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Zoning Board of Appeals

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DRAFT Minutes of September 21, 2016 ZBA Meeting

Attendees: Regular Members: Carl Slusarczyk, Donald Schubert, Marisa Roy, Bruce Skivington, and Jason Cormier
Alternate Members: William Francis, Jr. and Howard Steinberg

Also present: Andy Marchese, Zoning Enforcement Officer/Staff Liaison
Debra Sterling, Recording Secretary

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The meeting was called to order at 6:30 p.m. by Chairman Don Schubert. Mr. Schubert then read the opening statement.

First item on the Agenda, nominate and elect a new Secretary to the Board. Carl Slusarczyk made a Motion to nominate Marisa Roy, Bruce Skivington seconded the Motion; Marisa Roy declined. Donald Schubert made a Motion to nominate Jason Cormier, Marisa Roy seconded the Motion; Jason Cormier accepted. All regular members voted by show of hands for a unanimous vote.

Howard Steinberg arrived at 6:33 p.m.

All Members of the Board introduced themselves.

Jason Cormier, new Board Secretary, read the Applications on the Agenda:

> Application # ZBA-2016-008 – FIGURE 8/VERNON II, LLC, Applicant, seeking a Variance from the Vernon Zoning Regulations **Section 4.9.1.5 Minimum Side Yard Setback twenty (20) feet,** to allow a six (6) foot side yard setback along the southwest side boundary line to construct a forty (40) foot x eighty (80) foot building (known as proposed Pad 4), on the property located at **129 Talcottville Road**, in the Commercial Zone.
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> Application # ZBA-2016-009 – SWISS LAUNDRY OF ROCKVILLE, INC., Applicant, seeking a Variance from the Vernon Zoning Regulations **Section 3.25 Sidewalks shall be installed for all new developments,** to allow the elimination of the requirement that sidewalks be constructed along Regan Street in a recently approved new development, on the property located at **4 Regan Street**, in the Commercial Zone.

The first Applicant, Figure 8/Vernon II, LLC was invited to come forward. Michelle Carlson, Civil Engineer, and Richard Korris, Applicant, came forward and Ms. Carlson presented a site plan. Ms. Carlson explained the site plan layout, and the reasons they were seeking a 6' variance including irregular property configuration, topography, lot access and curb cuts. Mr. Schubert asked Andy Marchese if he had any comments to share with the Board regarding this application. Mr. Marchese explained that the property has a 20' setback and they are seeking to reduce it to 6'.

Don Schubert asked if anyone present was in opposition of the application. Several people came forward. Mr. Marchese asked them to come forward one at a time, sign in and state their name and address for the record.

Chris Hagenow of 18 Pleasant View Drive came forward and stated he wasn't necessarily in opposition but wanted to know how it would affect the properties on Pleasant View Drive. He stated he received a notice stating that it might affect his property. Deb Sterling passed a copy of the Notice to Abutter's to the Board Members so they could read the Notice which was sent out. Several other residents began to crowd around Ms. Carlson and ask questions. Mr. Marchese asked once again for people to wait and speak one at a time as private meetings are not permitted. Mr. Hagenow questioned what kind of an affect this building would have on their properties and if it would be encroaching on their properties. Ms. Carlson explained to the residents from the plans on display that the building would be further away from the residential properties with the variance, not closer. Several residents began speaking again at once in a disorderly manner. Mr. Marchese asked once again for everyone to be seated and if they wished to speak they had to wait to come forward, sign in and state their name for the record.

Pamela Babey of 24 Pleasant View Drive came forward and questioned what was going to be built. Ms. Carlson referred to the plans and explained that it would be a commercial retail building with no tenants to be disclosed yet, as was the previous practice with the building of Starbucks. Ms. Babey expressed her concerns over noise, privacy, traffic, property value, etc. Ms. Carlson explained again that the reason for the variance was to keep the building further away from the residential area and that they did not have to receive the variance in order to build, but without it, the building would be closer to the residential area. Ms. Babey questioned the steps needed to get approval to build as she is against more businesses in this area. It was explained by several Board Members that this was the first step in the process and the applicant still needed to go before other commissions. Marisa Roy questioned the distance between the proposed building and Ms. Babey's property. Other members of the public approached and Don Schubert had to remind them once again to be seated and come up one at a time. Mr. Schubert clarified with Ms. Babey what her specific objections were. Mr. Francis and Mr. Schubert described the other Commissions and their roles. Mr. Marchese added that these were also public meetings.

Kimberly Hagenow of 18 Pleasant View came forward to discuss her concerns over noise and other activities happening in the parking lot of 129 Talcottville Road, and felt that it was not being policed properly. Ms. Carlson reiterated that they are seeking to keep the building further away from the residential area. Ms. Hagenow questioned the other proposed businesses shown on the plan displayed. Ms. Carlson responded that they are present this evening only to discuss the proposed variance; Mr. Schubert added that the other proposed business would be brought before Planning and Zoning. Howard Steinberg discussed the Design Review Committee and its function.

Mr. Schubert asked if there was anyone else present in opposition. No one else came forward. Carl Slusarczyk questioned Ms. Carlson and Mr. Korris about the size of the proposed building and the proposed Wendy's. Ms. Carlson responded that this an appropriate realistic sized building for the possible tenants that have expressed interest to Mr. Korris. Carl Slusarczyk and Bruce Skivington had some discussion regarding the building size and the proposed site. Mr. Schubert questioned Mr. Korris about Wendy's and its franchise. Mr. Marchese indicated that this discussion was related to another pad, and we are only present to discuss Pad 4 for purposes of the variance.

Mr. Steinberg questioned Ms. Carlson about the roadway. Discussion was held between Ms. Carlson, Mr. Steinberg and Ms. Roy. Ms. Carlson described the roadway and access from the plan displayed.

Mr. Schubert asked if anyone present was in favor and wished to speak. There were no further statements or questions. Don Schubert closed the hearing. Discussion was held between the Board Members.

Carl Slusarczyk made a Motion to Approve the Variance from Vernon's Zoning Regulations Section 4.9.1.5 Minimum Side Yard Setback twenty (20) feet, to allow a six (6) foot side yard setback along the southwest side boundary line to construct a forty (40) foot x eighty (80) foot building (known as proposed Pad 4), with the hardship being lot configuration. Bruce Skivington seconded the Motion. All regular Members were in favor for a unanimous vote. Variance is granted.

The second Applicant, Swiss Laundry of Rockville, Inc. was invited to come forward. Attorney Dorian Famiglietti, and Bruce Kloter of Swiss Laundry, came forward. Andy Marchese discussed the application with the Board and referred to a Memo written by the Town Planner, Marina Rodriguez, which was previously provided to the Board Members.

Attorney Famiglietti began her presentation giving the background as to why they were before the ZBA seeking a waiver of the sidewalk requirements. She further explained the previous hearings held with the Planning and Zoning Commission and how such hearings were procedurally flawed. She described the McKenzie case, her discussions with the Town Planner, and the Town Planner's discussions with the Town Attorney. Attorney Famiglietti was informed by the Town Planner to bring her application before the ZBA.

Attorney Famiglietti passed out a Sidewalk Plan of the Town of Vernon to the Board Members. She explained that there are no sidewalks on Regan Street and due to the topography, location of existing structures and utility poles, it would be a great hardship to the applicant to install them under those conditions.

Russ Heintz, licensed land surveyor, came forward as the preparer of the plans on display before the Board. He discussed the utility poles and the sloping of the land, grading issues and water drainage.

Howard Steinberg questioned the location of the new building. Carl Slusarczyk and Marisa Roy asked questions about the sidewalks and/or lack of sidewalks on Regan Street. Bruce Skivington asked questions about the deliveries and traffic impacting Regan Street. There was discussion about the loading docks, trucks pulling into the site, and the approval of Traffic Authority.

There was no one present to speak in favor of or in opposition to this Application. The meeting was closed by Don Schubert and discussion was held between the Board Members.

Bruce Skivington made a Motion to Approve the Variance from Vernon's Zoning Regulations Section 3.25 Sidewalks shall be installed for all new developments, to allow the elimination of the requirement that sidewalks be constructed along Regan Street in a recently approved new development, with the hardship being topography of the land, location of the existing structures and the property is not located in the Town's Sidewalk Plan. Carl Slusarczyk seconded the Motion. All regular Members were in favor for a unanimous vote. Variance is granted.

Next item on the agenda, review Draft Minutes of the August 17, 2016 meeting. Bruce Skivington made a Motion to approve the August 17, 2016 Minutes. Carl Slusarczyk seconded the Motion. All regular Members were in favor for a unanimous vote.

Next item on the agenda, other business. Bill Francis questioned Andy Marchese about the number of vehicles at VEB Auto located at 32 Hartford Turnpike. Mr. Marchese indicated he was presently discussing the matter with the property owner and hoped to come to a resolution.

Bruce Skivington made a Motion to Adjourn the meeting. Marisa Roy seconded the Motion. All regular Members were in favor for a unanimous vote.

The meeting was adjourned at 7:35 p.m.

Submitted by:
Debra Sterling
Debra Sterling