



City of Chicopee
City Council
License Committee

Approved 2-27-2017

Members

William Zaskey, Chair
Fred Krampits, Vice Chair
Frank Laflamme
Shane Brooks
Stan Walczak

MINUTES
January 30, 2017

The following are the minutes of a public hearing held Monday, January 30, 2017 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present

Zaskey, Krampits, Brooks, Laflamme, Walczak

Also Present

Dan Garvey (Associate City Solicitor), Carl Dietz (Building Commissioner), Councilor Courchesne, Councilor Zygarowski, Jack Benjamin (Assistant Planner), Captain Mark Galarneau

The meeting was called to order at 6:30 PM

In compliance with the Open Meeting Law the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

ITEM #1

Application for a Flea Market at 929 Chicopee Street.

Applicant Tracey Bryson
282 Schoolhouse Rd
Chicopee, MA 01020

Tracey Bryson was present at the meeting. He stated that his current location is too big. He would like a smaller location and would like to bring a flea market to Chicopee. Parking for vendors will be in the rear of the building and parking for customers will be in the front. There is also some on street parking. If it becomes necessary he will lease additional property for parking.

All those present in the audience were in favor of this application.

Recommendation

Fire Department

1. Applicant will be required to read, understand, and abide by all applicable codes and regulations including but not limited to 527 CMR 1.00 *Massachusetts Comprehensive Fire Safety Code*, 780 CMR, *Massachusetts State Building Code*; MGL Chapter 148, *Fire Prevention*,.
2. Maintain adequate aisle width per building code for emergency egress and access at all times.
3. Fire extinguishers may be required.

4. An inspection will be conducted by the Fire Prevention Bureau of the Chicopee Fire Department prior to operation.
5. Proper address numbering as required by *Code of City of Chicopee*.
6. **All** required inspections shall be scheduled as required to maintain compliance with applicable licenses, codes and regulations.

Captain Galarneau stated that the applicant should not alter the fire lane without approval from the Building Commissioner and Fire Department.

Jack Benjamin stated that the Planning Department has reviewed the applicant and there are no problems. There is adequate parking for the business.

Councilor Courchesne stated that he is in support of this application.

Councilor Walczak asked when the business will open. Mr. Bryson stated that his goal is to open in March.

Conditions

- Hours of Operation - Saturday and Sunday 6 AM to 6 PM.
- Good housekeeping
- No outside storage
- Not to alter fire lane

Motion made by Councilor Laflamme and second by Councilor Zaskey to approve with restrictions.

Committee vote 5 – 0 favorable.

ITEM #2

Application for a Class II License for Absolute Motors, Inc., located at 245 East Street.
Applicant Mahmoud Awkal
 46 Ogden Street
 Indian Orchard, MA 01151

Mr. Awkal was present at the meeting. He stated that the property is family owned and the other business, Federico, will be leaving in about one week. He and his brother will utilize the entire parcel at that time for their business. New lines will also be painted.

Conditions

- Good housekeeping
- No outside storage
- No junk cars
- No outside repairs
- License holder must secure a Certificate of Occupancy prior to exercising the rights granted under this license
- Total number of vehicles 17 (2 inside, 15 outside – 13 for sale, 2 customer including 1 handicap)
- Hours M-F 8 AM – 7 PM
- Saturday 10 AM – 4 PM
- Sunday 10 AM – 4 PM by appointment only
- Car Totals reflect all licenses

Motion made by Councilor Krampits and second by Councilor Walczak to approve with restrictions.

Committee vote 5 – 0 favorable

ITEM #3

Application for an Auto Repair License for Absolute Motors, Inc., located at 245 East Street.

Applicant Mahmoud Awkal
 46 Ogden Street
 Indian Orchard, MA 01151

Mr. Awkal was present at the meeting.

Conditions

Good housekeeping

No outside storage

No junk cars

No outside repairs

License holder must secure a Certificate of Occupancy prior to exercising the rights granted under this license

Total number of vehicles 17 (2 inside, 15 outside – 13 for sale, 2 customer including 1 handicap)

Hours M-F 8 AM – 7 PM

Saturday 10 AM – 4 PM

Sunday Closed

Car totals reflect all licenses

Motion made by Councilor Krampits and second by Councilor Zaskey to approve with restrictions.

Committee vote 5 – 0 favorable.

ITEM #4

Application for an Auto Detailing License for Absolute Motors, Inc., located at 245 East Street.

Applicant Mahmoud Awkal
 46 Ogden Street
 Indian Orchard, MA 01151

Mr. Awkal was present at the meeting.

Conditions

Good housekeeping

No outside storage

No junk cars

No outside repairs

License holder must secure a Certificate of Occupancy prior to exercising the rights granted under this license

Total number of vehicles 17 (2 inside, 15 outside – 13 for sale, 2 customer including 1 handicap)

Hours M-F 8 AM – 7 PM

Saturday 10 AM – 4 PM

Sunday Closed

Car totals reflect all licenses

Motion made by Councilor Laflamme and second by Councilor Zaskey to approve with restrictions.

Committee vote 5 – 0 favorable.

ITEM #5

2017 Renewal Auto Repair License application for Top Dog Auto located at 238 Meadow Street.

Applicant George Bruso
 103 Chapdel Street
 Chicopee, MA 01020

Mr. Bruso was present at the meeting.

Councilor Zaskey asked Mr. Bruso for the site plan that he was asked to prepare. Mr. Bruso stated that he thought he would present the plan when he applies for a Class II license for 5 vehicles next month. But he will now have to do it right away. He stated that he has gone to have plans drawn up already.

Councilor Brooks stated that he thought that it was clear from the previous meeting that he needed a site plan specific to his license and if he did apply for a Class II he would need to resubmit another plan. The record will reflect that. Mr. Bruso stated that he did not take it that way. He stated that he was going to apply for a Class II anyway and the Council accepted the plans he had and then when he went for the Class II he was going to submit new plans which he was going to do next month anyway. Councilor Brooks stated that was not the takeaway from the last meeting. The minutes will reflect that the Council asked for plans. Mr. Bruso stated to take his license. He just wants to satisfy everyone and live. He said that he will get it done and he will. Councilor Brooks stated that no one is trying to hurt any business. He further stated that the Council has been more than fair with the way that he has been treated. Based upon the last meeting the Committee was very clear with its instructions to him. He further stated that no one is trying to take away his license. The Council is trying to have him play by the same rules that everyone else has to abide by. Mr. Bruso stated that he has always held 2 licenses. Councilor Brooks stated that he understands that but with respect to the plans the committee explained that going into the New Year everyone needed to bring their plot plans into compliance. Hand drawn plans are no longer acceptable. We need to have plans that reflect what is happening on the property. Every applicant is held to the same standard.

Councilor Laflamme stated that the Committee has received some pictures of Mr. Bruso's property. The original license was for doing batteries and now the business has outgrown that property. It's a concern not only to the committee but also the Police Department. Councilor Laflamme stated that Mr. Bruso intends to come in for a 5 car Class II. Councilor Laflamme stated that he is not sure where those cars would fit. Mr. Bruso stated that the trucks are leaving. He's moving his trucks elsewhere. All his work is in Worcester and Boston area. Councilor Laflamme reviewed the pictures; one depicted a truck on top of a stop sign blocking city property. Mr. Bruso stated that he has taken care of that. Councilor Laflamme stated that he's glad that Mr. Bruso is doing business but it's unfortunate that he has overgrown the space. This is a concern. Councilor Laflamme questioned how 5 additional cars will fit anywhere on this property.

Councilor Courchesne stated that there are tires on the sidewalk this morning.

Councilor Laflamme stated that there are 7 tow trucks on the property. Mr. Bruso stated that on his license 7 tow trucks are allowed. Mr. Bruso also stated that he just bought a new truck today that's why he's moving them from this location. His business is growing and he can't stop it. He's looking to purchase another piece of property down the street. Mr. Bruso stated that he plans to sell this property. Councilor Laflamme asked about Mr. Bruso utilizing the church's parking lot. Mr. Bruso replied that he does stuff for the church and they do stuff for him. He parks customer cars there during the day. They are not there all night. His employees park in the parking lot in the front. The church is aware of this.

Mr. Brusio plows and clears the sidewalks for the church. He has a contract with the church to remove cars that do not belong there. Councilor Laflamme stated that there is a lot of congestion. He asked Mr. Brusio how he wants the Council to approve something that cannot fit on the property.

Mr. Brusio stated that when Councilor Courchesne called him to tell him that a truck was parked on the sidewalk he went to look and the truck was parked on the road. Councilor Courchesne stated that the tires were on the sidewalk.

Councilor Zaskey stated that the purpose of this meeting is the site plan. Councilor Courchesne asked Mr. Brusio when the site plan will be completed. Mr. Brusio stated that the person hired is behind. He has tried calling him and even has sent his daughter to the office.

Councilor Laflamme stated that he has spoken with Mr. Brusio personally asking for something in writing from the person doing the plans. Mr. Brusio said he has and no time frame was provided. He further stated that the person drawing the plans is mobbed because of all the plans that are now required; everyone is going to him.

Councilor Brooks stated that his frustration is that this is not new information. Back in May the Committee informed Mr. Brusio about this. May 23rd then fast forward to July 25th the committee told Mr. Brusio again about the site plan; fast forward to August 29th Mr. Brusio was once again informed of the plan requirement. Councilor Brooks continued that 10 months later now the committee is at the table asking for a plan. Mr. Brusio stated that he was asked once. Councilor Brooks replied that it's reflected in the minutes. Mr. Brusio stated that he brought one in and was told it needed a stamp. Councilor Brooks stated that that statement is not true. What was said in the minutes is that the committee was aware of Mr. Brusio's intention of applying for a Class II license and a plan would be allowed not stamped for his Class III license. Mr. Brusio at that meeting understood what was required. Mr. Brusio at that meeting walked away saying he does not need a stamped plan because he's going to come back with a Class II application and the committee said when he does that to get the plan for the Class III stamped to make it official. At that meeting Mr. Brusio replied that he will do that. Mr. Brusio stated that he has not applied for a Class II yet.

Councilor Courchesne stated that he spoke with Mr. Brusio on the 20th and informed him that a plan was required when Mr. Brusio asked him what the meeting was about. Councilor Courchesne continued that Mr. Brusio went today to the person drawing the plan. Mr. Brusio stated that he has tried. He also stated that he has contacted other people and is told the same thing that they are busy.

Councilor Laflamme stated that the plan presented in the past cannot actually accommodate the cars. Mr. Brusio stated that the trucks are being moved. Councilor Laflamme asked when. Mr. Brusio replied as soon as he rents a lot which he is in the process of doing now. He stated that he will put them at Perry's. Councilor Laflamme stated that in the rear of the property nothing can fit there. There is a pile of things and a trailer. He continued that Mr. Brusio is utilizing church property that is not reflected in a lease from the church. The lease is a requirement. Mr. Brusio stated that he will park them in the street. Councilor Laflamme and the committee reviewed pictures and the plan previously submitted. Councilor Laflamme stated that he is glad that Mr. Brusio has a successful business but the license granted was not for towing. Mr. Brusio stated when he first applied he said he wanted to run a tow business and was informed to apply for an Auto Repair License. He continued then the Council members changed and the rules changed. There is no license for a tow company. Councilor Laflamme stated that the original license was for batteries. Councilor Laflamme reviewed the restrictions on the license. (12 cars outside 2 inside). Mr. Brusio stated that the other license says the same thing. The committee stated that the car totals are concurrent with both licenses. The car totals are not 24 outside and 4 inside. Councilor Laflamme stated that Mr. Brusio cannot fit 24 cars on the property. Mr. Brusio stated that he could fit 40 on that property

just would not be able to pull out. Councilor Laflamme stated that there is no room on the property for an additional 5 cars. Mr. Bruso stated that he will get rid of the trucks tomorrow. He will park them at Perry's that he rents. Mr. Bruso stated that his customers at times park on the sidewalk and he doesn't want them to do that.

Councilor Laflamme stated that if Mr. Bruso is willing to move the tow trucks and the Council requires the Building Department to monitor it and they will be ticketed and fined. Councilor Laflamme stated that the committee is trying to help Mr. Bruso not hurt him. Councilor Laflamme stated that if Mr. Bruso wants to add another license to the property he needs to keep the trucks off the property, come in with a plan and work with the committee. He continued that the Council cannot allow this because it's a public safety issue. Mr. Bruso stated that he agrees with Councilor Laflamme. Councilor Laflamme stated that Mr. Bruso has out grown the property and he must either live within the property and move the trucks or the Council will have to pull the license temporarily. Mr. Bruso asked if his licenses are pulled can he use his own property for his own vehicles. Attorney Garvey stated he would not be allowed to run a business there. Mr. Bruso stated that he would get another license in Palmer because his trucks are going to Palmer or Warren. Councilor Laflamme stated that Mr. Bruso keeps threatening to leave. The committee informed Mr. Bruso that he must have a license on the property to do work there.

Mr. Bruso asked if he could run his business if he purchased the house next door. The committee replied that the house must be property zoned for that type of business.

Regardless of whether Mr. Bruso applies for a Class II license he will supply the committee with a stamped plot plan for the Class III license. Mr. Bruso asked if he goes to get the plan done and it's not ready what should he do. Councilor Brooks told Mr. Bruso to find someone else to do the plan.

Carl Dietz asked for clarification of outside – anything outside in public view not behind the fence.

Mr. Bruso stated that his trucks have stickers on the back of them which indicate that they are registered however, they may not have plates on them. Councilor Laflamme stated that under the new restrictions Mr. Bruso will be allowed only 2 tow trucks on the property.

Motion made by Councilor Brooks and second by Councilor Walczak to delete the old restrictions and replace with the following:

No outside storage
2 vehicles inside
12 outside
Hours M-Sat. 7 AM – 5 PM Closed Sunday
No outside work
2 business vehicles on the property
No more than 4 unregistered vehicles
Stamped plot plan in 60 days
Building Commissioner will monitor for license compliance
Car totals reflects all licenses

Committee vote 5 – 0 favorable

ITEM #6

2017 Renewal Class III license application for Top Dog Auto located at 238 Meadow Street.

Applicant George Bruso
 103 Chapdel Street

Chicopee, MA 01020

Mr. Brusio was present at the meeting.

Motion made by Councilor Brooks and second by Councilor Walczak to delete the old restrictions and replace with the following:

No outside storage
2 vehicles inside
12 outside
Hours M-Sat. 7 AM – 5 PM Closed Sunday
No outside work
2 business vehicles on the property
No more than 4 unregistered vehicles
Stamped plot plan in 60 days
Building Commissioner will monitor for license compliance
Car totals reflect both licenses

Committee vote 5 – 0 favorable.

ITEM #7

Site plan approval for Kaput's Auto Body, Inc., located at 226 Granby Road.

Alan Beaudry and John Michon were present at the meeting. They presented the committee with a plot plan stamped by Planning and prepared by an engineer for the property.

Jack Benjamin stated that the Planning Department has concerns about the ability to park and show cars in the front. Visibility is a major issue on that corner especially when drivers come northeast of Granby Road. Someone taking a left there could have visibility issues. 8 spaces plus one handicap is what could fit and what is needed for space requirements. He further stated if the area is paved and striped then some spaces will be eliminated because they have to be 8 feet off the property line.

Mr. Beaudry stated that if he does decide to pave the rear portion of the property he will come back and speak with the City.

Motion made by Councilor Laflamme and second by Councilor Zaskey to amend the Class II License as follows: Total number of vehicles 6 in back and 2 in front.

Committee vote 5 – 0 favorable.

ITEM #8

Application for a Junk Dealers License at 82 Main Street to sell second hand goods such as clothes, furniture and home goods.

Applicant Daniel Janik
 72 Carew Street
 Chicopee, MA 01020

Mr. Janik was present at the meeting. He would like to open this business at this location which is in the plaza but it also looking for other space because the rent is quite high.

Restrictions

Hours of operation M-Saturday 9-6, closed Sunday

Good housekeeping

No outside storage.

Motion made by Councilor Laflamme and second by Councilor Zaskey to approve with restrictions.

Committee vote 5 – 0 favorable.

ITEM #9

Minutes – December 19, 2016 – Motion made by Councilor Laflamme and second by Councilor Walczak

Meeting adjourned at 7:59 PM.