

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES
MONDAY, November 29, 2021 7:00 PM
ENFIELD TOWN HALL – COUNCIL CHAMBERS
820 ENFIELD STREET – ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK
2021 NOV 30 AM 9:06
Sharon Bailey

Call to Order

Vice Chair Urbanowicz called the meeting to order at 7:00 p.m.

Roll Call

Commissioner Turner took the roll and present were Commissioners MaryAnn Turner, Andrew Urbanowicz, Charles Mastroberti, Kelly Davis and Alternate Commissioners Richard Stroiney and Catherine Plopper. Absent were Commissioners Maurice LaRosa and Robert Kwasnicki.

Commissioner Turner stated that Commissioner Stroiney will be acting as the Alternate.

Also present was Ben Winter, Assistant Town Planner.

Town Attorney Report

Mr. Winter stated that what is contained in the Commissioners' packets is all that was given to Staff.

New Business

- a. **ZBA# 2021-09-24** – 33 Palomba Drive – Request for Automotive Location Approval – Auto buying/purchasing operation; Manchem LLC, owner; Michael Green, Gale Toyota, Inc. applicant; Map 57/Lot 343; B-R Zone.

Michael Green, 687 Hall Hill Road, Somers, stated that everything was submitted. He stated that they would like to operate a vehicle buying center at 33 Palomba Drive as part of Gale Toyota. Mr. Green stated that they had to move to this location due to social distancing and increased staff which they can no longer accommodate at their main facility across the street at 50 Palomba Drive. He stated that they would like permission to purchase vehicles at this location under the We Buy Cars name.

Commissioner Turner asked why Zoning Enforcement Officer Ricardo Rachele was not present at the meeting. Mr. Winter stated that he is not sure why Mr. Rachele is not present. Commissioner Turner stated that they are in Cease & Desist (C&D) for this hearing and asked if Mr. Winter will be speaking on Mr. Rachele's behalf. Mr. Winter stated that he was not going to comment on the C&D.

Mr. Green stated that they have been buying cars from the public for a number of years now and have been operating in a sectioned-off area of the Gale Toyota showroom. He stated that in an effort to socially distance their staff due to COVID, they moved their staff to a unit they have been renting across the street for about 20 years.

Mr. Green stated that they put up a sign as people have had a difficult time finding the place. He stated that they have hired more staff and had a great deal of success across the street. Mr. Green stated that they would like to continue operations.

Commissioner Stroiney asked about the process for when people come in to sell vehicles. Mr. Green explained that after they do paperwork and purchase the vehicle, the vehicle is taken into the shop if it is going to be a retail. He stated that it is then moved to the front line across the street at Gale Toyota. Mr. Green stated that if the vehicle is wholesale, it is auctioned off online that day and usually gone the same day or within a couple of days.

Commissioner Stroiney asked if any repairs or modifications are performed on the vehicles. Mr. Green stated that these are done onsite and this is what the facility was used for prior under Gale. He stated that they do not do any customer vehicles there, only dealership-owned.

Commissioner Turner stated that the vehicles are stored around the strip mall and asked where the conditions from the Planning & Zoning Commission (PZC) are located as they are not in the packet. She stated that the applicant would have come before the PZC for a site plan review, and the Commission needs those conditions in order to weigh suitability.

Commissioner Turner stated that 31 parking spots are allotted to Gale Toyota, but the applicant gets 40 to 60 cars per month. Mr. Green stated that the cars come in and go right out either across the street or to another dealership. Commissioner Turner asked what is being done with the other spots in the strip mall. Mr. Green stated that one of the storefronts is their photo booth and the other is currently being used as storage.

Commissioner Turner stated that a K7 is forever and they have to take it very seriously. She stated that she does not believe a K7 can be just for the little vacant storefront, but rather would lay over the entire property. Mr. Green asked if conditions can be applied to the K7, to which Commissioner Turner replied that they cannot be applied by this Commission.

Commissioner Turner stated that the applicant is a new business and would have gone before the PZC at some point. Mr. Green stated that everything is still operated as Gale Toyota. Commissioner Turner stated that if this is the case then they must have a K7 to run the dealership. Mr. Winter stated that they do, but it is across the street. Commissioner Turner stated that the applicant should have gone before the PZC first.

Motion: Commissioner Turner made a motion, seconded by Commissioner Mastroberti, to table ZBA# 2021-09-24 until the Town Attorney can review the application and determine whether PZC has to do a Site Plan Review.

Commissioner Urbanowicz stated that there is a parcel size issue which also needs to be resolved. Mr. Winter stated that it was an approved subdivision in 1989, to which Commissioner Urbanowicz replied that the nonconformity would need to be modified.

Commissioner Stroiney stated that they also need to clarify whether the unit makes a difference in this case.

Commissioner Turner stated that she would like the letter to the Town Attorney to include multiple questions and be reviewed prior to being submitted to the Town Attorney. She stated that she does not believe this is a new dealer K7 but rather is a limited repair or used dealer, and they need clarifications on Section 1 of the K7 form.

Commissioner Stroiney stated for clarification that the applicant is only receiving used vehicles and is not selling new vehicles out of this location. Mr. Green confirmed this to be the case.

Mr. Green asked what tabling the application will mean for the C&D. Commissioner Turner stated that the meeting will be stopped until next month after the Commission has their questions answered by the Town Attorney. Mr. Green asked if they can continue doing business until then, to which Commissioner Turner replied that they cannot. Mr. Winter stated that they had the ability to operate up until this meeting, per Staff instruction. Commissioner Turner stated that Staff should have been present tonight, to which Mr. Winter replied that the decision was made by the Planning Department and not just one person.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Commissioner Turner stated that Mr. Winter will keep the applicant up to date regarding what is going on with the letter to the Town Attorney. Commissioner Urbanowicz instructed the Commission to hold onto their packets until the next meeting. Commissioner Turner stated that she will draft some comments to circulate to the other Commissioners before being submitted to the Town Attorney.

Approval of Minutes

a. October 25, 2021 – *Regular Meeting*

Commissioner Urbanowicz asked if there was any discussion on the minutes; there was none.

No motion was made; the minutes were approved with a 3-0-2 vote with Commissioners Turner and Davis abstaining.

Votes: 3-0-2

Correspondence / Staff Reports

Mr. Winter introduced himself to the Commission at Commissioner Turner's request.

Other Business

a. Adoption of the 2022 Calendar Meeting Dates

Commissioner Turner stated that she had no problems with the 2022 meeting dates; Commissioner Urbanowicz agreed.

No motion was made; the 2022 Calendar Meeting Dates were approved with a 5-0-0 vote.

Votes: 5-0-0

Adjournment

Commissioner Turner made a motion to adjourn. The meeting was adjourned at 7:24 p.m.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary