

GLASTONBURY ZONING BOARD OF APPEALS  
*Meeting Minutes of Monday, September 9, 2024*

The Glastonbury Zoning Board of Appeals, with Lincoln White, Building Official, and Seon Altius, Zoning and Planning Technician, held a Regular Meeting on Monday, September 9, 2024 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairman  
Susan Dzialo, Vice-Chair  
Nicholas Korn, Secretary  
David Hoopes  
Jaye Winkler  
Elizabeth Cafarella, Alternate  
Aaron White, Alternate

**Board Members- Excused**

Douglas Bowman, Alternate

Chairman Smith called the meeting to order at 7:02 pm and explained the public hearing process to the audience. Mr. Smith also noted that 4 of the 5 votes are needed for an application to pass and there is a 15-day appeal period.

Secretary Korn read the agenda items.

**PUBLIC HEARING**

**1. Brian Albert of 1478 Main Street, Residence AA Zone, is requesting a variance from Section 4.4.7 for the purpose of garage building encroaching into side yard by 5.5 feet & 4 feet (per plot plan)**

Mr. White read the application. Mr. Brian Albert introduced himself for the record and stated that a variance is needed for the garage addition with bedroom above it, stating that his neighbor supports the application.

Mr. Smith asked the homeowner to explain the hardship. Mr. Albert explained that the selected location is the only place that works due to the angled lot shape. He noted that the addition would tie into the existing stairs on that side of the house. Ms. Winkler asked if the barn is used for parking. Mr. Albert replied no and explained that it is used as a shed to store mowers, a snow blower, and other equipment. Ms. Winkler wanted to confirm that a 2-car garage is proposed. Mr. Albert replied yes. Chairman Smith moved on to public comment.

*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.*

Mr. Kornis asked if the letter of support should be read into the record. The Chairman replied that it should be referenced. Mr. Kornis noted that the letter of support is from Scott M. Filiault of 1492 Main Street. Mr. Smith asked if the proposed addition would have the most impact on this neighbor. Mr. Albert replied yes.

**2. Monaco Realty LLC, at 267 & 273 Williams Street East, Planned Commerce Zone, is requesting a variance from Section 4.15.1 for the purpose of allowing a “retail trade-automotive” use to permit the storage of vehicles**

Mr. White read the application. Attorney Meghan Hope of Alter and Pearson, LLC, spoke about the history of the Monaco Ford business, which dates back to 1922. Ms. Hope stated that Monaco Ford is in the Planned Industrial Zone. She explained that “Retail Trade-Automotive” use was not included as a permitted use in the Planned Industrial Zone, but was included as a permitted use in the Planned Business and Development Zone (area of Gene Langan Volkswagen of Glastonbury which opened in 1969.) Ms. Hope stated that they are requesting a variance from Section 4.15.1 Permitted Uses to allow for a “Retail Trade- Automotive” use to permit the storage of vehicles. Ms. Hope said that during the COVID-19 period, there was a shortage of cars, and after the COVID-19 period there was higher inventory, explaining that dealers are penalized if they do not accept vehicles from the manufacturer, including electric cars which have not been selling well. Ms. Hope noted that the site will not be paved; the grass area will remain. She said that the existing arborvitae and two canopy trees will remain on the site. Ms. Hope explained that additional arborvitae plantings are proposed for screening in the northeast portion of the site. She added that the applicant would intentionally store vehicles on site that do not pose a risk of having their catalytic converters stolen, either because of the type of vehicle (i.e. electric vehicle, van with a more internal catalytic converter) or vehicles that have already had their catalytic converters stolen. Ms. Hope stated that the applicant does not propose any lighting on site and added that there would be little to no employees on-site after hours. She explained that the applicants may not need to use the lot once the inventory levels change; that it is another reason why lighting and paving are not proposed.

Ms. Hope read the two letters of support into the record; one from Mike Dondi of 263 Williams Street East; and another from John and Debra Cofiell of 296 Williams Street East. Ms. Hope explained that the applicant initially requested a text amendment and was directed to a use variance because of the concern that this approval would apply to the entire Planned Commerce Zone. The favorable recommendation to the Zoning Board of Appeals from the Town Plan and Zoning Commission at their August 20, 2024 meeting was displayed:

- 1. Following approval of use variance from the Zoning Board of Appeals, the applicant shall file for a 12.9 Minor Change for site plan approval from the Town Plan and Zoning Commission (TPZ).*

2. *TPZ Site Plan approval be limited to a 2-year period; the applicant would need to come in for renewal.*
3. *Use variance be limited to inventory vehicle storage of overstock vehicles and not to be interpreted as allowing for use of automotive sales.*

Ms. Hope displayed the proposed approval language on the screen:

- *Following the approval of the use variance the Applicant shall present a site plan to the Town Plan & Zoning Commission for its review and approval*
- *The Applicant shall return to the Town Plan & Zoning Commission every two (2) years to review the proposed use*

Ms. Hope explained that the proposed use will not have a negative impact and is consistent with the purpose and intent of the regulations. She explained that car dealerships and automotive related uses have existed in this area of Town for decades and added that exceptional difficulty and unusual hardship exist with this application when the regulation is strictly applied. Ms. Hope stated that the granting of the use variance will allow the applicant a reasonable use of its property. She noted that granting the variance for storage of vehicles will not be injurious to the neighborhood or otherwise detrimental to the public welfare as there will be little to no traffic generated from the use, with additional landscaping proposed.

Gary Haynes, Planner, noted that the concern was that amending the regulations would apply to all areas and explained that it was more appropriate for the applicant to go before the ZBA. Mr. Smith thanked Mr. Haynes and added that use variances are a last resort. Mr. Smith brought up the issue of future lighting and suggested that a condition is added to shield residential neighbors from light spillage. Ms. Hope stated that they are open to adding the condition which specifies full cut off, LED lights with no light spillage. Mr. Smith asked how the cars would be loaded into the site. The applicant, Mr. Monaco, stated that they will be loaded one at a time and added that there will be no tractor trailer use. Mr. Korn asked for clarification on why the applicants think there is no security risk. Mr. Monaco stated that they have had success with that site. He explained that the area is located near the highway traffic, which serves as a deterrent from theft because people are observant. Mr. Monaco stated that they have cameras across the street and added that, if someone wants to steal something, they will find a way. Mr. Korn asked how many vehicles would be stored at the lot. Mr. Monaco replied about 48 to 50. Mr. Korn asked how long vehicles are stored on the lot. Mr. Monaco explained that it is rotational and for a few months. Mr. Smith asked the applicant if Enterprise had any issues with cars sitting overnight. Mr. Monaco noted that they rotate the vehicles and added that he has not heard anything. Ms. Winkler inquired about the profiles of vehicles more likely to be stolen. Mr. Monaco explained that the main issue is with the catalytic converters and added that Ford has a sophisticated key set up and they are looking to put in more preventative measures. He stated that police officers drive through the area and reiterated his point about theft, adding that when there is a will there is a way. Mr. Smith asked if the vehicles on the lot are on their website and asked about the customer inquiry process regarding those vehicles. Mr. Monaco explained that customers make

a phone call or an online inquiry, then the sales staff bring the car over, have it cleaned, and make it presentable. Mr. Smith wanted to confirm that customers will not be going to the vehicle storage lot. Mr. Monaco confirmed this and explained that duplicate vehicles are normally stored on the lot. Mr. Smith asked how many vehicles would be coming in and out of the site. Mr. Monaco stated that they are all new vehicles and estimated one per day.

*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.*

Mr. Smith asked the applicants to put in a condition on lighting if the plans change. Ms. Hope agreed and added that it is not a problem. The Chairman thanked the applicants for the presentation.

### **3. Haviar Real Estate LLC of 121 Pratt Street, Town Center Mixed Use Zone, is requesting variances from Sections 4.18.4.h (floor area limitation) & 8.2**

Mr. White read the application. Attorney Hope introduced herself and the applicants. Ms. Hope provided an overview of the site. She stated that the site is comprised of approximately 4.14 acres and is situated in the Town Center Mixed Use Zone and Flood Zone. Ms. Hope stated that the proposed building addition is outside of the Flood Zone. The total square feet of the building with the addition will be approximately 4,050 square feet (2,202 square feet, first floor; 1,848 square feet, second floor). Ms. Hope stated that the existing building is set far back from the street and side yards. She noted that her clients took over the vet practice in 2023 and wanted to expand the building to include an accessible entrance and bathroom. Ms. Hope reiterated that the building is outside of the Flood Zone and added that the plans meet the building code regulations. Ms. Hope stated that the lot is oversized and reiterated that the building is set significantly back from the front and side property lines. A zoning table was displayed to support this point. The existing shed and kennel will be removed. Ms. Hope stated that the proposed addition will measure approximately 895 square feet and will be located to the east and south side of the building. A 4-foot wide concrete walk is proposed from the front parking area to the new door addition, which will provide handicap accessibility. The 4 new exam rooms and the accessible entrance were pointed out. Ms. Hope said that the existing entrance will remain and explained that the new private entrance will allow grieving pet owners privacy. Dark sky compliant lights are proposed.

Ms. Hope said that the business has six employees and added that they do not expect a noticeable change related to parking spaces. Ms. Hope explained that this application will go before other boards and commissions because of the Flood Zone designation. She noted that the regulations (Section 4.18.4i) allows flexibility for mixed uses and added that the business has a kitchen upstairs. Ms. Hope noted that the kitchen is not part of an apartment and explained that the best approach was to request a variance.

Mr. Smith asked about the square footage of the handicap bathroom. Mr. White calculated 49 square feet, which Ms. Hope confirmed. Mr. Smith wanted to confirm that the shed that will be

removed will not count toward the square footage. Ms. Hope replied yes. Mr. Smith asked if the proposal increases the parking requirement. Ms. Hope replied no and added that the Town Plan and Zoning Commission (TPZ) determines what is appropriate. She stated that she checked with her client and staggered appointments work. Ms. Hope noted that the site has 16 spaces and added that the client is confident that it will work. Ms. Hope noted that the applicants estimate 12 cars parked on-site at a time. Mr. Smith wanted to confirm that exam rooms are in the new building addition. Attorney Hope replied yes. Mr. Smith noted that it is possible to have 4 or 5 customers at once in the business. Mr. Smith asked the applicant to answer the question. Dr. Haviar explained that it is herself and her husband that make the appointments, which are scheduled 2 per hour. She stated that more appointments are not likely to happen and are not desired. Ms. Winkler asked if there was a separate dentist and pharmacist. Dr. Haviar replied no and explained that veterinarians do everything.

*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.*

### **Action on Public Hearing**

There was a brief recess before deliberations. Board members briefly discussed the request for a use variance and the conditions of approval. Vice-Chair Dzialo brought up a question about Section 8.2 and asked if it is a variance or a special exception. Mr. Hoopes noted that he had brought this issue up before and stated that it is a special exception. Secretary Kornes explained that the language does not specifically mention special exception and noted that it is a special exception.

#### **1. Brian Albert of 1478 Main Street, Residence AA Zone, is requesting a variance from Section 4.4.7 for the purpose of garage building encroaching into side yard by 5.5 feet & 4 feet (per plot plan)**

*Motion by:* Secretary Kornes

*Seconded by:* Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Brian Albert of 1478 Main Street, Residence AA Zone for a variance from Section 4.4.7 for the purpose of building a garage that would encroach into the side yard by 5.5 feet and 4 feet, greater than the required 20-foot setback at respective points of measurement, on the grounds that the angled lot dictates the proposed site as the only feasible one. The requirements of Section 13.9 have been met.

**Discussion:** Mr. Kornes noted that the point regarding the unusual lot was made in application and added that the garage would be out of view; Mr. Smith agreed.

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

**2. Monaco Realty LLC, at 267 & 273 Williams Street East, Planned Commerce Zone, is requesting a variance from Section 4.15.1 for the purpose of allowing a “retail trade-automotive” use to permit the storage of vehicles**

*Motion by:* Mr. Hoopes

*Seconded by:* Secretary Korn

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Monaco Realty LLC, at 267 & 273 Williams Street East, Planned Commerce Zone, for a use variance from Section 4.15.1 to allow a “retail trade- automotive” use on the conditions: 1) the use will be limited to the storage of no more than 74 vehicles; 2) if lighting is installed, there will be no light spillage, the hardship being that the regulations prevent a reasonable use to the property owner. The standards of Section 13.9 are satisfied.

**Discussion:** Ms. Winkler noted that the proposal is well thought out and added that this use would be carefully reviewed by the TPZ. She noted that she will be voting in favor. Mr. Hoopes remarked that it is a shame that this use variance is forced on the Board and explained that in other towns text amendment changes are obtainable as a matter of routine. Mr. Smith agreed with Mr. Hoopes and explained that, further down the street from Monaco, several use variances were granted. The Chairman stated that it makes more sense to change the zone. Mr. Korn noted that Monaco site is non-conforming. Mr. White agreed, adding that the business is 102 years old. He noted that the Town is working on re-writing the regulations. Mr. Smith noted that it makes sense for the Board to add the condition on the lighting and brought up the point that there are nearby residential areas and condos that would be impacted by the light spillage. Ms. Dzialo noted that she was in agreement about the security concerns and added that lighting might be added at some point. Ms. Dzialo spoke about a recent incident regarding the theft of catalytic converters.

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

**3. Haviar Real Estate LLC of 121 Pratt Street, Town Center Mixed Use Zone, is requesting variances from Sections 4.18.4.h (floor area limitation) & 8.2**

*Motion by:* Vice-Chair Dzialo

*Seconded by:* Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Haviar Real Estate LLC of 121 Pratt Street, Town Center Mixed Use Zone, for a variance from Section 4.18.4.h, exceeding the floor limitation to permit an addition bringing the total to 4,945 square feet, where the maximum allowed is 4,000 square feet, and also requesting a Special Exception from Section 8.2, which does not allow expansion of a non-conforming building on the grounds that the addition is positioned well within an expansive lot and the addition is a key feature adding a handicapped accessible ramp and will serve the public well. Further, the additional criteria for decisions under Section 13.9 have been met.

**Discussion:** Ms. Winker noted that she is an animal owner and appreciates the separate entrance for pets that have to be euthanized. She stated that the privacy is considerate and a great benefit to pet owners. Ms. Winkler stated that the mandated handicapped accessibility entrance is an essential feature. Mr. White confirmed that the application would have to be ADA compliant. Mr. Smith agreed with Ms. Winkler's points. The Chairman weighed in on the question regarding Section 8.2 and explained that the extension of the business is not an illegal use, and added that it is entirely appropriate because it brings the building into ADA compliance. Mr. Korn noted that he is in support of the application and explained that the expansion is proportionate to the lot size. Mr. Hoopes noted that the regulation does not make sense and explained that it is limited to 4,000 square feet regardless of acreage.

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

## **REGULAR MEETING**

### **1. Acceptance of Minutes from August 5, 2024 meeting**

**Motion by:** Secretary Korn

**Seconded by:** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the August 5, 2024 minutes as corrected.

**Discussion:** The Board agreed to correct the typo at the bottom of the page, motion to adjourn section, change "Ms." to "Mr."

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

### **2. Discuss In-Person vs. Zoom Meetings**

Mr. White noted that he spoke with Ms. Caltagirone, adding that the scheduled goal for hybrid and in-person meetings is set for January 2025. Mr. Smith asked Mr. Aaron White, Mr. Hoopes, and Ms. Cafarella if the third Mondays of the month work. The consensus was that the third Mondays work. Chairman Smith asked Mr. White to check with Ms. Caltagirone about the third Mondays. Mr. White agreed and noted that they are short on IT staff, with Mr. Kibara filling in tonight. Ms. Dzialo stated that she worked with Ms. Winkler and they identified the third Monday as a potential day that does not conflict with other Boards. Ms. Winkler stated that they received the information from the Town Clerk and noted that she will email it to Mr. White. Mr. Smith suggested they secure the third Monday to allow the ZBA to move forward with a hybrid format.

**Motion by:** Ms. Winkler

**Seconded by:** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their Regular Meeting of September 9, 2024 at 8:42 pm.

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

Respectfully Submitted,

*Nadya Yuskaev*

Nadya Yuskaev  
Recording Secretary