

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

Stu Ingersoll, Chairman

Doug Demarest, Vice Chairman

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Regular Members

Al Daddona

Michael Noto

Paul Greenberg

Alternate Members

W. T. Furgueson

William Veillette

M I N U T E S

April 16, 2013 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, April 16, 2013 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Stu Ingersoll, Chair

Doug Demarest, Vice Chair

Al Daddona, Regular Member

Paul Greenberg, Regular Member

Michael Noto, Regular Member

William Veillette, Alternate Member

Absent Members:

W. T. Furgueson, Alternate Member

Staff:

Michael Wells, Legal Counsel to the Board

Stella Beaudoin, Recording Secretary

Mr. Ingersoll called the meeting to order at 7:30 p.m.

Consideration of **Application #13-4 on behalf of Standard Petroleum, 23 Main Street, Centerbrook, CT, Assessor's Map 44 Lot 6, C District, requesting variances to sections 40U** of the Essex zoning regulations to allow the retail sale of prepackaged snack items and tobacco products to exceed 50 square feet in conjunction with an existing gas station.

Seated for this application were Stu Ingersoll, Doug Demarest, Al Daddona, Paul Greenberg and Michael Noto.

Attorney Ed Cassella presented on behalf of this application. The space currently houses a Shell Gas Station, a convenience store and a Duncan Donuts on one half of the space. Ashley's Garden occupies the other half of the building and a landscaping architect occupies the rear of the building. Mr. Cassella stated that Duncan Donuts will be relocated over to the eastern portion of the building which will allow for 500 s.f. for the Duncan business and the gas station will be 2,700 s.f. This proposal will allow for a dedicated entrance for Duncan and will relieve the congestion of the current shared situation. Mr.

Cassella stated that the secondary benefit of this proposal will allow for a greater cooler space and an expanded cashier area.

Mr. Cassella indicated that there are currently five gas stations in Town and four of them have convenience stores on premises. This gas station is the exception. Mr. Cassella stated that by allowing this Variance, the Zoning Commission will be better able to regulate special exception uses moving forward.

Mr. Cassella stated that the parking lot will be more open to traffic flow making the convenience store and Duncan more accessible. Ashley's Garden would no longer be a tenant under this new plan. There will be no tables or chairs in the new Duncan Donuts location.

Mr. Cassella stated that this property has been subject to a number of variances over the past 40 years including the addition of awnings and the allowance of a sign variance. Mr. Cassella stated that the hardship associated with this request is that the lot is a unique shape lot with frontage on 3 roads. The second hardship is the unique characteristic of the property in that there are 5 gas stations and this is the only one subject to an outdated regulation.

Mr. Noto asked for clarification of the hardship.

Mr. Cassella stated that the configuration of the lot is a hardship and the argument that this is the only gas station in Town without a convenience. This creates a unique hardship to this property.

Mr. Ingersoll commented on the square footage the expansion of the convenience store to allow the use to expand up to 2700 s.f. Mr. Ingersoll stated that this is a large amount of expansion to the proposed use.

Mr. Cassella stated that this 2700 s.f. includes the gas station and the pumps. Mr. Cassella stated that there are no modifications to the outside of the building. Mr. Cassella stated that the 29 allotted parking spaces with five spaces in reserve meets the zoning requirement.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition to this application. There were no comments from the audience.

Allison Sloan, owner of Ashley's Garden presented. Ms. Sloan stated that she is in favor of this proposal. Ms. Sloan stated that Standard Petroleum have been wonderful neighbors and stated that she has been a tenant for over twelve years, however she is ready to relocate her business. Ms. Sloan stated that this area is very well suited for Duncan Donuts and the parking problems will be greatly relieved with the relocation of Duncan to the other side of the building. There will be no increase to the building footprint.

There was no further public comment.

Mr. Ingersoll closed the public portion of the meeting at 8:02 p.m.

Deliberation

Consideration of **Application #13-4 on behalf of Standard Petroleum, 23 Main Street, Centerbrook, CT, Assessor's Map 44 Lot 6, C District, requesting variances to**

sections 40U of the Essex zoning regulations to allow the retail sale of prepackaged snack items and tobacco products to exceed 50 square feet in conjunction with an existing gas station.

Mr. Noto asked Mr. Wells about the stated hardship regarding the four other gas stations with convenience stores.

Attorney Wells stated that the Board could consider whether it feels that it is a hardship that this regulation applies to only one property in town. Attorney Wells stated that this does place a unique burden on this property in that this property cannot be utilized in the way that it is meant to be utilized. The building is preexisting as is the lot and the use.

The applicant is just expanding the restaurant itself and there is plenty of parking. The Zoning Commission will review this application for parking and traffic.

For the record. The five regular members are seated and Veillette has not been seated.

MOTION to grant a Variance to **Application #13-4 on behalf of Standard Petroleum, 23 Main Street, Centerbrook, CT, Assessor's Map 44 Lot 6, C District, requesting variances to sections 40U** of the Essex zoning regulations to allow the retail sale of prepackaged snack items and tobacco products to exceed 50 square feet in conjunction with an existing gas station. The hardship is that the zoning regulation 40U applies to this property only and this places an undue burden on this property. This is a preexisting building, a preexisting lot and a preexisting use. This Variance is approved based on the plans as submitted; **MADE** by A. Daddona; **SECONDED** by M. Noto; **No Discussion: IN FAVOR:** S. Ingersoll, A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Approval of Minutes – Public Hearings and Regular Meeting of March 19, 2013

MOTION to approve the March 19, 2013 meeting Minutes as presented; **MADE** by D. Demarest; **SECONDED** by M. Noto ; **No discussion: VOTING IN FAVOR:** S. Ingersoll, A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Correspondence / New Business:

There was no correspondence.

Adjournment

MOTION made to adjourn the meeting at 8:15 p.m. to the next regularly scheduled meeting to be held on Tuesday, May 21, 2013 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by M. Noto; **SECONDED** by D. Demarest; **No discussion: VOTING IN FAVOR:** S. Ingersoll, A. Daddona, P. Greenberg, D. Demarest, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin, Recording Secretary