

TOWN OF SOUTHLINGTON
ZONING BOARD OF APPEALS
TUESDAY, JUNE 8, 2010

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

Robert Salka, Patricia Potter & Edward Kuklinski

Alternate: Robert Sherman

Others: Frank Vinci, Zoning Enforcement Officer

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

Mr. Sherman is sitting for Mr. Bedard this evening. A quorum was determined.

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

Mr. Salka explained to the audience the procedure to be followed in the presentation of an appeal. He advised that should their appeal be approved, they file it with the Town Clerk's Office before proceeding with the project.

JOSEPH LAPORTE, Chairman, presiding:

Public Hearing Items:

A. Appeal #5787A, application of Standard Petroleum for special exception approval for a gasoline filling station/convenience store under Section 4-03.32B, 11-03 & 15-05 of the Zoning Regulations, 2004 West Street (next to Kizl's Restaurant), property of Ghio Family Limited Partnership in a B zone.

B. Appeal #5788A, application of Standard Petroleum for approval of location for a gasoline filling station/convenience store under Section 14-321 of the Connecticut General Statutes, 2004 West Street (next to Kizl's Restaurant), property of Ghio Family Limited Partnership in a B zone.

MR. VINCI: Will the applicant or his representative please come forward and state your name and address for the record.

ATTORNEY ANTHONY DENORFIA: Anthony Denorfia. I am an attorney with offices at 133 Main Street, Southington, representing the applicant, Standard Petroleum from Bridgeport.

As Frank has mentioned, we are seeking a special exception and also an approval of the location for a gasoline filling station at 2004 West Street in Southington.

The property is in a B zone and it's on the west side of West Street which is Route 229. It's bounded north by Kizl's Restaurant, which I am sure you're all familiar with, east by the highway and across the highway we have the Ridgeview Condominium Project and actually in front of the Ridgeview Condominium Project was approved a commercial strip which is supposed to go in and then the condos are behind that. To the south and west we have property of Westside Associates.

As I mentioned, it is all in a B zone. And, it has been previously approved for a Dunkin Donuts location at this site and as part of the approval they also received approval from the State Traffic Commission for the Dunkin Donuts. So this has already been approved as far as that aspect of this. It was done last year.

What we're doing at this point is my clients would like to add the gasoline filling station to that application. At the intersection --- I'm sure you all have copies of the map and I have one up here --- there is a traffic control system which was placed in so the traffic is now being controlled by the traffic light.

It is a state road. It has heavy traffic volume. Last I heard is that we have somewhere between 25 and 30 thousand trips per day that go in front of this property.

The applicant is Standard Petroleum. They're a subsidiary of Standard Oil which has been a mainstay in the state for in excess of sixty years. They're located out of Bridgeport, as I mentioned. The Standard Petroleum subsidiary presently owns 17 stations and supplies another 25 stations - five of the stations that they do own and run themselves. So they service in excess of 40 gasoline stations within the state.

The proposal is for gas service --- gas station, excuse me, with a convenience store and also the Dunkin Donuts drive-thru. The gas station as is shown on the site plan before you and as shown up here, will have three islands that can service six cars, one on each side. And, also a separate diesel location for a total of seven filling stations.

The convenience store and the Dunkin Donuts would be located within the building that is proposed on the property. Now, the building is proposed to be about approximately 3500 sf. The Dunkin Donuts portion of it is only going to be about 600 sf. That will have a drive-thru on the far end of it and the rest of it, approximately 1500 to 1800 sf, will be the convenience store. And, approximately a thousand square feet is eaten up by storage, utilities, offices, coolers, et cetera.

The building itself is not going to be separated from the convenience store and the Dunkin Donuts with a separate entrance. There is going to be one entrance that goes in. You go in, get a coffee and a donut or something like that, or get something at the convenience store.

The design of the building - there is a rendering behind the members - this is one that they built - a very similar location that they built in Ridgefield, Connecticut. They are designed to be a very colonial looking building and again, the floor plan on the inside is all one and then the convenience store.

Obviously, environmentally, they have to comply with all local, state and federal regulations when it comes to the pumps. They --- which includes the double-lined pumps, the veeder root security systems on all the gasoline --- not only on the tanks but on the lines.

This company also has a practice where they still go out and they do it the old-fashioned way. Not only do they rely upon the modern technology but they also go out and they put their dip sticks in it to make sure that there isn't any leakage.

The next step, if the this Board approves, is that we do have to go back to the PZC and get this modification to the site plan approved and I guess back to the State Traffic Commission to just get a slight, a very slight modification.

MR. SALKA: Tony, quick question before you continue. The modification that they're talking about is conversion from a Dunkin Donuts that was approved to a gas station/convenience store? Is that what you're talking about?

ATTORNEY DENORFIA: Correct. We're adding the pumps. We're adding the pumps and we're making the Dunkin Donuts a small part of this.

MR. SALKA: Okay. Instead of ---

ATTORNEY DENORFIA: Instead of a big Dunkin Donuts -

MR. SALKA: Got it.

ATTORNEY DENORFIA: --- it is now going to be 600 sf.

MR. SHERMAN: Is there going to be any entrance into Dunkin Donuts? Or is it going to be strictly drive-thru?

ATTORNEY DENORFIA: No. It's --- you can get into it through the store. It'll just be one entrance. You could walk in. It's kind of like, you know, up on West Street where they used to have a Dunkin Donuts inside there. And, you could walk in.

MR. SHERMAN: So you could do both?

ATTORNEY DENORFIA: You could do both. But it is not going to be a separate --- a separate entrance.

MR. SHERMAN: Except for its size, it is going to be a regular Dunkin Donuts? The operation of it. You can do drive in and you can walk in.

ATTORNEY DENORFIA: Correct.

MR. SHERMAN: And, are you going to come out --- when you come in and out, are you going to be south of the light or right at the light or ---

ATTORNEY DENORFIA: Right at the light.

MR. SHERMAN: Right at the light?

ATTORNEY DENORFIA: Yah.

MR. SHERMAN: And, when they approved the Dunkin Donuts, did the state recommend or issue an order for any changes to the road?

ATTORNEY DENORFIA: Yes. There is, as part of the site plan before you, there are some widening and turn lanes.

MR. SHERMAN: They're going to put a left turn lane in there?

ATTORNEY DENORFIA: Yes. And, that is, I think is part of the packet of the site plan that I submitted.

MR. SHERMAN: Now, Kizl's has got kind of a left turn lane but it's not a left turn lane. When you get in it, you can't get totally into it.

And, up above that, there is nothing. You're in a high speed lane, really.

ATTORNEY DENORFIA: That's correct.

MR. SHERMAN: So, that, I assume there they are going to increase that Kizl's left turn lane or whatever.

ATTORNEY DENORFIA: I am not sure about that, Bob. I would have to take a look at the ---

MR. SHERMAN: The problem with the lane at Kizl's is your passenger side, rear, kind of sticks out a little bit in that high speed lane if you're not --- you don't go right into it.

ATTORNEY DENORFIA: Correct.

MR. SHERMAN: And, this would exacerbate that being next door to it.

ATTORNEY DENORFIA: Again, this was all looked at by the STC and they did approve it ---

MR. SHERMAN: But not for this.

ATTORNEY DENORFIA: Not for this. I just am not quite sure on what all the improvements were because I didn't handle that for the Dunkin Donuts. Maybe if I can pull out the site plan.

(Pause, pause)

I'm not sure. I don't even think I have the revised, the final site plan.

(Pause)

Yah, I don't have what was done as far as the striping. What I do show is that they wanted approximately; it looks like a 20 foot easement along the front of the property for either widening or something.

MR. SALKA: Yah, they've got --- it is on the plan here that we're looking at.

ATTORNEY DENORFIA: Right. That's all I have. I don't have that final site plan with me.

MR. SHERMAN: My sense is that it is a lot of activity in that area which is not a prize traffic area to begin with.

ATTORNEY DENORFIA: Well, I think one of the reasons --- that's the reason --- well that is one of the reasons why they had the light installed. I mean, for the state to approve a traffic control system, it was done for the development on the east side and the west side and that's why on the site plan itself, you know, the entrance, as you can see --- actually, this kind of goes back to one of our old regulations.

This is a shared curb cut where the rest of this commercial property is all going to be shared as one curb cut here. So, as you can see, this curb cut is not on the applicant's property. Okay? This curb cut is on the property to the south of it and it's all designed to make one common curb cut to get in there to handle it and that's why the traffic control system was put there for not only the condo project but in the front, as I mentioned, that was approved for commercial development. And, then the commercial development of this parcel.

You have to remember, the PZC, I don't think it was that many years ago that they changed all of this zoning to business because they wanted to increase the business activity up there and increase the tax base.

This is, you know, that short strip of 500 or 600 feet that is business zoned and its up in this area.

MS. POTTER: Doesn't that go single car to two cars? On that corner, it goes single car to two cars; so actually, it would be slowing traffic down at the light there, right?

ATTORNEY DENORFIA: Yes. And, there are two lanes -

MS. POTTER: Because when you come in from Bristol, coming the other way, it goes single lane and then it splits into two in that just one section around that corner that is a single lane that splits into two. So, actually, it's kind of a win/win on that one.

ATTORNEY DENORFIA: Well, yes. With the traffic control system especially.

THE CHAIR: How many pumps are we talking about here?

MR. SALKA: Three.

ATTORNEY DENORFIA: Well, there's three stations. One on each side. So it would be six. And, then the diesel in the back.

There is only three stations and the diesel in the back.

MS. POTTER: There is going to be ten parking spaces in the front, so.

ATTORNEY DENORFIA: Well, the parking is going to be up to the PZC. This parcel of land is well in excess of, you know, what we need. There's, I think we proposed something like 28 or 29 spots. It's on the parking table here. Its 26 spots. There can be more that are added or there could be some that will be taken away. That's up to the PZC to decide.

As you can see with the radius coming in, we can add, however many spaces they want. As a practice matter and in discussions with the applicant, it's probably just the spaces in the front and at the pumps will be more than sufficient. Because you know, these are quick stops. People come in, pump their gas, get whatever they're going to get quick, and then they leave. So it's not something where someone is going to parking for fifteen minutes. It's mostly just a few minutes at a time that someone is parked there.

But if planning & zoning - we have put in over what is required by the regulations. If they want more or if this Board wants more, we can add more. There is plenty of space.

In addition, the drive-thru lane is shown as --- it has a pass thru lane. So there is enough room there where we have a whole separate lane where someone could drive around and not even get into the drive-thru lane.

MR. SALKA: Tony, a question: On the south bound side of 229, it's got a left turn into that development. But on the north bound side, where the traffic light shows on the plans here, is there a left turning lane there? I know it shows it very clearly on the south bound but it doesn't show anything on the north bound.

ATTORNEY DENORFIA: I don't know that answer. Again, I -

MR. SALKA: What happens is, traffic moves at a pretty good clip right through there and if there is no left turning lane there, I can envision some rear-end stuff happening.

ATTORNEY DENORFIA: Well, I assume that -

MR. SALKA: And, again, that's not our purview necessarily.

ATTORNEY DENORFIA: If traffic is an issue, I think you should table - it's going to be this much of an issue that again, I think that I need to get Sev here from Kratzert, Jones as he did the original design and also the modification.

All I can say is that the STC, as part of the STC, they required a different - modifications from this site which again um, I just am not privy to that right now.

As an example, in the original approved site plan from planning & zoning, I think there was another entrance where they could come in and get into the property - get in beforehand and the STC required that that be taken out.

MR. SHERMAN: Again, like that south exit, I think it was where they were afraid people would double back to go left.

MS. POTTER: Shouldn't the light take care of that turn.

MR. SALKA: Not really. I mean, if you're heading north bound, and the light is green, you're going to be coming down that road and then you are going to want to take a left hand turn into that facility -

MS. POTTER: But that is like any turn on that whole route. It's not just that turn. It's any turn.

MR. SALKA: But at least if there is a left hand lane turn, you're not as apt to get rear ended.

MS. POTTER: Yah, well, like he said, Kizl's, (inaudible) I don't know of any down by where -

MR. SHERMAN: No, there is nothing south of that.

MS. POTTER: That's why I'm saying. Nothing at all.

MR. SALKA: No, but there is north --- there is south bound. There is a left turning lane. But heading north bound, there is none. That's what I'm wondering why they show a left turning lane into that development across. But there is no left turn lane into any of these businesses that might be --- like he said, Kizl's, and the Winterberry Gardens and all -

MR. SHERMAN: South of that, there is none. And even the Kizl one, as I said, it's kind of a half-witted left turn lane. It's not really a full left turn lane.

MR. SALKA: Exactly.

MR. SHERMAN: The problem we have is that we're determining the suitability of the operation there and the suitability of it depends on what the road conditions are going to be.

MR. SALKA: Exactly. If it had a left turn lane, I don't think this would be a --- really a concern.

THE CHAIR: That's one part of it. That's all. Just one part of it.

MR. SALKA: Yup.

THE CHAIR: So, you don't have all the answers?

ATTORNEY DENORFIA: No, I don't.

THE CHAIR: You'd like to have it tabled?

ATTORNEY DENORFIA: Yes.

THE CHAIR: We'd like to have the answers.

MR. SALKA: I'd rather see the answer on that one.

I'll make a motion to table, Mr. Chairman.

MS. POTTER: I'll second it.

MR. SALKA: Or continue the public hearing. Make a motion to continue the public hearing.

MS. POTTER: I second it.

(Motion passed unanimously on a voice vote.)

C. Appeal #5789A, application of Rosemarie McBreairty for special exception approval to allow a D.J. & alcohol to be served outside in connection with a one day benefit for a cancer victim June 27, 2010, 1-6 pm under Sections 11-04 & 15-05, 115 West Main Street aka 111 West Main Street, property of Danna Roseanna at the intersection with Summer Street in an 1-2 zone.

MR. VINCI: Mr. Chairman, I have a letter from the applicant withdrawing this application. I put a copy out for each of you. Do you want me to read it into the record?

THE CHAIR: Yes.

MR. VINCI: "To Whom It May Concern: I have recently submitted an application for a permit for a pig roast that was going to be held at 115 West Main Street, Plantsville, Connecticut. The benefit was being held for my uncle which was recently diagnosed with liver and pancreas cancer.

At this time, the landlord, Roseanna Dianna, is not comfortable with me hosting the event outside. Due to this, I would like to retract my application for the permit.

Thank you for your help.

Sincerely, Rosemarie McBreairty."

THE CHAIR: Can I go back for one second to the last application. I'd like to make sure that there is a sign up there. Because I was up there today. Posted.

MR. VINCI: Okay, we'll tell them -

THE CHAIR: Make sure there's a sign up there. I want a sign.

MS. POTTER: They're already done.

MR. VINCI: Yah, it's a continued hearing. So --- it was up there and I took a picture of it.

THE CHAIR: I know you did. Okay.

MR. VINCI: Yah, well, okay.

THE CHAIR: I want to make sure.

MR. SHERMAN: They've kind of got us up in the air for information on what they're going to do. And, the suitability of it is definitely determined by whether they can get in and out of it and how dangerous it is to get in and out of it and all the rest of it.

Plus, when they put the "/convenience store" they brought the whole thing into our purview. Normally, we'd have just the gas station. But they brought the Dunkin Donuts in and the convenience store into our purview by listing it on the appeal, I would think.

So, it comes in a packet.

MR. VINCI: Well, yes. Okay.

MR. SHERMAN: So we have a right to look at both -

THE CHAIR: Exactly.

MR. SHERMAN: -- the inconvenience or convenience of both. The traffic pattern, the whole thing whether it fits on the lot which normally would be PZC's domain, but that forces us to get into areas that we're probably not that familiar with. Until they give us some more information on what the state is going to do.

MR. VINCI: I'll have the applicant put up a new sign. Stable.

MR. SHERMAN: He didn't have a sign up today, either.

THE CHAIR: No. I went by there and it wasn't there.

MR. VINCI: The sign was up.

THE CHAIR: I want a sign there.

MR. VINCI: The last couple of days were very windy so I --- the Chairman saw the posts there.

THE CHAIR: The posts were there, but no sign.

MR. VINCI: But the sign blew away. But it was up. I have the photo of it.

MR. SALKA: We wanted a bigger sign. Now we've got a bigger sign and more wind knocks it over. You need two posts!

THE CHAIR: Yah, I know. Yah. It's their responsibility.

MR. VINCI: I'll have them repost it. Okay.

Continued Public Hearing Items:

A. Appeal #5786A, application of Peter Pasquale, Jr., to vary the front yard setback to 30' where 40' is required for a 12' x 24' detached garage under Section 7A-00 & 15-4 of the Zoning Regulations, 106 Hawthorne Drive, property of Peter J. & Linda Pasquale Jr., at the intersection with Wilton Road in an R-20/25 zone.

MR. PASQUALE: Pete Pasquale, 106 Hawthorne Drive, Southington.

THE CHAIR: First of all, did everybody go up there to look at it?

MS. POTTER: I'm sorry, I did not.

THE CHAIR: Do you have anything to add? Anything you want to add?

MR. PASQUALE: Nah, really, the only thing is, I'm going to be 11 feet off of the property line. I don't see where the trees would be a problem.

THE CHAIR: The sight, that's the sight line. That's probably one of the problems.

MR. VINCI: Yah. I also included a copy of the map from our GIS system because there was some question as to a swimming pool there. There is basically the location of the pool. And, that's why he wants to set it a little farther south on the property towards the rear property line. Because of the existing pool.

MR. SHERMAN: Do you have a dimension on the pool, Frank?

MR. VINCI: What's the size of the pool?

MR. PASQUALE: It's 24 round.

MR. SHERMAN: No. I mean from the line, the property line to the pool. In short, how many feet will be from the garage edge to the pool? Right now. Do you know?

MR. PASQUALE: About 20 to 25. About 20.

THE CHAIR: Any questions for the applicant?

MS. POTTER: He's going to scale it right now.

MR. SALKA: What was that, Trish?

MS. POTTER: He's scaling it right now just to give us a definite footage from the pool.

(Pause)

MR. SALKA: Oh, okay.

(Pause)

MR. VINCI: According to this, there is about 45 feet from the back of the pool to the rear property line.

MR. SALKA: (Inaudible) 24 feet from the edge of the --- 24 from, what did you say, Frank?

MR. VINCI: I said there's about 45 feet, according to this, there's about 45 feet from the back edge of the pool to the property line. So this is -

MR. SALKA: And, we're talking 24 feet from the property line to the edge of the garage. It's 24 versus 41.

MR. VINCI: There'd probably be about 20 feet between the garage and the pool.

MR. SALKA: Well, the real issue, I thought, that we had was the 30 feet and not the 12 feet from the pool, you know, and I appreciate what Frank showed us. And, the issue is it's a 30 feet variance he's asking for and why does he need a variance. I think that is really the - that was really the major issue.

MR. SHERMAN: Why he couldn't move it over 10 feet.

MR. SALKA: Why he couldn't move it over 10 feet or put it in line with his other garage which would be 37-something. So now you're asking a variance of 3 feet. I think that is the real issue.

MR. PASQUALE: Right. I want to put it in line with the fence. It would look lousy if it was set back 8 feet from the fence.

(Pause)

MR. SHERMAN: So, Peter, you're saying that if you moved it over 10 feet, it would interfere with the pool?

MR. PASQUALE: No. No.

MR. SALKA: It interferes with a fence that he's got there.

MR. SHERMAN: Yah. I'm having trouble figuring out --- in fact we had trouble at the last meeting figuring what the harm would be to move it over 10 feet.

MR. PASQUALE: Well, it wouldn't line up with the fence. The garage itself wouldn't line up with the fence.

MR. VINCI: Mr. Sherman, are you saying moving it back 10 feet or moving to the side 10 feet?

MR. SHERMAN: No. Take away the need for the variance by moving it over -

THE CHAIR: Back into the property 10 feet. That's what he's saying.

MR. VINCI: Okay.

THE CHAIR: And, this Board wants to know why you can't move the garage back the 10 feet. That's the answer we need.

MR. PASQUALE: Well, it wouldn't look good.

THE CHAIR: That's the answer we're looking for.

MR. PASQUALE: It wouldn't look good with the fence there.

THE CHAIR: Okay.

MR. SALKA: That's what it comes down to. It comes down to what is the hardship? Having it look good is not necessarily a hardship. Moving it over --- and you are asking for a 25 percent variance on this particular application. So, that's what it comes down to.

THE CHAIR: Okay, so here we are. Okay, Peter, do you have anything else you want to add?

MR. PASQUALE: No.

THE CHAIR: We're going to vote on it, up or down. Okay?

MR. PASQUALE: Huh?

THE CHAIR: We're going to vote on it up or down. Okay?

MR. PASQUALE: Fine.

THE CHAIR: Are we all set? Any more questions for the applicant?

Any more questions for the applicant?

(No response)

Okay.

Is there anybody speaking in favor?

(No response)

Anybody oppose it?

(No response)

If not, this appeal is closed.

7:34 o'clock, p.m.

REGULAR MEETING

Approval of Minutes - Regular Meeting of May 25, 2010

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

NEW BUSINESS:

A. Appeal #5787A, application of Standard Petroleum for special exception approval for a gasoline filling station/convenience store under Section 4-03.32B, 11-03 & 15-05 of the Zoning Regulations, 2004 West Street (next to Kizl's Restaurant), property of Ghio Family Limited Partnership in a B zone.

B. Appeal #5788A, application of Standard Petroleum for approval of location for a gasoline filling station/convenience store under Section 14-321 of the Connecticut General Statutes, 2004 West Street (next to Kizl's Restaurant), property of Ghio Family Limited Partnership in a B zone.

Public hearing continued.

C. Appeal #5789A, application of Rosemarie McBreairty for special exception approval to allow a D.J. & alcohol to be served outside in connection with a one day benefit for a cancer victim June 27, 2010, 1-6 pm under Sections 11-04 & 15-05, 115 West Main Street aka 111 West Main Street, property of Danna Roseanna at the intersection with Summer Street in an 1-2 zone.

Withdrawn.

Continued Public Hearing Items:

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Mr. Salka made a motion to approve Appeal 5786A. Ms. Potter seconded.

Mr. Salka commented he didn't really see the hardship here for this particular application.

Ms. Potter said I know aesthetically it's not what he wants.

Mr. Sherman said there is an alternative and there is no hardship.

Ms. Potter said she could see if there was no room for it.

Roll Call:	Kuklinski:	No
	Salka:	No
	Potter:	No
	Sherman:	No
	LaPorte:	No

Motion fails 0 to 5.

MISCELLANEOUS/ OLD BUSINESS / NEW BUSINESS

None this evening.

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

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

Joseph LaPorte, Chairman
Zoning Board of Appeals