

NEWINGTON ZONING BOARD OF APPEALS

Regular Meeting

May 4, 2023

Chairman Nicole Pane called the regular 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 Sharon Dunning-Alt

Commissioners Absent

Commissioner Timothy Hutsvagner
Commissioner Michael Karanian
Commissioner Michal Connolly-Alt.

Staff Present

Erik Hinckley, Asst. Town Planner/ZEO

Commissioner Dunning was seated for Commissioner Hutsvagner

II. PUBLIC HEARINGS

None

III. PUBLIC PARTICIPATION

None

IV. WORK SESSION

None

V. MINUTES OF PREVIOUS MEETINGS

Chairman Pane moved to accept the minutes of the April 13, 2023 meeting. The motion was seconded by Commissioner Bechter. The vote was unanimously in favor of the motion, with four voting YEA.

RECEIVED FOR RECORD
IN NEWINGTON, CT
2023 MAY -9 AM 10:29
Nicole Pane
Town Clerk

VI. COMMUNICATIONS AND REPORTS

Erik Hinckley: We will be looking at an update of the regulations and will be discussing like we did with the air conditioner thing, it keeps coming to us.

Commissioner Bachand: Or the fences on corner yards.

Erik Hinckley: If there is anything, let me know, we will address it and review it, and see what we want to do moving forward.

Commissioner Dunning: I have a question. On the, I guess the part of the regulations that you sent out, it looked like it was cut off.

Erik Hinckley: No, Section 8.1 is everything to do with how you should look at each application, and make reviews. Section 8.2 just deals with members of the Commission, stuff like that, the meat of what you want is 8.1.

Commissioner Dunning: Okay, just wanted to make sure that was all we needed.

Erik Hinckley: And just so everybody is clear going forward, standing guidance from staff and the Town Attorney for any application would be to review Section 8.1 and base your decision on those guidelines. If you have some things you can look at and point to and feel comfortable making a decision.

VII. NEW BUSINESS

Erik Hinckley: Not for this meeting, but there will be two applications for June, received today and if this one holds over, it would be this one as well.

VIII. OLD 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 Borawski, P.E., Owner: Aero-Craft, LLC.

Commissioner Dunning: Are there any pictures of this property that we are looking at tonight?

Erik Hinckley: There were some aerial views last time.

Commissioner Dunning: Okay, but there were no actual pictures if somebody had gone by there recently.

Erik Hinckley: No, not that I am aware of.

Commissioner Dunning: Okay, thank you.

Commissioner Bachand: I think that everyone who is here tonight was at the previous meeting, correct?

Chairman Pane: Yes. Taylor, would you like a few more minutes.

Taylor: I have a question regarding the meeting. If there were five members present, would you still need four votes or.....

Erik Hinckley: Either way, for a variance you would need four votes, whether there are five people here, or four people. You still need four votes for approval, so if there are five here and it is 3 to 2, it fails.

Taylor: Okay. What would be the date for the next meeting?

Erik Hinckley: The next scheduled meeting is June 1, we would have to canvas the Commission to see when I could get a special meeting. There is not any guarantee that I would be able to get anyone, we would try to do it on a Thursday again, our regular meeting night anyway. The other thing you should be aware of is that at the next meeting they will have to make a decision because the sixty-five days will be up because the public hearing is closed. So there will definitely be a decision at the meeting of June 1st.

Taylor: Okay, thank you, one more moment if you don't mind, I will get right back to you.

Commissioner Bachand: Is this like TPZ where the applicant could grant permission to extend the.....

Erik Hinckley: Not once the public hearing is closed. I has to be sixty-five days once the public hearing is closed, I mean, I'll have to, they may be able to grant an extension, I can't remember.

Taylor: Thank you for waiting, we will have the vote proceed this evening.

Chairman Pane: Okay, no problem.

Erik Hinckley: If I may, again I would recommend voting on each one separately because there is a possible approval for any of them.

Chairman Pane: Anyone have any comments, did they take a drive by, or anything that you want to take about before we decide to start voting?

Commissioner Bachand: I did drive by, I was fairly comfortable from the beginning but I did take another look at it. I feel that I'll be voting for it, only because I think, if we look at the guidelines here, it is a unique situation the way that the building is laid out on the lot, I think most people would not consider that as front yard even though it is facing the street, but you can't see it from the street. It's two side yards, to me essentially that is acting as a side yard. The two side yards currently, one is just long with a driveway that goes through it, and the other is up against the fence in the back, which would be technically their back yard now and I think it is just parking lot there, it's just mostly lawn and parking lot, but there is no accessible office doors, there are no garage doors or anything like that which we would normally expect in the rear of the building, so to me that front yard is acting almost like either a side yard or a rear yard. So, I think it is consistent with the neighborhood, I think, the hardship is that it is such a unique property and the town did facilitate the layout of that neighborhood there, so it's definitely not a cookie cutter industrial lot on an industrial street. I can't even tell what that Mallard Drive is. What is that, a street or is that just driveways through the property, because on the map I shows.....

Erik Hinckley: Mallard is just a little cul-de-sac for like six condo buildings I think.

Commissioner Bachand: Because on the map it shows that Mallard goes around these buildings, and goes through the parking lots and things, it's kind of weird. That's not an official town map, it's Google maps.

Chairman Pane: I did too take a look around and I drive by, it was hard to get in unfortunately, but I could see where this is needed with everything that they have on the pavement, but I don't personally see the hardship in it. I don't think it's a unique property, I think there are a lot of things that would make properties unique but I don't see it. I feel like they can add onto the building and it wouldn't be an issue and it would be perfectly, it would not be an accessory building, and they can have the height and be within the setbacks, so, and I don't see why you can't fit a truck in there because you can't fit a truck in there now with everything that is there, so.....

Commissioner Bachand: That is interesting, I didn't think about the addition to the building. Did we talk about that last week at all?

Chairman Pane: I actually looked, but I didn't see a garage and I said well why not just go straight off, and it wouldn't be an accessory building and it would be attached and there would be no issues, it would be cut and dry, same height, no issue with height, or allowing all of these.....

Commissioner Bachand: It would be a lot more because that building is pretty tall.

Chairman Pane: There would be more storage.

Commissioner Dunning: Nicole, are you saying you would be in favor of going up, increasing the height, is that what you are saying?

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Chairman Pane: Well no, I'm saying that if they move the accessory building and made it attached to the building that is there now, they would be able to go to the same height that the building is now.

Commissioner Dunning: Oh, interesting.

Chairman Pane: Do you know what I mean?

Commissioner Dunning: Now I do.

Chairman Pane: Because there is really nothing in the way, I did see so much stuff there that I understand that they do want to get trucks in there, but they can't even get a truck in there now with turning around, it's just backing straight in.

Commissioner Dunning: The other thing I was wondering, the setback from 35 feet to 12, it's kind of significant.

Chairman Pane: It is, and I remember the last time we talked about it, the existing shed that is there, even before this, they could have moved the accessory building to where the existing shed was and there would be less of a non-conformity in the front yard setback too.

Commissioner Dunning: One other thing that came to mind, in terms of, in terms of an emergency, for access, a fire truck coming through, would there be impediments with any changes potentially?

Chairman Pane: What do you mean by that?

Commissioner Dunning: If this was configured the way they would like, would that infringe on the ability of emergency vehicles to get into the property if they needed to.

Chairman Pane: That's a great question, to be completely honest with you, I'm not sure because they have so much stuff in the parking lot as it is. No matter what, I'm hoping that they remove it and put it into the building that they are wanting to put it into which would maybe make it a lot easier for access I would think, no matter what happens. I don't know, from what the aerial view...do you have that aerial that you could show Erik?

Erik Hinckley: The public hearing has been closed, so...

Chairman Pane: No problem then, no problem.

Erik Hinckley: You can't point something out that they can't refute.

Chairman Pane: I've got it.

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Commissioner Dunning: That was my concern if an emergency vehicle, the space that they would be building out to, would that create a hindrance for emergency vehicles to access the building if God forbid there was like a fire or something and they needed to get in there.

Commissioner Bachand: Erik what Nicole is suggesting, or just brought up, would any variance be required for that if they didn't go all the way out to the front yard frontage?

Erik Hinckley: So if they were building an addition, off the front, as long as they meet the sideyard setbacks, like she said, the building height, the front yard setback.....

Commissioner Bachand: So they wouldn't even require a variance.

Erik Hinckley: No.

Chairman Pane: Bill, was there anything that you wanted to talk about, or have anything to say about it at all, because I know that you haven't gotten the opportunity yet.

Commissioner Bechter: Nothing special, no. Just following the conversation here.

Chairman Pane: All right. I'm not sure if everyone is confident in making a motion for anything. If we do, we would do them all separately.

Commissioner Bachand: If any one of them not be approved does it set the whole thing off?

Erik Hinckley: However you feel you need to structure it.

Commissioner Bachand: I think we know what the outcome will be, but I'll make the motion to approve it. I like your idea and I think that is what they should be doing, but I'll stick with what I thought in case they, that was important to them to do it that way. I'll just make the motion to approve. What is the first one?

Chairman Pane: To allow an accessory building in the front of the principal building.

Commissioner Bachand: Okay, we'll do that one first, to allow the accessory building in the front of the building.

Chairman Pane: Does anyone want to second that, and then we can do a roll call vote to see exactly what the votes are.

Erik Hinckley: If there is no second, the motion will fail.

The motion was seconded by Commissioner Bechter.

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Chairman Pane voted no, Commissioner Denning no,

Erik Hinckley: So that motion fails.

Chairman Pane: Anyone for the second motion which would be to reduce the required front yard setback of 35 feet to 12 feet.

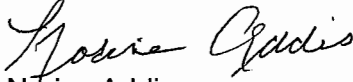
Commissioner Bachand: But aren't those moot now because if you can't allow an accessory building in the front yard, I think the others.....

Erik Hinckley: Yes, I would say they are moot at this point.

Chairman Pane: So it has been denied then, unless anyone would like to make a motion for any of the second or third requests. So, there are no motions, so unfortunately the petition did not go through.

Chairman Pane moved to adjourn the meeting. The motion was second by Commissioner Bachand. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary