

**TOWN OF SOUTH WINDSOR  
ZONING BOARD OF APPEALS**

**Minutes**

1

**October 5, 2017**

**MEMBERS PRESENT:** James Kupchunos, Joseph Etter, Steve Carty, Erik Dabrowski

**ALTERNATES PRESENT:** Edwina Futtner

**STAFF PRESENT:** Pamela Oliva, Zoning Enforcement Officer  
Lauren Zarambo, Recording Secretary

The following are motions made during the October 5, 2017 Public Hearing/Regular Meeting.

Acting Chairman Jim Kupchunos called the public hearing to order at 7:31 pm.

The Recording Secretary read the legal notice as published in the Journal Inquirer on Saturday, September 23, and Saturday, September 30, 2017.

The Acting Chair appointed Alternate Member Futtner to be seated for Board Member Kilburn.

**Public Hearing / Madden Room**

1. **Appl. 2803-17 – Gary & Nicole Grilli** – request for a 9 foot variance to Table 3.1.2A to allow placement of a 28' by 25' garage 11 feet from the property line (20 ft required), on property located at 80 Berle Road, AA-30 Residential zone

A 35 day extension for the ZBA to hold a hearing and act on this request has been granted by the applicant per an email dated 10/4/17 from Peter DeMallie of Design Professionals, Inc. on their behalf.

2. **App. 2805-17 – Mario Costa** – request for a 4 foot variance to Table 3.1.2A to allow placement of a 12' by 24' shed 6 feet from the property line (10 ft required), on property located at 30 Henry Road, A-20 Residential zone

Mr. Peter DeMallie of Design Professionals presented the application on behalf of Mario Costa Jr. Mr. Costa acquired the property which included a 12x24 shed on the western property line.

In 2010 the house was improved and in 2015 the shed had deteriorated and was replaced in the same gravel pad as the original. That original location did not conform to the setback. The shed was being replaced in the same location between two mature trees. The shed doors are at the end on the south side and can accommodate a vehicle. A site map was shown of the property which drops off at the back of the property by a 14' drop to the Podunk River. The topography limits the use on the ½ acre lot. It is also in a federal flood zone as well as wetlands which further limits the amount of usable yard. The shed is obscured from view from the neighbors and street with no effect to the surrounding properties. It has been in the same location since 1999.

Mr. Carty asked if it was in a 100 year flood plan. 500 year...and noted the site map does not show the contour lines. Mr. DeMallie stated the other lines indicated on the map showed the flood plain. Carty asked if there is a garage on site. Yes, and the shed has concrete sidewalks from the garage to the shed. Mr. Costa has a business in town Costa and Son. A concrete company.

Mr. Etter noted a complaint in their notes. Mr. DeMallie stated when they replaced the shed they did not take out a building permit since zoning approval was necessary. Mr. Costa stated he was not aware he needed a building permit for the shed because he was told sheds under 200 sq ft do not need building permits. And was not made aware of needing one from the shed company. Mr. Etter asked questions about the aerial picture and a small concrete pad which once was a lean-to dog kennel. And asked about the distance between the shed and the flood plain on the topographical map. Mr. DeMallie stated as soon

**TOWN OF SOUTH WINDSOR  
ZONING BOARD OF APPEALS**

***Minutes***

***2***

***October 5, 2017***

as you get to the north side of the shed the topography drops off substantially. It was determined the requested variance was not about the distance moving back into the property but from the side yard. Mr. DeMallie stated the topography which significantly reduces the amount of land that can be used. Mr. Costa described the patio and porch behind the house which prevents moving toward the center. Mr. DeMallie went over the hardships unique to the property justifying the variance.

Mr. Erik Dabrowski asked if all the neighbors are fine with the placement of the shed. They indicated they are all in support with the abutting neighbor in the audience. Pam Oliva explained the cease and desist order. The house is being sold and they need a building permit for the shed and needs a variance to get the building permit. Mrs. Futtner asked about the cease and desist order which Mr. DeMallie explained and went over the hardships again. The house has been improved by this owner and should be supported by this Board.

Mrs. Barbara Hedges abutting neighbor since 1983. The shed has always been there. When Mr. Costa bought the property He did major improvements on the house and the yard around the shed. She stated she is in support of leaving the shed on the property.

Mr. DeMallie stated Mr. Costa is a business owner and property owner in town, and a good, tax paying citizen.

Motion to: close public hearing at 8:20 p.m.

Was made by Board Member Carty

Seconded by Board Member Etter

The motion: Carried

Vote: Unanimous

5 minute recess requested by Mr. Etter at 8:20 PM Meeting reconvened at 8:23 pm

- 3. App. 2806-17 – Suri Realty, LLC** – request for a 14 foot variance to Table 4.1.6A and Section 4.5.6 to allow the increase of the building height to 54 feet (max. 40 ft allowed), on property located at 50 Talbot Lane, (I) Industrial zone

Mr. Peter DeMallie of Design Professionals presented the application with Ben Wheeler. Carlos Bastos and Kevin King of the Dennis Group, contractors to expand Carla's Pasta, and Sergio Squatrito, family member of the Carla's Pasta business, were in attendance. The original facility was just less than 50,000 sq. ft. South Windsor welcomed them and they've been here ever since.

The height variance requested is because the land slopes off down to where the parking lots are. A series of additions have been constructed and the business has grown exponentially. They have acquired land over time - 20 acres. They are working in 3 phases. The completed expansion on the south side of the structure will bring the building to a total of 176,690 sq ft. Phase 1 is approximately 70,000 sq ft with a freezer at the end. With the completion of Phase 1 (a \$32 million phase), the building will be over 150,000 sq ft, with 310 employees. The second and third phases will be a \$68 million effort. When the expansion is complete, Carla's Pasta will be one of South Windsor's top employers and a top ten tax payer on the grand list.

As a food production facility a linear process is required and at the end of that process is the freezer which, by regulations, has to have the capacity to hold 5 days of production. A site plan was shown of the expansion plan. The freezer area is at the southerly end of the building. The building cannot go any further to the south because of wetlands. They have employed an ASRS (Automated Storage and Retrieval System), reducing the amount of freezer footprint by 31% but brings the height need to the 54 feet.

**TOWN OF SOUTH WINDSOR  
ZONING BOARD OF APPEALS**

**Minutes**

**3**

**October 5, 2017**

Supporting factors: Major employment and grand list value and also employs many other supportive vendors. Subject property is very unique in its narrow shape from Nutmeg Road South and Talbot Lane with two access points. But the site does not support a wider building. The site has wetlands in the area where the freezer area has to be located for production. The freezer unit has one emergency exit door and has no external activity on that side of building and site. The loading docks are on the far side away from the residential area. This is a tremendous opportunity for the town. When all 3 phases are complete it will be a \$100,000,000 project.

The applicant has reached out to two abutters and have answered their questions. Concerns were dumpsters being used throughout the night. Mr. Squarrito verified that their dumpsters were only used between 7:00 a.m. - 5:00 p.m. and were not the source of their complaint.

Topography and conservation easement and its history were described.

Mr. DeMallie handed out to Board Members copies of six letters written in support of the application. Mr. DeMallie read the names of residents who wrote the letters in favor of the application.

Mr. Ben Wheeler described the minimal impact on the surrounding neighborhood and showed photographs from drone images which the applicant had hired to create an aerial tour from 50 feet above the facility. The buffering trees currently on the property are taller than the building will be, approximately 75 feet in height.

Dr. Saud Anwar, 93 Rockledge Drive, spoke in favor of the expansion and the business. Carla's will have a gluten free facility with this expansion and is a highly valued addition.

Ms. Louise Neary, Vice Chair of the Economic Development Commission (EDC) stated that EDC commissioners voted unanimously to support the expansion to keep them in town as a great corporate citizen. As residents and business they have their support for the good of the town.

Mr. Donald Kasheta, VP Kasheta Farms Inc., 1305 Main Street, read a letter of support into the record. They've cared for Carla's Pasta's property as a local vendor and vouches for their quality business practices.

Cyndi Beaulieu, town council member, and abutting neighbor spoke in support of the application.

A letter from Paul Burnham, Chairman of the Economic Development Commission (EDC), written in support was read into the record.

Mr. Carty noted the building footprint had already received approval from PZC and IWA/CC. Mr. Wheeler stated those approvals came for a different configuration of buildings and when there was a 40' height for the freezer section.

Mr. Etter asked for clarification that the existing vegetation will be a site barrier. He noted the minutes from PZC that were included in their packets. PZC has approved what is going forward as the final project.

Mr. Carty questioned whether consideration regarding noise from the refrigeration had been taken into account. Mr. Sergio Squarrito stated there will be no more noise than what they are already permitted for and it is all internal. Mr. Carty asked why the height of the refrigeration. Mr. Squarrito explained the changes in the regulations requiring storage for 5 days of production. The height has to increase since they cannot go further into the wetlands area.

**TOWN OF SOUTH WINDSOR  
ZONING BOARD OF APPEALS**

**Minutes**

**4**

**October 5, 2017**

Mr. Etter asked as a follow up will there be any rooftop mechanicals. Mr. Squatrito stated there will be solar panels and fuel cells, which are made locally by Doosan.

Motion to: close public hearing at 9:15 p.m.

Was made by Board Member Etter

Seconded by Board Member Dabrowski

The motion: Carried

**Deliberative Session**

1. **Appl. 2803-17 – Gary & Nicole Grilli** – request for a 9 foot variance to Table 3.1.2A to allow placement of a 28' by 25' garage 11 feet from the property line (20 ft required), on property located at 80 Berle Road, AA-30 Residential zone

35 day extension received from applicant. No action taken.

2. **App. 2805-17 – Mario Costa** – request for a 4 foot variance to Table 3.1.2A to allow placement of a 12' by 24' shed 6 feet from the property line (10 ft required), on property located at 30 Henry Road, A-20 Residential zone

Mr. Dabrowski stated there is no other options for the property owner and should be approved. Mr. Carty is inclined to agree; if the shed were not there already there be sufficient hardship due to the surrounding area. Not to condone the way the situation but he did not know he was not in compliance. Mr. Etter stated the applicant could in fact relocate the shed within the setbacks although it is not convenient and will be expensive. A cease and desist order has been in place for two years. It is how the law reads. Mr. Carty stated they are allowed to use reasonability is granting variances. Mr. Kupchonus stated as the ZBA we are here to make exceptions to the Regulations in consideration of the property and the surrounding area. Mr. Etter stated exceptions should be made under a specific set of circumstances.

Motion to: approve Appl. 2805-17 as presented

Was made by Board Member Dabrowski citing the hardship that it cannot be placed in the wetlands area or within the yard.

Seconded by Board Member Futtner

There was further discussion regarding whether a hardship existed or was self created.

The motion: Passed

Vote: 4 Yea –Kupchunos, Carty, Dabrowski, Futtner; 1 Nay – Etter

3. **App. 2806-17 – Suri Realty, LLC** – request for a 14 foot variance to Table 4.1.6A and Section 4.5.6 to allow the increase of the building height to 54 feet (max. 40 ft allowed), on property located at 50 Talbot Lane, (I) Industrial zone

Commissioners were satisfied they had enough information to make a decision.

Motion to: approve Appl. 2806-17 as presented

Was made by Board Member Dabrowski

Seconded by Board Member Carty

The motion: Carried

Vote: Unanimous

**TOWN OF SOUTH WINDSOR  
ZONING BOARD OF APPEALS**

**Minutes**

**5**

**October 5, 2017**

**Approval of Minutes**

Motion to: approve minutes of September 7, 2017  
Was made by Board Member Dabrowski  
Seconded by Board Member Futtner  
The motion: Carried  
Vote: Unanimous

**New Business:**

Election of Officers: Postponed until the full Board is present.

**Old Business:**

Review of Bylaws: Tabled until the next meeting

Motion to: Table the Review of Bylaws  
Was made by Board Member Etter  
Seconded by Board Member Dabrowski  
The motion: Carried

**Correspondence:**

**Adjournment:**

Motion to: adjourn the meeting at 9:35pm  
Was made by Board Member Dabrowski  
Seconded by Board Member Futtner  
The motion: Carried  
Vote: Unanimous

Respectfully submitted:

Donna Thompson  
Recording Secretary

**Approved: November 2, 2017**