

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, January 3, 2022

The Glastonbury Zoning Board of Appeals with Mr. Jonathan Mullen, Planner, in attendance held a Regular Meeting on Monday, January 3, 2022 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairman
Nicholas Korn, Secretary
Jaye Winkler
Susan Dzialo
Doug Bowman, Alternate
Philip Markuszka, Alternate

Board Members- Excused

David Hoopes (Technical difficulty)

Chairman Smith called the meeting to order at 7:07 pm and explained the public hearing process to the audience. Chairman Smith also noted that 4/5 votes are needed for an application to pass and there is a 15-day appeal period.

The Chairman appointed Mr. Markuszka to fill in for Mr. Hoopes.

Secretary Korn informed the Board that the wrong variance is listed on the agenda notice.

Chairman Smith explained that an error on the agenda is a scrivener's error. He explained that the applicant can choose to proceed with risk or the applicant can come back next month when the agenda is corrected and re-noticed.

Secretary Korn read the 3 agenda items.

Public Hearing

- 1. By Gregory S. Hester for a variance from Section 4.7.2 to allow a deck to be constructed closer to the side yard than permitted at 47 Paddock Lane - Rural Residence Zone.**

Mr. Mullen read the 1st application.

Chairman Smith explained that the applicant has accurately identified section 4.2.7 in the application materials. The Chairman explained that the error in the agenda is a scrivener's error. When the agenda was created, an incorrect number was put in for the variance. The Chairman explained that there is a risk of someone speaking out against the incorrect notice. In the case of a notice error, the public has up to one year to speak out against an application. The Chairman explained that the applicant can choose to come back next month, at no additional charge, when the agenda is corrected and re-noticed.

Mr. Hester informed the Board that he noticed that the address is also incorrect on the agenda notice and application materials. He also explained that he is requesting a variance from Section 3.8 and that is not listed on the application.

Chairman Smith remarked that an incorrect address is an issue. The Chairman noted that he visited the property and did not notice that the address was listed incorrectly. The Chairman explained that the applicant will not be able to bring up the variance related to Section 3.8. Chairman Smith asked the applicant if he would like to continue with the application or proceed next month.

Mr. Hester stated that he would like to proceed next month. He inquired if he has to do anything to correct the error on the agenda and the incorrect address.

Chairman Smith stated that Mr. Mullen can fix that. He remarked that a new zoning official will be hired. The Chairman directed Mr. Hester to work with Mr. Mullen and Ms. Krystina Kramer to get the paperwork corrected for the next hearing. The Chairman remarked that continuing the application is the most prudent course. The application and notice will be corrected once and for all with no risks. The Chairman asked the Board to come up with a motion continuing the application for the next month.

Mr. Hester stated that he will work with Mr. Mullen and Ms. Kramer to correct all of the paperwork. He thanked the Board for their time.

Ms. Winkler offered to make the motion to continue the application. She remarked that the wrong address was listed and she will put in the correct address in the motion to continue.

The Chairman agreed with putting in the correct address and asked Ms. Winkler to proceed.

Motion by: Ms. Winkler

Seconded by: Secretary Kornis

MOVED, that the Glastonbury Zoning Board of Appeals continues the application of Gregory S. Hester of 41 Paddock Lane until the February 7, 2022 public hearing.

Result: Motion passes unanimously. (5-0-0)

- 2. By TCWC Holding Glastonbury LLC, for a variance from Section 6.3f to allow portions of a car wash building to be constructed 59 feet from the street line where 125 feet is the minimum permitted distance for a car wash building to be located from the street line and from Section 6.3e to permit a pay kiosk to be located 18 feet from the property line when a cashier's booth can be located not less than 25 feet from any property line at 2756 Main Street - Flood Zone and Planned Business and Development Zone.**

Mr. Mullen read the 2nd application.

Attorney Meghan Hope of Alter & Pearson, LLC began the presentation. Attorney Hope noted that the applicant/owner has been in the car wash business for over 20 years and operates several car washes in and out of state. An aerial photo of the site was put up on the screen. Salmon Brook abuts the property to the north and Town owned open space borders the site to the east and south. Neighboring residents use the open space as a walking path to access Main Street. The next slide on the screen displayed 2 photos of the car wash from 1979 and one taken recently. Attorney Hope noted that not much has changed in the 40 or so years. Some of the improvements to the site included 1 conveyerized tunnel, 1 touchless automatic and 2 self-service bays, and a small office. Attorney Hope explained that they would like to renovate the carwash, make it modern, energy efficient and better for the environment. The current building footprint is 3,318 square feet. The plans to modernize include eliminating the 2 self-service bays, leaving a portion of the conveyerized tunnel and extending it toward Main Street, leaving a portion of the touchless automatic bay and extending it, and relocating the office to the southern side of the building. Attorney Hope noted that the site is located predominately in the Flood Zone, and their team has designed the plans as best as they could. Another slide was put up on the screen. The site was circled in yellow and the recreation easement behind the property was marked in pink.

Attorney Hope explained that the site is an existing non-conforming use in the Planned Business Development Zone and the Flood Zone. She also noted that the ZBA granted a variance of 71.1 feet from the street line in December 2020. This proposal included the entire reconstruction of the car wash along the southern property line. Attorney Hope stated that they are asking for a variance of no closer than 59 feet from the front property line. The current proposal entails renovating the existing building in its present location, which will have a smaller foot print of 3,301 square feet, reducing the non-conforming use by 17 square feet. Attorney Hope stated that they are not proposing any work in the recreation easement. A slide showcasing the site plan overlay was put up on the screen. The area marked in red is the existing building (3,318 square feet) and the area marked in blue is the proposed building (3,301 square feet.) Attorney Hope explained that one of the ways needed to modernize the carwash is to extend the tunnel, bringing it closer to Main Street. A slide detailing the proposed site plan and traffic pattern was put up on the screen. Attorney Hope explained that traffic will enter the site at the southern curb cut. There will be an option to enter north. Attorney Hope pointed out the pay kiosks (shown as little

orange rectangles) and described it as a canopy structure. She explained that they need a variance of 18 feet from the side property line in order to place the pay kiosks. Section 6.3 of the regulations require that a cashier's booth is located at least 25 feet from the side property line. Attorney Hope stated that the pay kiosks will not have a cashier attending it. The vacuum area on site was highlighted. The next slide on the screen marked the proposed setbacks. Attorney Hope reiterated that they are asking for a variance from Section 6.3f to permit portions of the building used for washing cars to be 59 feet from the street line, when all portions of the building used for washing cars must be located not less than 125 feet from the street line. Attorney Hope stated that they are also asking for a variance from Section 6.3e to permit a pay kiosk 18 feet of the property line, when a cashier's booth can be located not less than 25 feet from any property line.

Attorney Hope stated that they believe they have a better plan today. She explained that they have been in contact with the neighbors and the condos. They propose to relocate the dryers further away from the residential properties. The new dryers are proposed to be located inside the renovated building. The carwash will not operate for 24 hours but will have set hours when the site is closed. They are proposing an efficient water system which is better than the current system. Attorney Hope put up the slide detailing the next steps. The applicants would go before the Conservation Commission to obtain a wetland permit and a recommendation to TPZ. The applicants would then present a landscaping plan to the Beautification Committee. The next step would entail obtaining a Section 12 Special Permit with design review and Flood Zone Special Permit from the Town Plan and Zoning Commission. Attorney Hope reiterated that the non-conforming square footage will be less. She explained that the Flood Zone and existing topography on site make it challenging to reconstruct the car wash. Attorney Hope pointed out that the recreational easement is another constraint which makes it difficult to enhance and reconstruct the carwash. Attorney Hope stated that the size and intensity of the site is appropriate. She reiterated that the building footprint will be a bit smaller and more efficient. Attorney Hope explained that the site plan is in keeping with the neighborhood and is a service that people need. She pointed out that a similar use business is across the street. Attorney Hope explained that the reorientation of the site will help during times of snow, which will prevent cars from queuing on Main Street. More efficient vacuums are proposed. Attorney Hope stated that reconstructing and renovating the property will have a positive effect on the neighborhood. She stated that there will be no negative impacts and reiterated that the applicants have a lot of experience. Attorney Hope concluded the presentation and stated that they are happy to answer any questions.

Chairman Smith asked the applicants to explain why a further extension from 71 feet to 59 feet from the street line is needed. He noted that a technical explanation is needed, and concern was raised about water draining out into Main Street which can turn into ice during the winter time.

Attorney Hope asked a member from their team to address the drainage and heating onsite.

Mr. Frank Carpino, Manager, stated that he will address the question related to the length first. He explained that the biggest problem with the automated system is time. Mr. Carpino noted

that in the previous drawing, the building is positioned more to the east, giving more time for the water to run off the cars, with an extended drip space, dripping off the cars before they get to the blowers. The blowers then have a better chance to get the water off. Mr. Carpino explained that the exit pad will be fitted with heated concrete pads. Cars turn right, drying further, then turn left.

Chairman Smith asked if the heated pads will be up until the letter A (located near the proposed 59-foot street line setback) shown on the site plans.

Mr. Carpino replied yes.

Chairman Smith inquired if there is a fail-safe system in place during times of a power outage.

Mr. Carpino stated that during a power outage, the site will not be operational. He noted that it can take a few hours for the heat pads to thaw out. Mr. Carpino explained that the 3 major components of the conveyerized tunnel are the friction cleaning, drip space and the drying chamber. The last 25-30 feet are the blowers. The drip space takes up 15-20 feet and the rest is wash space. Mr. Carpino noted that he has a drawing of the heating pad distribution on his computer. The heating plan details were put on the screen. The red areas on the plan are the snow melt and deicing areas.

Chairman Smith noted that the pay station and exit areas are marked in red.

Mr. Carpino stated that the entrance is also marked in red.

Chairman Smith inquired if the site plans include reusing some of the water.

Mr. Carpino explained that all the water from the tunnel to the sediment drain system would go through 6 compartments where the water is filtered using ozone technology. There would be no Sulphur smell and 15 percent of the water will be reused. Mr. Carpino noted that currently no water is being reused. He noted that the site will be improved with the removal of the self-service bays. Mr. Carpino remarked that they have seen it all, and explained that there have been instances where RVs dump septic waste and restaurants dump oil.

Secretary Korns noted that back in December 2020, the applicants presented and explained that the new setback would not cause cars to queue on Main Street. He remarked that this been established again during the presentation. Secretary Korns remarked that the setback requirements related to this application seem to be a moot point.

Attorney Hope remarked that the regulations have not caught up with the industry.

Mr. Markuszka inquired how the applicants came up with the site plans and inquired which service would be used most frequently.

Mr. Carpino explained that the new system was designed with efficiency in mind. He noted that the conveyorized tunnel would draw the most demand.

Mr. Markuszka inquired if there was a barrier between each lane.

Mr. Carpino explained that the lanes will be painted. He added that they might also put in cones. Mr. Carpino stated that each lane will also be labeled.

Secretary Korns inquired how wide the foot path is.

Attorney Hope stated that the narrowest point is approximately 15 feet wide. She added that the path is fairly open and deep. Attorney Hope put up a few slides and pointed out the wooded area and grass.

Chairman Smith asked if there were any plans to put in fencing.

Attorney Hope stated that they had a landscaping plan that was presented to the Beautification Committee. She explained that the Tree Warden and the Beautification Committee allowed them to plant trees on Town property. Crab apple trees were one of the selected varieties because it would not drop fruit on the ground and would provide some screening.

Chairman Smith reiterated his question about the fencing.

Attorney Hope stated that there is no fence. She noted that they are open to putting in a fence if the Board requires it.

Chairman Smith remarked that is more for TPZ to decide. The Chairman inquired about the steepness of the site.

Attorney Hope stated that the grade is steep.

Mr. Ken LaForge, Landscape Architect, stated that the site is sloped and the grade is steep.

Chairman Smith asked the Board if there were any other questions. *There were no additional questions.* The Chairman inquired about the flood mitigation plans.

Attorney Hope noted that they submitted the narrative outlining the flood mitigation plans to Mr. Mullen. She explained that they will utilize flood gates and shut off valves. Attorney Hope noted that the Flood Zone application will be completed and certified by their engineers and structural engineers.

Mr. Carpino noted that the pay kiosks are 4 feet off the ground. He explained that the lower portion of the kiosk is a pedestal. Mr. Carpino stated that the bottom portion of the kiosk is above the 100-year flood level.

Chairman Smith inquired about the traffic patterns and asked how the applicants plan to ensure that there are no traffic jams on site.

Mr. Carpino explained that there will be a bypass lane in cases where a vehicle is damaged, stuck, or if a customer does not have money. He noted that the bypass lane was designed to prevent traffic jams.

Ms. Winkler inquired how many vacuums are planned for the site.

Attorney Hope stated 13 and pointed out the area on the slide.

Ms. Winkler inquired if an area on the site plan was a drainage system.

Attorney Hope explained that it is a retaining wall.

Chairman Smith stated that the Board will move on to public comment.

The hearing was opened for public comment. A hand was raised.

Ms. Maureen Bojko of 50 Crossroads Lane stated that she has been in touch with Attorney Hope. Ms. Bojko stated that she has no questions at this time and thanked Attorney Hope.

The hearing was once again opened for public comment, either for or against the application, and seeing as no one came forward to speak, Chairman Smith closed public comment on the application.

Chairman Smith asked Attorney Hope if she had any closing words.

Attorney Hope summed up that they want to modernize the property. She noted that they believe they met the hardship requirement and reiterated that they will reduce the square footage of the existing non-conformity. Attorney Hope remarked that Mr. Carpino answered all of the technical questions. The presentation was concluded.

The Chairman thanked the applicants for their presentation.

3. By John and Amy Korber for a variance from Section 4.4.7 to allow an addition to be constructed closer to the side yard line than permitted at 18 Old Musket Road - Residence AA Zone.

Mr. Mullen read the 3rd application.

Mr. and Mrs. Korber were joined by their Architect, Ms. Cheryl Newton. Mr. Korber explained that they have 4 kids and their current house is too small. He stated that part of the renovation to their house would extend 6.5 feet into the side yard. Mr. Korber informed the Board that the neighbors have no objections and noted that he has a letter of support from the neighbors. Mr. Korber stated that they love the neighborhood. He added that their architect, Ms. Newton, can speak about how the design came to be.

Ms. Newton put up a slide showcasing the current house and proposed design. She explained that the applicants have been looking for a house for the last 2 years and were not able to find a house that met their needs. Ms. Newton explained that the 3rd garage bay will be extended to create enough bedrooms for all 4 kids. She noted that a hardship is due to the lot configuration, the house is not centered and explained that the backyard and front yard of the house are not parallel. Ms. Newton stated that they are looking for a variance of 13.5 feet from the side line. A slide outlining the design plans was put up on the screen.

Chairman Smith asked if the 13.5 feet variance includes the overhangs.

Ms. Newton replied yes. She remarked that they will gladly take an extra 6 inches and added that they tried to be as conservative as possible.

Chairman Smith inquired if the design plans were staying under the maximum allowed square footage.

Ms. Newton replied correct and stated that the total increase amounts to 12.2 percent.

Chairman Smith remarked that it is under 15 percent. The Chairman asked the Board if there were any questions. *There were no questions.* The Chairman wanted to confirm that the applicants are adding a garage bay and inquired about the size.

Ms. Newton explained that they are opening up the floor plan. She directed the Board to the slide detailing the site plan design. The existing garage is 574 square feet, it will be bumped forward making the garage area 940 square feet. The house will have a total of 3 garage bays. The extra bay will be treated as a storage area for the equipment and bicycles.

Chairman Smith remarked that the storage area would not fit a car, just equipment.

Ms. Newton replied correct. She also noted that the hockey equipment would be stored there instead of inside the house.

The Chairman asked the applicants about the letter of support.

Ms. Newton put up the letter on screen. The letter of support was signed by Rick and Katie Culliton of 28 Old Musket Road.

The Chairman asked if a copy of the letter was submitted to Mr. Mullen.

Secretary Korns noted that Ms. Kramer emailed a copy of the letter to the Board.

The hearing was opened for public comment, either for or against the application, and seeing as no one came forward to speak, Chairman Smith closed public comment on the application.

The applicants thanked the Board.

The Chairman stated that a brief recess would be taken before the Board moves on to deliberations.

1) Action on Public Hearings

- 1. By Gregory S. Hester for a variance from Section 4.7.2 to allow a deck to be constructed closer to the side yard than permitted at 47 Paddock Lane - Rural Residence Zone.** (Continued for the February 7, 2021 ZBA Meeting.)

- 2. By TCWC Holding Glastonbury LLC, for a variance from Section 6.3f to allow portions of a car wash building to be constructed 59 feet from the street line where 125 feet is the minimum permitted distance for a car wash building to be located from the street line and from Section 6.3e to permit a pay kiosk to be located 18 feet from the property line when a cashier's booth can be located not less than 25 feet from any property line at 2756 Main Street - Flood Zone and Planned Business and Development Zone.**

Secretary Korns read the 2nd application.

Motion by: Secretary Korns

Seconded by: Ms. Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by TCWC Holding Glastonbury LLC, for a variance from Section 6.3f to allow portions of a car wash building to be constructed 59 feet from the street line where 125 feet is the minimum permitted distance for a car wash building to be located from the street line and from Section 6.3e to permit a pay kiosk to be located 18 feet from the property line when a cashier's booth can be located not less than 25 feet from any property line at 2756 Main Street in Flood Zone and Planned Business and Development Zone on the grounds that the existence of a recreation easement that encumbers the easterly portion of the property constrains redevelopment and the enforcement of

the 125 foot front setback requirement as well as the 25 foot setback requirement for a cashier's booth would cause unusual hardship preventing the expansion and modernization plans for the facility by the applicant. The requested variances would pose no threat to public health, safety or welfare. The requirements of Section 13.9 have been met.

Discussion:

Secretary Korns stated that, as highlighted in the discussions and in the presentation with Attorney Hope, the 125-foot setback is somewhat archaic. He also noted that the 25-foot setback for an automated kiosk does not make much sense in terms of enforcing it. Secretary Korns pointed out that the kiosk abuts open space which would not impact anyone. He explained that he has been a customer at the newer carwash and there is no water or nearly no water on the car when it leaves the place. Secretary Korns remarked that the design is good and there will not be backup on Main Street. He noted that, compared to the current plan, the proposed design includes sophisticated plans for sustainability.

Chairman Smith stated that he agrees with the points Secretary Korns made. He noted that he was pleased to see that the applicants will put in heating pads on both sides. The Chairman stated that the current proposal is better than what was proposed before. Chairman Smith noted that he was skeptical in the beginning with the request of a 59-foot setback, but the applicants addressed the issues, and the way the site is designed would avoid queuing problems. The Chairman noted that the water issue was also thoroughly addressed. Chairman Smith remarked that self-service is not a good idea if people will use it to dump sewage and noted that dumping sewage so close to Salmon Brook is horrible. He remarked that he is certainly in favor of the application.

Ms. Winkler stated that this represents a step ahead. She noted that the noise of the dryers would be moved away from the neighbors. Ms. Winkler stated that the water saving reductions and the business no longer operating all night are improvements.

Ms. Dzialo stated that she agrees with everything that has been said and added that it was an outstanding presentation. She noted that the applicants anticipated many of the questions. Ms. Dzialo remarked that the design is very progressive and environmentally friendly. She added that the appearance and the management of the traffic all sound positive. Ms. Dzialo agreed that the Board should approve the application.

Mr. Markuszka agreed with the comments. He noted the site plan is more environmentally friendly, utilizing less energy and reusing some of the water. Mr. Markuszka remarked that the Town is focused on sustainability.

Result: Motion passes unanimously. (5-0-0)

3. By John and Amy Korber for a variance from Section 4.4.7 to allow an addition to be constructed closer to the side yard line than permitted at 18 Old Musket Road - Residence AA Zone.

Secretary Korn read the 3rd application.

Motion by: Ms. Winkler

Seconded by: Secretary Korn

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by John and Amy Korber for a variance from Section 4.4.7 to expand the garage, adding a third bay, and allowing an addition to be constructed closer to the side yard line than permitted but no closer than 13 feet due to the configuration of the house on the lot as a cul-de-sac at 18 Old Musket Road in Residence AA Zone. The requirements of Section 13.9 have been met.

Discussion:

The Chairman asked Ms. Winkler to add the basis of the hardship in the motion.

Ms. Winkler stated that it is due to the configuration of the house on the lot as a cul-de-sac.

Ms. Winkler stated that it is an amazing project, very cleverly shoehorning space. She added that the building will not appear substantially larger. Ms. Winkler remarked that the architect is to be commended.

Secretary Korn noted that the variance from the side yard is only 6.5 feet. He added that there is no complaint from the neighbors.

Chairman Smith remarked that the application makes sense.

Mr. Markuszka stated that he agrees with the points Secretary Korn made. He noted that the Board may come across more applications like this, with more families choosing to update and beautify their homes.

Result: Motion passes unanimously. (5-0-0)

2.) Acceptance of Minutes from December 6, 2021 Meeting

Motion by: Ms. Winkler

Seconded by: Ms. Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals accepts the December 6, 2021 minutes as presented.

Result: Motion passes. (4-0-1)

(Mr. Markuszka abstained because he was not at the meeting.)

Discussion:

Ms. Winkler asked if the Board will elect officials.

Secretary Korns noted that it has not been added to the agenda.

Chairman Smith noted that adding the item to the agenda can happen with a two-thirds vote in favor. The Chairman asked the Board to make a motion.

Motion by: Ms. Winkler

Seconded by: Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals adds election of officers to the agenda.

Result: Motion passes unanimously. (5-0-0)

The Chairman opened the floor for nominations.

Ms. Winker stated that she would like to nominate Mr. Smith to retain the Chairman position. Secretary Korns seconded the motion.

The Chairman asked if there were any other nominations. He noted that the Board does not have a Vice-Chairman.

Ms. Winkler stated that she would like to nominate Mr. Hoopes because he is qualified as a zoning attorney. She noted that she had tried calling him and there was no answer.

Secretary Korns inquired whether, in addition to filling in for the Chair, there were any additional duties required in the Vice-Chair position.

Chairman Smith remarked not that he is aware. He explained that, traditionally, the Vice Chair is a member of the opposite political party.

Secretary Korns remarked that Mr. Tim Lamb was a Vice-Chair and noted that Ms. Sandy O'Leary was the last Vice-Chair.

Several Board members stated that Secretary Kornis is doing a wonderful job as Secretary and asked him if he would like the position of Vice-Chair.

Secretary Kornis noted that, when Chairman Smith was absent, he stepped in as Chair. He stated that the Board can continue with this practice. Secretary Kornis explained that it would be appropriate for the Vice-Chair to be the opposite of the majority party. He added that he is not in favor of having Mr. Hoopes as a Vice-Chair and noted that he is not here to speak for himself.

Ms. Winkler stated that she thinks it would be good to have a Vice-Chair. She asked Secretary Kornis if he is open to having the role of Vice-Chair and Secretary.

Secretary Kornis stated that it would be better to give someone else a chance. He stated that he is in favor of nominating Ms. Dzialo for the role of Vice-Chair. Secretary Kornis noted that there is already a nomination on the floor.

Ms. Winkler stated that she withdraws her nomination of Mr. Hoopes.

Ms. Dzialo stated that she would like to acknowledge that she still feels like a newbie.

Secretary Kornis asked Ms. Dzialo if she has the script to open the meetings.

Ms. Dzialo replied no.

Secretary Kornis stated that he will provide the information to Ms. Dzialo.

Mr. Bowman remarked that he wants the chance to vote for Ms. Dzialo.

Chairman Smith noted that Secretary Kornis made the motion. He asked if there was a second.

Mr. Markuszka seconded the motion.

Chairman Smith asked if there were any nominations for Secretary.

Ms. Dzialo nominated Mr. Kornis.

Mr. Markuszka seconded the motion.

The Chairman stated that they will move on to voting.

1. Mr. Smith as Chairman- (6-0-0) unanimous
2. Ms. Dzialo as Vice-Chair- (6-0-0) unanimous
3. Mr. Kornis as Secretary- (6-0-0) unanimous

3) Adjournment

Motion by: Vice-Chair Dzialo

Seconded by: Secretary Korn

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of January 3, 20212 at 8:46 pm.

Result: Motion passes unanimously. (5-0-0)

Brian Smith, Chairperson