

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
CONFERENCE ROOM L191
May 7, 2020

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Town Clerk

I. Roll Call

Chairman Nicole Pane
Commissioner Willard Bechter
Commissioner Timothy Hutvagner
Commissioner Michael Karanian
Commissioner Sharon Dunning
Commissioner Judith Igielski

PRESENT

Andrew J. Armstrong
ZBA Administrator

2. Work Session

2.1 PETITION #))-20-02: "Firestone Complete Auto Care Center" is requesting location approval for a dealer's and repairs License At 2897 Berlin Turnpike in accordance with Sec. 14-54 of the Connecticut General Statutes.

Documents:

ZBA STAFF REPORT - 2897 BTP (LOCATION APPROVAL)PDF
ZBA DMV APPLICATION 421.21.20.PDF

Andrew J. Armstrong

ZBA Administrator: Is everybody okay with just going with the conference call at this point since we are familiar with the site and what not.

Everyone replies "I am".

Chairman Pane: Okay, perfect. We will start the meeting. So, do you want to give a roll call?

Andrew J. Armstrong

ZBA Administrator: Sure. All right. I'm going to do a roll call.

Nicole Pane.

Nicole Pane: Present

Michael Karanian.

Andrew J. Armstrong: Are you there?

Michael Karanian: Yes, I am.

Andrew J. Armstrong: Thank you.

Judith Igielski.

Judith Igielski: I'm here.

Andrew J. Armstrong: Timothy Hutvagner.

Timothy Hutvagner: Here.

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Andrew J. Armstrong
ZBA Administrator: Audra Eckstrom has recused herself

Andrew J. Armstrong
ZBA Administrator: Sharon Dunning.

Comm. Dunning: I'm here.

Andrew J. Armstrong
ZBA Administrator: Will Bechter.

Comm. Bechter: Here.

Andrew J. Armstrong
ZBA Administrator And John Bachand

Comm. Bachand: Here.

Andrew J. Armstrong
ZBA Administrator: Thank you.

Chairman Nicole Pane: I'm going to seat Judy Igielski as a member in place of Audra Ekstrom. Is that okay with you, Judy?

Comm. Igielski: Yes, it is.

Comm. Bachand: If I could give one bit of advice you have to click that little arrow on the bottom left to see the video I just tried it and see if that works for you.

Chairman Nicole Pane: Did you hear that Judy?

Comm. Igielski: Now I can, thank you.

Chairman Nicole Pane: Thank you, John.

Andrew J. Armstrong
ZBA Administrator. Thank you, John.

Chairman xaria Pane: Okay, perfect. So before we begin, let me explain how the ZBA meetings are run. There are two parts to the meeting, the first is the public session where the petitioner will come up to the mike and speak their name, address and comment on the petition and what the hardship is. After the petition has been heard, anyone from the public may come up to the mike 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. If the petitioner can stay for the work session, fine. If not, they can call the Building Department tomorrow and they will let you know what the decision was.

Andrew J. Armstrong

ZBA Administrator: I just wanted to clarify that with this new function for approval in this particular instance, we don't have public participation and it will just be the applicant's presentation followed by any discussion by the commissioners.

Chairman Pane: Perfect. Will somebody read the petition.

Chairman Pane: PETITION #00-20-02: "Firestone Complete Auto Care Center" is Requesting Location Approval For a Dealer's And Repairs License At 2897 Berlin Turnpike in Accordance with Sec. 14-54 of the Connecticut General Statutes.

Atty. A. Suchens: Thank you. This is Amy Suchens. I am the attorney representing SB Newington 433 LLC and let me explain why we did not do this last month when I was here in front of you on the variance request. So, as you might remember this is the Firestone location at 2897 Berlin Turnpike. We had filed the variance application that you heard last month as a result of the settlement we had reached with Attorney Hollister's clients who were the surrounding and former surrounding property owners. We had also submitted applications to the Town Planning and Zoning Commission at the same time based upon the variances you gave us and as part of that application to TPZ we had included this bond request for location approval for the state and under the Newington zoning regulations it specifically said that they should go to TPZ. So what Mr. Miner, the Town Planner discovered began preparing his report for the Town Planning and Zoning Commission hearing last month, and was that the statute actually changed since the Newington regulations were adopted. It was frankly never caught in the amendment that the Town Planning and Zoning Commission that I and Mr. Hollister went through with Mr. Miner last year, so we are here because under the statutes, in the event there is a conflict between the statutes and regulations, under the governing statute #1454, the dealer and repairer location must be approved by the ZBA. You are not sitting in your capacity with respect to a variance or an appeal from Mr. Armstrong's position. You are sitting at the agent of the State Department of Motor Vehicles to make a determination as to whether this is an appropriate location for an automotive use. The other piece to that is that typically you would be required to hold a public hearing because this location was previously approved back in 2013 by the TPZ and we ask that you obviously waive the public hearing process. Attorney Hollister agreed that he did not believe a public hearing was necessary and did submit an e-mail that included and references Mr. Armstrong's memo saying that they were again, in support of this application and the only task before you tonight, as I said, under the statute is to decide whether the location is suitable and under the statute suitability requires you to give due consideration to this location with reference to schools, churches, theaters, traffic conditions with the highway and its affect on public travel. So as I said as noted in our application letter, the location was initially approved by TPZ back in 2013 and it assessed those criteria. Nothing has changed since then and the property is located right on the Berlin Turnpike so I don't think anybody believes there is any traffic issues or that the site is not..the width of the highway or traffic conditions would be adversely affected by this and then with respect to other proximity to the other considerations, the closest property, school, church, theater in the immediate vicinity is the John Wallace middle school; it is about 2-1/2 miles driving, a little over I think it was about a mile and a half as the crow flies from this site, so with that, unless you have some questions, but that is this very simple request to make the determination that this is a suitable location for this license and use under the state DMV section. Thank you.

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Chairman Pane: Any questions? Anyone? Would anyone like to make a motion for this?

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

Chairman Pane: Thank you, Mike. Is there a second?

Comm. Hutvagner: I second it.

Chairman Pane: Thank you, Tim. All in favor? Aye unanimously.
I just want to go by each name, if I could just go by each name to make sure who said "I".

Will Bechter? Say "yes" or "no:".

Comm. Bechter: That's an affirmative, I said "Aye".

Chairman Pane: Okay. Tim?

Comm. Hutvagner: I said, "yes".

Chairman Pane: Judy?

Comm. Igielski: Yes.

Chairman Pane: Mike?

Comm. Karanian: Yes.

Chairman Pane: I say "yes" as well. So the motion carries.

Chairman Pane: Sharon, yes or no.

Comm. Dunning: Yes.

Chairman Pane: Thank you.

Amy Suchens: Thank you

Chairman Pane. You're welcome.

Amy Suchens: Thanks for having me.

Chairman Pane: No problem. .

Chairman Pane: Do you want to do the minutes and everything that was left for the next meeting?

Andrew J. Armstrong

ZBA Administrator: Yes, that's fine.

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Chairman Pane: Thank you, Amy, take care.

Attorney Suchens: You, too.

Respectfully submitted,

Sophie Glenn

Recording Secretary

The meeting adjourned at 6:15 P.M.