



Members

Stanley Walczak, Chair
Fred Krampits, Vice Chair
Shane Brooks
Frank Laflamme
Derek Dobosz

APPROVED

MINUTES
January 31, 2018

The following are the minutes of a public hearing held Wednesday, January 31, 2018 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present

Krampits, Walczak, Laflamme, Dobosz

Not Present

Brooks

Also Present

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

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 Class II License for Economy Auto Service located at 957 Meadow Street.

Applicant Ariel Ortiz
32 Lawn Street
South Hadley, MA 01075

Applicant was present he stated he is looking for a class II license to sell used cars. He stated two vehicles at a time.

Councilor Walczak asked how many businesses are at this location.

Ariel Ortiz stated there are three businesses there. He stated we all communicate pretty well.

Councilor Laflamme stated that the Handicap space has been moved.

Ariel Ortiz stated that he had to make the lines for the parking spaces he thinks there was some confusion and the guy put it near the door.

Councilor Laflamme stated that it was supposed to have a walkway. He stated it's for public safety.

Ariel Ortiz stated that the handicap space is right by the door, it's marked out and the space is there.

Councilor Laflamme stated is there room on the property for another business. He stated he is concerned with the parking and movement of the vehicles.

Councilor Laflamme stated it does not meet the requirements of handicap parking. He stated there is no sign or a space. The issue of handicap parking needs to be resolved before we can issue you another license.

Jack Benjamin stated that the Planning staff has made site visits. He stated the concern is you're taking a situation where this already needs a variance. Just going through the logistics moving cars around on this site, it's not ideal adding what's going to be a temporary fixture.

Councilor Krampits stated that it's already a congested site to begin with. He stated that even though it's only two cars it's almost like the tipping point and based on the property and the restrictions I don't know how to work around that.

Councilor Krampits stated that he thinks this will make a bigger problem and possibly impact the auto repair business if we consider doing the auto sales.

Carl Dietz stated that he wants to get all the licenses at this location to understand what everybody has for parking spaces and account for them all.

Attorney Garvey stated in order to apply for a class II license you have to be a city resident or have an LLC or a Corporation.

Oriel Ortiz stated he understands.

Planning Department

Property is split zoned (Industrial & Business A) see attached zoning map. Auto sales allowed in both zones (275-58(B)(4)) & (25-62(A)).

Site has an existing auto repair license.

The proposal layout for parking related to used car sales creates significant circulation issues on the property including backing on-site through traffic and a drive aisle to the back of the property that violates zoning regulations (see attached). Drive aisle requires a variance.

Fire Department

1. The business shall comply with 527 CMR 1.00 (Massachusetts Comprehensive Fire Safety Code) section 10, General Safety Requirements; Chapter 30, Motor Fuel Dispensing Facilities and Repair Garages; Section 13.6 , Portable Fire Extinguishers; Chapter 60, Flammable and Combustible Liquids (Only Approved Flammable Storage Cabinets)
2. Applicant will be required to obtain all necessary permits. (527 CMR 1.00, Chapter 1.12)
3. The storage, handling and mixing of flammable and combustible liquids shall meet the requirements of NFPA 30, Flammable and Combustible Liquids Code.
4. Applicant shall adhere to applicable sections of NFPA 30A (Code for Motor Fuel Dispensing Facilities and Repair Garages).
5. Maintain access for emergency vehicles at all times.
6. No storage of Junk vehicles.
7. Appropriate fire extinguishers are required. The number of extinguishers required will be determined at a later date. (527 CMR 1.00 section 13.6)
8. Spray painting operations shall not be conducted without approved spray booth.
9. A permit for the storage of waste oil may be required.
10. Proper address numbering as required in Code of the City of Chicopee.
11. Dumpsters shall be located at least 25' away from building.
12. Permits and Building/Fire inspections shall be completed prior to opening for business.

Engineer Department

Customer parking spaces are under-sized.

Lot line dimensions not shown on plan.

Abutting ownership not shown (except R.R.)

Travel lane alongside of building is not an appropriate width for two-way traffic.

Councilor Krampits motion to postpone to the call of the chair – Councilor Walczak 2nd the motion – motion passed

Planning, Building, Fire Department to review situation and report back.
LLC will be required for business application requesting 2 cars for sale.

Committee vote 4 – 0 favorable

ITEM #2

Application for an Auto Repair License for ADR Diagnostic & Repair, LLC, 519B Front Street.

Applicant Edmund Malenders
27 Morton Street
West Springfield, MA 01089

The property owner Moshe Ronen was present he also owns Brakes Plus.

Jack Benjamin stated that we need to see that your parking spots are associated with your business and will be used by your business.

Moshe Ronen stated that they will put a handicap parking space as you requested.

He stated that there is plenty of parking, plenty of room for the Fire Department and ambulance.

Councilor Laflamme stated you are supposed to make Handicap parking accessible and as close as possible.

Moshe Ronen stated the applicant doesn't do retail he does diagnostic for other car dealerships.

Councilor Laflamme asked there are no customers at this location.

Moshe Ronen stated that he's basically a wholesaler there is no retail.

Councilor Laflamme stated that the business still has to conform to the parking regulations.

Mark Galarneau stated that there is no outside storage. What are your provisions on getting rid of the tires.

Moshe Ronen stated that a company comes on a regular basis and cleans the tires up around three or four o'clock in the morning.

Planning Department

Property is zoned Business A; use is permitted (275-58(B)(21)).

Plan proposes additional parking at rear of property to support additional tenant.

Adequate drive aisle provided for two-way traffic.

Request that plan be updated to show location of one handicapped parking stall for this tenant.

If approved, ensure new parking is attached to this license, not to be shared with other licenses on the property.

Fire Department

13. The business shall comply with 527 CMR 1.00 (Massachusetts Comprehensive Fire Safety Code) section 10, General Safety Requirements; Chapter 30, Motor Fuel Dispensing Facilities and Repair Garages; Section 13.6, Portable Fire Extinguishers; Chapter 60, Flammable and Combustible Liquids (Only Approved Flammable Storage Cabinets)
14. Applicant will be required to obtain all necessary permits. (527 CMR 1.00, Chapter 1.12)
15. The storage, handling and mixing of flammable and combustible liquids shall meet the requirements of NFPA 30, Flammable and Combustible Liquids Code.
16. Applicant shall adhere to applicable sections of NFPA 30A (Code for Motor Fuel Dispensing Facilities and Repair Garages).
17. Maintain access for emergency vehicles at all times.
18. No storage of Junk vehicles.

19. Appropriate fire extinguishers are required. The number of extinguishers required will be determined at a later date. (527 CMR 1.00 section 13.6)
 20. Spray painting operations shall not be conducted without approved spray booth.
 21. A permit for the storage of waste oil may be required.
 22. Proper address numbering as required in Code of the City of Chicopee.
 23. Dumpsters shall be located at least 25' away from building.
- Permits and Building/Fire inspections shall be completed prior to opening for business.

Engineer Department

Applicant to contact Engineering Department for official Bldg. #. Existing number is #519 for this parcel.
 ADA requires one handicap space for parking area.
 Any proposed site changes will require further review.

Restrictions

Hours of Operation

Good Housekeeping	Mon. 8-5	Tues. 8-5	Wed. 8-5
No outside storage	Thurs. 8-5	Fri. 8-5	
No junk cars	Sat. 9-3	Sun. closed	
No repairs			

License holder must secure a Certificate of Occupancy prior to exercising the rights granted under this license
 Total number of vehicles
 Inside 6
 Employee 2 Customer 2
 One handicap spot with appropriate signage. Handicap spot to be twenty feet or more from building.

Councilor Laflamme motion to approve with revived site plan and restrictions and occupancy permit – Councilor Walczak 2nd the motion – motion passed.

Committee vote 4 – 0 favorable

- Councilor Laflamme motion to take Item #3 out of order – Councilor Walczak 2nd the motion – motion passed

ITEM #3

ORDERED THAT Top Dog Auto Service, 238 Meadow Street, be called before the City of Chicopee License Committee and City Council to discuss the license (s) currently held by Top Dog Auto Service including compliance with restrictions imposed upon any licenses held by Top Dog Auto Service. The Council may modify, suspend, fine, or revoke any license held by Top Dog Auto Service.

Applicant George Bruso, 103 Chapel Street, Chicopee was present.

Councilor Walczak stated that we have some concerns that were raised by various councilors.

Councilor Laflamme stated that he has been working with the ward 7 Councilor and he requested that you be called in. He stated that they have concerns where the vehicles are parked and the congestion of that whole corner.

George Bruso stated that his trucks work two shifts, they are gone by six thirty in the morning and they come back at six thirty at night then they go back out at six thirty at night and don't return until four or five in the morning. He stated the trucks are not sitting on the property all day long.

Councilor Laflamme stated he goes by this location all the time and goes to breakfast next door. He has seen the trucks there all night. This is a safety issue the people are complaining they have to go around the trucks. He

stated that we have been through this a couple of times with you and I don't want to keep hearing that it's your workers fault.

George Brusio stated that he can't be there twenty four hours a day although he tries to be.

Councilor Laflamme stated that he is not going to wait until someone gets hit head on coming around that corner.

George Brusio stated that good employees are hard to come by.

Councilor Laflamme stated if you expand you have to abide by your license restrictions.

Councilor Walczak stated that we don't seem to get much cooperation from you.

Councilor Courchesne stated that the neighbors next to you have called me about the parking issues. He stated that this has been going on longer then I've been a Councilor.

Councilor Courchesne stated that you are not following the plot plan. There are cars everywhere.

Councilor Laflamme stated that we don't want to hurt businesses; we're here for public safety. He stated that for you to have a license for a business in Chicopee you have to follow the rules.

He stated that we're in a congested area where kids are everywhere.

Councilor Laflamme stated we are trying to work with you. He stated that George Brusio told him that the church would allow them to park there.

George Brusio stated that he will take care of it. He stated that those trucks will be gone; they will be twenty feet from that stop sign or in the church parking lot. He stated that the Council told him he couldn't park in the church parking lot.

Councilor Laflamme stated that there's a difference from using it to park for an hour and using it as part of your business. He stated that you cannot use it to park as part of your license.

George Brusio stated why does his license say he can only have two trucks. He questioned the restrictions on his license that it reflects the old restrictions.

Attorney Garvey read the restrictions as follows;

Good Housekeeping, No outside storage, 2 vehicles inside, 12 outside, hours of operation Mon. – Sat. 7am – 5pm, Sunday closed, No outside work, 7 business vehicles, 4 total unregistered vehicles 2 inside, 2 outside.

Attorney Garvey stated that we agree with you that there may be an error as to the number of business vehicles. He stated that you do understand that your license calls for twelve outside vehicles.

Councilor Courchesne stated the proper plot plan will decide everything for the license. You can only fit so many vehicles based on the square footage.

Councilor Laflamme stated that there is too much confusion; we have to review the two licenses. He stated that I don't see where you're going to park all these vehicles.

He stated that you can barely get cars or trucks back there.

George Brusio stated he does not plow in back of his business and he puts his trucks in the street, most of the time the trucks are running.

Councilor Laflamme stated it's the same thing over and over. He stated you are getting too big for the property.

Councilor Zygarowski asked if any of the plot plans are certified.

Councilor Walczak stated we do have a small copy.

George Brusio stated that two parking spots will fit six trucks, the yard is deep.

Councilor Laflamme stated your taking two of your valid spots and putting seven trucks in a nine by eighteen foot parking spot.

Attorney Garvey stated we need to see the plot plan.

Councilor Laflamme stated we need to visit this site to see what fits because we are getting nowhere.

Councilor Zygarowski stated that even though you have a class III license you have a moral obligation to the residents of that area and to the church.

Motion that the Building Department monitor the business for three months and report back to the committee if there are ongoing violations. Send Building Department and Fire Department to clarify the plot plan for his usage and to have Councilor Courchesne involved in the discussion.

Councilor Laflamme motion to monitor for three months – Councilor Walczak 2nd the motion – motion passed

Committee vote 3 – 0 favorable

ITEM #4

ORDERED that the 2018 License renewal for Chicopee Motor Sales, Inc., 184 Center Street, be reviewed.

Motion to approve the 2018 license by the applicant with 184 Center Street as his permanent address.

Councilor Walczak read a letter. Letter attached.

Stan Kobylanski stated his address is now at 184 Center Street.

Councilor Walczak asked if the parking busses are still there.

Stan Kobylanski stated no they are no longer there and there is a ton of room.

Stan Kobylanski stated he has a great following of people that constantly call him. He stated that he has delivered cars to New York City. He has never sold a bad car in his life.

Councilor Walczak stated that we called you back in here to show you have a permanent address for your business

Carl Dietz stated to come and get a Certificate of Occupancy at the Building Department.

Stan Kobylanski answered yes.

Councilor Laflamme motion to approve – Councilor Walczak 2nd the motion – motion passed.

Committee vote 4 – 0 favorable

ITEM #5

Councilor Laflamme motion to approve the Minutes of December 4, 2017 – Councilor Krampits 2nd the motion – motion passed.

Meeting Adjourned 8:05 pm

January 31, 2018

The property located at 184-206 Center Street in Chicopee has been issued a Used Car License for many years. It appears that the use is now being questioned.

The property is owned by MJTX2 LLC, Martin Topor Jr and my son Martin 3rd.

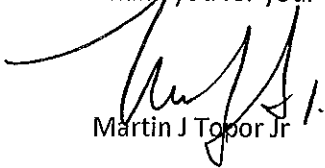
In the past Stan's Used Cars operated to the right of 184 Center Street. Also known as 184 ½. There was a vehicle stolen from the property in the past and security has been increased. We are attempting to use the caged area and also the rear of the existing building for a working and sales area.

I, Martin Topor will be working along with Stan to operate this small business.

With the loss of my tenant, Holyoke Head Start, parking buses in the lot, it has made it more difficult to maintain a break even situation.

I am personally requesting that the license be renewed for Stan's Used Car license. We are all aware of the business climate in downtown and we are just trying to make ends meet.

Thank you for your consideration,



Martin J Topor Jr