

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
JULY 25, 2007**

MEMBERS PRESENT: James Stevenson, Chair
Kathleen Maffe, Vice Chair
Robert Schneider, Secretary
Albert Gionet
Robert Haley

ALTERNATES PRESENT: Edward Slegeski
Susan Shanbaum

ALTERNATES ABSENT: Paul Harnois

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Ginger MacHattie, Recording Secretary

The Chair opened the Public Hearing at 7:04 p.m. The Secretary read the legal notice for the applications when the call was made.

JOHN A. CLOUGH – application #2328 – request a variance to Article II Section 4.01.01 to reduce the front yard setback to 18’ (25’ required) to build an addition at 76 Goodwin Street, Residence A zone.

John Clough, 76 Goodwin Street, would like to remove the front steps from his house and put a porch in their place. This will allow easier access for his parents. In response to a question from Mr. Stevenson, Mr. Clough stated the porch would not be enclosed. It will be a deck with a railing. In response to a question from Mr. Gionet, Mr. Clough stated there will be no roof and he does not intend to enclose the porch in the future.

BOSTONMANCHESTER, LLC – application #2336 – request a use variance to Article II Section 4.01 to allow a graphic sign design and installation business in a freestanding accessory building, at 297 East Center Street (rear), Residence A zone.

Elliot Gould, landlord of 297 East Center Street, introduced Tom Tomko, the real estate broker representing the tenant and landlord of this project.

Mr. Tomko explained that Piper Graphics, a graphics design company, is seeking a use variance at the Lenox Pharmacy property. The plaza has a mixed use including Glidden Paint, Lenox Pharmacy, New Alliance Bank, and an HVAC company. On the property there is an accessory building that was built in the 1990’s, where Piper Graphics would like to locate their business. The building is 2500 sq ft, contains an office, and was previously used for equipment storage and

repair. The owners of the property will no longer need to use it for this purpose and would like to lease it. Town water and sewer service the building, he said.

Mr. Tomko explained that the potential tenants are proposing to remove one garage door and cover the area with matching siding and install a bay window. They would replace the steel entrance door with a full glass door, and install a wall sign in accordance with zoning regulations. Parking is available for employees and customers and all work will take place inside the building. In response to a question from Mr. Haley, Mr. Tomko stated there are two employees.

In response to questions from Ms. Maffe, Kurk Beatty of Piper Graphics stated the hours of business will be 7:00 a.m. to 3:30 p.m. normally and sometimes until 5:00 p.m. Saturday hours will be limited to 7:00 a.m. to noon and closed on Sundays. Vehicles will be parked outside during normal working hours but no vehicles will be outside at night.

In response to a question from Mr. Gionet, Mr. Beatty stated that no dyes will be used. Piper Graphics uses a vinyl application that is printed with an inkjet printer. There will be no painting.

Mr. Gionet asked if a special approval was originally needed to build the garage. Mr. Pellegrini stated that Jarvis Realty did get approval to build the structure which was used to maintain and store property maintenance equipment. There is a small office and bathroom facility located within the building.

In response to a question from Mr. Gionet, Mr. Tomko stated that the Jarvis Company's maintenance equipment would be housed at a different facility. Mr. Pellegrini added that Jarvis Realty no longer owns the plaza. In response to questions from Mr. Stevenson, Mr. Beatty stated that graphics would be primarily sold to commercial businesses and there will be little retail traffic.

In response to several questions from Ms. Shanbaum, Mr. Tomko stated the property is currently paved and set up for parking. Employee parking will be in back of the building. There are businesses in the rear of the shopping center that already have parking behind the building. The addition of this business will be barely noticeable. There is a series of no overnight parking signs and tenants do abide by that.

In response to a question from Mr. Haley, Mr. Tomko stated the applicant will use an existing dumpster or add another if needed. If another were added it would be located with the rest of the dumpsters.

OPPOSED

Linda Bouchard, 45 Lenox Street, lives directly behind the building. Her mother lives at 41 Lenox Street. The garage is directly behind their houses. When this building was originally built, a crew of 2 or 3 used the building, the hours were 7:00 a.m. to 4:00 p.m. and the plaza was always cleaned, maintained, mulched, and snow was removed efficiently. Now there has been a change in tenants. There has been an increase in kids hanging around behind the garage. Since the new owners have taken over the property, there has been a decrease in day-to-day maintenance, snow is not shoveled off of the sidewalks, leaves and sand are dumped into the

back lot. Her main concern is the maintenance of the garage area. She has no problem with the hours or the number of employees. Ms. Bouchard suggested requiring a fence or other screen behind the garage to protect Lenox Street residents. She also asked if there is a way to contact the property manager of the plaza.

Mr. Tomko stated that Boston LLC is a competent company and will address the maintenance issues. Having this business located in the garage will be an improvement to the previous use. There will be people on site during normal business hours. There was some discussion between Mr. Tomko and Mr. Stevenson regarding fencing, what currently exists, and what could be done to improve the situation.

Mr. Pellegrini stated the proposal only involves a use variance for the structure and the parking area around it. The garage and lawn area are in a residential district. This business is a personal service business and after a variance is granted, another personal service business could be permitted here. He suggested the Board include limitations such as the number of employees, hours, days of week, and operations done inside the building only.

AML HOLDINGS, LLC – application #2335 – request a special exception under Article II Section 24.02.02(a) and Article IV Section 5.03.02 to allow an automobile repair and service use; and request site location approval under Section 14-54 of the Connecticut General Statutes for an automotive repair business at 429/445 Oakland Street and 15 Gleason Street, General Business zone.

Attorney Michael Bonanno of Jacobs, Walker, Rice, & Barry, 146 Main Street, spoke on behalf of the applicant. The applicant is requesting a special exception and location approval to allow an automotive service and repair business on Oakland Street. The property is located in a General Business zone and a special exception is required for automotive repair businesses. Attorney Bonanno stated that if the applicant chose not to use the site for automotive repairs, this application would not be in front of the Board. The applicant could have used the property for any number of other permitted uses, including retail shops, office uses, or restaurants. The applicant had previously been before the Board with a similar request in May and was denied because of inadequate emergency access and traffic concerns.

Attorney Bonanno described the 2.1-acre site which consists of three adjoining parcels, bounded by Oakland Street on the west, a conservation easement on the north, residential properties on the east, and Gleason Street on the south. Across Oakland Street are commercial properties. Traffic will enter and exit solely on Oakland Street. There are no wetlands located on the property. The applicant proposes one building, approximately 10,550 square feet, separated into two areas. One area will consist of a tire store with associated automotive repair facilities, which will occupy about 8,000 square feet of the building. Tires International, the company occupying this space, will sell tires and will also perform standard automotive repair services. The applicant will not be performing any bodywork or spray painting and expects to service about 30 customers per full day of operation. Hours of operation will be Monday through Friday, 8:00 a.m. to 5:30 p.m. and Saturday, 8:00 a.m. to 3:00 p.m., and closed on Sundays. The applicant intends to have up to ten employees. There will be no substantial noise impact to abutting neighbors, no washing of cars, no gas dispensing services or vacuum cleaners and no tires stored outside the building.

Dan DeLany, Engineer with Fuss & O'Neill, 146 Hartford Road, stated that the site currently consists of three parcels which will be combined into a 2.1 acre lot known as 445 Oakland Street. The property slopes from east to west toward Oakland Street. The site is currently wooded and there is a two-story house and detached garage on the property. There is sandy soil on the property and Mr. DeLany does not anticipate any ledge or blasting. The plan meets and exceeds all dimensional requirements. Parking will consist of 51 spaces on a paved lot. The curb cut will be made directly across from the U-Haul driveway. Utilities are available on Oakland Street. The revised plan calls for a 25-foot emergency access gated drive on Gleason Street.

Mr. DeLany stated that lighting will consist of two 28-foot light poles in the center island and some lighting on the building. Landscaping will consist of evergreens for screening, landscaping near the parking area and extensive shrub plantings to blend with existing landscaping.

In response to a question from Mr. Stevenson, Mr. DeLany stated that the lighting will be on during business hours and about one-half hour after the close of business. The exterior building lights are on motion sensors and stay on for about 15 minutes.

In response to a question from Mr. Haley, Mr. DeLany approximated the closest home on Karen Drive to be between 160 and 180 feet away. Mr. Pellegrini stated that distance is 120 feet.

Mark Vertucci, Transportation Engineer with Fuss and O'Neill, explained that the driveway will be located approximately 600' south of the exit ramp, opposite the U-Haul driveway at the request of the Department of Transportation. Traffic counts were obtained from the 2005 Buckland Corridor study which included the Tolland Turnpike/Route 30 and Tolland Turnpike/Oakland Street intersections. Estimated trip generations during the afternoon peak are 10 entering trips and 13 exiting trips. These figures are lower than originally projected. Mr. Vertucci stated that compared with other uses allowed on the site, such as office, retail, fast food, or restaurant businesses, the traffic generation will be relatively low. Site distances meet Department of Transportation criteria, which is ready to issue an encroachment permit. The proposed development of this property will not significantly impact traffic.

In response to questions from Mr. Gionet, Mr. Vertucci stated that the current building on Broad Street is 7,000 square feet. The portion of the building being used for this purpose is 8,000 square feet. He stated that in the overall scheme of things, this business will be a very low traffic generator.

Mr. DeLany reviewed the storm water management plan. He worked extensively with Town staff discussing different scenarios. The main design points of the storm water management plan are consistent with the Connecticut Department of Transportation 2004 Water Quality Manual, which is the current standard. The storm water management plan meets peak flow standards of a 100-year storm. The Erosion Control Plan will be presented to the Planning and Zoning Commission during the first week of August.

Eric Kemp, Architect for Pelletier Builders, reviewed the architectural details of the proposed building. He reviewed a rendering of the front elevation, which contains split faced block, overhead doors, a storefront glazing system, prefinished metal column covers on the front of the

building, and stucco finished siding. Mr. Kemp reviewed the floor plan, which will have a retail section and service bays.

In response to a question from Mr. Gionet, Mr. Bernstein stated there will probably be ten lifts in the building. At the current location there are five lifts. Mr. Bernstein explained that increasing the number of lifts will allow a mechanic to work with two lifts. On one lift may be an automobile that needs parts and the other lift can have a vehicle the mechanic can work on while waiting for the delivery of the parts.

OPPOSED

Tim Tretter, 15 Oakland Terrace, would rather not have this business in his neighborhood. He expressed concern over emergency access because right now two cars cannot get around the corner and he does not see how a fire truck will be able to make the turn. Mr. Tretter is concerned about how the construction will affect his and his neighbors' wells, water table and water supply. He is also concerned about what the second business in the building will be. He asked if this were to be approved, what type of barrier would be put up between this site and the neighboring house. Currently there is a complete tree line. There is no gravel road as shown on the plans.

Dave Mix, 16 Oakland Terrace, opposes this plan and has opposed it for a year and a half, he said. The applicant says emergency lighting will be installed and will turn on and off. Any business worth their salt will have a light on 24-hours a day, he said. That is how you keep the thieves away. Mr. Mix pointed out the VIP across the street increased traffic. This business will add to that increase in traffic. Mr. Mix will not take a left out of Gleason Street. During an accident two years ago vehicles were detoured onto Gleason, then Oakland Terrace, and out by way of South Street. Eighteen-wheelers could not make that turn, even large trucks could not make the turn with another car there. Mr. Mix has an issue with the drainage system the applicant is proposing. Gleason Street has two catch basins at the end of it that are always full of dirt and debris and do not drain properly. Mr. Mix stated that Union Pond is polluted already and the additional parking lot with the oil and dirt drainage and runoff going into the catch basin will increase the amount of pollutants draining to the pond.

David Baum, 8 Karen Drive, does not think this business is needed in this area. The "lesser of all evils" tactic is not a good approach. There is already a great deal of light pollution in the area and it will be another target for vandalism. His house is on the eastern boundary of this property and there is no fencing or buffer proposed between the properties. He already hears all of the noise created by the Big Y plaza. Mr. Baum asked if trucks would be unloaded during nights, weekends, and off-hours. This is a residential area and should remain that way. The added traffic on Oakland Street will make an already bad situation worse.

Anthony Huang, 3 Oakland Terrace, is concerned with the location of the emergency exit. If the emergency roadway is put in, it will be next to his driveway. Already there are siteline problems backing out of his driveway. Mr. Huang is also concerned with the parking lights. In the winter, with no leaves on the trees, his family will be unable to sleep with those lights shining into the bedrooms. He sees the neon lights from VIP now because there are no leaves on the trees.

Mr. Mix asked about the noise of the pneumatic guns. At the current location, the owner leaves the doors open and Mr. Mix is concerned about the noise and light pollution.

Attorney Bonanno stated that he respects the neighbors' concerns, but pointed out that something will go there eventually and this is the best use of the property. He stated that the existing traffic is perceived as bad by neighbors, but this will not make it any worse. This property is zoned for General Business. Attorney Bonanno believes they have proposed a good landscape plan, with good security and lighting. Lights will be on for one half hour after the business closes. There will be no deliveries after hours as there will be nobody to receive them. Town staff has reviewed emergency access and trucks can fit through the entrance. The pneumatic tools are as technologically advanced as they can get.

In response to a question from Mr. Stevenson, Mr. DeLany stated that it would be possible to do testing of the well water quality but he does not anticipate any blasting. In response to a question from Mr. Gionet, Mr. DeLany stated that in the event there is blasting and there is damage to the foundations of surrounding homes, the blasting contractor would be responsible.

In response to a question from Mr. Stevenson, Mr. DeLany explained that re-timing of the traffic signals at Oakland Street and Tolland Turnpike is being considered as part of the Buckland Corridor study. Mr. DeLany added that the emergency access area on Gleason Street includes opening and fixing that curve in the road, as well as drainage improvements.

The Chair closed the public hearing portion of the meeting at 9:08 p.m.

I certify these minutes were adopted on the following date:

Date

James Stevenson, Chair

**NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN
BE HEARD IN THE PLANNING DEPARTMENT.
OFFICIAL TAPE NO.: 488, 489**

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