

**TOWN OF WINDSOR
ZONING BOARD OF APPEALS**

**Regular Meeting
January 18, 2016**

Un-Approved Minutes

PRESENT: Acting Chairman Loretta Raney, Secretary Max Kuziak, George Bolduc and Robert Griffiths. Alternate Nick Dethlefsen was seated. Staff: Robert Ruzzo
Excused absence: Commissioner Joe Breen and Alternate Theresa Tillett

ESTABLISHMENT OF QUORUM:

Chairman Raney announced the five board members who were present. Five regular members were seated and a quorum was established. She reminded the audience that 4 affirmative votes were needed to approve a variance or an appeal, not just a simple majority. Hearing no objection, he declared the hearings proceed.

I. CALL TO ORDER – PUBLIC HEARINGS:

The meeting was called to order at 7:00 P.M. by Chairman Raney in the Ludlow Room of Town Hall, 275 Broad Street, Windsor, Connecticut.

1. LEGAL NOTICE:

The Legal Notice submitted by Max Kuziak, Secretary, which appeared in The Hartford Courant was read by Commissioner Raney and included the following:

#17-01 144B Broad St. *Nat Haydens* Sec 5.2.6D2(b) Full Service Restaurant. Minimum square footage.

#17-02 1257 Poquonock Ave. Sec 4.1.1 Front yard setback

#17-03 801 Bloomfield Ave. Sec14.1.6 Maximum area covered by Roofs and Paving

2. PROCEDURES:

Commissioner Dethlefsen read the procedures for presentation of a variance application and appeals. He queried the audience for any questions regarding the procedures which were read. Hearing no comments, the hearings proceeded.

II. PUBLIC HEARINGS

1. #17-01 144B Broad St. *Nat Haydens* Sec 5.2.6D2(b) Full Service Restaurant. Minimum square footage.

DISCUSSION: Michael Smith, 13 Pebblestone Circle, Suffield CT; Charlene Rakyta, 14 Kevin Dr. Vernon CT and her son Christian Rakyta, 4 Heritage Dr. Windsor CT are partners in Nat Hayden's BBQ and spoke for the variance request. The current square footage is 2948 sq. ft. A variance of 52 sq. ft. is needed in order to apply for a full service restaurant liquor license. They are anticipating the increase in business in Windsor Center as a result of Windsor Station Apartments and Day Hill Rd. growth. They plan to re-brand Nat Hayden's into "Charlies Chop Shop BBQ." They are new owners of this established and the income is not up to par with what the expenditures. They are

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financially at risk of being closed. The ability to serve alcoholic drinks in addition to beer and wine would make them competitive. There is a shared foyer in the front of the business that does not count in the sq. footage. The footprint of the business would stay the same; seating for 60; the bar would be extended and there would be a designated take-out area. The applicants were reminded that the variance requires a hardship, something unique about the property, and financial reasons are not a hardship. Mr. Smith says that this would be a positive thing for the town center, they are not asking for a large variance.

Amber Smith, 13 Pebblestone Circle, Suffield CT, spoke in favor of the variance.

ZEO Robert Ruzzo commented that Windsor is a business friendly community and recognizes that 52 sq. ft. is a small variance. He asks the commission to take into account the planner's comments. He also has a genuine concern with setting a precedent.

2. #17-02 1257 Poquonock Ave. Sec 4.1.1 Front yard setback

DISCUSSION: Timothy Ellsworth, homeowner, presented his case. The home is a historic 241 year old home. The request will have no negative impacts. It will help to sustain the long term relevance and usefulness of an important historic home and impact positively on property values. The lot is 2.27 acres. The State right of way is significantly wider at his property. Despite having only a 16 ft. legal setback from the property line, the house is setback 56 ft. from the curb. His intention is to bump out the side in an architecturally correct way to allow for an additional bathroom on each level of the home. They will be maintaining the integrity of the historic home.

Letters of support were received from 5 abutters.

3. #17-03 801 Bloomfield Ave. Sec14.1.6 Maximum area covered by Roofs and Paving

DISCUSSION: Joseph C. Baril, part owner of the new Mitchell-Selig Ford, spoke for the variance. He explained that the auto sales business is unique and that inventory is key to sales. Most customers search online by make, model and color, within a 25 mile radius. If you do not have that vehicle in your inventory, the customer will go somewhere else. In order to "earn" inventory from the manufacturer, they must turn a certain amount of inventory. A car dealer in today's market is greatly impacted by the ability to display the proper selection of units and choices for their customers. He admits that they cleared the property without approval from the town. Currently there are no cars parked on the area. The current inventory is very tightly packed onto the lot. In order to park on this area, they will need a variance to allow 61% coverage. This is a variance of 11%. The additional parking is not within view of Bloomfield Ave.

Mitchell-Selig Ford is refinancing to make further improvements to the site. The improvements include addressing property right of way issues with the owner to the rear, Mark and Cathy Beaudoin. The Beaudoin's currently use a right of way across the dealership to access their property. The access is narrow and is also used by the dealership. The refinancing is being held up as they need a letter of zoning compliance to complete the process. They are currently not in compliance with the town.

He addressed the town planner options as being costly, a minimum of \$200,000 that the company does not have. Mr. Baril submitted letters of support from all seven of the abutters within 100 feet.

Mark Beaudin addressed the commission. He and his wife own the property at 777 Bloomfield Ave, directly behind the dealership. They plan to build their dream home on the property one day. He has had many conversations with Mr. Baril and has found him to be true to his word. Previously the area cleared was covered in brush and was untidy. The area is now clean and neat. The dealership has improved the property. They have done a good job and are trying to make it safe, nice and look good.

III. CLOSE OF PUBLIC HEARINGS:

Chairman Raney CLOSED the Public Hearings.

IV. COMMENCE REGULAR BUSINESS MEETING

1. Cases heard during Public Hearing/Application

- a. #17-01 144B Broad St. *Nat Haydens* Sec 5.2.6D2(b) Full Service Restaurant. Minimum square footage.**

MOTION: Commissioner Kuziak made a motion for purpose of discussion to approve a variance at 144B Broad St. *Nat Haydens* Sec 5.2.6D2(b) Full Service Restaurant. Minimum square footage variance of 52 square feet.

SECONDED by Commissioner Bolduc

DISCUSSION: Commissioner Kuziak thinks it is good for general business in town and is a reasonable request. Commissioner Bolduc is keenly aware of the possible impact down the road when setting a precedence. Finance is not a hardship. Commissioner Dethlefsen has no comment. Commissioner Griffiths recognizes the benefit of the full service restaurant but does not want to set the precedence. Commissioner Kuziak says the precedence should not be a reason that the commission decides on a case by case basis. Chairman Raney is for business in the town center but does not want to set the precedence.

VOTE: 1-4-0 Denied. Commissioner Kuziak voted yes. Commissioners Bolduc, Raney Dethlefsen and Griffiths voted no.

- b. #17-02 1257 Poquonock Ave. Sec 4.1.1 Front yard setback**

MOTION: Commissioner Bolduc made a motion for purpose of discussion to approve a variance at **1257 Poquonock Ave. Sec 4.1.1 Front yard setback of 19 feet.**

SECONDED: by Commissioner Kuziak

DISCUSSION: Commissioner Bolduc said that like many variances granted, this home predates zoning regulations. The historical nature of the house will be kept. He is in favor of the application. The other commissioners agreed for the same reasons.

VOTE: 5-0-0 Approved

MOTION: Commissioner Bolduc made a motion for purpose of discussion to approve a variance at 801 Bloomfield Ave. Sec14.1.6 Maximum area covered by Roofs and Paving a variance of 11%.

SECONDED: by Commissioner Kuziak

DISCUSSION: Commissioner Bolduc believes that stone is a pervious surface despite the “legal” definition used by the town that it isn’t. He would like to amend the motion to read

MOTION: A variance to Sec14.1.6 Maximum area covered by Roofs and Paving a variance of 11% with the area to be processed stone.

SECONDED: by Commissioner Kuziak

DISCUSSION: The commissioner agreed that this was a *Unique* business and not similar to the warehouses in town.

VOTE: 5-0-0 Approved

1. New Business

a. Communications from the Public –

b. Minutes Acceptance

MOTION: Commissioner Bolduc made a motion, seconded by Commissioner Kuziak to APPROVE the Minutes of the Regular Meeting Nov. 18, 2016 as presented.

VOTE: Approved 5-0-0

c. Communications from Board Members – Commissioner Raney welcomed Robert Griffiths to the board.

d. Communications from Staff Liaison

Zoning Officer and Building Official, Robert J. Ruzzo, gave a brief report on construction projects underway in Windsor.

2. Old Business - None

V. ADJOURNMENT:

MOTION: Commissioner Kuziak made a motion, seconded by Commissioner Bolduc to ADJOURN the meeting at 8:47 PM.

VOTE: 5-0-0

Respectfully submitted,

Lori Hartmann, Recording Secretary

I certify that these Minutes were accepted
On

Max R. Kuziak, Secretary
Zoning Board of Appeals