

WARREN ZONING BOARD OF APPEALS  
SPECIAL MEETING  
FEBRUARY 15, 2023

A Special Meeting of the Warren Zoning Board of Appeals was called on Wednesday, February 15, 2023 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

**Members of the Board present:**

Roman Nestorowicz, Chairman  
David Sophiea, Vice-Chairman  
Paul Jerzy, Secretary  
William Clift, Assistant Secretary  
Judy Furgal  
Charles Perry  
Anthony Sieracki, Jr.  
Michael Sylvester

**Members of the Board absent:**

Charles Anglin

**Also present:**

Cecil St. Pierre, City Attorney  
Steve Watripont, Zoning Inspector  
Nicole Jones, Council Office

**1. CALL TO ORDER**

Chairman Nestorowicz called the meeting to order at 7:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

A roll call was taken and Board Member Anglin was absent.

**Motion:**

Chairman Nestorowicz made a motion to excuse Mr. Anglin, he is still recovering from the surgery he had; Supported by Board Member Clift.

**Voice Vote:**

A voice vote was taken. The motion carried (8 – 0).

**4. ADOPTION OF THE AGENDA**

**Motion:**

Secretary Jerzy made a motion to adopt the agenda; Supported by Board Member Perry.

**Voice Vote:**

A voice vote was taken. The motion carried (8 – 0).

**5. APPROVAL OF THE MINUTES -None-**

<b>6. PUBLIC HEARING:</b>	<b>APPLICANT: Northern Sign Co Inc.</b>
REPRESENTATIVE:	Northern Sign Co Employee
COMMON DESCRIPTION:	28550 Dequindre
LEGAL DESCRIPTION:	13-18-101-013
ZONE:	MZ, C-2, P

**VARIANCES REQUESTED: Permission to**

Allow two ground signs:

- 1) Digital order screen: 49.75" x 37.5" = 12.95 square ft. with a 1' 9-3/4" under clearance.
- 2) Menu board: 42.75" x 94.5" = 28.05 square ft. with a 1' 6-3/4" under clearance.

Total of 41 square ft. of ground signage.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.37 – Shopping Centers:** Regardless of the zoning district, shopping centers as defined in Section 2.67 are permitted the following signage: b) One freestanding on premise identification sign of a size not to exceed one hundred and fifty (150) square feet in size and which shall not exceed twenty-five (25) feet in height shall be allowed for each shopping center.

**Section 4A.19 – Clearance:** All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

Chairman Nestorowicz stated if the applicant is present, please approach the podium. Start by stating name and address for the record, and then explain the request to the board.

(Inaudible)

Chairman Nestorowicz asked if the microphone is on or speak closer to the mic.

Secretary Jerzy said there is a button on the bottom of the base.

Thomas Lefler, 2181 E Walton Blvd, appeared before the board.

David Warren, 111 North Canal Street, appeared before the board.

Chairman Nestorowicz asked them to take the board through their request.

Thomas Lefler asked him to repeat the question.

Chairman Nestorowicz asked him to explain their request, or the petition, what they're asking for today.

Thomas Lefler said yes, they're asking for relief to allow a digital order screen and menu board.

Chairman Nestorowicz said this is a public hearing. Is there anyone else in the audience wanting to speak on this item.

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for questions and discussion.

Board Member Sylvester asked the petitioner if this is going to be right next to the building, drive up and order.

Thomas Lefler answered that is correct.

Board Member Sylvester said thank you.

Board Member Clift said to the petitioner. This is just industry standard for that particular franchise, right? Everybody is doing just about the same thing.

Thomas Lefler said their franchise, yes. There is nothing out of the ordinary.

Secretary Jerzy asked if this will be illuminated during non-business hours. Or will it be shut off during non-business hours.

David Warren explained the illumination of the menu board and the order screen will be turned off when the store closes, along with the building sign.

Secretary Jerzy thanked him.

Board Member Clift said it's pretty industry standard. He doesn't here a whole lot of discussion from the board. If nobody else has anything, he would like to make a motion on this item.

**Motion:**

Board Member Clift made a motion to grant permission to allow two (2) ground signs:

- 1) Digital order screen: 49.75" x 37.5" = 12.95 square ft. with a 1' 9-3/4" under clearance.
- 2) Menu board: 42.75" x 94.5" = 28.05 square ft. with a 1' 6-3/4" under clearance.

Total of 41 square ft. of ground signage.

Reasons being: Not a detriment to the area; Industry standard; Not an outlying issue.

Board Member Sophia supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift, support by Mr. Sophia to approve the request for the reasons stated in the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sophia	Yes, for the reasons stated in the motion.

Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** as written.

7. PUBLIC HEARING:

**APPLICANT: Dennis Krestel -USE-**  
(Rescheduled from 2/8/2023)

REPRESENTATIVE: Salvatore Randazzo  
COMMON DESCRIPTION: 13441 Thirteen Mile  
LEGAL DESCRIPTION: 13-02-481-020  
ZONE: MZ, C-1, P

**VARIANCES REQUESTED: Permission to -USE-**

- 1) Retain 18 ft. long parking spaces north and east of the building.
- 2) Retain 20 ft. in long parking spaces along the east property line.
- 3) Allow a 16.6 ft. maneuvering lane.
- 4) Allow 1,783 square ft. of permanent outdoor retail sales in a "P" zone. **USE**
- 5) Allow permanent outdoor retail sales no less than 10 ft. from the front property line.

**ORDINANCES and REQUIREMENTS:**

**Section 4.32 – Off-Street Parking Requirements:** (l) All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions: Type: 90 degrees, width 9 ft., length 20 ft., maneuvering lane 22 ft. All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: Type: 90 degree, width 9 ft., length 22 ft., maneuvering lane 22 ft.

**Section 13.04: Front Yard:** A fifteen (15) foot front yard setback shall be provided.

**Section 16.02 (A) – Limitation of the Use – Uses in (P) Parking Zone:** Parking with or without charge of passenger vehicles.

Chairman Nestorowicz asked if the petitioner is present.

Dennis Krestel, 23419 Ford Road, appeared before the board stating he is with Guido Architects.

Chairman Nestorowicz said before they begin, he just wanted to let them know that since they do have an absence on the board due to Mr. Anglin's recovery, they do have the option because a use needs six (6) votes, instead of the five (5). He just wanted them to have... they need six (6) out of the eight (8) votes. If they wanted to reschedule, they can, they have that option. He just wanted to.

Dennis Krestel thanked them for letting them know, but they will proceed. He thanked the board again for having them back from a week ago when the request was tabled. He would like to offer the variance request number 3, allowing the 16.6 maneuvering lane be stricken as a variance. They would like to comply with the required width, twenty-two (22) foot width of an aisle. They would do that by moving the light pole in the parking lot that was causing the restriction. They would

be happy to resubmit that on a revised site plan. As the board knows, the Planning Commission has approved the site plan before them, pending the board's approval. This site plan the board has before them represents a more accurate property line and driveway location off of Thirteen Mile Road and concrete sidewalk dimension on the east side of the existing market building. To their knowledge, it just became recently apparent to them, that the previous site plans submitted by other offices than his were not based on a certified survey, it did not accurately depict a parking way out for the outdoor sales area on the east side of the building in the "P" district in the front yard along Thirteen Mile. The site plan before the board does depict. The best layout and parking dimensions, based on the corrected drawings that are the best for the safety of the patrons and meet the requirements of the operation of the business and efficient and adequate parking layout. This layout requires the variances noted, so they can achieve based on the corrected property line description and the corrected driveway approaches. They can achieve a good and efficient and safe layout. As he mentioned, they will revise the site plan, move the light pole and this plan also provides parameters for outdoor sales area. Previous to this, the owner has requested yearly a temporary outdoor sales area. He's been granted that for many, many years. They felt it made sense to apply for a permanent outdoor sales area. By the way, the permanent outdoor sales area is depicted on the plan and it's ten (10) feet from the property line, as the variance is requesting. They are also going to, this parking lot layout also provides for some future expansion of the market and it's redesign that will better update the market and better serve the patrons. The owner is also present, and he would like to speak to the board, if he may.

Chairman Nestorowicz said to approach the podium and just state his name and address for the record.

Salvatore Randazzo, 37180 Willow Lane, appeared before the board stating that he is here to get the permitted outdoor sales. They would like to have no problem moving that parking lot pole and if there are any other changes the board would like them to make on this, they're here to comply. Make the board happy in any way that they need to. He also brought a set of plans, a rendering of what they're planning on doing to the building, because he would like to do this set in motion, his permanent outdoor sales, to make a rather large investment and remodeling the building. Adding more services and products to it. Putting in what they do at the other locations, they want to update the store to make it compete with his other locations, so it's of the same level. That's basically what they're here today to do. Create that groundwork for future expansion. He brought a couple of ladies that he works with, they would like to say a few words as well. They have been working with him for a while, if the board doesn't mind.

Chairman Nestorowicz said it's part of the presentation, yes.

Teresa Novakowski, 13714 Leonard, appeared before the board stating she has lived in Warren all her life. She has been working for Randazzo for eighteen (18) years. It's a great place. They see a lot Fire Department, Warren Police in there. She's really excited to see all the new changes that are going to be happening.

Chairman Nestorowicz thanked her.

Christine Wessel, 23650 Martin, stated she has been there about a year and it's an awesome place to work. There's Fire Department, Police Department, everybody. Everybody is friendly with each

other. It's clean and it's a good place to work.

Chairman Nestorowicz thanked them for those comments. He asked Mr. Randazzo if there is anything else he would like to add before.

Salvatore Randazzo asked if he could bring the plans up to the board.

Chairman Nestorowicz said to pass it up through Nicole at the side over there.

Salvatore Randazzo said he'll have Mr. Krestel come back up for any questions the board might have.

Chairman Nestorowicz asked if his team is done with their presentation for now, right? Until any questions, correct?

Dennis Krestel replied correct.

Chairman Nestorowicz said this is a public hearing, are there any members of the audience wishing to speak on this item? If so, approach the podium. He asked the petitioner to step aside to let the public speak. To the resident, he asked for name and address for the record before comments, please.

Lori Harris, 4047 Hillcrest, appeared before the board stating she wanted to point out that the location of ADA accessible parking spaces must be located on the shortest accessible route to the accessible entrance. An accessible route is the path a person with a disability takes to enter and move through the building or facility. According to the E-packet, there are two (2) conflicting reports. She hopes the board looked at this. On page 31, according to the site data chart, there are 108 parking spaces provided on this site. For ADA requirements, a minimum of five (5) accessible parking spaces, one (1) of the five (5) being van accessible shall be provided on the site. The current location of the accessible parking spaces, which is behind the building, is not acceptable. As there is not an accessible route to the front entrance of the store. The spaces must be moved to the parking area east of the building. Label the site plan and indicate which parking spaces will be striped and provided with accessible signs. Hang on. On the same paper, on page... She didn't catch the page when she screen shot it. At the meeting held on December 12, 2022, which she was here for. The location of the accessible parking spaces was discussed. Per the Building Director, the location of the accessible parking spaces where they currently existed is acceptable as long as there is a three (3) foot wide route to the entry door is provided. The revised plan involves modification of the, she can't read it didn't catch the whole word on her thing. So, this whole information is dated January 9, 2023. So, it's conflicting about what's happening with those parking spaces. It's crucial that when a business... And she loves Randazzo's. Please don't get her wrong. She has shopped at Randazzo's for forty-five (45) years probably, but the parking lot needs to be properly striped. She is glad that they will have a twenty-two (22) foot maneuvering lane. She's a little concerned about the eighteen (18) foot long parking spaces, because vehicles just keep getting bigger and longer. People with huge pickup trucks, extended trucks stick out. That parking lot is crowded all the time. That parking lot is not ever empty. While she appreciates wanting to expand, she really wish they would have found another piece of property where it had more space. She would like the board no to approve it if the accessible spots are not correctly done. If it's not

currently on the site plan, then it needs to come back. That's pretty much it. She would just encourage the board, she hopes they have read through this and see the discrepancy and don't vote to approve something in all. She doesn't know if they can approve just part of it for the outdoor retail sales, but she thinks the parking lot is a problem. She doesn't know, there was no site plan on the E-packet. By the way, this is an FYI. She saw that there was a meeting last week. She saw that someone posted that they were coming to the Zoning meeting. When she went on the city website around seven o'clock it wasn't there. So, the only one that was there was the special meeting for tonight. When she was sitting here before seven o'clock, tonight's meeting was also off the city website. So, she's not sure why that happens, but it seems like it would make sense to keep those posted, because someone could still come up here. It looks like there is no meeting. That's just an FYI. Thank you.

Chairman Nestorowicz thanked her for those comments. Is there anyone else from the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for discussion and questions.

Board Member Sylvester said to the petitioner a couple things. He has known for that store to be there for a long time. He asked how long they have been at that location.

Salvatore Randazzo replied since 79.

Board Member Sylvester said really?

Salvatore Randazzo explained his father purchased it from Salvatore Badalamente back in 79. He had a small fruit market there just didn't do well. He doesn't know if he didn't set it up the right way or not. He was just a little boy at the time. But he remembers going in there the first time to look at it with his dad and that's when he opened up in September of 79 there. Before there, it was a car dealership at one point in time.

Board Member Sylvester said probably wasn't born yet. Background, that's one of the cleanest stores. There are some other ones around, but around here. It doesn't matter when you go in there or what time of the year, whatever. He means, it's always clean, it's always packed.

Salvatore Randazzo thanked him and said he has great people. His people are phenomenal. He loves them to death. He'll do anything for his people. He has people that have been working for them for forty-five (45) years plus. Some 30, 20, 25. It's just they have a family, a true family business. Their employees are their greatest asset. He's in his stores bouncing around. He goes to all three (3) of them daily. He's very anal about the cleaning part of it. It has to be clean. That's number 1. It starts at the curb. The curb has to be clean, the approach has to be clean, the parking lot has to be clean. When people see that, when they come in, they're automatically thinking everything is clean. It has to look good. When going to these large chain stores, and he's not knocking them, but they see a lot of dirt. He doesn't want to be like that. He's proud of his property. They even clean the CVS property because they don't clean in. He'll clean it, because that reflects

on them. So, he wants everything around him to look good. He's proud to be here in Warren, he loves Warren. He learned how to work in this city. He was born in this city. He was born at the hospital Macomb, it was called South Macomb, Twelve Mile and Hoover. He was born there. So, he made his bones in this town, he loves it. Glad to be here.

Board Member Sylvester said they're happy to have him. What Ms. Harris had just mentioned. He has a couple concerns. He has the architect here, he believes he's an architect, correct?

Dennis Krestel replied yes.

Board Member Sylvester asked what they're doing with the handicapped spots.

Dennis Krestel explained the site plan the board should have before them does show the five (5) required physically handicapped spaces and they're labeled. One (1) of them is required to be van accessible, that's also labeled. They showed them on the north side of the building. That was the best location Planning Department agreed, and then they did create a path. This was pointed out, with a three (3) foot minimum clear walkway. A safe path that is striped and/or along the covered cart corral. It's protected by bollards on the driveway side that lead to the front door. So, they feel that they met those requirements for the accessibility.

Board Member Sylvester asked if those requirements just given to them by the city of is there state requirements.

Dennis Krestel replied state.

Board Member Sylvester said they're all state requirements.

(Inaudible)

Dennis Krestel explained they're state requirements. It's in the Michigan Building Code, it's in the ANSI accessibility code on parking space. He believes it may give dimensions in the ordinance. But the number of spaces is also based on a state requirement.

Board Member Sylvester asked if the state has to approve any of this.

Dennis Krestel replied no. The Building Department does and they follow the state code. And any city codes that might amend the state code.

Board Member Sylvester asked anybody on the panel to know that to be true. Does the city attorney know anything about that.

(Inaudible)

Cecil St. Pierre stated he wanted to indicate to the board that he saw this on Facebook. As a result, he had a meeting with Ron Wuerth and Jim Cummins in order to address any possibility of the ADA violation. They specifically said no. Mr. Randazzo came in again in order to address this issue, and that's when they came to the agreement with Jim Cummins, Ron Wuerth, and the Public Service

Director Gus Ghanam. Whereby, they agreed to keep the maneuvering lane at twenty-two (22) and take down that light. These were addressed and everybody was satisfied that it complied. There's full compliance. Quite frankly, looking at this, and it was discussed. This is the safest place for the handicapped. If you shop there, there is a lot of action at the front.

Board Member Sylvester said there is, even if you're not handicapped.

Cecil St. Pierre said yeah, right. Just trying to walk across sometimes, right? As a result, he doesn't know if that went into reasoning. Remember, this has nothing to do with what the board is doing tonight, number 1. This was a site plan, and this is what Planning Commission after a public hearing...

(Inaudible)

Cecil St. Pierre continued to say they decided to have the agreement as this is the safest place that complies with the ADA.

Lori Harris from the audience yelled not legal.

Cecil St. Pierre said it is legal according to Jim Cummins and Ron Wuerth and the Planning staff.

Board Member Sylvester said he hears the voices. Do they have a conflict? He doesn't want to discount these people. Obviously, they feel something. Do they have something in writing to say what they want to do is legal.

Chairman Nestorowicz said part of the issue is, he means. Site plan approval in Planning, their supposed to come up and approve the location of the parking spaces and where the handicap. That is not anything to do with Zoning request. They're talking about how long the parking spaces are going to be and about retaining parking spaces along the east property line and outdoor sales. They don't have any variance to do with the handicap spots. That's part of the site plan approval.

Board Member Sylvester asked any concerns right now being expressed right now should go to Planning.

Lori Harris from the audience said no (inaudible).

Cecil St. Pierre said that's the legal opinion as well.

Board Member Sylvester said the other thing he has is also one of the residents expressed the length of vehicles. Which, some of the double cabs and eight (8) foot beds, they probably are longer. He knows the parking lot, he has been there many times himself and he parks in the back. He doesn't interfere with anybody. Is there anyway that there could be a sign there or something to say if they're above this, the length of the vehicle is eighteen (18) feet or nineteen (19) feet, whatever the case may be, they go in the back. The city attorney just said he has been there many times, when they go in front of the store maybe that's going to change, but you have to make sure you don't get run over.

Dennis Krestel replied they have no problem with signage. They do have twenty (20) foot spaces

on the property. Also, this plan is a great improvement in the layout, the stall lengths, and positioning them what currently exists. So, Mr. Randazzo is looking to improve what currently exists and has been operating and has been the layout for many, many years.

Board Member Sylvester asked ok, so for vehicle pedestrian traffic it's going to be safer on the north side than it has been.

Dennis Krestel replied yes. It's a better layout.

Board Member Sylvester asked if Mr. Randazzo agrees with that.

Salvatore Randazzo said he agrees that there is more room on the north side. It's laid out nicer. He could lengthen a few parking stalls, if the board would like him to. He's here to please the board.

Board Member Sylvester said it is kind of congested.

(Inaudible)

Salvatore Randazzo said he understands. He'll put those signs up. He has no problem to do that. He doesn't know if people will follow them all the time.

Board Member Sylvester said but they're there.

Salvatore Randazzo said he will put them there, absolutely. He just feels strongly about the handicapped spots. The reason why he put them there on the north side, this way people didn't have to cross the maneuvering lane, like Cecil was talking about. Now, he can put a couple more across the maneuvering lane if that makes her happy. He wants to make her happy.

Lori Harris stated from the audience it's the law. It's ADA law.

Salvatore Randazzo said ma'am, ma'am, he would like to make her happy with it.

Chairman Nestorowicz said let's not have any kind of conversation, unfortunately, it's like...

Salvatore Randazzo continue saying he has no problem with it. He could put them over there and just add more if he needs to.

(Inaudible)

Salvatore Randazzo said he's here to...

Chairman Nestorowicz said that's part of site plan approval, it's not part of what they have to do here today, that's the issue.

Salvatore Randazzo said ok, he just wanted to get that out there.

Chairman Nestorowicz said ok.

Board Member Sophiea said he had a few comments. Number 1, he thinks on behalf of the board they can say gladly they appreciate them being part of Warren, their commitment to Warren, what they do. He's been to Randazzo many times and he's anxious to see the improvements on the inside. He loves the Warren store, but he loves the Flag Ship store even more, so this is great to see the improvement to the already great store.

Salvatore Randazzo thanked him.

Board Member Sophiea said he does have one question for him. He looked on the variances that he usually gets for the seasonal storage, and it's just over 3,000 square feet. He sees the two (2) shaded areas on the site plan here, 1 is for 1,200 and some square feet, and the other is 1,700 square feet. How this is posted in the agenda is just for the south side. He didn't know if that was just an oversight or if that has something to do with the neighboring property line and the "P" zone.

Chairman Nestorowicz asked Steve to address that.

Dennis Krestel explained the permanent outdoor sales, the particular issue was on the south side along Thirteen Mile, it's in a "P" zone, "P" District. That's why he had to come in every year to renew that, it's nonconforming. So, they decided it would make sense to just make it a permanent, but it's been there forever, it's been allowed for years and years temporarily.

Board Member Sophiea said right. He sees the petition every year the variance granted, but looking at the variance from last April, it says the variance that was granted was to conduct the operation of an 'L' shaped open sales area approximately 3,006 square feet. So, that's what his question. He doesn't think he has any problem with the permanent outdoor storage, but he just wants to make sure that they're getting what they think they're getting.

Dennis Krestel said they're getting what is shown shaded.

Chairman Nestorowicz said actually, the reason he asked Steve to come up because it is accurate as Mr. Sophiea stated in the past they have gotten seasonal sales for 3,006 square feet, but the proposed sales here is 1,264 and 1,783, and the request of number 4, they're only asking for 1,783. Which means, 1,264 is not being asked for.

(Inaudible)

Board Member Sophiea said in other words, as this is written, if the board grants the variances as written they get the permanent storage on the north side.

Chairman Nestorowicz said nothing on the other side.

Board Member Sophiea said they still have to come back every year for the seasonal outdoor storage on the east side. He doesn't think that is their intention.

Steve Watripont said what he believes might have happened is, he has been off for sometime and wasn't part of any of this, but he believes before he was on medical, he believes there was

something about the original site plan had that area along the building as permanent already. So, when they were asking for the 3,000 it was redundant for all those years. He is not one hundred percent positive; he doesn't have the previous site plan. If it wasn't that, then it is a misprint and they would have to come back for that 1,200 at a later time if deemed necessary. He will review that afterward's. He cannot answer right now, because he does not have everything in front of him. If that makes sense to the board.

Chairman Nestorowicz said it makes sense. When looking back from 2017, 2016, 2015 they're always asking for 3,000 square feet every year and not this year. So, it's like if that had permanent in the past, why would they have been asking for that every single year?

Steve Watripont said it was probably just asking for that open storage not knowing they had the permanent as opposed to the temporary in the front. He knows there was some, he was part of it when it first reviewed when it came in, and he was not part of anything afterwards. He would have to go back and look at everything.

Dennis Krestel said can he point out a note under the site data. 1, 2, 3, 4, 5, 6, 7<sup>th</sup> line down. It says the proposed permanent retail outdoor sales area total is 3,047 square feet. Note, a variance is required for this permanent retail outdoor sales area. Meaning that in total. So, that's listed here. It was maybe incorrectly listed, and he didn't notice it either on the variance request, but on his drawings, he requested a variance for the 3,047 square feet.

Board Member Sophiea said he sees that here, that's correct. He doesn't think the board, so far, has expressed any problems with that in the permanent outdoor storage for the 3,000 square feet, but he just wants to make sure that they're solid. He thinks the purpose of the petition today is to not have to come back every year. So, he wants to make sure they're solid. He's going to leave this up to the Chairman how he wants to decide to proceed. Thank you.

Cecil St. Pierre said he'll give an opinion.

Chairman Nestorowicz said he was just saying looking back all the way to 2005, he's always asking for 3,000. This would not give the 3,000 to be able to have the sales. He will actually just give his opinion. He doesn't believe in permanent outdoor sales for most areas. That's the one, he means, he has no problem with number 1 and number 2. He personally prefer keeping things as a seasonal outdoor sales, just because that stays with the property, it does not stay with the business. So, if Randazzo finds a bigger location and moves across the street, to another location, that just stays with the property. It does not disappear. He loves Randazzo's, he knows they're a great business. He just always worries about in the future, ten (10) years down the line, fifteen (15) years down the line, what could happen to that location. That's his opinion.

Cecil St. Pierre said if he may chime in. Since it's on the site plan, the 3,074 that is the motion that would be in regards to allow 3,074 square feet of permanent outdoor retail in a "P" zone for the use variance. He thinks it would be proper based on the fact that it was set forth on the site plan that was presented to the board. However, maybe, type this up.

Steve Watripont said he respectfully disagrees with that, because it was posted as a legal posting, and that posting was not higher than that amount.

Cecil St. Pierre said he can disagree with it, but that's his opinion.

Chairman Nestorowicz stated they can always do what is less than what's been posted, but if it was not posted for 3,000 they cannot make a motion for 3,000.

Cecil St. Pierre said ok, that's your thoughts on it, that's your thoughts on it.

Board Member Clift said it would probably be prudent to table this for a correction. Have it resubmitted to the board. If that's what they're actually asking for is the 3,074. Leave it up to the petitioner.

Chairman Nestorowicz said they could actually approve 1 and 2, and have it reposted for 3,000 and have that brought back, table that, for a future time.

Board Member Furgal said she would like to point out something. The 1,783 square feet of outdoor retail sales is in a "P" zone, and that's the use variance, that's the only part that is a use variance. The 1,264 square feet is not in a "P" zone. So, it wouldn't...

Cecil St. Pierre said it's possibly in a C-1 zone. C-1 zone allows outdoor resales. Ms. Furgal brings... all her experience, they're going to miss her. That is a good point.

Steve Watripont said that is correct, it only requires Planning Commission approval.

Cecil St. Pierre laughed and said thank you. It's a good catch.

Board Member Furgal said also, she was going to point out, even though she agrees with Mr. Nestorowicz, most of the time regarding permanent outdoor sales, because they have had a lot of... They have to understand, she does not shop at Randazzo's, she lives in south Warren, so she doesn't go over there, but, so, it has nothing to do with that. She will also, and she's been doing this a long time, like almost thirty (30) years, seen everything. She thinks that personally, that the 1,264 square feet, and even the outdoor sales would probably be considered with their particular building as part of the building, because it looks like part of the building. The picture looked like it's part of the building. It has overhangs. It's not like a lot of the outdoor sales that are out in the parking lot some place. They're not selling fireworks or whatever people sell temporarily. She means it's temporary, but it's most of the year, because (inaudible due to audio malfunction). But she just wanted to point out that that 3,000 shouldn't have never been put together with the "P" sales. Use variances are different. That's all.

Cecil St. Pierre said the attorney agrees.

Board Member Furgal laughed and said she's glad.

Steve Watripont said he agrees with the attorney.

Board Member Sophiea said with that being said, he would like to make a motion if there are no further comments. He has to get his paperwork in order.

(Inaudible)

**Motion:**

Board Member Sophiea made a motion to grant permission to:

- 1) Retain 18 ft. long parking spaces north and east of the building.
- 2) Retain 20 ft. in long parking spaces along the east property line.
- 3) ~~Allow a 16.6 ft. maneuvering lane.~~
- 4) Allow 1,783 square ft. of permanent outdoor retail sales in a “P” zone. **USE**
- 5) Allow permanent outdoor retail sales no less than 10 ft. from the front property line.

Board Member Clift supported the motion.

Reasons being: Not a detriment to the area; Necessary.

Board Member Clift said he still supports.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Clift to approve the petitioner’s request for the reasons stated in the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 1).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, he is still not a fan of the permanent outdoor sales.

The petitioner’s request was **APPROVED** as written.

**8. NEW BUSINESS**

Chairman Nestorowicz said under new business, he would actually like to mention to everybody on the board today is Judy’s last meeting with them.

Board Member Furgal said for sure this time.

Chairman Nestorowicz said for sure this time, yes. She’s going to be greatly missed and he wanted to thank her for all the service all these years that she has given. Her knowledge that she has shared with all of them, and she’ll be greatly missed.

Board Member Furgal thanked him. She wanted to thank all of the board. She really enjoyed being on this board. Cecil for being Council President for a long time and she was reappointed all the

time. She appreciates that. She just wants everyone to know the choice wasn't easy, it's just her life... She feels like she's one of those animals on that thing.

Cecil St. Pierre said hamster wheel.

Board Member Furgal said she just needs to give things up. Thank you very much.

(Applause)

Cecil St. Pierre said when he was first elected in 1987 she was one of the initial people they approved on the Zoning Board of Appeals. So, congratulations. He doesn't know if that's good or bad, but none the less, he wants to thank her for being such a great addition to the Zoning Board of Appeals. Just tonight, for example, of what she caught. While Mr. Sophiea made a good catch initially, but for what she brought up, that's part of, like she said, her background and knowledge of being on this Zoning Board of Appeals. He was very proud that he was able to be part of her original nomination and be proud to be able to sit with her on her last meeting. She'll be sorely missed, she's truly a great addition to this board, and again, they will miss her. Congratulations and hopes everything goes great in her future.

Board Member Furgal thanked him.

Cecil St. Pierre said you're welcome.

Chairman Nestorowicz said that is all he had under new business. Motion to adjourn?

## 9. ADJOURNMENT

**Motion:**

Board Member Clift made the motion to adjourn the meeting, Supported by Secretary Jerzy.

**Voice Vote:**

A voice vote was taken. The motion carried (8 – 0).

The meeting adjourned at 8:15 p.m.

Paul Jerzy  
Secretary of the Board