TOWN OF VERNON

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OFFICE OF THE
ZONING BOARD OF APPEALS

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APPROVED Minutes June 15, 2011

Attendees: Bill Francis, Jim Ferguson, Carl Slusarczyk, Bruce Skivington, Jon Gilluly, and Donald Schubert.

Also present: Abraham Ford, Jr., Zoning Enforcement Officer, and Jennifer Roy, Zoning Assistant/Recording Secretary

The meeting was called to order at 6:30 p.m.

Jim Ferguson, Secretary read the agenda:

1. EXHAUST SPECIALISTS, LLC, 20 RIVER STREET, seeking an Appeal from the order of the Zoning Enforcement Officer, ordering the removal of all vehicles in excess of the 7 that were permitted by Special Exception of the Zoning Board of Appeals granted on August 16, 2000, in the Historic District-Residential Commercial Zoning District.

Abraham Ford, Jr. gave an explanation of the appeal. A complaint came in regarding the number of cars, specifically junk cars on site at 20 River Street. Upon review of the file, it was discovered that there had been stipulations placed on the variance granted in August 2000; and that the Certification was never filed on the land records.

Attorney Danielle Angliss, of Beck & Eldergill PC, Manchester, CT, representing Exhaust Specialist LLC. Attorney Angliss discussed the fact that the form filed with the DMV did not reflect that there were conditions. Aside from that fact, condition #3 listed in the minutes from the August 2000 ZBA meeting states that 7 vehicles would be allowed outside, for sale, and 8 vehicles would be allowed inside, for repairs. This is not feasible as there are cars that come in early for repairs, some are there late, some come from accidents and they must wait for the insurance company.

Attorney Angliss submitted a letter from Thomas Joyce, former Town Planner, who was present at the August 2000 ZBA meeting. Letter is marked exhibit 1. Attorney Angliss read the letter into record.

Jim Ferguson asked how one could tell the difference between cars that are for sale and cars that are on site for repairs.

Lisa Biedermann, member of Exhaust Specialist LLC, also present to speak on the appeal. Ms. Biedermann answered that at one time they did have tags on the rear-view mirrors of the cars for sale. Sales have gone down considerably and now they function primarily by word of mouth.

Discussion was held regarding what would be a reasonable amount of cars, how many cars they have now, and what number of cars would typically be there for sale or for repair.

Ralph Biedermann, member of Exhaust Specialist LLC, also present to speak on the appeal. Mr. Biedermann stated that he currently has 11 cars and a bus. Also, at any given time he's has as much as 30 vehicles there.

Attorney Angliss submitted photos of the property which were taken in April, by Exhaust Specialist LLC. Photos marked exhibit #2.

Don Shubert asked if there could be clarification; vehicles clearly marked as to for sale or for repair.

Mr. Biedermann responded that many cars are in and out in an hour.

Bruce Skivington suggested that the vehicles still could be marked, which would allow for proper enforcement of the conditions.

Abe Ford mentioned that a site plan would be needed; clearly marking designated parking areas for both sale and repair.

Mr. Biedermann inquired if he would need an A-2 survey, not necessary per Abe Ford, just site plan, to scale. Also that the parking spaces must be 9ft x 18ft spaces.

Jim Ferguson added that he would like them to also provide a plan for marking the vehicles at the next meeting.

Jim McCarthy, 300 Tallwood Drive, Vernon, present to speak in favor of Exhaust Specialist LLC. He has known Mr. Biedermann for 10 years, done business with him, and served at the Elk's Lodge with him. He feels Mr. Biedermann is an asset to the community; he participates and helps the community.

Judith & Thimothy Beaudreau, 9 River Street, Vernon, present to speak in opposition of the appeal. They have been a resident of River Street since 1957. Mrs. Beaudreau was present at the August 2000 ZBA meeting, where Mr. Biedermann promised to put a fence up, this has not been done. There are cars parked on the street, causing hazard to the kids walking on the side walk.

Mark Hany, 8 River Street, Vernon, present to speak. Mr. Hany is not specifically in favor or opposition. He would like to see the business succeed; however, he feels the property could use some cleaning up. There is constantly weeds, junk, debris, etc. If this could be addressed, and the vehicles kept orderly, it really wouldn't matter to him the number of vehicles.

Attorney Angliss spoke in rebuttal to comments. She had sent a letter to the neighbors asking for their concerns and input. She did not hear back from them. She is willing to provide them with a copy of the plans prior to the next ZBA meeting. She also mentioned for the record that the cars being parked on the sidewalks do not belong to the Biedermanns.

Bruce Skivington made a motion to table the appeal to the August 17, 2011 meeting, to allow the applicant to return with more detailed information and plans. Jon Gilluly seconded the motion, motion carried by unanimous vote.

Abe Ford reminded the board and applicant that the certification must filed on the land records.

2. GREGORZ MORAWSKI, 25 BIRCH STREET, seeking a variance from Section 4.4.1.5 Rear yard setback to construct a 10'x14' shed 14 feet from the rear property line in the R-27 Zoning District.

Abe Ford gave an explanation of the appeal for 25 Birch Street. A complaint was received that a shed was being built without a permit. Upon inspection it appeared too close to the property line.

Greg Morawski, 25 Birch Street, present to speak on his appeal. He has a few reasons for the placement of the shed. First, they are planning on putting a pool in, and the rear yard slopes. Also there are many trees in his back yard and a large rock. In addition, there is wetland areas in his back yard.

Discussion was held regarding the fact that the complaint was due to the fact that the contractor did not have a permit to build the shed. Mr. Morawski was not aware they needed a permit for this.

Jim Ferguson made a motion to grant the variance due to topography and lot configuration. Carl Slusarczyk seconded the motion, and motion carried by unanimous vote.

Next item on the agenda, approval of the April 20, 2011 meeting minutes.

Bruce Skivington made a motion to approve the April 20, 2011 meeting minutes. Carl Slusarczyk seconded the motion; the minutes were approved by unanimous vote.

Jim Ferguson made a motion to adjourn the meeting, Bruce Skivington seconded the motion; the meeting was adjourned at 8:00 p.m.

Submitted by: Jennifer Roy

Jennifer Roy