Pause)

MR. KAPRAZEWSKI: It will be a much nicer looking structure in one than it would be in two. And, it's less than what the town is allowing in square footage.

(Pause)

We've looked at all of the alternate sites on the buildings and spent a lot of time on this. This was our best proposal.

MR. LIBRANDI: So, if you do put up the two structures, you wouldn't even need to be here right now.

MR. KAPRAZEWSKI: That's correct.

But you know, we are concerned about the looks of the two structures versus one structure. We feel that it would look a lot nicer; yes it would be easier to build. Less obtrusive.

MR. LIBRANDI: I'm sorry. How would you access the highlighted structure closest to the property line 10 feet away? Would it be - coming -

MR. KAPRAZEWSKI: There would be, if you look at the drawing, there's a walkway. There is a planned view walkway.

(Pause)

MR. GWOREK: The second structure in your alternate plan, that's going to be for pool storage of equipment and such, as well?

MR. KAPRAZEWSKI: Yes.

MR. GWOREK: So, that's - you're going to have to walk all around.

MR. KAPRAZEWSKI: Yes, it's for pool storage. Tables, chairs, whatever. Seasonal storage.

MR. GWOREK: In your first plan, the first --- the larger builder, was there access on the pool side as well as the driveway side?

MR. KAPRAZEWSKI: Yes.

MR. GWOREK: And, the only access on the second --- and the alternate plan on that second building is where the walkway comes in? That's the only overhead door?

MR. KAPRAZEWSKI: There would probably be access on the opposite side of it, also.

MR. GWOREK: Okay.

MR. KAPRAZEWSKI: There's front and back.

MR. GWOREK: Okay.

MR. WYSONG: I don't understand the comment that was made, if you build two structures, you don't need a variance whereas if you build a large structure, you do.

MR. KAPRAZEWSKI: You allow a storage shed of 300 square feet and a garage, a second garage of 300 square feet. Those are the two structures. We wouldn't be here to do just that.

MR. O'KEEFE: Then I presume one of the reasons ---

MR. WYSONG: One is called a garage.

MR. KAPRAZEWSKI: One is called a garage.

MR. WYSONG: And, one is called ---

MR. KAPRAZEWSKI: A storage shed.

MR. WYSONG: -- an accessory building.

MR. KAPRAZEWSKI: An accessory building, yes.

THE CHAIR: And, the regulations now have been changed so if it's an R-40, you can have 300 square feet when it was 200 square feet.

MR. WYSONG: Why do I read in Section 2-01.A that a private garage is considered an accessory use and at the bottom of the paragraph - no more than one accessory shed shall be erected on the lot.

So, we are saying we can erect a garage and a shed. Two separate structures?

MR. LIBRANDI: Yes, yah.

THE CHAIR: That's correct.

MR. GWOREK: They're allowed three garages, 12 x 24 in that zone. So that's why they can get away with that extra garage.

Does it have to be 12 x 24? Because I know you said a garage is 12 x 24.

MR. LIBRANDI: That's what the Planning Department has been going by. Um, you know, which would allow enough for a garage, for a car to go in and allow for extra little bit of storage room.

MR. WYSONG: Is there a limit on the size of the garage? As long as it's not a two car garage?

MR. KAPRAZEWSKI: That's why we're here for the variance.

MR. WYSONG: I'm dealing with garage.

MR. KAPRAZEWSKI: I'm sorry.

MR. WYSONG: I want to build a garage. How big can I build my garage?

MR. LIBRANDI: Well, we base it on square footage, so we don't go by --- they'll say, you know, there parking --- I'm allowed three garage spaces. So we go 12 x 24 times three and that's the amount of square footage you can have.

Say if you are in the R-80 zone and you're allowed two attached and two, three detached, you would again base that on that.

MR. WYSONG: Okay, we're in an R-40. There's two that come with the house, attached.

MR. LIBRANDI: Yes.

MR. WYSONG: So, we're proposing on building a detached garage.

MR. LIBRANDI: Yes.

MR. WYSONG: And, here is a defined limit on how big that can be? Because it's an accessory building? Or because it's a garage?

MR. LIBRANDI: This is --- because it's a garage.

MR. WYSONG: Okay, is there a limit on the size of a garage?

MR. LIBRANDI: There isn't a specific limit. This is what just staff and the Planning Department has been basing its measurements on.

MR. WYSONG: My argument is, there's clearly a definition on the size of an auxiliary building, 300 square feet. If we say the garage is an auxiliary building and you're allowed an auxiliary building

that would indicate that the garage isn't an auxiliary building because the other building is the auxiliary building.

So, then my question is: how big can the garage be? Because it isn't codified anywhere.

MR. LIBRANDI: There isn't any specific verbiage in the regulations that say the actual amount of a garage itself.

MR. WYSONG: And, if it were less than a two car garage, it would be a one car garage.

MR. LIBRANDI: I would --- I would guess so.

MR. WYSONG: Okay.

MR. GWOREK: Well, basically, you are going by three times 288. 12 x 24 is the standard. So you take the max, 864. You already have two. I don't know what size garage you have now.

MR. KAPRAZEWSKI: I think it is 21 or 22 by 12.

THE CHAIR: It's under the house.

MR. WYSONG: I don't think my point is to worry about one or two square feet, I'm trying to get the concept down. So when we talk about a garage and an auxiliary building, we are imposing auxiliary building limits on a garage I would like some assurance we are doing that correctly.

MR. LIBRANDI: That's why there isn't an exact number of measurement in terms of the garage.

MR. WYSONG: Okay.

MR. O'KEEFE: Is there a typical size for a garage?

MR. LIBRANDI: This is what I've been told by the Planning Staff what we base it on. 12 x 24. If you look, you know, at parking spaces in terms of the dimensions of a parking space, and go by that.

THE CHAIR: Well, let me ask, well, I mean, to his point, if they were to put up the garage and it was going to be 18 x 32, which is 572 square feet, why wouldn't - if he just called that a garage, why wouldn't that be allowed then? Why would we even be here? And, what he puts in that garage, big truck or big car, that's my, I guess that's really your point of saying why wouldn't that ---

MR. O'KEEFE: I think I have the answer to it. The last sentence says: maximum accessory shed or - or building size. And, a garage would be a building, so the maximum size of it would be 300 square feet based on the word "or", the way I read "or".

THE CHAIR: Okay.

MR. O'KEEFE: So, I think that's where you max out at 300 because otherwise you wouldn't.

THE CHAIR: Okay.

MR. O'KEEFE: But I think the word "or", you know, because a garage would be considered a building. So that's where the 300 comes in. At least as I read it.

THE CHAIR: Okay.

Do we have any other questions of the applicant? I think we've vetted this pretty well.

Thank you.

Is there anyone here speaking in favor of this application?

(No response)

Is there anyone here opposing this application?

(No response)

Anyone opposing?

(No response)

Hearing none, this application is closed.

7:27 pm

REGULAR MEETING

Approval of Minutes - Regular Meeting of June 14, 2011

Ms. Potter made a motion to approve the Minutes of the June 14th meeting. Mr. O'Keefe seconded. Motion passed unanimously on a voice vote.

NEW BUSINESS:

A. APPEAL #5857A, application of Feng Tian Zhou for special exception approval to allow applicant to apply to the State of Connecticut for a restaurant liquor license under Section 4-01.23, 11-04 & 15-05 of the Zoning Regulations, 973 Meriden Waterbury Road, aka 1 Lion Condo (Map 023, Parcel 017), property of Alina & Stephen Farago in a B zone.

Ms. Potter made a motion to approve for a wine & beer permit.

The Chair amended the motion before a second. One of the problems I have and not necessarily with this application, but with that whole plaza is the entrance way or there is two entrance/exits on that plaza. One on the west side and one on the east side. The one on the east side has a very bad sight line. I go there once a week for my seafood and coming out of that driveway there's a small bridge and there is a high railing with a big plant or shrub there. You've got to stick yourself out on to the Meriden Waterbury Road in order to get out. I'd like to stipulate that prior to final zoning approval, the Planning Department review the sight line on the east entrance to the plaza. Again, it shouldn't impact other than they'll take a look at it and maybe make it one way. That's the reason for my stipulation.

I'm worried because now we have two establishments there, one that sells alcohol and one you can bring alcohol into, the seafood restaurant. And, then one which will serve alcohol. That entrance way I think is a hazard. I'd like them to look at it. If they approve it, then that's fine. But again, it shouldn't impact their permit.

ATTORNEY MANGIAFICO: (From the audience) Just a point of order and I know I'm not supposed to speak, but I was the Chairman of the ZBA in New Britain for six years, I don't think you can put a stipulation that my client has no control over. You can't make that a stipulation on my client. If you want to make a recommendation to Planning & Zoning that they review the sight lines, you can't make a condition that -

THE CHAIR: Said he understood. Okay, I'll make a recommendation then that we review --- prior to final approval, we review it with the Planning & Zoning Department.

Can we have a second on that motion?

MR. WYSONG: Which motion?

MR. O'KEEFE: Okay, I think the motion would have the other conditions that we talked about in terms of the no live entertainment. We can basically --- if you want to read those in?

THE CHAIR: The stipulations were:

1. No exotic dancers, male or female, public or private.
2. Service bar, only.
3. Any significant changes to the floor plan as determined by the Zoning Enforcement Officer shall require a new application.
4. Any changes in management, permittee shall require a new application.

MR. O'KEEFE: And, I would then think we would forward a recommendation to the Zoning Board that they look at the ingress and egress but not make a stipulation.

I'll second it.

Motion passed 6 to 0 on a roll call vote.

CONTINUED PUBLIC HEARING ITEMS:

A. 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.

Ms. Potter made a motion to accept Appeal 5852A, UNICO Italian Festival with the stipulations that were read into the record by Attorney Meccariello during the public hearing.

Mr. O'Keefe seconded.

Mr. O'Keefe added this is an event that's been run here for several years. It has gone well. The application is virtually the same so it's more a known quantity than an unknown quantity. For that reason, I would support it.

Motion passed 6 to 0 on a roll call vote.

B. APPEAL #5856A, application of Waldemar & JoAnn Krause for a 276 sf variance to allow a 576 sf accessory structure where 300 sf is allowed under Sections 2-01.A.1 7 15-04 of the Zoning Regulations, 42 Rockwood Drive, property of Waldemar & JoAnn Krause in a an R-40 zone.

Mr. Gworek made a motion to accept Appeal #5856A. Mr. Wysong seconded.

Mr. O'Keefe said when we discuss it; we have to look at really what a definition of a hardship is and whether or not it fits a hardship within the context of the regulations. We do allow up to 300 square feet. I don't believe that the applicant has stated anything other than his desire to have a structure which he believes is suitable for the neighborhood and compatible with the house.

There appear to be alternatives to a structure that large, i.e.: having two different smaller structures.

I don't think pouring a concrete floor in and of itself is a hardship. Most sheds don't have concrete floors. They're either wooden floors on stone.

So, I don't think that the applicant has adequately proved a hardship.

Mr. Gworek stated that he personally sees the hardship as saying if we want with the Chairman's recommendation of putting it all of the way in the back right, he's got a storage shed which is nowhere near anything else that he's going to use it for.

I know you said you were in the same situation with your snow blower and getting it out, but to me that's a hardship.

And, I kind of like the larger structure, 18 x 32. If you are going to allow two 300 square foot structures or 288, one larger one would look a lot nicer, especially in the place that he's going to put it.

Especially, with his alternate plan, that second building is 8 feet above, so you're going to see that more than anything else when you drive up the driveway or drive by the house. So, the alternate plan, I don't really like.

Mr. Wysong commented if someone familiar with the building regulations could address the need or not for a concrete floor and/or footing depth.

Yes, small sheds do sit on runners on gravel beds. They have to be tied down. At some point, and I believe it was the square footage,

you, I believe in this town, are required to have 42-inch footings, minimum. I don't know where that square footage is. But I would submit that when you start getting up in the 300 foot range, you can't just stick a shed on the ground without footings.

Can anybody address that for sure?

Mr. Librandi said he would get the information at a later date but he wouldn't be able to verify that right now.

Mr. Wysong continued that he didn't know if that impacted the motion, but it impacts the argument.

Mr. Librandi advised the building department would have to review this. If this was accepted, it would have to meet code specifications to make it safe.

Mr. O'Keefe said it wouldn't require a variance, but it still requires a building permit in compliance with the regulations. Even sheds require a building permit.

Mr. Wysong said building permits are required whether you have one building or two.

Mr. Librandi said the building department needs very detailed plans.

Mr. Wysong said if we're basing our arguments --- and some of your comments were, well they just sit on concrete. So, it's not a hardship. Well, I'm not so sure. I think it's going to be a full blown construction job with 42 inch footings or a foundation wall or threshold to the garage. I don't think it's a shed from so and so and stick it there. I speak only from experience.

I have a shed in my backyard that I bought and I stuck there and the size was pretty much controlled by the town building codes. I can stick it on gravel if it were small. This is only from memory but I believe it was 200 square feet. More than 200, it requires 42 or 46 inch footings. I do not remember for sure as I only remember going through the exercise.

So, in our discussion 2 sheds at 300 square feet, I kind of believe are not the kind you sit on a gravel pad. You have to engage in genuine foundation construction.

The Chair reiterated the issue before us is are we going to approve a variance of 272 (sic) square feet where 300 square feet is allowed.

Mr. Librandi advised that the other question is that they have found an alternate that does meet the regulations without going above and beyond. So they have found the point where there isn't a hardship and they can put these two structures on.

Ms. Potter said it looks terrible, though.

Mr. Wysong said it has a hardship to the extent that you have to build a second structure before you build the first which may not be the order. Once you build the second structure it's trapped back there because of the first structure.

Ms. Potter said it technically now bigger with the two than it would be with the one in the same spot. You've got an eyesore either way.

Mr. O'Keefe said when looking at a hardship, one of the findings we have to make is is this unique and different. And, I think if we were to say well because they can build two 300 foot structures and a 576 square foot single structure looks better, then what we're really saying is that in every R-40 zone, everyone in town can build a 576 square foot structure. I don't read it that way.

Mr. Gworek advised this is not precedent setting. It's case by case.

Mr. O'Keefe agreed that if we find that this is unique and different than we grant the variance.

Ms. Potter pointed out the slope and the grade on the other side. They're kind of limited in where they can go. They've got a right hand side or right where the two buildings would be which kind of blocks one structure from the next structure.

The way that he has to sit the two structures are kind of off to the - I don't know, corners meeting in the front.

Like I said, I could fight myself either way. I mean, I really don't have an answer.

The Chair said it is really a decision we have to make on our own. Look at it and decide whether you want to grant this large of a variance or whether there is a true hardship, et cetera, et cetera.

Roll Call:	Commissioner	O'Keefe:	No
		Wysong:	Yes
		Potter:	Yes
		Gworek:	Yes
		Salka:	No

Motion fails as you need four affirmative votes.

MISCELLANEOUS / OLD BUSINESS / NEW BUSINESS

None this evening.

ADJOURNMENT:

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

(Whereupon, the meeting was adjourned at 7:45 o'clock, p.m.)

Robert Y. Salka, Chairman
Zoning Board of Appeals