

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
CONFERENCE ROOM L101
NEWINGTON, CONNECTICUT 06111
JUNE 2, 2016
I. MEMBERS PRESENT

Chairman Louis Califano (absent)
Commissioner Willard Bechter
Commissioner Nicole Pane
Commissioner John Richter
Commissioner Judith Igielski (absent)
Commissioner Timothy Hutvagner
Commissioner Audra Ekstrom (absent)
Commissioner Paul Plavcan (absent)

PRESENT:

Michael D'Amato
Zoning Enforcement Officer
and Assistant Town Planner

Commissioner Richter: Before we begin, let explain the ZBA meetings and how they are run. There are two parts to the meeting. First is the public session and the petitioner will come up to the podium and give their name and address and comment on the petition and what their hardship is. After the petition has been heard, anyone from the public may come up to the podium and express whether they are for or against the petition. The public part of the meeting will then be closed. During the work session the public may stay but cannot comment at all. If the petitioner can stay for the work session, fine, if not they will be called by the Building Department tomorrow and let you know what the decision was made. I am filling in for Louis Califano. Will you please read the first petition 00-16-06 will not be read, it has been called off.

Petition 00-16-07: Top Gun CT of 300 Alumni Rd is requesting a VARIANCE of 12' from the required 25' of Newington Zoning Regulations Section 4.4.1 concerning front yard setbacks for buildings in the industrial zone to construct an addition. 300 Alumni Rd is located at the intersection of Alumni Rd and Memorial Rd.

Top Gun CT Inc. of 300 Alumni Rd is requesting a VARIANCE of 5 ft. from the required 10 ft. of Newington Zoning Regulations Section 4.5 concerning side yard setbacks for buildings in the industrial zone to construct an addition. 300 Alumni Rd is located at the intersection of Alumni Rd and Memorial Rd.

Mr. Bongiovanni: Good evening, members of the board and for the record my name is Alan Bongiovanni, a licensed land surveyor and my office is at 170 Pane Road, Newington. To my left is Scott Graczyk and he is a principle with Top Gun Inc, Connecticut and the owner of the property, 300 Alumni Road. Michael, do you have the PDF that we can put up. As most of you are probably aware, this was built in 1999; it is a two rink skating facility and what the proposal is in the lower right hand corner, is to add an addition of about 7200SF I think it is 80x90 and that is to facilitate a smaller rink used by the elite skater that needs private time or the very, very young learning skaters so that they can have a facility that is safer and easier to learn without the other skaters bothering them. There are 2 variances that we are requesting here. The side yard addition which would be to the right or to the east reducing it from 10' down to 5' under section 4.5 and then the setback from Memorial Rd is a 25ft setback in the I Zone, Section 4.4.1 reducing it to 12ft in that area.

Zoom out a little bit Mike. Our hardship is fairly basic, we have really a triangular shaped lot. We have a street to the north, Alumni Rd, and street to the south which is Memorial Rd, to the right is industrial land and other use there. As the building was built and the parking was designed, basically it took the footprint of what was available at the time. This proposal of the need for this space is basically an evolution in the business. In order for this facility to stay on par with the premier facilities this is an amenity that he needs to add to the facility. This will not necessarily increase the attendance by the amount of people that visit the facility but it will allow him to offer what Simsbury skating facility and other facilities might be in the area. This is a business that you have to work hard to stay up with it. Mr. Graczyk bought this out of a bankruptcy and has done a good job running the facility and he has a viable concern. Again, our hardship is the configuration of the parking. This was not designed or laid out by Mr. Graczyk. It is the only spot on the building given the exterior layout of the site as well as the interior layout of the building where he could actually put an addition on the property and that is to the lower right hand corner, in the southeast corner of the site. One of the things I would like to point out is that section of Memorial Road is actually owned by the USA. That is not town property. The town has an easement for that. So I am not sure that it actually qualifies as an actual road and would require that 25ft setback. That is how the site plan was prepared. It may be considered a 10 ft side here. It has been shown as a roadway as an easement to the town as a roadway so we are requesting it, but it might not be necessary but I think if you are so inclined to grant it, I think it would make a cleaner application. Mr. Graczyk is here if you have any questions for him.

Mr. Scott Graczyk: My name is Scott Graczyk, one of the co-owners of this building and we have been co-owners since we did take it out of bankruptcy and received ownership in 2004. At that time there were a lot of issues with the building in terms of certificates of occupancy and parts of the building weren't granted and we cleaned all of that up and then I think we were in good standing with the town since we did take control of the building. To build on what Alan had mentioned that rink - a great analogy is a little league field, the big rinks and we had 2 of them, 200'x85' and when young kids learn to play hockey and they play in that big rink, usually there is one kid that is really, really talented, that has a great time skating around a 200x85 and the other kids really not improving and growing as players. USA Hockey started an initiative, it started 3 years ago to really cater and develop hockey players at the very young age and they basically brought the concept of a little league field to a hockey field and they are asking rink owners to foster that type of development with a smaller rink. A smaller rink will allow the kids that are not as talented to advance here and closes down the surface angles and things like that in order to play, so much so if you don't keep up with the Yankee Stadium or Fenway Park, they are going to be lost and in a little league field the game becomes enjoyable, so we have clientele today and a lot of Newington residents are members of Central Connecticut hockey which is the state's second biggest hockey organization. Those players are looking for a surface like that along with the elite skaters that Alan mentioned. There is a number of elite skaters that basically skate on a single surface as a one skater to practice jumping and we have one Olympian who skates 8 times a day. That becomes a very costly rental basis, for a 200'x85' surface. This becomes a viable alternative to let her practice along with the youth.

Comm. Richter: Any comments?

I had one. The back part - is there any maintenance there?

Mr. Graczyk: The back part is our utility driveway which leads out to where we have a dehumidifier as well as access into our garage for mechanical components.

Comm. Richter: I was talking about your neighbor.

Mr. Graczyk: Oh yes, the neighbor that is in the back, Asphalt Maintenance is supportive. The piece of land that we have right here, is the space that we are proposing, this addition is partly paved and partly is grass. There is actually a transformer tucked into that little nook that leads into my electrical room. We will have to move that and I spoke to Eversouce about that as well

Comm. Bechter: And so your business is competing with others of the same type.

Mr. Graczyk: It actually, I think will accentuate our building because it really does become in uniform with USA Hockey's requirement for standardized Little League hockey. Somebody is going to do it and it is a very competitive market, we have Simsbury, Bolton, and private rinks in the area and they are all competing with us, so I do think it is a matter of time before someone takes this up but as I mentioned in central Connecticut you have a major tenant, a nonprofit organization that is our tenant and we will work with them to bring this forward.

Comm. Pane: I am assuming there is more than enough parking there for an addition like that.

Mr. Bongiovanni: There is 199 spaces on site and when this was approved by Planning and Zoning they looked at this specific use and compared it with regulations and it does not fit with the regulations because the regulations say 1 space for every 3 occupants and given the size of the building, for 3,000 people, so you need 1,000 spaces. There are about 4 times a year when they have exceed 199 spaces and the overflow goes into the VA hospital parking lot and it works very well because 5 days a week the VA occupies this parking lot/

Mt. Graczyk: I have spoken to the director of the VA and again, he is very supportive of this.

Mr. Bongiovanni: We also have the parking lot of Alumni Field, if there was ever a situation where it was needed for a lot of people, but for the most part it is never a problem.

Michael D'Amato: Their next step will be TPZ.

Comm. Pane.: Yes.

Michael D'Amato: This is his first step. So that will all be done once they have this application approved and TPZ looks at those types of things to see what was considered previously. Our parking regulations for this are not super appropriate. At this point I don't have anything else as staff that we would like to bring up. We will have comments for their application to TPZ based on the site plan. For what you guys are deciding on as far as the 2 different variance applications we sat down with Scott ahead of time to see if there were any other viable options. From our perspective, another option is really going to stir up the overall organization of the site as far as site flow because there entrances from two streets and traffic moving in two directions. Staff does not have any concerns with this application.

III. WORK SESSION

Comm. Richter: Will Comm. Pane please read the first part of Petition 00-16-07.

Comm. Pane: Top Gun CT Inc. of 300 Alumni Rd is requesting a Variance of 12' from the required 25' of Newington/Zoning Regulations Sec. 4.4.1 concerning front yard setbacks for buildings in the industrial zone to construct an addition.

Comm. Bechter: I make a motion to approve the petition.

Comm. Richter: I second the motion.

The motion passed unanimously.

Comm. Pane: Top Gun CT Inc. of 300 Alumni Rd is requesting a Variance of 5 ft. from the required 10 ft. of Newington Zoning Regulations Section 4.5 concerning side yard setbacks for buildings in the industrial zone to construct an addition.

Comm. Bechter: I make a motion to approve the petition.

Comm. Richter: I second the motion.

The motion passed unanimously.

IV. PUBLIC PARTICIPATION

None.

V. MINUTES OF APRIL 7, 2016

Comm. Richter: I move to accept the minutes.

Comm. Bechter: I second the motion.

The motion passed unanimously.

VI. COMMUNICATIONS AND REPORTS

Mr. D'Amato: I made a presentation about increasing the ZBA fees, so hopefully at the next meeting we will know whether or not they will increase them. Currently we charge \$75.00 for an application and the folks that had this job previous to me were not sending \$60.00 to the State and we should be per application. So if we start sending \$60.00 to the State we are going to be taking \$15.00 per application and it costs us roughly \$200-\$300 for fees to put it in the paper. We actually had a request to transfer about \$1200 into the ZBA account to offset the publishing. We are going to be making a change so that we will not be losing money on our applications, but it has to come from the council because it is a change and they have to approve it, so I explained to them why we want the fees increased which is a huge jump but, we have to cover our costs.

ZONING BOARD OF APPEALS 5 JUNE 2, 2016

The state requires the town to pay \$60,00 for every land use application they receive, so for Conservation, TPZ, ZBA, anything land related we send DDEP \$60.00 so that comes right off the top, so we are just trying to make it because we do not have it subsidized. The opinion of the ZBA was that we were essentially subsidizing these applications, the taxpayers were subsidizing the application so I will let you know at the next meeting.

Comm. Richter: I have one thing on this tonight, you brought up a good point about the surveyor cutting with the government only in that property and they kind of worked with that.

Mr. D'Amato: Yeah, this is...

Comm. Bechter: ...that is because of the VA Hospital.

Comm. Richter: But it is not owned by Connecticut, it is a government property, whether it is a street or not a street.

Mr. D'Amato: Yeah, I think that number one, I cannot recite you the definition of how we determine what his setback is so whether or not it is a town road, I think it is still a front yard, but separate from that in 1999 the building was approved with the setbacks and as far as I am concerned if they want to bring it up as an issue, the time was then and, we are not going to adjust the setback based on that. For the purposes of if that road ever changes ownership and they close the VA, which they have been talking about for years, then we would be left with nonconforming.

VI. COMMUNICATIONS AND REPORTS

None.

VII. NEW BUSINESS

None.

VIII. OLD BUSINESS

None

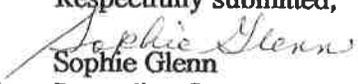
IX ADJOURNMENT

Comm. Bechter: I make a motion to adjourn.

Comm. Richter: I second the motion. The motion passed unanimously.

The meeting adjourned at 7:21PM.

Respectfully submitted,


Sophie Glenn
Recording Secretary

