

**MINUTES
ZONING BOARD OF APPEALS
WATERTOWN, CONNECTICUT**

**PUBLIC HEARING
Legends Auto Group, LLC
694 Straits Turnpike & State Street**

Time: 7:30 P.M.

Date: Wednesday, March 25, 2009

Place: **Watertown High School Technology Center
324 French Street
Watertown, Connecticut**

1. Call Meeting to Order

The Chairman opened the public hearing at 7:34 pm.

The Chairman seated Alternate, Mr. Gary Swingle for absent member Secretary, Ms. Joanna Abraham.

2. Roll Call

Appointed Secretary, Mr. Gary Swingle executed the roll call.

Present: Chairman, Mr. Phil Roger
Vice Chairman, Mr. Enrico Sarandrea
Mr. Roger Mitchell
Alternate, Mr. Gary Swingle

Absent: Secretary, Ms. Joanna Abraham
Dr. John Griffith
Alternate, Mr. Jason Alldridge
Alternate, Mr. Jeffery Franson

Also Present: Wetlands Enforcement Officer, Mr. Moosa Rafey
Land Use Secretary, Mr. Chuck Bezio

3. Hearing of Cases

- B. Application #910 of Legends Auto Group, LLC for a variance of 15 foot from a 20 foot landscaped island buffer along Straits Turnpike and State Street at 694 Straits Turnpike, Watertown, Ct.**

The Public Hearing must be closed by April 29, 2009 unless applicant grants an extension of time.

The Chairman appointed Gary Swingle as Secretary. Mr. Swingle read the legal notice into the record.

TOWN OF WATERTOWN
Legal Notice

The Zoning Board of Appeals of the Town of Watertown will hold a public hearing at 7:30PM on Wednesday, March 25, 2009 at the Watertown High School Technology Center 324 French Street, Watertown, CT to hear and act upon the following applications:

Application #910 of Legends Auto Group, LLC for a variance of 15 foot from a 20 foot landscaped island buffer between the front property lines and parking areas to permit a 5 foot landscaped island buffer along Straits Turnpike and State Street at 694 Straits, Turnpike, Watertown, CT in a B-SC Shopping Center Business Zoning District. Section 52.4C.a of the Watertown Zoning Regulations requires minimum 20 foot wide landscaped island buffer along street in front of a car dealership in a B-SC Shopping Center Business Zoning District.

At this hearing interested persons and written communications will be heard. A copy of the application is on file in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT.

Dated in Watertown, CT this 12th day of March 2009
Dated in Watertown, CT this 19th day of March 2009
JoAnna Abraham, Secretary
Zoning Board of Appeals

Fred Valenti and Lou Hart were present and explained the variance request to the Board. Mr. Valenti advised the Board that they had purchased the medical center and wish to use the building and the property for a new and used car sales office. Mr. Valenti advised the Board that they would not be using it for service. Mr. Valenti advised the Board that they had applied to the Planning and Zoning Commission for a Special Exception Auto Dealership and were advised by staff that they do not have the 20' landscape buffer required in this zone. Mr. Valenti explained that the landscape buffer requirements will eliminate visible parking on the site. Mr. Valenti noted that the landscape buffer requirement is not consistent with the existing neighbors. Mr. Valenti advised the Board that the amount of landscape buffer that exists on the front property including the state right of way is 26'. Mr. Valenti noted for the record that what exists today has a larger grassy area than what other dealerships have. Mr. Valenti reviewed with the Board the site plans.

Mr. Valenti advised the Board that they only wish to use the property as it exists today. Mr. Valenti noted that if they were to follow the regulations from November 2005 they would not be able to display the cars in the front of the building. Mr. Valenti advised the Board that they only have 5' from the property line for a landscape buffer.

Mr. Hart advised the Board that the pavement in the front of the building is existing.

Mr. Rafey advised the Board that the Zoning requirements for parking at the medical facility are different than the requirements for the dealership. Mr. Rafey advised the Board that prior to November 2005 car dealership were not allowed in this zone. Mr. Rafey noted that they existed as pre-existing non-conforming. Mr. Rafey explained to the Board that the Planning and Zoning Commission spent a lot of time reviewing the zone and the regulations to make the auto dealerships a permitted use. Mr. Rafey explained that the Commission was very serious about the 20' landscape buffer and lighting Regulations.

Mr. Hart displayed photographs of the site and a colored site plan with the Board. Mr. Hart advised the Board that they would be renovating the building to create a show room.

Mr. Valenti noted that complying with the regulations would create a hardship by eliminating parking that is not consistent with the neighboring properties.

Mr. Rafey pointed out that there are two frontages on this parcel.

Mr. Sarandrea expressed concerns with this being a new dealership. Mr. Sarandrea asked if there is going to be a need for new signage.

Mr. Valenti advised the Board that a new variance would be needed if the signage was needed to be changed. Mr. Valenti advised the Board that the zoning regulations do not allow all of the parking in the front of the building.

Mr. Rafey expressed concerns with keeping the landscape requirements for Straits Turnpike frontage. Mr. Rafey stated that he does not see any problem on State Street side. Mr. Rafey advised the Board that variances are needed for both streets.

Chairman Rogers asked if the lot and the parking will remain the same?

Mr. Valenti advised the Board that they are not proposing any changes to the footprint of the building or the existing parking. Mr. Valenti advised the Board that if the variance is not granted then he would not be putting the dealership on the property.

Mr. Rafey reviewed Section 52.4.C.a. of the Zoning Regulations titled Special Permit Involving New Car Sales Automobiles Dealership Established after 9/15/2005 with the Board. Mr. Rafey reviewed Section 71.7 Findings: No Variance shall be granted by the Zoning Board of Appeals unless it finds: Section 71.7.1, 71.7.2, 71.7.3, 71.7.4 of the Zoning Regulations. Mr. Rafey explained that this property has two front property lines which requires 20' landscape island buffer for both streets.

Public:

Judy Wick of Northfield Road was present and expressed concerns with this variance. Ms. Wick noted that she was the Chairman of the Planning and Zoning Commission when these regulations were adopted and advised the Board that this site is a gateway to the community. Ms. Wick expressed concerns about using the state property for the landscaping requirements because the state could come in and widen the road at any time. Ms. Wick also expressed concerns with the fact that cars will be parked in the front of the property all the time, unlike the prior use of the parking area. Ms. Wick noted that a granting of variance would start a run on variance for this zone. Ms. Wick explained that the only tool the Planning and Zoning Commission has is to require the applicant to conform to the existing regulations at the time of any changes to the property being proposed. Ms. Wick noted that it is the intent of the regulations to require these non-conformities to become conforming. Ms. Wick stated that the non-conformities should never be expanded.

Mr. Rogers asked Ms. Wick if she had been on the Planning and Zoning Commission when the regulations were written and if she was speaking from her experience?

Ms. Wick replied "yes".

Mr. Roger expressed concerns forcing these dealerships to conform to regulations.

Ms. Wick expressed concerns that by granting this variance it would undermine the Planning and Zoning Commission regulations and create a situation that all the dealerships will be coming to the Board requesting a variance.

Mr. Swingle asked Ms. Wick what the intent of the Planning and Zoning Commission was at the time the regulations were approved.

Ms. Wick responded it was to create green space into a major gateway into the Community. Ms. Wick advised the Board the dealership had participated in developing the regulations because they were concerned with being non-conforming.

Mr. Rafey explained that the landscape buffer should be grass or attractive shrubs.

Mr. Sarandrea expressed concerns with poor planning by our forefathers of the entire area because the buildings have existed since the early sixties. Mr. Sarandrea stated that when these buildings were designed and built,- this should have been considered. Mr. Sarandrea stated that there should have been space granted for landscaping. Mr. Sarandrea stated that the only way to conform to the regulations at this point is to move the building and that is not possible. Mr. Sarandrea also noted that the parcel does not have enough land to even swap land. Mr. Sarandrea noted that he would like to look at the site.

Mr. Valenti submitted the green cards into the record. Mr. Valenti noted that there is not a parcel of land in the zone that could meet today's zoning regulations. Mr. Valenti noted for the record that he is not proposing to increase his parking space.

MOTION: Mr. Roger Mitchell moved to have a site walk on 4/22/09 at 6:15 pm and continued the public hearing on 4/22/09.

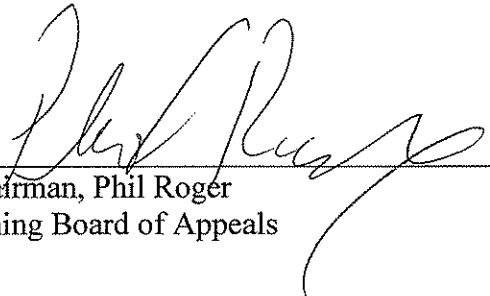
SECOND: Vice Chairman, Mr. Enrico Sarandrea.

VOTE

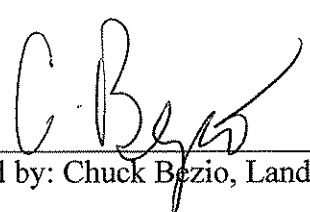
AYES: Chairman, Mr. Phillippe Roger; Vice Chairman, Mr. Enrico Sarandrea; Mr. Roger Mitchell; Alternate, Mr. Gary Swingle.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.



Chairman, Phil Roger
Zoning Board of Appeals



Approved by: Chuck Bezio, Land Use Secretary