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APPROVED Minutes of May 20, 2015 ZBA Meeting

Attendees: Bill Francis, Jim Ferguson, Carl Slusarczyk, Donald Schubert, Bruce Skivington and Marisa Roy

Also present: Andy Marchese, Zoning Enforcement Officer, and Debra Sterling, Recording Secretary

The meeting was called to order at 6:35 p.m. and the opening statement was read by Bill Francis, Chairman of the Board.

Jim Ferguson, Board Secretary, read the agenda:

1. Application # ZBA-2015-002 - FIRST HARTFORD REALTY CORPORATION, Applicant, seeking a Variance of Vernon Zoning Regulations Section 4.9.1.3, Minimum Front Yard Setback: 50 feet, to allow a Canopy and Gas Pump Facilities to exist 38 feet from the front property line along Hartford Turnpike, on the property located at 343 Hartford Turnpike, in the Commercial Zoning District.

Applicant's Attorney, Leonard Jacobs, and Applicant's Engineer, Patrick O'Leary, came forward to speak on behalf of First Hartford Realty Corporation. Mr. O'Leary presented plans and drawings. Attorney Jacobs stated the reasons they were appearing before the Zoning Board, explained the unusual circumstances with the lot lines, the surrounding three streets, the improvements to the site, the benefit to the residential properties around it, and the need to reduce the front setback line to 38 feet. They are planning to construct a Cumberland Farms on this site. Mr. O'Leary explained, using his plans and drawings, what the site would look like, where the property lines were, and the need to reduce the front setback line on the Hartford Turnpike side to allow enough room for a canopy and gas pump facilities.

Member Bruce Skivington arrived at approximately 6:40 p.m. (was present for the majority of the above presentation).

Chairman Bill Francis asked Andy Marchese to discuss the application. Mr. Marchese explained the unusual circumstances with the property having three fronts, and after thorough review and research, he has found other properties in town where the same situation exists (another gas station/convenience store which has three fronts, and a variance was granted on their behalf). He further discussed the positive and supportive feedback of this development going forward.

Chairman Bill Francis asked Attorney Jacobs to discuss the distance behind the proposed building and the possibility of moving the building back. Mr. O'Leary pointed out on the proposed plans/drawings the reasons for the building being constructed where proposed and that they were within the setbacks with their proposed location. He further discussed landscaping improvements to the site and parking areas.

Jim Ferguson questioned why they couldn't move the building sideways to create more space possibility avoiding the need for a variance. Mr. O'Leary explained that they have spent a lot of time creating this plan and why it would not be practical to move the building, discussed access points, the benefit of the

building facing Hartford Turnpike, curb cut issues they've had to face and the need to accommodate tankers driving into the property.

Jim Ferguson asked for further explanation on the curb cuts. Mr. O'Leary explained the difficulties with the highway non-access lines, and if they were to seek any further changes to the curb cuts already approved through the State, it would be very unlikely that they would be granted.

Jim Ferguson questioned the need for the canopy. Mr. O'Leary discussed the necessities for safety reasons such as fire suppression systems and customer protection from the weather.

Jim Ferguson questioned the size of the building and if making the building smaller was an option. Mr. O'Leary explained they have already redesigned the building (as it is different from the other Cumberland Farms in town), and for economical and operational reasons it does not make sense.

Carl Slusarczyk voiced concerns over the entry from the Hartford Turnpike side and questioned the turn lines. Attorney Jacobs and Mr. O'Leary explained there would be no left turn allowed into the business from the opposite side of Hartford Turnpike. There would be a right turn only into the business from Hartford Turnpike on the same side of the road, and a right exit only leaving on the Hartford Turnpike side. There will be other entry points on Dobson Road and Old Dobson Road.

Further statements were made by Attorney Jacobs regarding the general chain of stores, size of the property, size of the building, the fact that it is surrounded by three streets, the site has been vacant for some time and although there are unique circumstances, there will be positive changes and good development made to the area.

Marissa Roy questioned the separation distances between the building and canopy with respect to emergencies, fires, and the location of the underground tanks. Mr. O'Leary stated the proper distances were in place.

Jim Ferguson questioned the size of this building compared to the building on Rt. 83 and the design of the pumps. Mr. O'Leary explained that the pumps were already downsized as much as possible for the new location on Hartford Turnpike.

Jim Ferguson questioned the lighting on site. Mr. O'Leary pointed out the location of the proposed lighting in the front and back of the building as well as their plan to improve the fencing. He assured that the proposed lighting would not create a nuisance for the residents surrounding the property.

Bill Francis questioned Andy Marchese about the next steps for the applicants. Mr. Marchese stated they would have to go before the Planning and Zoning Commission and also the Traffic Authority. There were some questions pertaining to signage.

Carl Slusarczyk questioned the flow of traffic and possible back-ups from the Hartford Turnpike entry. Mr. O'Leary explained the two way traffic circulation around the pumps in order to avoid any back-ups of traffic.

Carl Slusarczyk questioned tanker/fuel truck access. Mr. O'Leary explained the pattern in which they were to enter and exit the business and further stated that all drivers were compliant and all drivers have knowledge of the procedures, failure to do so would cost them their job.

Don Schubert questioned the set-backs, outside seating, dumpster locations and configuration of the proposed building. Mr. O'Leary discussed the configuration of the building and concessions which were already made. Mr. Schubert and Mr. O'Leary had further discussion/opinions related to the outside seating area.

Carl Slusarczyk and Mr. O'Leary discussed the number of parking spaces and the requirements for the same. Mr. O'Leary stated he did not want the business to have insufficient parking and the proposed spaces are a littler larger than what is required; further discussion had regarding landscaping.

Bill Francis asked if there were any more questions or comments. There was no one in the audience to come forward and speak in favor of, or in opposition of, the application.

The hearing was closed and discussion held.

Bill Francis made a Motion to grant the variance from Section 4.9.1.3, Minimum Front Yard Setback: 50 feet, to allow a Canopy and Gas Pump Facilities to exist 38 feet from the front property line along Hartford Turnpike, with the hardship being lot configuration. Bruce Skivington seconded the Motion. Members in favor were Bill Francis, Carl Slusarczyk, Bruce Skivington and Donald Schubert. Members opposed were Jim Ferguson. Variance is granted.

Note: All five Board Members were present therefore Marissa Roy was unable to vote as an Alternate Member of the Board.

Next item on the agenda, review Amended Draft Minutes of the October 15, 2014 meeting. Bruce Skivington made a Motion to approve the Amended October minutes. Donald Schubert seconded the Motion. The minutes were approved by Bill Francis, Jim Ferguson, Donald Schubert, Bruce Skivington and Marisa Roy; Carl Slusarczyk was not present at the October 15, 2014 hearing and has abstained from voting.

Next item on the agenda, review Draft Minutes of the January 21, 2015 meeting. Carl Slusarczyk made a Motion to approve the January minutes. Jim Ferguson seconded the Motion. The minutes were approved by Bill Francis, Jim Ferguson, Carl Slusarczyk Donald Schubert and Marisa Roy; Bruce Skivington was not present at the January 21, 2015 hearing and has abstained from voting.

Next item on the agenda, other business. Bill Francis requested information from Andy Marchese on the voting of a new Chairman as his term is coming to an end on June 30, 2015. Mr. Marchese stated he would research the process and would update Mr. Francis accordingly. Jim Ferguson stated he would be away from May 28, 2015 through June 23, 2015.

Carl Slusarczyk made a Motion to adjourn the meeting. Bruce Skivington seconded the Motion. The meeting was adjourned at 7:52 p.m.

Submitted by: Debra Sterling

Debra J. Sterling