

**TOWN OF KENT
ZONING BOARD OF APPEALS**

41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757

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2015 APR 15 A 11:41

BY *Donna Hayes*
TOWN CLERK

APRIL 14, 2015 REGULAR MEETING MINUTES

The Town of Kent Zoning Board of Appeals held a regular meeting on April 14, 2015 at 7:00 p.m. in the Kent Town Hall.

- 1) Call to Order and Roll Call

Mr. DiPentima called the meeting to order at 7:00 p.m.

- 2) Appointment of Alternates(s) to Voting Status.

Commissioners Present: Anthony DiPentima, Chairman; Anne Bisenius, Nick Downes, Ed Hoffman, Daniel Murray, John Noneman, Michael VanValkenburg

Staff Present: Donna Hayes, Secretary/Clerk

Mr. DiPentima elevated Ms. Bisenius and Mr. Noneman to voting status.

- 3) Acceptance or Revision of Agenda

Mr. Downes moved to accept the agenda as presented. Ms. Bisenius seconded and the motion carried unanimously.

- 4) Reading and Approval of Regular Meeting Minutes of December 9, 2014

Mr. Murray moved to approve the Regular Meeting Minutes of December 9, 2014, as written. Mr. DiPentima seconded and the motion carried unanimously.

- 5) Recess Meeting. Convene Hearing:

Mr. DiPentima recessed the meeting and convened the hearing at 7:03 p.m.

- 5.1. Application #01-15, William J. Blank., Certificate of Approval for Motor Vehicle Sales, Service and Repair Uses, 349 Kent Road, Map 6 Block 11 Lot 9.

Mr. William Blank, applicant, explained that he was before the Board to obtain a Certificate of Approval to repair cars in the barn located on his property. He continued that there will be no employees and he has no intention of selling cars.

Mr. DiPentima asked if he would need any special equipment or be using any hazardous materials. Mr. Blank replied that the equipment use will have to comply with his DMV license and since there was no water in the building, he will not be washing any cars or using hazardous materials. Since Mr. Blank

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does not want to clutter his property, there will not be lots of cars parked on the property. He continued that he will only be working on 1 or 2 cars a day.

Mr. DiPentima asked if any of the cars he will be working on will be stored overnight. Mr. Blank replied that it might happen occasionally, but there would never be any more cars on the property than there would be at any other residence.

Mr. DiPentima asked Mr. Blank what the hours of operation would be and he responded that they will be normal business hours of 7 a.m. – 5 p.m.

Mr. Murray asked if there will be any exterior lighting. Mr. Blank responded that there is a light on the barn which is operated via a timer.

Mr. DiPentima asked if there will be any additional signage and Mr. Blank replied that there is no signage now and he will not be asking for any. He continued by stating that this was also his residence and he would not like to look at anything that his neighbors wouldn't want to look at.

Mr. DiPentima asked Ms. Hayes if all the abutting landowners had been notified. She replied that they had and all certified receipts had been returned. Ms. Bisenius asked if Ms. Hayes had received any written correspondence about the application and she replied that she had not.

Mr. DiPentima then asked the audience if there was any one who wanted to comment. The first to speak was Mr. Bruce Osborne of 23 Sugar Loaf Mountain Road, Kent. Mr. Osborne said that he is in favor of this application. He said that Mr. Blank has been doing car repairs since he was 16 and to his knowledge has never received a complaint. Mr. Osborne continued that Mr. Blank will be regulated by his State permits and that there cannot be many cars stored there because of the size requirements of the State. Mr. Osborne asked if the Board had received any complaints and Ms. Hayes said that the Land Use Office had not.

Mr. DiPentima asked Mr. Blank if he had been conducting this activity already. Mr. Blank said that he had. Mr. DiPentima then asked Mr. Blank why he was before the Board at this time. Mr. Blank replied that a complaint was made to the CT DMV by Mr. Lauren Beatty because Mr. Blank had been operating as a car repair business without a DMV license. In order to be able to continue his business, he needs to obtain a license from the DMV and obtaining Town approval was part of that process.

Mr. Brian Hagley, who operates a similar business at 3 Segar Mountain Road, was next to speak. He reminded the Commission that they had granted him a Certificate of Approval at their December meeting because Mr. Lauren Beatty had complained to the DMV about Mr. Hagley, also. Mr. Hagley said that he has known Mr. Blank for years and said that Mr. Blank has never had any cars on his property, the property is always clean and you would never know by driving by that he was in operation. Mr. Hagley said that Mr. Blank is a very reputable mechanic. Mr. Hagley said that the process of obtaining a license from the DMV is very strict and there will be DMV restrictions that Mr. Blank will have to comply with.

Mr. DiPentima asked Ms. Hayes if she had a letter of approval from Planning & Zoning. She replied that the approval for this operation would be under a home occupation which is approved as an administrative permit. Ms. Hayes advised the Commission that the area where this operation is located is in an area that has a lot of mixed uses such as the Bulls Bridge Inn, the Country Store, a service station and a gas station and the area is considered Roadside Commercial. Since Mr. Blank will only be working on 1 or 2 cars a day, she felt the intensity of the use could fall under a home occupation. Mr. DiPentima asked Ms. Hayes what regulation this application fell under with regard to ZBA approval. She referred him to Section

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23.1.3 which gives the ZBA the authority to issue a Certificate of Approval for automotive sales, service and repair.

Mr. Joseph Whynott, 335 Kent Road, told the Board that he is the neighbor who looks directly at Mr. Blank's barn. He continued that because Mr. Blank's property is so beautiful and manicured, he cut down rose bushes and other types of bushes so that he could look it. Mr. Whynott said that he is in favor of the operation.

Mr. Roland Levesque, 205 Bulls Bridge Road, said that he is an abutting neighbor and cannot speak more highly of Mr. Blank. He continued that Mr. Blank's property is meticulous and he is as honest as the day is long.

6) Close Hearing. Brief Recess

Hearing no more comments from the audience, Mr. DiPentima closed the hearing at 7:15 p.m. No recess was taken.

7) Reconvene Meeting. Action on Appeal(s) Heard

The meeting reconvened at 7:15 p.m.

Mr. VanValkenburg moved to approve Application #01-15, William J. Blank., Certificate of Approval for Motor Vehicle Sales, Service and Repair Uses, 349 Kent Road, Map 6 Block 11 Lot 9. Mr. Downes seconded.

Ms. Hayes asked the Board if they wanted to apply any conditions of approval. Mr. VanValkenburg said that he did not think conditions of approval were necessary. Ms. Bisenius asked if this was a personal use or a property use and Ms. Hayes responded that this was a personal use which would not stay with the property. Mr. VanValkenburg said that the fact that he has been in operation for some time and no one even knew about it confirms the fact that he did not think conditions were necessary. Mr. DiPentima said that without any standard conditions, things could change.

Mr. Hagley, a member of the audience asked to speak again. Mr. DiPentima said that he would agree to let him speak even though the public portion of the meeting had been closed. Mr. Hagley said in order to get the license from the State, the owner has to comply with the State's requirements such as waste removal. Mr. DiPentima said that he understood but noted that the State's requirements do not address such things as signage, hours of operation and parking of vehicles overnight. Mr. Hagley agreed, but said that Mr. Blank would have to maintain a clean operation, which he has already been doing.

Mr. Murray asked if conditions of approval can be assigned that are similar to what Mr. Blank is currently doing. The Board agreed that conditions should be added and the following amendment to the original motion was made:

Mr. Hoffman moved to amend Mr. VanValkenburg's motion by moving to approve Application #01-15, William J. Blank., Certificate of Approval for Motor Vehicle Sales, Service and Repair Uses, 349 Kent Road, Map 6 Block 11 Lot 9 with the following conditions: that there be no signage pertaining to the repair business; that the owner can repair 2 cars per day; that if parts are needed to make those repairs, a maximum of 4 cars may be parked in the business area only of the property; there will be no additional or sodium type exterior lighting; and, the repair business shall operate in accordance with Torrington Area Health District approval. Mr. Noneman seconded the amendment. The amendment and the motion were carried unanimously.

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8) Old Business

No action taken.

9) New Business

No action taken.

10) Communications

10.1. *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Winter 2015*

No action taken.

11) **Executive Session: Legal Litigation, 52 Kent Cornwall Road**

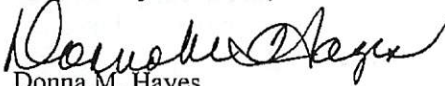
*Mr. Hoffman moved to go into Executive Session: Legal Litigation, 52 Kent Cornwall Road at 7:24 p.m.
Mr. Downes seconded and the motion carried unanimously.*


The Board came out of Executive Session at 7:39 p.m.

12) Adjourn

Ms. Bisenius moved to adjourn at 7:40 p.m. Mr. Downes seconded and the motion carried unanimously.

Respectfully submitted,


Donna M. Hayes
Secretary/Clerk

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