Chairman Robert Salka called the Public Hearing and Regular Meeting of the Southington Zoning Board of Appeals to order at 7:00 o’clock, p.m. in the Public Assembly Room at the Municipal Center at 196-200 North Main Street, Southington, CT with the following members in attendance:

Jeffrey Gworek, Joseph LaPorte, & Matthew O’Keefe

Alternates: Jeremy Taylor

Others: David Lavallee, Assistant Town Planner

Absent: Ronald Bohigian, Patrick Saucier & Paul Bedard, Alternates

The Chair seated Jeremy Taylor for Joseph Pugliese for this evening’s meeting. A quorum was determined.

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

5. Approval of Minutes

Mr. O’Keefe made a motion to approve the Minutes as presented. Mr. LaPorte seconded. Motion passed unanimously on a voice vote.

Mr. Gworek explained the procedure to be followed in the presentation of an application and advised should their appeal be approved they file it with the Town Clerk’s Office as soon as they receive the formal approval in the mail before starting any work. You have one year to begin the project.

6. PUBLIC HEARING ITEMS

A. APPEAL #6109A, application of Faith Living Church for special exception approval to allow a temporary structure for a children’s event under Sections 4-01.31 & 15-05 of the Zoning Regulations, 735 Main Street & 12 Grove Street, property of Faith
Living church Inc., at the intersection of Main Street & Grove Street in a CB zone.

THE CHAIR: Will the representative or the applicant please state their name and address for the record, please?

MR. KANE: Good evening. My name is Mike Kane. My address is 19 Ciccio Court, Plainville, CT.

I’m here on behalf of Faith Living Church. This is our annual vacation bible school that takes place in July. We’re just requesting approval to have our tent up which kind of straddles two individual properties there.

We will commit to having a double walled fence around the area.
There will be a policeman on duty during all times of the event.
We will be responsible for cleaning the property each night of the event.

There will be no activity after 9:30.
And, we do have insurance in the greater amount of $2 million for the town required minimum.

I’ll be happy to answer any questions you may have.

THE CHAIR: Questions?

MR. LAPORTE: Is everything the same as it was last year?

MR. KANE: Yes, sir.

MR. O’KEEFE: And, you’ve obviously just covered the conditions in the previous application.

MR. KANE: Yes, sir.

MR. O’KEEFE: So you don’t have a problem with those.

MR. KANE: No.

MR. O’KEEFE: Seems straight forward.

THE CHAIR: Yah. Any other questions?

MR. GWOREK: What are the days of the event?

MR. KANE: July 13th thru July 17th.
MR. O’KEEFE: But, the tent you have listed from June 1 to July 31.

MR. KANE: Yah. What we are trying to do is --- we put it up and because we’re dealing with volunteers, sometimes the help is few and far between.

So it gives us enough time to set up the games and activities for the kids before the actual event.

MR. O’KEEFE: Oh, I understand that. I just want to make it clear for the record we are voting for June 1 to July 31.

MR. KANE: Yes.

THE CHAIR: Okay. Thank you.

Anyone here speaking in favor of this application?

(No response)

Anyone speaking in favor?

(No response)

Anyone opposing this application?

(No response)

Hearing none, this application is closed.

Thank you.
B. APPEAL #6111A, application of Brandi Dougherty for special exception approval to allow a family flock of chickens under Sections 3-01.3 & 15-05 of the Zoning Regulations, 17 Walnut Street, property of Jason Dougherty & Brandi Cawley in an R-12 zone.

THE CHAIR: Will the applicant please state her name and address for the record, please?

MS. DOUGHERTY: Yes. My name is Brandi Dougherty, 17 Walnut Street, Southington.

I’m here to request approval for three to four chickens that would be housed in a chicken coop on my property.

THE CHAIR: How many chickens?

MS. DOUGHERTY: Three to four.

THE CHAIR: Okay. And, do you know what the normal requirements are - have you gone through the requirements ----

MS. DOUGHERTY: Yes, I have.

THE CHAIR: --- the size of the coop and ---

MS. DOUGHERTY: The size of the coop is for less than four hundred square feet. We can meet all the requirements as far as our boundaries with our neighbors and the street.

I know you can have twelve chickens or less. No roosters.

THE CHAIR: You are going with three to four?

MS. DOUGHERTY: Going with three to four.

THE CHAIR: And, you are not going to have any roosters.

MR. GWOREK: Do you plan on having any more than three or four?

MS. DOUGHERTY: I don’t.

MR. LAPORTE: Is that a four by four feet?

MS. DOUGHERTY: Yes, yes.

THE CHAIR: Okay. Pretty straight forward.

Any questions of the applicant?
MR. O’KEEFE: No. I think we will put the restrictions on as required.

THE CHAIR: Okay. We’ll put those in a stipulation when we make a motion.

MR. O’KEEFE: Yes.

THE CHAIR: Okay.

Thank you very much.

Anyone here speaking in favor of this application?

(No response)

Anyone speaking in favor?

(No response)

Anyone opposing this application?

(No response)

Hearing none, this application is closed.

Thank you.
C. APPEAL #6112A, application of Pamela J. Pedroncelli for a variance to allow an oversized accessory structure: 600 sf where 260 sf is allowed under Sections 2-01.A.1 & 15-04 of the Zoning Regulations, 761 Marion Avenue, property of Pamela J. Salvatore in an R-20/25 zone.

THE CHAIR: Will the applicant please state their name and address for the record, please?

MR. PEDRONCELLI: Joseph Pedroncelli, 761 Marion Avenue.

THE CHAIR: Okay.

MR. PEDRONCELLI: I’m trying to build a carport --- oversized carport for an RV. To keep it under cover. Keep it presentable in the neighborhood.

MR. LAPORTE: Can I ask you something? Why wasn’t the sign up?

MR. PEDRONCELLI: What’s that?

MR. LAPORTE: The sign wasn’t visible. I was up there Sunday. I didn’t see a sign. Sunday morning.

MR. PEDRONCELLI: The rain blew it down. I put it back up --- I fixed it back up.

MR. LAPORTE: When did you put it up?

MR. PEDRONCELLI: Sunday.

THE CHAIR: I was there Saturday. It was down. Sunday it was down. But I guess Monday it was up.

MR. PEDRONCELLI: Yah, I put it back up. The rain got it all soft.

THE CHAIR: I don’t know when it was down before that. But I know it was down on Saturday.

MR. PEDRONCELLI: I wasn’t home Saturday. Sunday we came back home. Sunday.

THE CHAIR: Okay. Do we have any other --- do we have questions for the applicant?
MR. O’KEEFE: Yes. Can you describe what your hardship is that would require a variance?

MR. PEDRONCELLI: Explain my hardship for what I’m building?

MR. O’KEEFE: Well, what is it about your property that makes it unique and difficult for you to use without having this oversized variance?

MR. PEDRONCELLI: Well, I’m trying to keep the RV under cover from the sun and weather.

MR. O’KEEFE: But that doesn’t -- that’s doesn’t constitute a hardship under our regulations.

MR. LAPORTE: What you’ve got here is six hundred square feet. You’re like sixty percent, that’s an excessive variance.

MR. O’KEEFE: Well, the other thing is the side yard ---

MR. PEDRONCELLI: Well, it covers the whole thing.

MR. O’KEEFE: And, it didn’t even say in the application that it is over the side yard.

MR. PEDRONCELLI: It’s over the side yard?

MR. O’KEEFE: What I’m looking at ---

MR. PEDRONCELLI: How many feet do you have to be away from the side yard?

MR. O’KEEFE: Twenty feet. And, this is ---

MR. PEDRONCELLI: It’s going to be fifteen feet away.

MR. O’KEEFE: Right. You have to be twenty feet away.

MR. PEDRONCELLI: They didn’t tell me that when I went through ---

MR. LAVALLEE: Actually it is ten feet in the rear yard.

MR. O’KEEFE: Is it ten feet?

MR. LAVALLEE: As long as it is in the rear yard. Which this one appears to be.

Though obviously it would have to meet the side yard setbacks if it wasn’t.
MR. O’KEEFE: Well, for us to grant a variance, we have to find it is an extraordinary situation.

That it is in harmony with the general purpose and to the regulations.

And, it is sixty percent larger than the regulations would require.

That the parcel had unusual conditions that would cause an exceptional difficulty or an unusual hardship. And, I don’t know that you met that criteria.

(Pause)

MR. GWOREK: Would you be able to describe the layout of the building? It is open air on all sides?

MR. PEDRONCELLI: Yes.

MR. GWOREK: And, it is --- how tall would it be?

MR. PEDRONCELLI: Thirteen feet.

MR. GWOREK: With a pitched roof?

MR. PEDRONCELLI: Yes, a pitched roof. Same color as the house.

MR. GWOREK: Now, have you thought about enclosing it and calling it a garage?

MR. PEDRONCELLI: Maybe in the future. They told me that I could go for another permit later on if I’d like to enclose it. Right now, I just want it to be a carport to keep it out of the weather. You know the snow gets on top of it and weather beats it. The sun beats on it.

MR. TAYLOR: Have you thought of an alternative, like a --- I don’t know if they make a tarp or something that you could cover it.

MR. PEDRONCELLI: They make the carports that you can buy out of canvass. But they don’t last as long.

Waste of money.

THE CHAIR: Well, those aren’t allowed in town, anyway. They are not allowed in town and at some point we are going to be going after those because they’re illegal as they are.
MR. PEDRONCELLI: Yah, I don’t like them because they don’t last anyways. It is a waste of money.

If you’re going to build something to last, right? You know, you want it to last.

THE CHAIR: Well, one of the concerns of the board is obviously when you --- they just expanded the regulation last year, 2014, to allow a larger accessory building on the property.

And, even with that, I think you are allowed two hundred forty square feet and you’re asking for six hundred. So you are asking for a significant variance over what is allowed.

Plus, I see on your property, at least on the layout, you’ve also got a shed that is 12 by 16. You’re only allowed one on the property as it is.

Now you are asking for two, one of which is going to be a significant variance over what the regulation allows.

And, not having a hardship, coming to this board when you are asking for a variance, that’s one of the major requirements is having, you know, do you have a --- is there --- are you not allowed to have reasonable use of your property. That would maybe constitute a variance.

But you have total use of your property. The side, front, back as well.

You really don’t have --- you haven’t really presented the board with a hardship for something this large.

And, then it is even more concerning to me is that at some point you might want to enclose it. Now you’ve got practically a barn. Not a garage. A typical garage is 12 by 24. That is what is in our regulation. You’re asking for 15 by 40.

I have a concern with the size of it.

I understand what you’re trying to do. I understand you’ve got an RV. We’ve got them all over town. But what happens if the next person comes in and says well, I’ve got a wider one and I need 20 by 45? And, we’ve already granted you a 15 by 40. With no hardship.
It is very difficult, even though we are not a precedent setting board; it’s very difficult for us to approve it when you are not coming up with a hardship.

MR. PEDRONCELLI: I could make it a little tighter.

THE CHAIR: I’m sorry?

MR. PEDRONCELLI: I could make it a little tighter if that helps with the square footage.

(Pause)

THE CHAIR: But, I am less concerned with the width than I am just in the length of it. I understand you’ve got to cover the RV. I understand that. But that does not constitute a hardship. As much as I can see what you are asking for.

Those are my comments.

MR. LAPORTE: And, a building that size, jut the character of the neighborhood. It would be out of character.

THE CHAIR: Yah.

Any other comments from the board?

MR. GWOREK: Dave, with the updated regulations, you are allowed a three car garage? Three garage bays?

MR. LAVALLE: Mr. Chairman, you are allowed three spaces 14 by 26 which comes out to 1092 square feet.

So if I am looking at where his garage space is right now, it’s roughly 758 square feet. So, he would be able to build another garage space, detached, roughly 20 by 15, if he went through that option.

THE CHAIR: Yah, and that would make sense. I mean, either 12 by 24 or you know, the dimensions you gave. It still comes out with the square footage.

MR. LAVALLE: So, if you went above that, you would need a special permit for more garage area than what is allowed. Which in this case, he would be three hundred over.

THE CHAIR: And, with the shed on the property, now he has two accessory buildings on the property --- unless it is a garage.
MR. LAVALLEE: Well, he could have a pool house or accessory structure. It is not defined structure wise. So um, that in this case is more involved with that accessory structure.

THE CHAIR: Okay. Any more comments? To the applicant?

(No response)

Thank you.

MR. PEDRONCELLI: Thank you.

THE CHAIR: Anyone here speaking in favor of this application?

(No response)

Anyone speaking in favor?

(No response)

Anyone opposing this application?

Please step forward and state your name and address for the record, please?

MS. ALYWARD: Good evening, I am Stacylee Alyward. I’m at 741 Marion Avenue. My property directly abates (sic) their property.

THE CHAIR: On the left hand side of it as you are –

MS. ALYWARD: Yes.

And, I am concerned for two reasons. One is that it will lower -- you know negatively impact my property values.

Also, I don’t think it is very aesthetically pleasing. This huge structure that would be standing much taller than anything else around it. Much wider than everything else around it.

I don’t think it would fit in with the layout of the neighborhood at this point.

And, so for that, I am opposed to having any sort of structure, whether it is open air or closed, or anything.

THE CHAIR: Okay, thank you.

MS. ALYWARD: You are welcome.
THE CHAIR: Anyone else speaking in opposition to this application?

(No response)

Hearing none, this application is closed.
7. CONTINUED PUBLIC HEARING ITEMS

   A. APPEAL #6106A, application of Mariani Construction LLC for a 22.5’ front yard setback variance for a proposed addition to a commercial structure under Sections 7A-00 & 15-04 of the Zoning Regulations, 635 Old Turnpike Road, property of Mariani Construction LLC in an I-1 zone.

   THE CHAIR: Will the applicant state their name and address for the record, please?

   MR. MARIANI: Paul Mariani, 180 Dayton Drive. I have a few things I would like to submit in to the record.

   THE CHAIR: Sure.

   MR. O’KEEFE: If I could interrupt just for a second. I believe we closed the public hearing previously, so I would like to make a motion to reopen the public hearing for purposes of hearing additional evidence at this time.

   THE CHAIR: Okay. I don’t --- we closed the public hearing before. But this public hearing is still open and I don’t know if we have to——

   MR. LAPORTE: We continued it.

   MR. LAVALLEE: I thought we continued it. I don’t know what the Minutes reflect.

   THE CHAIR: Yes, we did. I am not quite sure that we have to reopen——

   MR. LAVALLEE: Not if we didn’t close it.

   MR. O’KEEFE: Well, I think we did close it.

   THE CHAIR: We didn’t close the public hearing at the last meeting.

   MR. O’KEEFE: And then we tabled it during the discussion period.

   THE CHAIR: Okay, well, let’s --- to be safe. Why don’t we just reopen the public hearing, have a motion to reopen with a second and we’ll go from there.

   MR. O’KEEFE: Okay. I’ll make the motion.
THE CHAIR: You already made your motion.

MR. LAPORTE: I’ll second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: The hearing is reopened.

Now you can come back up. Sorry about that.

(Applicant approached the bench.)

(Undertone comments.)

(Applicant resumed the podium.)

THE CHAIR: Okay. Do we have questions --- why don’t you go through and explain again --- you don’t need to go through all the detail but --- what has happened since the last meeting?

MR. MARIANI: I plan on doing an addition to the existing building with the addition being vinyl sided. Same roof pitch as the existing building. We’ll keep the roof at R-20/25 zone which is thirty-five feet or less.

And, we have the email from CL&P saying they won’t allow the building in ROWs, the CL&P ROWs.

MR. O’KEEFE: How high is the roof on the existing structure?

MR. MARIANI: Uh, I didn’t measure it, but it’s probably like thirty feet.

MR. O’KEEFE: And, would this be higher?

MR. MARIANI: No, I am going to keep it under the thirty-five foot R-20/25 zone. So it would be thirty-five feet or less.

This zone you are allowed fifty-five feet in height. So, its twenty feet less than what I am allowed or what I would be allowed.

MR. O’KEEFE: Did you consider putting it to the rear? Did you look at the access from the transfer station?

MR. MARIANI: Yah, we took a look at that. I just wouldn’t work there. It would bring it into the ROW and the way the slope is there, it just wouldn’t be possible.
Plus, the addition, even I was able to put it there, the roof on the addition would come into the existing building roof and there would be a valley right there. It would be loaded up with snow and ice in the winter. So that wouldn’t work.

MR. LAPORTE: You are going to put shutters on?

MR. MARIANI: Yah, I plan on dressing it up. Landscape the front and put some shutters on.

THE CHAIR: Did you have any letters --- one of the things we asked for was letters from any of the neighbors?

MR. MARIANI: Did you? I don’t remember you looking for that.

MR. GWOREK: I don’t believe we did.

MR. MARIANI: But I did talk with a few of the neighbors and they didn’t have any concerns about it. The residential neighbors across the street, I spoke with two of them and they didn’t have any concern.

MR. LAPORTE: They’d be here if they had a concern.

THE CHAIR: Huh?

MR. LAPORTE: I think they’d be here if they had a concern.

MR. MARIANI: Yah. I left the sign up. The whole time the sign has been up in front of the building. You can see it in the picture. I haven’t taken it down. It’s been there. So ---

MR. O’KEEFE: Did you consider reducing the thirty foot width or cutting the corner so that you could move it back?

MR. MARIANI: No. I need the space. As I said at the last meeting, for the equipment that would be going there and the truck. They’re oversized pieces of equipment that would be in there. So, I need --- I kept it to a minimum. Thirty feet by forty. That’s the least I could really do.

Yah, we looked at it. You know, I am trying to cut the corner, but it wouldn’t work. Wouldn’t be able to pull in and move equipment around.

MR. LAPORTE: You can’t make it smaller. And, you do have a jog back --- it does go back.
THE CHAIR: What’s that?

MR. LAPORTE: It does jog in the back about eight or nine or ten feet. And, it comes right into the ROW.

THE CHAIR: So Dave, we talked about this before. From the edge of the building to the actual walkway, how far is that?

MR. LAVALLEE: I’ll get the scale. I think it was roughly thirty, thirty-five feet.

MR. GWOREK: Like twenty-seven, twenty-eight?

MR. MARIANI: I scaled it up. It was --- let’s see here.

(Pause)

I have from the addition to the curb line, it would be 36.5 feet. That’s what I scaled. One inch to twenty.

(Pause)

MR. LAVALLEE: Yah, its right around thirty-six to the actual pavement.

THE CHAIR: Okay. Okay, do we have any other questions?

I think what the applicant has basically said was that he has looked at all the alternatives but we’ve suggested, you know, the placement for it. And, what the applicant is saying is this is basically where he feels that it is appropriate and based on what CL&P has told them and the topography of the property, and access from the transfer station that this is where he wants to put it.

So this is what --- so basically what we have in front of us is what we are going to vote on which would be the 22.5 foot side yard variance.

Okay. Any other questions?

(No response)

Okay, thank you, sir.

MR. MARIANI: Thank you.

THE CHAIR: Anyone here speaking in favor of this application?

(No response)
Anyone speaking in favor?
(No response)

Anyone opposing this application?
(No response)

Hearing none, this application is closed.

7:28 o’clock, p.m.
NEW BUSINESS:

A. APPEAL #6109A, application of Faith Living Church for special exception approval to allow a temporary structure for a children’s event under Sections 4-01.31 & 15-05 of the Zoning Regulations, 735 Main Street & 12 Grove Street, property of Faith Living church Inc., at the intersection of Main Street & Grove Street in a CB zone.

   Mr. O’Keefe made a motion to approve Appeal #6109A with conditions:
   - The approval be from June 1, 2015 to July 31, 2015.
   - There be a double walled fence around the area.
   - A policeman be on duty during the time of the event.
   - The applicant will be responsible for cleaning up the property each night of the event.
   - There be no activity after 9:30 p.m.
   - The applicants secure insurance in the greater amount of $2 million or the town required minimum.

   Mr. LaForte seconded.

   Mr. O’Keefe said we’ve seen it before and it’s worked and I think it’s good for the town.

   Motion passed 5 to 0 on a roll call vote.
B. APPEAL #6111A, application of Brandi Dougherty for special exception approval to allow a family flock of chickens under Sections 3-01.3 & 15-05 of the Zoning Regulations, 17 Walnut Street, property of Jason Dougherty & Brandi Cawley in an R-12 zone.

Mr. LaPorte made a motion to approve #6111A with the stipulation that there are no roosters.

Mr. O’Keefe suggested more stipulations:

- That the family flock be limited to no more than four.
- That it be confined to an enclosure having a total area of less than four hundred square feet.
- Any structure be located not less than thirty feet from any lot line or a hundred feet from the street line.

Mr. LaPorte accepted those additional stipulations.

Mr. O’Keefe seconded the motion.

It is pretty straightforward. The applicant is asking for fewer chickens than what is allowed by statute. She’s met all the regulations and she doesn’t plan on having any roosters.

Motion passed 5 to 0 on a roll call vote.
C. APPEAL #6112A, application of Pamela J. Pedroncelli for a variance to allow an oversized accessory structure: 600 sf where 260 sf is allowed under Sections 2-01.A.1 & 15-04 of the Zoning Regulations, 761 Marion Avenue, property of Pamela J. Salvatore in an R-20/25 zone.

Mr. LaPorte made a motion to approve Appeal 6112A. Mr. O’Keefe seconded for purposes of discussion.

Mr. O’Keefe stated that he didn’t think the applicant has demonstrated a hardship. Beyond that, I don’t believe that the structure being proposed is in harmony with the neighborhood.

Mr. LaPorte pointed out he is asking for an excessive variance.

Mr. Taylor agreed with Commissioner O’Keefe in that he didn’t see the hardship.

Motion fails 0 to 5 on a roll call vote.

Application denied.
CONTINUED PUBLIC HEARING ITEMS

A. APPEAL #6106A, application of Mariani Construction LLC for a 22.5’ front yard setback variance for a proposed addition to a commercial structure under Sections 7A-00 & 15-04 of the Zoning Regulations, 635 Old Turnpike Road, property of Mariani Construction LLC in an I-1 zone.

Mr. LaPorte made a motion to approve #6106A. Mr. Taylor seconded.

Mr. Gworek asked about including stipulations regarding roof height as listed?

The Chair said we should stipulate as to the sheets he gave us. If the maker of the motion would amend his motion.

Mr. Taylor withdrew his second.

Mr. LaPorte stipulated the addition would be vinyl sided with two windows in front and landscaped. The roof height to be kept lower than the R20/25 zone which is thirty five feet which is twenty feet lower than what is allowed in this I-1 zone.

Mr. Taylor seconded with the stipulations.

Mr. O’Keefe’s concern was the size of the structure, the location of the structure with respect to the front yard and how contiguous it is to residential houses across the street. I just think it is a little bit excessive for this particular site.

Mr. LaPorte noted the CL&P easement hardship. This is the only appropriate place to put this addition. It is actually dressing up the building that is there already. So I would be in favor.

Mr. Taylor agreed regarding the CL&P easement and prohibiting him building on that. It looks like this is the only place he could put it and it looks like the proposed building would be in concert with the existing building.

Mr. O’Keefe said he would categorically be opposed to it but for the CL&P easement. The easement does cover more than half of the property.

Motion passed 5 to 0 on a roll call vote.
MISCELLANEOUS / OLD BUSINESS / NEW BUSINESS

Mr. Lavallee gave an update that we will be issuing a zoning permit for storage at the Mill Street machine shop. The tenant which was there had a press and machinery left. So the owner of the building now wants to put in some storage which will be keypad controlled so it won’t be off hours. Access is through the roll up door.

It is definitely less objectionable. If we condition it, it should be controlled and there shouldn’t be any issues.

One concern with storage areas like that is that people start running businesses or occupy it for more time than they should. We stipulated there will be no individual electrical outlets in each unit.

We have three new applications for next meeting.

ADJOURNMENT

Mr. LaPorte made a motion to adjourn. Mr. O’Keefe seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:37 o’clock, p.m.)

Robert Y. Salka, Chairman