

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
MEETING

June 13, 2022

Present for the online web conference meeting was Chair Callahan, Commissioners Llewellyn, Nadim, Schoenhorn, Walsh and Alternate Commissioner Healey. Assistant Town Planner Daigle and Clerk Michaud were also present. The meeting was called to order at 7:01 p.m.

Present in the Development Conference Room were Assistant Town Planner Daigle and Clerk Michaud. All others were present online.

Secretary Schoenhorn read the legal notice into the record.

Chair Callahan appointed Alternate Commissioner Healey to vote on behalf of absent Commissioner Cloud for all matters.

PUBLIC HEARING

Christopher & Lauren Sizer – 30 Waterville Road

Application for variance to reduce side and rear yard setbacks from 5 feet to 2 feet for location of detached garage located at 30 Waterville Road, R80 zone. Ms. Sizer presented the request to remove the existing accessory structure and construct a new 24' x 24' detached garage. The existing structure encroaches on the adjacent property of the Country Club. The new structure is proposed to be located within the property but two feet off the property lines instead of the required setback of five feet. Photos of the existing structure and the site in general were provided for clarification. Ms. Sizer also provided photos of neighboring property to show their request is in keeping with the neighborhood. Renderings of the garage show the style will be similar to the style of the existing house. Correspondence provided from the Board of the Farmington Country Club show they have no issue with the proposed detached garage as proposed. The Commission asked confirmation on the size and location of the proposed structure.

Angela Munson, 33 Waterville Road, spoke in support of the variance application.

The public hearing closed at 7:18 p.m.

Upon a motion made and seconded (Llewellyn/Healey) it was unanimously

VOTED: To approve the Christopher & Lauren Sizer application for variance to reduce side and rear yard setbacks from 5 feet to 2 feet for location of detached garage located at 30 Waterville Road, R80 zone as presented and on file in the Planning Office.

Members voting in favor of the application felt the applicant demonstrated sufficient hardship. They also felt the request for variance would not alter the character of the neighborhood.

Raymond Tribuzio – 27 Railroad Avenue

Application for application for special exception for expansion of a nonconforming residential building in an industrial zone located at 27 Railroad Avenue, C1 zone. Mr. Tribuzio stated he would like to construct a front porch on 27 Railroad Avenue. The proposed porch is 8' x 22'. He proposed to use composite material and said the porch will be consistent with other homes on the street. This house is very small and

the porch will provide additional space. The Commission asked for confirmation that the porch will be no closer to the street than the other homes. Mr. Tribuzio confirmed it will not.

There was no public comment in favor or in opposition of the application.

The public hearing closed at 7:26 p.m.

Upon a motion made and seconded (Schoenhorn/Llewellyn) it was unanimously

VOTED: To approve the Raymond Tribuzio application for application for special exception for expansion of a nonconforming residential building in an industrial zone located at 27 Railroad Avenue, C1 zone as presented and on file in the Planning Office.

Darren W. Hall – 10 Walnut Street

Application for variance to reduce front yard setback from 20 feet to 13 feet for an attached garage located at 10 Walnut Street, R9 zone. Mr. Hall would like to add a 20' x 30' garage to his home. The garage will be added to the house so that the center window on the south side of the home can be converted to a door, approximately 13' from the front property line. Mr. Hall commented the house is in a non-conforming location as the front of the house is on the front property line. Commissioners asked clarifying questions about the garage and use. Mr. Hall responded the garage is to house their vehicles and will provide much needed storage space. When asked about what utilities will be installed, Mr. Hall responded electricity only. The Commission also asked for confirmation that the variance sought is only for location and not height. Assistant Town Planner Daigle confirmed the variance is only for the proposed location.

There was no public comment in favor or in opposition to the application.

The public hearing closed at 7:39 p.m.

Upon a motion made and seconded (Llewellyn/Schoenhorn) it was unanimously

VOTED: To approve the Darren W. Hall application for variance to reduce front yard setback from 20 feet to 13 feet for an attached garage located at 10 Walnut Street, R9 zone as presented and on file in the Planning Office with the condition plumbing shall not be installed in the garage.

Members voting in favor of the application agreed the applicant sufficiently demonstrated a hardship and that the garage will not alter the character of the neighborhood.

NEW BUSINESS

Maple Ave Repair Service, LLC DBA Nelcon Service Center – 1149 Fienemann Road

Application for used car dealer license for property located at 1149 Fienemann Road. Assistant Town Planner Daigle gave a brief statement regarding these applications. Approval of automotive licensing from DMV is delegated to the ZBA in accordance with CGS 14-54 but does not require a public hearing. The board shall give due consideration to the surrounding area, hours of operation, proposed number of vehicles for sale, where wreckers will be stored, where towed vehicles will be stored, and what vehicles may be stored. Kaitlyn Stubic, HRP, stated the applicant would like to use the existing building and is seeking a used car dealer license from the Department of Motor Vehicles. She reviewed the existing site conditions, including existing floor drain in the building and a precast outdoor waste collection structure. The primary use will be towing. Tow vehicles will primarily be stored inside the building. A max of five

vehicles will be on display but more typically two or three used vehicles for sale. The license is also for the offloading of crash vehicles. Saleem Khan, business owner, stated he has been in business since 2005 and is in good standing with the DMV. The applicant spoke to the number of tow calls they handle statewide each year. Photos of the property were used for clarification of the site. There was a brief discussion about staff comment requesting the existing gravel area to the side of the building be paved so material leaking from crash vehicles does not leach into the ground water and then downstream. No addition is proposed. The Board asked if the applicant would agree to a condition of approval limiting the number of used vehicles on display and that the tow vehicles not be stored directly in front of the building. After some discussion for clarification, the owner agreed. Assistant Town Planner Daigle read the applicant's responses to staff comments into the record. Ms. Stublic made the argument regarding paving the existing gravel area that will be used to store damaged vehicles, vehicle spills are typically cleaned up at the accident scene and moving damaged vehicles around on pavement can damage the pavement. Mr. Khan commented the same but said he would do whatever the Board felt was appropriate. Sr. Assistant Town Planner Cyr elaborated on the damaged vehicles leading concern expressed in his comments, explaining there is a catch basin at the road and as expressed earlier there is concern with fluids leaching into the ground and contaminating ground water. The Board asked some additional clarifying questions about the type of towing business and storage of vehicles in the existing building.

Upon a motion made and seconded (Schoenhorn/Callahan) it was

VOTED: 4 in favor (Callahan, Schoenhorn, Nadim, Walsh), 1 abstention (Llewellyn) to 1 opposed (Healey) to approve the Maple Ave Repair Service, LLC DBA Nelcon Service Center application for used car dealer license for property located at 1149 Fienemann Road with the following conditions:

1. The hours of operation for used car sales are limited to 9am to 4pm Monday through Friday;
2. A maximum of five (5) used cars shall be displayed in front of the building;
3. Tow vehicles shall be stored inside the building or to the side of the building, not in front of the building or along the street; and
4. The proposed vehicle storage area behind the fence will need to be paved and include spill containment for towed vehicles as approved by town staff.

Discussion of By-Laws

Commissioner Schoenhorn reviewed proposed changes to the Board's By-Laws. The Town Attorney has reviewed and provided comments on the proposed changes. Assistant Town Planner Daigle reviewed the drafted proposed amendments to add Section 5 to Article IX, amend Article X, Section 6 and add Section 10 to Article X. The request for an applicant to provide photos can be something added to the application.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Healey/Walsh) it was

VOTED: 5 in favor, 1 abstention (Nadim) to approve the April 19, 2022 Zoning Board of Appeals regular meeting minutes.

The meeting adjourned at 8:43 p.m.

SJM