ZONING BOARD OF APPEALS

MINUTES
Monday, March 1, 2010

The Town of Bloomfield Zoning Board of Appeals held a meeting on March 1, 2010, scheduled for 7:30 p.m. at the Town Hall in Bloomfield, Connecticut with the following members present:

Present:
Jacqueline Isaacson, Chairperson
Pamela Gray, Secretary
Donna Banks
Kim Chamerda
Robert Cromwell
Fannie Pittman
Bill Starkie
Lucille Wactowski

Also Present: Michael Kosilla
Maureen Sullivan, Recording Clerk

Absent: None

LEGAL NOTICE
TOWN OF BLOOMFIELD
ZONING BOARD OF APPEALS

Notice is hereby given that the Zoning Board of Appeals will conduct public hearings on March 1, 2010 at the Bloomfield Town Hall, at 7:30 P.M., to consider the following:

1. Request by CGR Medical Development LLC for Variances for two front yard set backs, parking in the front yards, depth of parking spaces, elimination of land scaped islands, and technical require ments concerning floodplain manage ment to allow a professional medical of fice at 458-470 Cottage Grove Road, R-10 and I-1 zones.

Dated at Bloomfield, Connecticut this 12th day of February, 2010. 2-11-10

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Dated at Bloomfield, Connecticut this 12th day of February, 2010. 2-24-10

ZONING BOARD OF APPEALS

Jacqueline Isaacson, Chairperson
Pamela Gray, Secretary

Ms. Isaacson called the meeting to order at 7:32 p.m. Ms. Gray read the Legal Notice that appeared in The Hartford Courant on February 17, 2010 and February 24, 2010.

1. Request by CGR Medical Development LLC for Variances for two front yard setbacks, parking in the front yards, depth of parking spaces, elimination of landscaped islands, and technical requirements concerning floodplain management to allow a professional medical office at 458-470 Cottage Grove Road, R-10 and I-1 zones.

Attorney David Baram spoke on behalf of the applicant. The signed affidavit and notice to abutters were provided. The applicant is seeking five variances. The site was discussed. The proposal is to combine the two lots into one lot and have it rezoned to a Professional Office District. A 30,000 square foot building is proposed (15,000 square feet on each floor) as well as an auxiliary small office building, 1,170 square feet. The applicant will need to go before the TPZ for a zone change, site plan approval and Special Permit. The applicant will also need to go before the IWWC and the State Traffic Commission and possibly before FEMA for an amendment to the flood plains. The requested variances were discussed.

Mr. Donald Gershman, one of the applicants, discussed the properties. The medical offices on Cottage Grove Road were discussed. The curb cut on Cottage Grove Road will remain the same. The applicant has proposed berms and substantial plantings along Lincoln Terrace and Cottage Grove Road. The deteriorating building on the site was discussed.

Mr. Brian Cutler, an Engineer with Loureiro Engineering Associates, Inc., who resides at 4 Somerset Drive, Avon, discussed the site plan. The existing building is 25,000 square feet; the proposed building will be 32,000 square feet. The contamination of the site, the smaller building, parking, wetlands and flood plan were discussed. The applicant has increased the percent of impervious on the site by about 30% and the stormwater runoff was discussed. There is no net increase in stormwater leaving the property. The setbacks and the islands in the parking area were discussed.

Attorney Baram showed the Board pictures of the current building and a rendering of the new building.

Ms. Isaacson asked about the number of handicapped spots. Attorney Baram replied all the handicapped spots are pursuant to the Regulations of the town. Ms. Isaacson asked about the small building. Attorney Baram stated the building is anticipated to be an office building and the idea was to try to utilize the footprint of the house. Mr. Gershman stated this site serves as a transition from the office and commercial buildings in the west into a residential neighborhood. The applicant believed the smaller building held a function of stepping down the scale and retaining the residential character of Lincoln Terrace. The variance for the yard requirements was discussed.

Attorney Baram discussed the variances the applicant was requesting: 1. allow the applicant to exceed the 40 foot setbacks along the southerly portion of the site, along Cottage Grove Road and along the easterly side along Lincoln Terrace, 2. allow parking in the front yard, 3. the letter Attorney Baram passed out from the engineer be adopted, 4. waive some of the intermediate islands, and 5. parking spaces be 18 feet rather than 20 feet. The variance procedures were discussed. Letters from the Economic Development Commission of Bloomfield and Bloomfield Chamber of Commerce endorsing the project were given to the Board.

Attorney Baram discussed hardships: public health, safety, property values, the contaminated, polluted property, fire hazards. The multifamily house is in a state of disrepair and has a history of code enforcement issues. The medical office buildings on Cottage Grove Road were discussed.

Ms. Chamerda asked if the applicant looked at the vacancy rates at nearby medical buildings when deciding on the usage of the building and asked if there was the need. Mr. Gershman replied the vacancies tend to be small spaces. There are larger practices that want new and technologically advanced space and believed there will be a market for this building.

Attorney Baram discussed hardship and the parcels uniqueness. Attorney Baram believed the contamination and pollution of the parcel were enough to justify a variance to allow for the remediation and clean up of the site which the developer and applicant are willing to do. Parking and landscaping was discussed.

Attorney Baram discussed case law for two projects.

Ms. Isaacson asked about the drawings for the smaller building. Mr. Cutler discussed the plans and stated there was no issue with the side yard.

Ms. Wactowski asked if the applicant can tell how far the pollutants have spread and will there be 100% clean up. Mr. Cutler discussed the main area with contaminated soils. The proposal to remove the soils was discussed. Attorney Baram stated the monitoring is a condition of DEP. Mr. Cutler discussed the plans to enter the site into a voluntary program, have it recognized as a Brownfield site for some possible funding in clean up efforts. The DEP will audit this site.

<u>Questions from the public</u>:

Ms. Paula Walek of 35 Sharon Road was in support of the building.

Mr. Andrew Walter of 47 Lincoln Terrace discussed the road. The site and the deteriorated building's negative impact to the neighborhood were discussed. The original structure of the four family was discussed. Mr. Walter stated the neighbors for the most part were in favor of this application. There were a few reservations based on past experience of giving people

variances. Mr. Walter discussed concerns he had: noise pollution, light pollution, berms between Lincoln Terrace and the parking area. Mr. Walter was in support of the project overall. Mr. Walter discussed the apartment building and the one way service road in front of the site. The neighbors would like to keep the residential character of the street.

Attorney Baram responded the applicant agreed that there will be no deliveries before a particular time, the lighting would be inward and the berms were discussed. The applicant is investigating the existing house that Mr. Walter would like to remain as an office. The applicant does not have control over the frontage street.

Mr. Cromwell had a concern with the parking and asked about loading docks. Attorney Baram discussed the parking and loading docks in a retail establishment, which this is not, and stated the plan is in compliance with the Regulations. The TPZ will decide if the applicant needs more handicapped or van spaces, as well as hours of operation. Mr. Cutler discussed the design and parking on the property.

Mr. Cromwell asked why the applicant was considering the house on the corner. Attorney Baram stated the applicant believed it creates a good buffer or transition into the residential area. There is a need for smaller office space. The cost of remediation was discussed.

Ms. Walek commented the house was beautiful and believed it was a lovely transition to the street. Ms. Walek asked if there will be signage on the house. Attorney Baram discussed the sign, there will be nothing facing Lincoln Terrace or Cottage Grove Road.

Ms. Gray asked Mr. Kosilla about the zoning enforcement for the residential property. Mr. Kosilla replied there have been a number of problems from trash to unregistered cars.

The Board recessed for a few minutes so Mr. Kosilla could speak with Attorney Baram.

The meeting resumed.

Attorney Baram stated he and Mr. Kosilla discussed variance number 3 involving the engineering studies. Mr. Kosilla spoke with Mr. Jonathan Thiesse, Town Engineer, and the applicant suggested the ZBA act on variances 1, 2, 4 and 5. The applicant will discuss variance 3 with the Town Engineer. Mr. Kosilla explained variances to the flood plain management regulations can jeopardize all of the flood plain insurance claims throughout the town. The Town Engineer believed the issues can be resolved without the need for the variance. Attorney Baram stated this is the first time an application has been submitted under the new Flood Plain Regulations.

Ms. Gray read a letter dated January 25, 2010 from the Bloomfield Economic Development Commission in favor of the zone change, as well as a letter dated January 25, 2010 from the Bloomfield Chamber of Commerce in favor of the zone change.

Ms. Chamerda asked if there will be a light on Cottage Grove Road. Attorney Baram replied the State Traffic Commission will decide if there is a light.

Mr. Cromwell asked if an entrance from Lincoln Terrace has been considered. Attorney Baram stated there is an emergency fire exit that will be grassed over, per the fire department; however the applicant does not want any traffic on Lincoln Terrace.

Ms. Isaacson asked if the applicant was agreeable to increasing landscaping if the TPZ agreed to less spots. Attorney Baram replied if the TPZ agrees with a few less spaces to allow the applicant to do more landscaping, the applicant would be agreeable. Mr. Kosilla stated it was suggested that the motion be conditioned on the TPZ zone change.

Ms. Isaacson closed the public hearing.

Mr. Cromwell was concerned with the parking situation, the lots and the traffic situation. There will be trucks and ambulances at the site. Ms. Isaacson stated the TPZ will be looking at the parking.

Ms. Gray made a motion to postpone the third item on the request for variance which is the engineer study, Section 5.1. Ms. Pittman seconded the motion and it was approved unanimously.

Ms. Gray commented as far as addressing the legal hardship the public health and safety and property values, item #1, have been met and under the partial parcel uniqueness there are two lots and two front yards here.

Ms. Gray made a motion to grant a variance to exceed the 40 foot setback for two front yards along Cottage Grove Road and Lincoln Terrace to allow for parking and driveway per plans and for auxiliary building on the corner lot. Mr. Starkie seconded the motion and it was approved unanimously.

Ms. Gray made a motion to grant a variance to allow for front yard parking along Cottage Grove Road and Lincoln Terrace per plans, the hardship being the two front yards. Mr. Starkie seconded the motion and it was approved unanimously.

Ms. Gray made a motion to grant a variance to waive requirements of landscape intermediate island for every 15 vehicle spaces and islands at the end of every parking row as per plans. Ms. Pittman seconded the motion and it was approved unanimously.

Ms. Gray made a motion to grant a variance to waive stall depth of the parking spaces from 20 feet to 18 feet, granting these variances subject to the zone change by the Town Planning & Zoning Commission. Ms. Pittman seconded the motion and it was approved (4:1, Mr. Cromwell voted against the motion).

2. Minutes of January 4, 2010.

Mr. Starkie made a motion to accept the minutes of January 4, 2010 as amended. Ms. Pittman seconded the motion and it was approved unanimously.

Mr. Cromwell made a motion for the meeting to adjourn. Ms. Pittman seconded the motion and it was approved unanimously.

The meeting adjourned at 9:37 p.m.

Pamela Gray (H.D.)

Pamela Gray, Secretary

Maureen Sullivan (H.D.)

Maureen Sullivan, Recording Secretary