

NEWINGTON ZONING BOARD OF APPEALS

Regular Meeting

April 13, 2023

Chairman Nicole Pane called the regular April 13, 2023 meeting of the Newington Zoning Board of Appeals to order at 7:00 p.m.

**I. ROLL CALL**

Commissioners Present

Chairman Nicole Pane  
Commissioner John Bachand  
Commissioner Willard Bechter  
Commissioner Timothy Hutsvagner  
Commissioner Michael Connolly-Alt  
Commissioner Sharon Dunning-Alt

Commissioners Absent

Commissioner Michael Karanian

Staff Present

Erik Hinckley, Asst. Town Planner/ZEO

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IN NEWINGTON CT  
2023 APR 17 AM 9:08  
*Sharon Dunning-Alt*  
Town Clerk

Commissioner Connolly was seated for Commissioner Karanian

**II. PUBLIC HEARING**

A. Petition 00-23-01: 179 Louis Street, Newington: Requesting 3 separate variances from Section 4.5 Table B of the Regulations; First; to allow an accessory building in the front of the principal building; second, to reduce the required front yard setback of thirty-five feet (35) to twelve (12) feet and third; to increase the allowable accessory building height from fifteen (15) feet to twenty-two (22) feet. Applicant/contact: Frank Borawski, P.E., Owner: Aero-Craft, LLC.

Frank Borawski: I'm the owner of PDF Engineering and Construction and I represent Aero-Craft. What we are looking for is obviously a variance as stated. Because the rear lot, the configuration of this lot, realistically if that was the side yard setback, we would be within compliance, we would be here just for the height variance. As you can see in the picture, it is in the rear, it's really not visible. The reason for the setback of the building, one of the questions that is on the Town Planner's report because corresponding to the side of the building is a ramp on the inside of the building, and the turning radius is to go up that ramp, you need that space. You can't shift it any closer to the building than we are showing for the turning radius to work. The building, again, because of the configuration of the lot and where it is showing, and the fact

that it is a rear lot, that is considered the front yard setback and so that is the reason that we are here for the variance.

Chairman Pane: All right. Any questions for the petitioner at all?

I have a question actually. I'm just wondering if there is any where else that it could be placed, like the back of the building, by the parking lot, on the opposite side of where you are wanting to put it. On our print, it says lot area equals 203,905.78 square feet in that grassy area right there, off of the edge. I think that would be more in compliance.

Frank Borowski: The reason for the location again is because the material from there has to go in and out, up and down that ramp, on the inside of the building and this is the closest spot to it and again because they might be going out there in weather conditions, at certain times, rain, there are a lot less issues if it is positioned there. That is ideal for their business function.

Chairman Pane: Okay, now all of the other stuff that is there, is that temporary then, because it is all within the.....

Frank Borowski: That is the reason that they want to build this to support properly, so yes that will be, it will be much reduced. Knock on wood, they are doing extremely well, business wise.

Commissioner Bachand: So it will just be used as a warehouse, I'm assuming?

Frank Borowski: Yes, product storage.

Commissioner Bachand: I'm assuming that side of the building is where your loading docks and your main doors are.

Frank Borowski: Right there, on the inside of the ramp that goes up and in, to the actual level of the building, and there is where they will be going in and out of with the material, so that is why they need that turn radius, so that is an ideal spot for them to put it for functionality.

Commissioner Bachand: I'm just trying to go by what the Chairman had suggested, but that seems like it would be a long way to travel around the building to get to that side of the building.

Frank Borowski: Yes, we would be going through the parking lot. In different weather conditions, it could be a real problem not connected, but this works for them, the best possible solution to their issue right now.

Chairman Pane: I have one more question. I'm assuming that all of the stuff that is outside that you are going to be putting in the building, I'm assuming that all of that is not going into the building, correct?

Frank Borowski: Most of it. As much as they, that is the reason for the height. They can stack it in there and get it out of the weather. Because of the location of the trees all around, it's within,

obviously with the regulation it should be at a certain height, but really this is not going to be noticeable in this area.

Chairman Pane: Any other questions? Is there anything else that you would like to say Frank before we close the public participation after we hear from the public. Is there anything else you would like to say about this to all of us.

Frank Borowski: The necessity of the building is for additional storage and it is a prime location for functionality. That's all I can say.

Chairman Pane: And are there any alternative spots in case it doesn't go through at all that would work.

Frank Borowski: Not really, they would have to continue with the outdoor storage which isn't ideal

Commissioner Bachand: So the part that is encroaching, the front yard is not the entire building, it's only the part that is actually, or are we talking about because it is in the front, but the only part that is encroaching the front is about a quarter of it, it looks like.

Frank Borowski: Yes, if it was the side yard setback, we would be fine, again the nature of the rear lot and the configuration of it, if you looked at it, I mean, is it really a front yard?

Commissioner Bachand: I think if you took an average land use person to come in and look at it, and what is the front yard here, I think they would have trouble identifying it.

Frank Borowski: Yes, and again, that is the way that this lot is subdivided. This is a more unique lot versus some of the other conditions where we would be exposed as a real front yard, but we appreciate your time and consideration of this matter.

Chairman Pane: Thank you.

Commissioner Hutsvagner moved to close the public hearing. The motion was seconded by Commissioner Bechter. The vote was unanimously in favor of the motion, with five voting YEA.

### **III. PUBLIC PARTICIPATION**

None

### **IV. WORK SESSION**

Commissioner Bachand: I'll just start where I left off. It's hard to call that a front yard. I agree with the comments, I guess Erik wrote the comments that it is certainly not a traditional front yard so the neighbors are all industrial, commercial. There is a day care back here, way back to the east side, but that's not abutting, close to where this is being proposed, so I honestly don't

see anything, as the Chairman's suggestion about moving it to the other side of the building, but it seems very impractical if they don't have loading docks and garage doors. I'm inclined to be in agreement with them.

Chairman Pane: I personally don't see where the valid hardship is, the reasoning as to why it has to be there, if we could push it back closer to the building to not be in the setback. I don't see what the real hardship is personally and I haven't heard it yet. That's my own view point on it.

Commissioner Bechter: Maybe they could back it to inside of the setback.

Chairman Pane: We'd have to ask him.

Erik Hinckley: I think if it was closer to the building the vehicles would be more likely to impede the turning radius. As a reminder, by doing this, they are also going to remove an existing non-conforming shed that has been placed out there. It's a small trade-off.

Chairman Pane: The existing shed does take up some of that space that was existing there and never had an issue with them driving around.

Commissioner Bechter: The trucks come in this way, right?

Chairman Pane: I'm not sure exactly, honestly, I'm going to assume that is the way, but.....

Commissioner Bachand: The south elevation shows no garage door there, so maybe that's, I think the doors are on the west side. I guess, at least by this drawing.

Commissioner Connolly: When I originally read it, but to be honest with you, as the terms of the trucks turning around and business functionality it is going to post a problem and them storing stuff properly for their business functionality, I'm not so sure I'm against it to be honest with you. Originally I didn't see the hardship in it, but being business functionality and already in an industrial area, I don't really see an issue with it.

Chairman Pane: Can we ask him, why can't he move where the existing shed is, and that at least he's not in the full front yard setback, it's a lesser portion.

Erik Hinckley: You can inquire that, and if he agrees to that, we can amend this to vote on it to reduce the setback for whatever he is asking for to a smaller one, yes.

Commissioner Bachand: What is it now, twenty something feet over that front line?

Erik Hinckley: Yes, he's asking for, it's like twenty-three feet.

Commissioner Bachand: I thought the trucks were entering from that south side and that's why he was talking about that swinging, but then if that is not the case, I don't see why it couldn't be a little bit more.....

Chairman Pane: All the doors are over there as you can see in the picture.

Commissioner Bachand: So if that is the case, I don't see why moving the building further south....

Chairman Pane: It's going to be shorter actually, it's not going to stick out as far as all those that are up against the trees there. I can see where the shed is exactly and I'm going to assume that since the shed looks the same, sticking out as far enough, that is how it would be. See where that shed is?

Commissioner Bachand: So that is where the end of the building is, so it would just move it over.....

Erik Hinckley: Down here where the edge of the pavement is, the accessory building is still going to be on the pavement.

Chairman Pane: Right. Because the way it is right now the trucks are, would have a harder time getting in right now I would think, with everything that is sitting there, because the building is not going to be as.....

Commissioner Bachand: Maybe it's getting in and out of the new building, not the old building but I'm not certain either. I agree that I don't see that moving it twenty feet south is going to make that big of impact, a negative impact on them. But I also don't think it is that bad where it is either, so I could go either way.

Chairman Pane: Anyone have a consensus of what they think?

Erik Hinckley: So I recommend that you take this in three separate bites, because some could be approved and some could not be obviously. The first two go together, the location in the front of the building and then into the setback. The third is the building height. You can choose to do whatever you want, but that is just my recommendation.

Commissioner Bachand: The building height doesn't bother me too much, I don't know how the others feel about it. How tall is the existing building?

Erik Hinckley: Fifteen feet is the maximum amount allowed to an accessory structure.

Commissioner Bachand: Regardless of where it is located.

Erik Hinckley: Correct.

Commissioner Bachand: This is 2400 square feet, so it's as big as some entire buildings, entire commercial buildings.

Erik Hinckley: They would have to pull and building permit for it, in excess of 200 square feet and a zoning permit, but obviously based on whatever you approve or don't approve.

Commissioner Hutsvagner: Do we have to decide tonight?

Chairman Pane: We don't actually.

Erik Hinckley: You don't have to, you can close everything and then at your next meeting you can revisit it. The public hearing is closed.

Commissioner Bachand: So no one from the public could come to the next meeting and speak out against it, one way or the other.

Erik Hinckley: With the public hearing not open, and they can't speak on items on the agenda.

Commissioner Bachand: Seems that we are at this impasse that no one is going one way or the other. There doesn't seem to be a consensus.

Chairman Pane: No, you are correct.

Commissioner Bechter: Going to have to mull it over more.

Chairman Pane: Okay, if you think so, yes.

Commissioner Bechter: It would be a good idea, have a chance to think some more.

Chairman Pane: Okay, if everyone feels that way, I don't see why not.

Commissioner Dunning: I think that, based on what I am hearing, and I'm still unsure hat maybe mulling it over a little longer just to make sure everyone is comfortable with whatever way we decide.

Commissioner Hutsvagner: I'm fine with mulling it over.

Commissioner Connolly moved to table the three requests until the next meeting. The motion was seconded by Commissioner Dunning. The vote was unanimously in favor of the motion, with five voting YEA.

Commissioner Bachand: I wanted to say, that's a public access, so we could drive in there and take a peak at it, maybe not on the private property, but the main driveway, they have a road in there.

Erik Hinckley: No, it does not have a roadway, that is a private road, that is part of their lot.

Frank Borowski: I can answer that, the owner would not have a problem with you going on his site to look at it.

Chairman Pane: Thank you, we appreciate that.

Frank Borowski: No problem, I'll inform him that you might be doing that, so that is no problem at all.

Chairman Pane: You might see someone driving by slowly.

Erik Hinckley: The road is part of their lot, that's what makes it.....

Commissioner Dunning: Isn't there a pond over there, and you go straight down.

Erik Hinckley: Yes, straight down and then to the left, and you will see the corner that they are talking about. You will see the height of the existing building. Then you could look at that interior ramp if you wanted.

Commissioner Dunning: Are all of the commercial buildings in there about the same general height, the fifteen feet? What is that, 169 and 150?

Erik Hinckley: That is only for the accessory buildings. The main buildings are going to be taller than that. I don't believe it is going to be visible from Louis Street, from this building at 149 and even some of the other buildings on Pascone Place. It's going to be hidden.

Chairman Pane: All right, we are going to table this until the next meeting.

Erik Hinckley: That would be in May.

Chairman Pane: Is everyone available in May?

Commissioner Dunning: What is the date. I wasn't there when the dates were rolled out.

Erik Hinckley: It will be the first Thursday.

Chairman Pane: Thank you Frank for everything. We appreciate it and we will see you next month.

Frank Borowski: I may not be there, but someone else will be. I'm going to be in Japan. Thank you very much.

**V. APPROVAL OF MINUTES**

Commissioners Bechter and Connolly stated that their names were spelled incorrectly. Commissioner Bechter's first name should be Willard, and Commissioner Connolly's last name was spelled incorrectly and should be corrected to Connolly.

Chairman Pane moved to accept the minutes with the above changes. The motion was seconded by Commissioner Bechter. The vote was unanimously in favor of the motion, with five voting YEA.

**VI. COMMUNICATIONS AND REPORTS**

None

**VII. NEW BUSINESS**

A. Petition 00-23-01: 179 Louis Street, Newington: Requesting 3 separate variances from Section 4.5 Table B of the Regulations; First; to allow an accessory building in the front of the principal building; second, to reduce the required front yard setback of thirty-five feet (35) to twelve (12) feet and third; to increase the allowable accessory building height from fifteen (15) feet to twenty-two (22) feet. Applicant/contact: Frank Borowski, P.E., Owner: Aero-Craft, LLC.

Tabled

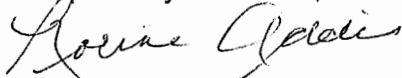
**VIII. OLD BUSINESS**

A. None

**IX. ADJOURNMENT**

Chairman Pane moved to adjourn the meeting at 7:35 p.m.

Respectfully submitted,



Norine Addis,  
Recording Secretary