

From: Lois Laczko June 29, 2009 9:16:59 AM  
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To: SimsburyCT\_ZBAMin  
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ADOPTED

ZONING BOARD OF APPEALS MINUTES  
REGULAR MEETING  
APRIL 22, 2009

I. CALL TO ORDER

Peter Stempien, Chairman, called the Regular Meeting of the Zoning Board of Appeals to order at 7:35 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Thomas Horan, John McCann, Tegan Blackburn and Sharon Lawson. Also in attendance were Lynn Charest, Zoning Enforcement Officer, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Ms. Blackburn to serve for Ms. Martin.

Mr. Horan read the Call.

III. PUBLIC HEARING(s)

1. 09-04 Application of Robert and Mary Rinaldi, Owners, requesting a Height Variance for a 40-foot amateur radio tower, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 23 Grimes Lane (Map F-06, Block 107, Lot 006). R-15 Zone

Robert Rinaldi handed in the signed and notarized affidavit. Mr. Rinaldi spoke of the history of the tower. He explained that this current problem came up because of a zone change. He had a 40-foot tower up from 1975 to 1985 with no restrictions. At that time they were going to move, so he took that tower down to ease the sale of the property. He did not move and now he has a height requirement, and he would like to put the tower back up. Mr. Rinaldi explained that he is five-foot over the limit at 40-feet. Chairman Stempien asked him why the five-foot difference is so critical. Mr. Rinaldi said that the minimum tower height to nest a tower to 20-feet is a 40-foot tower. Mr. Rinaldi said that the tower will be sitting at 20-feet for the majority of the time. It will be at the 40-feet height for

broadcasting only.

Ms. Lawson asked Mr. Rinaldi how often he does this type of activity. Mr. Rinaldi said that he is on the air for approximately three hours a day. Chairman Stempien asked him what bands he is on. Mr. Rinaldi said that he is on mostly 75 meters. He uses it at 9:00 a.m., 5:00 p.m. and 9:00 p.m. and is on it no longer than an hour each time.

Mr. Horan asked why he wants the tower on site A rather than on site B. Mr. Rinaldi said that he is not sure where he is going to place it. Mr. Horan thought that closer to the breezeway might be easier for Mr. Rinaldi to crank it up and down.

Mr. McCann asked if he needed to go to the Siting Council. Mr. Rinaldi said no as it is not a cell tower. Mr. McCann asked if he planned to use this structure commercially. Mr. Rinaldi responded no.

Chairman Stempien opened the public hearing for public comment. As no one in the audience wished to speak, Chairman Stempien closed the public hearing.

Ms. Blackburn moved to approve the application of Robert and Mary Rinaldi, Owners, requesting a five-foot height variance to place a 40-foot amateur (retractable to 20-foot when not in use) radio tower, pursuant to Article Eight, Section A of the Simsbury Zoning Regulations on property located at 23 Grimes Lane (Map F-06, Block 107, Lot 006) in the R-15 Zone. Ms. Blackburn said that as the applicant had vacated the property for a period of time, the hardship is the new height regulation requirement. The motion was seconded by Mr. Horan and passed unanimously.

2. 09-05 Application of Jeffrey S. Hoffman, Owner, Darcie Roy, Applicant, requesting a Variance for Signage, pursuant to Article Ten, Section C.7.d of the Simsbury Zoning Regulations on property located at Hoffman Toyota (Hoffman AutoPark), 36 Albany Turnpike (Map A-20, Lot 2-3, Block 503). B-3 Zone

Richard Rizzo, a permit expeditor, Wallingford, Connecticut handed in the signed and notarized affidavit. He was at this meeting acting on behalf of Hoffman Toyota. Mr. Rizzo said that most auto companies now are dictating to the dealerships. He said that as part of the hardship issue, interior illumination is now mandated by the Toyota Corporation. Hoffman Toyota had really no choice but to come before this commission requesting the variance for

signage. If it is turned down, then it becomes official that they cannot have interior illumination. Mr. Rizzo said that the letter dated March 31, 2009 from Garth Rosenberger, Toyota Motor Sales, U.S.A., Inc. is also part of the hardship issue. The letter refers to the L.E.D. (light emitting diode) components.

Mr. McCann asked Mr. Rizzo what the letter means by predecessors. Mr. Rizzo said that the predecessor referred to is not the predecessor that is presently at this Hoffman Toyota dealership. He said that the lighting currently at Hoffman Toyota is ground lighting. The Board thought that the letter from Toyota Motor Sales, U.S.A., Inc. was very confusing. Mr. Rizzo said that what Mr. Rosenberger is saying in his letter is that L.E.D. is the way everyone is going. Mr. McCann asked if the present sign is a problem for the Hoffman's. Mr. Rizzo said that it is not a problem. The problem is that Toyota is putting pressure on Hoffman's, and Toyota will not accept Hoffman's saying that we cannot do it because the Town will not allow it. He is here tonight to get an official letter from the Town saying that the application is rejected based upon current regulations in the Town of Simsbury.

Chairman Stempien opened the public hearing for public comment. As no one in the audience wished to speak, Chairman Stempien closed the public hearing.

Mr. Horan moved to approve the application of Jeffrey S. Hoffman, Owner, Darcie Roy, Applicant, requesting a Variance for Signage, pursuant to Article Ten, Section C.7.d of the Simsbury Zoning Regulations on property located at Hoffman Toyota (Hoffman AutoPark), 36 Albany Turnpike (Map A-20, Lot 2-3, Block 503) in a B-3 Zone. The motion was seconded by Ms. Blackburn. A brief discussion followed. Mr. Horan said that they cannot approve this application. The motion was made to just get it on the table as a positive motion. Toyota just needs a letter confirming the fact that the Hoffman's have tried and failed to get what Toyota wanted. Chairman Stempien said that Hoffman's has come before this Board several times for lighting, and they themselves know that the zoning regulations have not changed and internally lit signs are not legal in this town. Ms. Blackburn said that the hardship seems to be absent from this application. Mr. Horan said signage should be brought up during the new PAD discussions.

Mr. Horan moved to approve the application of Jeffrey S. Hoffman, Owner, Darcie Roy, Applicant, requesting a Variance for Signage, pursuant to Article Ten, Section C.7.d of the Simsbury Zoning Regulations on property located at Hoffman Toyota (Hoffman AutoPark), 36 Albany Turnpike (Map A-20, Lot 2-3, Block 503) in a B-3 Zone. The motion was seconded by Ms. Blackburn. The motion was unanimously opposed with a 5-0 vote. (Mr.

Stempien, Mr. Horan, Mr. McCann, Ms. Blackburn and Ms. Lawson all opposed).

IV. APPROVAL OF MINUTES of March 10, 2009 Special Joint Workshop and March 25, 2009 Regular Meeting.

A motion was made and seconded to approve as presented the minutes of March 25, 2009. The motion was unanimously approved.

The Board members who attended the March 10, 2009 Special Joint Workshop expressed dissatisfaction with the minutes as presented. They felt that the names of commission/board members who made motions at this meeting should have been included as this was a formal commissions meeting.

Mr. McCann moved to approve the minutes of March 10, 2009. The motion was seconded by Ms. Blackburn. The motion was unanimously opposed.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

The Board briefly discussed the workshop held earlier this evening. Mr. McCann said that he was concerned as the Town Attorney had not been prepared to provide this Board with the information for the workshop. Mr. McCann said that the Town Attorney is highly competent, but as this Board had made special efforts to be at the Town Hall early for the workshop, he found it quite frustrating that the presenters were not prepared. He said that there have been other instances where they do not receive information from the Attorney for a particular meeting until the day of that meeting. Mr. McCann said that this is disappointing and unacceptable, and he felt that his questions had not been answered.

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VI. ADJOURNMENT

Mr. Horan moved to adjourn the meeting at 8:23 p.m. The motion was seconded by Ms. Blackburn and passed unanimously.

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Thomas Horan, Secretary

