

**TOWN OF WINDSOR
ZONING BOARD OF APPEALS**

**Regular Meeting
November 14, 2007**

Approved Minutes

PRESENT: Chairwoman Fran Rothenberg, Secretary Helene Shay, Commissioners Thomas Ferranti, Max Kuziak, and Alternates Roseanne Lombardo and Loretta Raney

EXCUSED ABSENCE: Commissioner Joseph Breen and Alternate Milo Peck III

The Meeting was called to order at 7:03 P.M. by Chairman Rothenberg in the Council Chambers of Town Hall, 275 Broad Street, Windsor, Connecticut.

ESTABLISHMENT OF QUORUM:

Chairman Rothenberg announced the two alternate board members who were present.

CALL TO ORDER – PUBLIC HEARINGS:

LEGAL NOTICE:

The Legal Notice submitted by Helene H. Shay, Secretary, which appeared in The Hartford Courant on Nov. 1 & 8, 2007 was read by Commissioner Ferranti and included the following appeal and variances to be heard:

#07-12 100 Stage Coach Rd. – Section 4.4.7 Home Occupations

#07-13 321 Pigeon Hill Rd. – Section 10.1 Front yard variance

PROCEDURES:

Commissioner Kuziak read the procedures for presentation of an application and appeal. He then queried the audience for any questions regarding the procedures which were read. Hearing no comments, Chairman Rothenberg declared the hearings proceed.

PUBLIC HEARINGS #07-12 100 Stage Coach Rd. – Section 4.4.7 Home Occupations Appeal

DISCUSSION:

Wayne McKinney, Zoning Enforcement Officer, said the business originally began as a legitimate home occupation by Debbie Batur 23 years ago. The business has grown to be a commercial operation with semi truck deliveries and employees. It is no longer an acceptable home operation for this address.

Pictures and emails concerning semi-trucks and pot holes were introduced.

Kristin Hronec, 100 Stage Coach Road, is the daughter on Debbie Batur. She and her husband have bought the business, *Better Than Bakery*, and the house and have continued the business. Mrs. Hronec read a prepared statement (Exhibit 1 attached). She understands that the business has outgrown the location is asking for an “extension” to continue at the location until they are able to move to a better area for production.

In response to questions from the commission, Mrs. Hronec explained that they have plans to share a bakery location in Enfield CT. They currently bake 600 to 700 loaves per week and distribute through various means to 200 stores throughout New England. They receive deliveries from semi trucks every 10 to 14 days. They currently have 6 employees. The delay in moving the operation was due to their wish to have a quantity of pans delivered from France and trays molded for a custom fit to efficiently utilize the oven at the new location. In response to Commissioner Ferranti, she acknowledged that the current pans, could be used but it would not be cost efficient. Mrs. Hronec said they would need 90 days at the out set to make the move.

Carlos and Angela Huertas, 109 Stage Coach, spoke against the appeal. They have lived in the cul-de-sac area of Stage Coach for three years. Mr. Huertas is a Deputy Fire Chief in Hartford and a Windsor Volunteer firefighter. He said the semis block the road and an emergency vehicle would be unable to pass. Even is the driver were to be asked to move the truck, precious time would be lost. He also said the cardboard boxes of supplies in the garage were very combustible and a fire hazard. Mr. Huertas said the trucks have great difficulty turning in the cul-de sac. He went on to explain that he has two daughters ages 8 and 10. He passed among the commissioners a picture of a van that regularly parks at 100 Stage Coach that had explicit sexual material on the back. He was very concerned about exposing his daughters and other children to the obscenity on the way to the bus stop. Mrs. Huertas said that there are 6 or 7 young children who live in the cul-de-sac area. The other concern was the amount of strangers coming to the street, asking “where is the bakery” and buying bread directly from 100 Stage Coach Rd.

Mrs. Flavia Pompa, 1414 Poquonock, spoke as the grandmother of young children in the area. She was concerned about their safety with employees without background checks and the strangers coming to the location.

Mr. Scott Foster, attorney for the Hronec’s, clarified that there is one college age male employee and 6 women.

PUBLIC HEARINGS #07-13 321 Pigeon Hill Rd. – Section 10.1 Front yard variance

DISCUSSION:

Mr. Sudo Custovic, 321 Pigeon Hill Road, is the owner of the property and spoke of his need for a variance. The home already has an existing non-conformity in that the front porch is over the 40 ft front set back on his corner lot. The work to enclose the porch into living space and an additional area for a new entry has already begun construction. It was not apparent to himself or the Building Official when the permit was applied for, that the area would not be compliant. This information came to light when a survey was done at the request of the BO when Mr. Custovic applied for a

permit to build a new garage. A variance was not needed for the garage but Mr. McKinney issued a Stop Work order and requested a variance be obtained for the set back change in the front entry.

CLOSE OF PUBLIC HEARINGS:

Chairman Rothenberg CLOSED the Public Hearing.

COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application #07-12 100 Stage Coach Rd. – Section 4.4.7 Home Occupations Appeal

MOTION: Commissioner Ferranti made a motion for purposes of discussion to approve the application #07-12 100 Stage Coach Rd. – Section 4.4.7 Home Occupations Appeal. Seconded by Helene Shay

DISCUSSION: Commissioner Ferranti clarified that the Home Occupation begun by Mrs. Hronec's mother was not longer valid. He believes that the current utensils used for baking can be used at the new location and does not see the need for more time.

Secretary Shay felt that the *Better Than Bakery* operation should be given time to move the business.

Commissioners Kuziak, Raney, and Ferranti were in agreement that the Hronec's have had adequate time to move out. The fire issue was of great concern. The move should take place immediately.

Commissioner Lombardo felt the business should be given until the end of the year, with no more semi trucks starting immediately.

Commissioner Ferranti withdrew his motion, Secretary Shay seconded.

Chairman Rothenberg seated the 4 regular members present and Alternate Lombardo.

Commissioner Ferranti made a motion to uphold the Zoning Enforcement Officer decision with the stipulation that the business ceases to receive supplies from tractor trailers or box trucks; and has 15 days to the operation to a new location.

Seconded by Commissioner Kuziak.

VOTE: 3-2-0

In favor of the a motion to uphold the Zoning Enforcement Officer decision with the stipulation that the business ceases to receive supplies from tractor trailers or box trucks; and has 15 days to the operation to a new location.

COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application #07-13 321 Pigeon Hill Rd. – Section 10.1 Front yard variance

MOTION: Commissioner Ferranti made a motion for purposes of discussion to approve the application #07-13 321 Pigeon Hill Rd. – Section 10.1 Front yard variance of 9’8” reducing the front yard required to 30’4”. Commissioner Kuziak seconded the motion.

DISCUSSION: The board was in agreement

VOTE: 5-0-0

In favor of the motion to approve application #07-13 321 Pigeon Hill Rd. – Section 10.1 Front yard variance

COMMENCE REGULAR BUSINESS MEETING/2. New Business/b. Communications from the Public

There were no Communications from the Public.

COMMENCE REGULAR BUSINESS MEETING/2. New Business/c. Minutes Acceptance – March 21, 2007

MOTION: Commissioner Ferranti made a motion, seconded by Commissioner Kuziak, to **APPROVE the Minutes of the Regular Meeting October 17, 2007**

VOTE: In Favor: 5-0-0

COMMENCE REGULAR BUSINESS MEETING/2. New Business/d. Communications from Board Members

None

COMMENCE REGULAR BUSINESS MEETING/2. New Business/e. Communications from Staff Liaison

None

ADJOURNMENT:

MOTION: Commissioner Lombardo made a motion, seconded by Commissioner Ferranti, to **ADJOURN the meeting at 9:00 PM**

Respectfully submitted,

I certify that these Minutes were accepted

on _____.

Lori Hartmann, Recording Secretary

Helene H. Shay, Secretary
Zoning Board of Appeals