

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES
MONDAY, December 27, 2021 7:00 PM
ENFIELD TOWN HALL – COUNCIL CHAMBERS
820 ENFIELD STREET – ENFIELD, CT

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Sharon Bailey

Call to Order

Chairman LaRosa called the meeting to order at 7:05 p.m.

Roll Call

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

Also present was Laurie Whitten, Director of Development Services.

Town Attorney Report

Chairman LaRosa stated that the Commissioners had received copies of the Town Attorney report and asked if anyone has any questions or comments. Commissioner Turner stated that she has a lot of questions but since the Town Attorney is not present she does not know how much good it will do since they will be talking to themselves. Chairman LaRosa stated that the Commission needs to consider whether the property is suitable for an automotive location, and they keep pushing back to ask what is suitable.

Chairman LaRosa stated that the document printed out from the State by Ms. Whitten can be used to determine whether a property is suitable for automotive businesses that are moving into existing structures rather than building new structures. He stated that prior to this document, any property could be suitable.

Commissioner Turner asked Chairman LaRosa to be more specific, to which Chairman LaRosa replied that he is talking about Section 3 of the document. Ms. Whitten stated that it will have to go through the Planning and Zoning Commission (PZC) and the Zoning Board of Appeals (ZBA) cannot look at anything other than whether the location is good for auto repair or sales. Discussion took place regarding various scenarios and what the Commission should be looking at as well as what falls under the purview of the Commission. Ms. Whitten read through various portions of the Town Attorney Report.

Commissioner Kwasnicki asked if the Commission can have a legislative representative come to them, to which Ms. Whitten replied that this is not in the charter. Commissioner Kwasnicki stated that there are no guidelines or clarity and asked what the Commission can do to get a legislative remedy. Ms. Whitten stated that they might go to leadership and ask them to speak to state leadership. She stated that the Connecticut chapter of American Planning Association members and the Connecticut Association of Zoning Enforcement Officials (CAZEO) Board have been lobbying for this to be changed for years.

Commissioner Turner stated that the applicant needs both a certificate of suitability and a Special Permit from the PZC in order to operate, according to the Town Attorney report. Ms. Whitten stated that a Special Use Permit is for the site and runs with the land. She asked what more the Commission would need the K7 to say than used car dealer and Unit 7, to which Commissioner Turner stated that it should have the name of the company.

Commissioner Turner stated that they gave the Town Attorney a lot of notice and she would appreciate it if the Town Attorney could give them more notice so they can ask questions. Commissioner Turner pointed out that the information was found when the Town Attorney asked for it.

Commissioner Turner asked what happens if the Commission approves the K7 and it goes to the PZC and they deny it. Ms. Whitten stated that they do not sign it and the K7 does not move forward, if it is a new dealer license.

Old Business

- a. **ZBA# 2021-10-27** – 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.

Chairman LaRosa seated Alternate Commissioner Plopper.

Chairman LaRosa asked where the Commission left off last month, to which Commissioner Urbanowicz replied that the applicant was going to come back before the Commission.

Chairman LaRosa asked if anyone has any questions or concerns with the property. Commissioner Turner asked where the applicant is and what the Commission is supposed to do. Ms. Whitten stated that the application is here and the applicant made his presentation, to which Commissioner Turner replied that he did not make a presentation.

Chairman LaRosa stated that there are several new car dealers and a repair facility near the property, and there is no criteria telling them not to allow this provided the K7 is filled out correctly. Commissioner Urbanowicz stated that it is a permitted use in the zone and that is all they can say. Commissioner Turner stated that the box for the type of license is not accurate. She went on to state that the name of the business is incorrect and the address is incorrect with no Unit number. Commissioner Turner stated that this is not a new dealer and is a used car dealer.

Motion: Commissioner Urbanowicz made a motion, seconded by Commissioner Davis, to approve ZBA# 2021-10-27.

Discussion took place regarding the name of the business. Commissioner Turner stated that they do not have the application, to which Ms. Whitten replied that it is on the website. Commissioner Turner stated that they may have to table this as she did not realize there was an application she did not get, so she did not know to go online to get it.

Commissioner Urbanowicz withdrew his motion.

Chairman LaRosa stated that they need a blank K7 because the one they have is totally wrong, to which Ms. Whitten replied that it is not wrong. Discussion took place regarding the name of the business, with Ms. Whitten clarifying that Gail Toyota is the main business and they are the applicant. Ms. Whitten stated that the K7 can be corrected before it is signed.

Chairman LaRosa stated that the Commission will take a 5-minute recess.

Chairman LaRosa called the meeting back to order and stated that they can continue moving forward with the application as long as they condition the fact that the K7 is filled out completely and properly.

Motion: Commissioner Urbanowicz made a motion, seconded by Commissioner Davis, to approve ZBA# 2021-10-27 with the condition that the K7 is filled out completely as to the missing items previously discussed.

Commissioner Turner stated that the K7 needs to change to a used dealer and the unit number needs to be added to the full address.

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

Votes: 5-0-0

New Business

- a. **ZBA# 2021-11-30** – 1658 King Street – Variance application of section 5.10 of the Zoning Regulations to allow a reduction of the required front yard setback at 1658 King Street; Scott Paglugh, Tri State Rentals, LLC, owner, Tom Parker, The Yarde Tavern, applicant; Map 13/Lot 36; B-L Zone.

Chairman LaRosa asked if Staff had heard from the applicant. Ms. Whitten stated that she has not, but he might have contacted Ben or Rick, who were both out today.

Motion: Commissioner Davis made a motion, seconded by Commissioner Urbanowicz, to table ZBA# 2021-11-30.

Commissioner Urbanowicz stated that it is reasonable to table it and give the applicant the benefit of the doubt as they may want to come back next month.

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

Votes: 5-0-0

Approval of Minutes

a. November 29, 2021 – *Regular Meeting*

Motion: Commissioner Turner made a motion, seconded by Commissioner Davis, to approve the minutes from the November 29, 2021 Regular Meeting.

The motion passed with a 3-0-2 vote with Commissioners Kwasnicki and LaRosa abstaining.

Votes: 3-0-2

Other Business

Commissioner Davis requested that applicants' social security numbers be blocked out on the Commissioners' copies as well as the website. Chairman LaRosa stated that they should not be publishing those. Ms. Whitten agreed, stating that this had been brought up with Staff.

Adjournment

Commissioner Kwasnicki made a motion to adjourn. The meeting was adjourned at 8:03 p.m.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary