

May 19, 2011

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Monday, May 9, 2011 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. and the following was reviewed:

Commissioners in attendance: Jeff Vitta, Chairman
Wayne Chorney
Fran Nelson
Bill Reynolds
Elaine Dove

Staff in attendance: Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Peggy Craft, Acting Commission Clerk
Lisa Raccio, Stenographer

1. CALL TO ORDER

Mr. Vitta called the meeting to order at 7:03 p.m., reviewed the agenda and meeting procedures and the panel introduced themselves.

A. Public Hearing Special Meeting

1. 11-1640 1095 West Woods Road

Chairman Vitta read the application.

Travis Woodruff, 95 Laura Road addressed the Commission. Mr. Woodruff proposes to rebuild his garage using the existing footprint. He would also like to add a bonus room upstairs and a second bedroom. Commissioner Nelson asked if he was planning on extending the patio. Mr. Woodruff said he was not; he was going to move the patio two feet back into the yard. Mr. Vitta asked if there would be a kitchen. Mr. Woodruff said there would not.

There were no other questions from the Commissioners.

Mr. Woodruff distributed a letter from the immediate abutter. Mr. Vitta read the letter into the record.

Mr. Vitta asked if there was anyone present who wished to speak in favor of this application.

Steve Labulis, a neighbor stated that he supports this application
Mr. Woodruff's contractor was also present, and stated that he is in favor of the application.

Next, Mr. Vitta asked if there was anyone who wished to speak against this application.

There was no one who wished to speak against this application.

The Public Hearing was closed.

2. 11-6421 130 Welton Street

Chairman Vitta read the application.

Joshua Lockwood, 998 West Main Street, Branford, the applicant addressed the Commission. Mr. Lockwood operates Lockwood Excelerate Performance that is owned by Lockwood Realty Holding Company.

Mr. Lockwood is seeking a variance for motor vehicle use, and a motor vehicle use permit.

Mr. Lockwood said there are five different auto businesses within 1/10 of a mile of 130 Welton Street. He said there would be very little impact on the neighborhood. He said that 45% of his business is selling parts online, mostly to out of state customers. He said he has a general repair license. He added that he does some repair work; has one mechanic; and works mostly on Japanese and European cars. He added that he does not do many general repairs.

Commissioner Nelson asked what hours he would be open. Mr. Lockwood said 10:00 AM to 6:00 PM Monday thru Friday and 10:00 AM to 5:00 PM on Saturday. He added that he does not do much mechanical work on Saturday. Mr. Lockwood was asked if he ever stays open past his regular closing time. He said very rarely, but doesn't work past 7:00 PM.

Mr. Nelson asked if Mr. Lockwood works on trucks. Mr. Lockwood said he occasionally works on some pickups but his customers are more Japanese and European car owners.

Mr. Nelson asked if there are any concerns with noise. Mr. Lockwood said his business in Branford is located next to Lamonico's Restaurant, and he has never received any complaints concerning noise.

Next, Mr. Lockwood was asked about test drives. He said these are done on the highway.

Mr. Lockwood explained that he needs to obtain this variance before he can go forward to purchase the building.

Commissioner Chorney asked if Mr. Lockwood would be a parts reseller. Mr. Lockwood said his business is strictly automobiles.

Mr. Nelson asked if Mr. Lockwood will be using the whole building or might he rent to another shop. Mr. Lockwood said that is up in the air right now. He added that another auto business close by might rent some space.

Mr. Nelson said he would have to come back before this Commission if he rents to another shop. Attorney Lee said if the variance is granted for the entire property the renter would have to get a variance approval. He added that the Commission could put limitations on the use variance.

Mr. Nelson discussed the possibility of other businesses using the rented space for truck repair.

Mr. Lockwood said there will not be towing and it will not be a huge full service business. Commissioner Dove asked what was located in this building before. Mr. Lockwood said a heating and air-conditioning company and a printing company.

Ms. Dove asked Mr. Kops what the rationale was for leaving this area T3. Mr. Vitta said this question may not be appropriate for this forum.

Mr. Kops said the most recent use of this property was a manufacturing site. He added that this type of business would not be that dissimilar, and the impact would be negligible.

There was a discussion regarding how long this property has been vacant. Mr. Lockwood said he is not sure how long it has been vacant. He added that on July 15, 2010 Peoples Bank took the property back from the former owner.

Commissioner Chorney discussed the types and weights of vehicles that would be serviced at this facility. Mr. Lockwood said they would not be servicing any big vehicles.

Mr. Chorney expressed concern for the neighbors in residential area. He discussed a buffer zone in the rear of the building, and asked about outside storage. Mr. Lockwood said he doesn't store vehicles outside; they are pulled in at night.

Mr. Chorney asked if this would be a used car dealership. Mr. Lockwood said it would not.

Mr. Lockwood said he might purchase a 25 foot trailer. Mr. Kops said this would require a special permit. Mr. Lockwood said he could pull the trailer inside.

Mr. Vitta asked if there was anyone who wished to speak in favor of this application.

There was no one who wished to speak in favor of this application.

Mr. Vitta asked if there was anyone who wished to speak in favor of this application.

Annette Gordiack, 1681 State Street addressed the Commissioners.

Mr. Kops said there is a letter in the Commissioners' packets from her.

Ms. Gordiack questioned the days and hours Mr. Lockwood's business would be open. She said she has lived there since 1957, and all the businesses previously located at that site closed by 5:00 PM. She is also concerned that they will be open on Saturday.

She said her house was built in 1930 and it directly abuts this property. She said Columbia Printing was there when she first moved in. She said the backyard was fenced in when a fencing company was located there.

Ms. Gordiack asked what type of vehicles will be serviced at this facility. She said Holly Masi, the Zoning Enforcement Officer said it would be automobiles, and now he is talking about pickup trucks. Mr. Nelson said pickup trucks are considered automobiles. Mr. Vitta said the application could be clarified. Ms. Dove said if this is not specified it would be easy to get around.

Next Ms. Gordiack asked how many vehicles would be repaired and serviced per day. Mr. Lockwood said at the most eight to ten vehicles a day.

Mr. Lockwood said right now he is operating out of a 2,500 square foot building. If he moves his business to Welton Street he will be going to a 20,000 square foot building. He said 88% of his business is sales of parts, and added that much of that is out of state.

Next Ms. Gordiack asked what type and volume of noise would there be and if cars would be repaired outside. Mr. Nelson explained that repairs must be done inside; it is not allowed to do car repairs outside.

Ms. Gordiack asked where the emissions would go if an engine was running, and also where waste oil and gas would be disposed. Mr. Lockwood said emissions will go out the overhead door. There was a discussion regarding how long cars would be running. Regarding pollution and waste oil and gas, Mr. Nelson said this is governed by state law.

Mr. Vitta asked if the emissions hose could be moved. Mr. Lockwood said that would be possible.

Mr. Lockwood was asked where cars will be parked during the day and overnight, and what type of security he will have.

Mr. Reynolds said whatever business is at this location, cars will be coming in and out.

Mr. Lockwood said the cars will be in the parking lot during the day, and overnight they will probably not be any cars parked outside. He added that if cars are parked outside they will be parked in the front of the building with cameras directed at the area. He added that he is very serious about security.

Mr. Chorney asked Mr. Kops if this is mixed use and a percentage of the use is sales, will there be parking requirements, and will they be based on the entire building. Mr. Kops said Mr. Lockwood will need to prepare a better site plan. He added that he was not aware of the retail use. It was noted that there might be 15 to 20 cars a day that come in to pick up parts. Mr. Chorney asked how this affects the variance. Mr. Kops said the variance is for auto related uses; that would include parts.

Mr. Chorney said there are many sections of the Zoning Regulations that are open ended. He asked if Mr. Lockwood comes in for auto repairs are we looking at limitations which could include hours of operation, and could also include going before the Planning & Zoning Commission.

Mr. Lee said this is a use variance so any provisions imposed by this Commission would have to be taken into consideration by the Planning & Zoning Commission.

Mr. Nelson asked if Mr. Lockwood is here for Motor Vehicle Use Variance

Mr. Kops said he is seeking a variance for Zoning Regulations 600, 610 and 650.

Ms. Dove asked what part Zoning Regulation 666 plays in this. Mr. Nelson said he is not here for that. There was a discussion regarding what the variance is for.

Mr. Lockwood asked if Firestone sold a part would that be considered retail sales. He said as categorized by the State, it is motor vehicle use. He added that this is not Kohl's.

Mr. Kops said gas stations that have retail associated with them come in for a retail variance. He said if this comes before the Planning & Zoning Commission he doesn't see anything that covers motor vehicle parts sales.

Mr. Nelson stated that the applicant is only here for variances on Zoning Regulations 600, 610 and 650. He said location approval does not require sales approval.

Mr. Chorney said that sales fall under a special permit.

Mr. Kops said anything that requires a use permit requires a special permit.

Ms. Gordiack asked if the Commission would take into consideration the possibility that Mr. Lockwood might be renting to another auto repair business.

Mr. Lockwood said this is only conjecture, there is nothing definite.

Ms. Dove said Zoning Regulation 654 should also be considered if there is going to be outside storage.

Ms. Dove said her mechanic leaves cars outside for months and months; there are cars there all the time. She said this is a neighborhood, and for some reason this is a T3 zone that doesn't allow what he wants to do. She said he must come back for many things; the Commission needs to state how long a car could be worked on and left in the parking lot. She added that if we want to regulate specifically with him that could be a consideration. She said the Commissioners are making it sound like this is no big deal. She said a Lamborghini could be sitting there for three years or more. She asked the Commissioners to think on the other side.

Ms. Gordiack was asked if her property benefited more by this building being vacant or occupied. Mr. Vitta asked about the property maintenance and if it is in disrepair. Mr. Lockwood said there is water damage and the grass is not mowed.

Mr. Chorney said there is enough information to proceed now that they know there is a retail component. If all the business is indoors there is no problem. He said there is an added wrinkle with retail which adds another use. He added that there is no layout for the building and no parking layout. He said since this is a use variance and it abuts a residential zone we are concerned. If it was manufacturing before we don't want to dissuade the applicant. He said we need more information.

There was further discussion regarding the use of space and type of cars to be serviced. Hours of operation and venting of emissions was also discussed.

Mr. Lockwood asked if he has to show exactly where everything is going to be to get this use variance. He was informed that the criteria is more stringent due to the fact that it abuts a residential area.

Mr. Lee recommended continuing the Public Hearing to the next meeting. Mr. Lockwood said he has 120 days of due diligence. He added that he was held up at the last meeting because there wasn't a quorum. He also said that he can't go before the Planning & Zoning Commission tomorrow evening without the approval of the application before this Commission.

The May 19th meeting of this Commission has been cancelled but will be reinstated.

Chairman Vitta asked if the Commissioners will be available on May 19th. Mr. Kops said the Commissioners present at this meeting should all plan to attend the May 19th meeting.

Mr. Vitta asked if Mr. Lockwood is amenable to a continuance. Mr. Lockwood said he has a certain amount of time, and a serious amount of money tied up with the bank, etc. He asked what exactly is being asked of him. Mr. Nelson suggested he set up an appointment with Assistant Town Planner Kops.

Commissioner Dove 11-6421 motioned to continue 130 Welton Street to the May 19th meeting. Commissioner Chorney seconded the motion that passed unanimously.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

11-1640 1095 West Woods Road

Mr. Nelson motioned to approve 11-1640 1095 West Woods Road. Commissioner Reynolds seconded the motion. Mr. Nelson said the hardship is that they are not encroaching on the established side yard; they are just going up and keeping the same footprint. The permit should restate that the variance is keeping the length of the addition and patio as shown in the print. The vote was unanimously in favor of the motion.

The vote was unanimously in favor of the motion.

b. Approve Minutes of April 21, 2011

Commissioner Chorney motioned to approve the minutes of the April 21, 2011 meeting. Commissioner Dove seconded the motion. The vote was unanimously in favor of the motion.

c. Old Business

There was no old business to come before the Commission.

d. New Business

There was no old business to come before the Commission

e. Adjournment

There was no further business to come before the Commission and Chairman Vitta called for a motion to adjourn. **Commissioner Nelson motioned to adjourn. The motion was seconded by Commissioner Dove and passed with a unanimous vote. Chairman Vitta adjourned the meeting at 8:15 pm.**

Submitted by: _____
Peggy Craft, Acting Clerk of the Commission

