TOWN OF VERNON

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OFFICE OF THE
ZONING BOARD OF APPEALS

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APPROVED Minutes April 21, 2010

Attendees: Michael Murray, Jim Ferguson, Bill Francis, Bruce Skivington and Carl Slusarczyk.

Also present: Abraham Ford, Jr., Zoning Enforcement Officer and Jennifer Roy, Zoning Asst.

The meeting was called to order at 6:30 p.m., and the opening statement was read.

Jim Ferguson, Secretary, read the agenda.

1. NORM TURNBULL, 154 IRENE DRIVE, seeking a variance from Section 4.4.1.5, minimum rear yard requirement, to allow a 12'x16' shed to be built 7'0" from the rear property line in the R-27 Zoning District. Tabled at the March 17, 2010 meeting.

Mr. Turnbull was present to speak on his application. He explained that the new site plan shows where they plan on putting the swimming pool, deck and addition.

Mr. Turnbull further explains that he still feels this is the best place on the property for the shed, as it keeps the chemicals away from the house, pool, and good distance from the neighbor's property. Also in consideration was the location of his septic system.

Mike Murray asked if the hardship he is claiming has changed. It has not. Mr. Turnbull maintains same hardship, lot layout & safety concerns.

No one present to speak in favor or opposition.

Bill Francis made a motion to grant the variance, due to safety concerns and no other logical location on the property. Bruce Skivington seconded the motion; the motion failed by 3-2 vote.

Next Item #2, Application withdrawn by notice to Zoning Administration dated April 14, 2010

2. ELLINGTON PROSPECT, LLC, 1 ELLINGTON AVENUE, seeking variances from section 4.7.5, schedule for multi-family dwelling unit/area ratio requirements, and section 12.1.7, off-street parking and loading for multi-family requirements, to allow 19 one-bedroom apartment units and 28 parking spaces, in the Historic District Planned Neighborhood Development Zoning District.

3. 1085 HARTFORD TURNPIKE, LLC, 1085 HARTFORD TURNPIKE, seeking a variance from Section 4.7.1.5, minimum rear yard requirement to allow placement of mailboxes one foot from the rear property line in the Planned Neighborhood Development Zoning District.

Abraham Ford explained the application; a variance is needed to install mailboxes for the residents of the complex.

Attorney Leonard Jacobs, 146 Main Street, Manchester is present to speak on the application. Also present, Ken Peterson, of Gardner & Peterson, 15 Fieldstone Road, Tolland.

Attorney Jacobs explained that the only abutters to this property are the Santini's, who are the applicants. They need to get the mailboxes off the main road; this has been requested by the tenants as well as the Post Office.

Eric Santini, 41 Alfred Drive, Tolland, also present to speak on his request. He confirmed that he has discussed the matter with the Post Office, as he has in the past with other locations, and this is best for the tenants and the Post Office.

Attorney Jacobs explains the hardships related to this request; wetlands to be considered, safety issues related to mail delivery & retrieval, and the general topography of the property.

No one present to speak in favor or opposition.

Bruce Skivington made a motion to grant the variance based on the hardships of wetlands, safety and topography; Carl Slusarczyk seconded the motion, the variance was approved by unanimous vote.

4. DENNIS GLIHA, 212 & 228 WEST STREET, seeking variances from Section 4.22.1.10 maximum floor area, non-residential uses, to allow construction of a 391 square foot information center; from Section 4.22.1.4 minimum front yard, non-residential uses, to allow construction of concrete mulch storage bins within 24 feet of West Street and 40 feet of Ogden View Drive; from Section 12.1.17 minimum parking requirements retail store, to allow a reduction in the number of spaces from 195 to 70 at 228 West Street and a reduction in the number of spaces from 213 to 34 at 212 West Street; in the Special Floating Zone – Garden Zone.

Abraham Ford, Jr. explained the application; there are 3 variances requested, related to maximum floor area, front yard set back, and required parking spaces.

Dorian Famiglietti of Kahan, Kerensky and Caposella, 45 Hartford Turnpike present to speak on the application. Attorney Famiglietti explains the first request is to construct a small 391 square foot "Information Center" at 228 West Street. The variance is requested because in order to conform they would need to either be less than 3500 square feet or over 25,000 square feet. They are currently at 19,997, an existing non-conforming use. Photos of the proposed expansion were submitted. Photos are marked exhibits 1, 2 & 3.

Ken Peterson also present to speak on this application as well. Mr. Peterson shared photos from a site on Pinney Street in Ellington; which has the same basic look. The photos are marked exhibits 4 – 8. He also submitted a site plan of the Kmart plaza as an example of what 400+ parking spaces would look like. Site plan is marked exhibit 9.

Attorney Famiglietti commented that granting the variances would not in any way compromise the Town's comprehensive plan.

Mike Murray asked for more details about the "Information Center".

Dennis Gliha, 228 West Street, owner/applicant, explained that this will allow him to take the customers in to this center, rather than up to the offices, to access the internet to look up various plants, use the computer to show landscape design layouts, etc. This additional 391 square feet is really all they need.

Carl Slusarczyk asked if they intended on paving the new exit to Ogden View Drive. Mr. Gliha confirmed that it would be paved and adhere to the requirements of the Town.

Carl Slusarczyk also inquired about the parking situation; what impact will this have, are they taking away spaces? Where will the employees park?

Dennis Gliha confirmed that employees will have designated parking in the rear of the building. They will not be using any of the customer parking.

Ken Peterson explained if you take the customer usable space in to consideration, the greenhouses are not "retail space". The regulations consider all the outdoor space as floor area, making the parking requirements so high.

Mr. Peterson presented a site plan that includes the proposed Information Center, Greenhouses, and mulch bins. The site plan is marked exhibit 10.

Mike Murray asked about overflow parking. A discussion was held about perhaps placing a stipulation to include overflow parking.

Dennis Gliha is willing to add 30 spaces of overflow parking. They will show this on a new site plan that would then go to the Planning & Zoning Commission.

No one present to speak in favor or opposition.

Further discussion was held.

Bruce Skivington made a motion to grant the 3 variances, based on the hardships as stated regarding the inconsistency in the regulations, with the stipulation that the parking be modified to include 30 more spaces shown on the site plan and labeled as "Overflow Parking", to have a total of 64 spaces on 212 West Street property. Bill Francis seconded the motion, the variances were granted by unanimous vote.

Mike Murray requested a 5 minute recess at 8:11 p.m.
The meeting reconvened at 8:16 p.m.

Approval of March 17, 2010 minutes, Carl Slusarczyk made a motion to approve the March meeting minutes. Bruce Skivington seconded the motion; the minutes were approved by unanimous vote.

Bruce Skivington a motion to adjourn the meeting, Bill Francis seconded the motion; the meeting was adjourned at 8:17 p.m.

Submitted by: Jennifer Roy

Jennifer Roy