

**MINUTES OF BUSINESS MEETING  
HELD BY THE ZONING BOARD OF APPEALS  
LINCOLN CENTER HEARING ROOM  
FEBRUARY 22, 2012**

**MEMBERS PRESENT:** James Stevenson, Chair  
Albert Gionet, Vice Chair  
Robert Haley, Secretary  
Edward Slegeski

**ALTERNATES PRESENT:** Armando Darna (sitting)  
Sandra Stough  
Michael Stebe

**ABSENT:** Donna Roberto

**ALSO PRESENT:** James Davis, Zoning Enforcement Officer  
Renata Bertotti, Senior Planner  
Ginger MacHattie, Recording Secretary

The Chair opened the Business Meeting at 8:04 p.m.

**CONSIDERATION OF PUBLIC HEARINGS:**

**AMERICAN GROUP, LLC** – application #2011-150 – request a variance to Article IV Section 5.03.03 to reduce the southern side yard setback to 2.4' (25' required) for an existing building and the northern side yard setback to 24.3' (25' required) for an existing canopy at 266 West Middle Turnpike, General Business zone.

**MOTION:** Mr. Gionet moved to approve the request for a variance. Mr. Darna seconded the motion and all members voted in favor.

The hardship was the building and canopy were existing structures and no changes would be made to the site.

**AMERICAN GROUP, LLC** – application #2011-151 – request a variance to Article IV Section 5.03.03 to reduce the southern side yard setback to 2.4' (25' required) for an existing building and the northern side yard setback to 24.3' (25' required) for an existing canopy at 266 West Middle Turnpike, General Business zone.

**MOTION:** Mr. Slegeski moved to approve the special exception with the following conditions: (1) the site will remain free and clear of all banners, flags, streamers or similar items, unless a permit has been applied for and approved prior to display by the Town of Manchester's Zoning Enforcement Officer; (2) the site

will be limited to a maximum of four autos offered for sale as requested by the applicant and as shown on the plans provided; (3) there shall be no parking of autos on this site in excess of those demarcated on this plan; (4) there shall be no storage of auto related materials, parts, fluids or other items outside of the building; and (5) the owner/operator shall ensure that a clear unobstructed path is provided for access to the building from the provided handicap parking space, and with the modification that the applicant revise the plans to provide for one handicap parking space to the left of the one shown on the current plan. Mr. Darna seconded the motion and Mr. Stevenson voted in favor of the motion. Mr. Haley and Mr. Gionet voted against the motion. The motion failed due to a lack of four affirmative votes.

The reason for the denial was the handicap parking space should be as close as possible to the entrance of the building and no consideration had been given to unregistered vehicles.

**MUHAMMADU N. BELLY** – application #2012-002 – request a variance to Article II Section 1.03.04(c) to reduce the rear yard setback to 20 inches +/- (3' required) for placement of a shed at 48-50 Wadsworth Street, Residence B zone.

**MOTION:** Mr. Haley moved to deny the request for a variance. Mr. Gionet seconded the motion and all members voted in favor.

The reason for the denial was the applicant provided false information on the building permit application and no hardship was shown because the structure can be moved to be in compliance with setback requirements.

**JAMES S. & CYNTHIA L. ORFITELLI** – application #2012-004 – request a variance to Article IV Sections 7.00.02, 7.01.01, and 7.03.02 to permit the removal of a legal nonconforming structure devoted to a nonconforming use, and replacement with a larger such structure at 18 Warren Street and 1 Village Street, Residence B zone.

**MOTION:** Mr. Haley moved to approve the request for a variance with the condition that all outside storage containers be removed. Mr. Gionet seconded the motion and all members voted in favor.

The hardship was the proposal will lessen the nonconforming use of the property, the size of the nonconforming structure will decrease and the removal of outdoor storage will improve the appearance of the neighborhood.

## **APPROVAL OF MINUTES:**

### **January 25, 2012 – Public Hearing and Business Meeting**

**MOTION:** Mr. Gionet moved to approve the minutes as written. Mr. Haley seconded the motion and all members voted in favor.

**ACCEPTANCE OF NEW APPLICATIONS:**

**JAMES S. & CYNTHIA L. ORFITELLI** – application # 2012-004 – request a variance to Article IV Sections 7.00.02, 7.01.01, and 7.03.02 to permit the removal of a legal nonconforming structure devoted to a nonconforming use, and replacement with a larger such structure at 18 Warren Street and 1 Village Street, Residence B zone.

**BRUCE ACETO** – application #2012-006 – request a special exception under Article II Section 9.14.02 to allow an existing storage container to remain on site at 630 Center Street, Neighborhood Business zone.

**LIGHT OF THE GOSPEL CHURCH** – application #2012-010 – request a special exception under Article II Section 9.14.02(e) to allow the serving of food outdoors for fundraising purposes at 46 West Center Street, Business II zone.

The meeting was adjourned at 8:28 p.m.

I certify these minutes were adopted on the following date:

\_\_\_\_\_  
Date                      March 28, 2012

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James Stevenson, Chair

**NOTICE:     A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE  
HEARD IN THE PLANNING DEPARTMENT.**

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