

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES
MONDAY, JANUARY 25, 2021 7:00 PM
Virtual Meeting

Call to Order

Chairman Maurice LaRosa called the meeting to order at 7:03 p.m.

Roll Call

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

Also present were Laurie Whitten, Director of Development Services; Jennifer Pacacha, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Ms. Whitten asked if the Commission would like to hear a summary of the Town Attorney's opinions. Chairman LaRosa stated that the Commission should have had time to review these together.

Motion: Commissioner Turner made a motion, seconded by Commissioner Urbanowicz, to table ZBA# 2020-12-04 until February and schedule an in-person meeting with the Town Attorney to review the legal opinions that the Commission received on Friday, January 22, 2021.

Ms. Whitten stated that the Commission has the Town Attorney's opinion, and it is pretty straightforward.

Commissioner Turner stated that the Commissioners received the legal notices on Friday January 22, 2021 in the afternoon, and she needs clarification on some questions. Commissioner Turner stated that the Town Attorney had four weeks to come up with an opinion and the Commission needs time to review the documents.

Commissioner Urbanowicz stated that it is a lot to expect the Commission to get through everything and they need to make sure everyone understands it. Chairman LaRosa agreed, stating that the Commission should be able to sit down together and go through it to make sure they are all on the same page.

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

Votes: 5-0-0

Attorney Carl Landolina asked to speak, to which Chairman LaRosa replied that he cannot as the Public Hearing had not been opened.

Ms. Whitten stated that she can provide a quick summary and sees no reason the Commission cannot go forward. Chairman LaRosa stated that they had voted.

Mr. Landolina asked if there was any way they would not have to wait another four weeks.

Commissioner Turner stated that they need to have a meeting with the Town Attorney and proposed that it take place the week of February 8, 2021. She stated that the Commission needs to go through the documents in person.

Applicant Moshe Ronan asked if he can speak, to which Chairman LaRosa replied that he cannot until a Public Hearing is opened. Mr. Ronan stated that if he has to wait until the next meeting he will be in default on all of his loans, bills and taxes.

New Business

- a. **ZBA# 2021-01-12** – 19 Winter Way – Variance application to section 4.10 of the Enfield Zoning Regulations to allow a 7-foot side yard where 25-feet are required only to allow a two-story garage addition to the existing home; Bernard and Christine Gomeau, owners/applicants; Map 82/Lot 76; R-33 Zone.

Commissioner Turner read the legal notice. Mr. Gomeau stated that they are a family of eight and need to add more living space. He stated that they want to add a two-car garage on the east side of the house, which will come over 7 feet into their side yard line so they need to request a variance. Mr. Gomeau explained that the property is a nonconforming lot as they have less frontage. Mrs. Gomeau stated that the topography of the land slopes on the opposite side of the house, so building on the east side is the best option.

Commissioner Stroiney asked if the driveway is on the same side, to which Mrs. Gomeau replied that it is.

Commissioner Turner asked what will be done with the existing garage, to which Mrs. Gomeau replied that it will be turned into extra living space in the form of a larger family room on that side of the house.

Commissioner Turner asked what the hardship is.

Chairman LaRosa read the definition of a variance.

Mrs. Gomeau stated that the hardship is that they live on a nonconforming triangle-shaped lot on a cul-de-sac and the frontage is about 75 feet. She stated that the house is not built squarely centered on the lot so in order to add the garage they would be going over the side yard on the east side of the house. Mrs. Gomeau concluded that the hardship is the shape and topography of the lot.

Commissioner Turner asked the applicant to explain the tape on the property. Mrs. Gomeau stated that the green tape is where the proposed garage is going to be built. Mr. Gomeau stated that the red tape represents the side yard line, which is 25 feet from the boundary of the neighbors.

Commissioner Turner asked what the buffer is between the applicant and the neighbor. Mr. Gomeau stated that they have stakes on the buffer to represent the property line, which is 25 feet from the side yard. Mrs. Gomeau stated that this piece was part of the natural land from when they had the house built.

Commissioner Turner stated that the garage is going on an angle rather than straight out. Mr. Gomeau explained that due to the cul-de-sac and the reduced frontage they are trying to conform to have a straight driveway.

Commissioner Urbanowicz asked why they cannot use the west side. Mrs. Gomeau stated that there is a walkout basement on that side of the house and the slope of the land goes down. Mr. Gomeau stated that the west side is the basement at the ground level and they want to build off of their family room to create living space on the east side of the house.

Chairman LaRosa asked the distance from the corner of the proposed garage to the property line on the berm, to which Mr. Gomeau replied that it is 18 feet. Chairman LaRosa asked what the required distance is between property lines here, to which Ms. Whitten replied that it is 25 feet.

Commissioner Turner asked if a two-car garage can go in the back corner on the west side, then stated that this would cause a problem with the curb cut and telephone pole.

Chairman LaRosa asked three times if anyone would like to speak in favor or against the application; no one came forward.

Mrs. Gomeau stated that they also submitted two letters of support for their proposed plan.

Motion: Commissioner Mastroberti made a motion, seconded by Commissioner Urbanowicz, to approve ZBA# 2021-01-12.

Commissioner Turner asked for clarification on the required distance they have to be from their neighbor. Ms. Whitten stated that the side yard setback for this property is 25 feet. She stated that the Commission can grant the variance for the specific structure being requested so it is not actually moving the setback line. Chairman LaRosa stated that they were told something totally different when they took zoning classes years ago. Ms. Whitten stated that the Commission's attorney is telling them that this is ok.

Commissioner Turner stated that they should have received this sooner, to which Ms. Whitten replied that it was sent weeks ago. The Commission agreed that they did not receive the legal opinion until they received the packet. Ms. Whitten stated that the Commission has the legal opinion and they have Staff that is educated in this, and she is trying to be business-friendly. Commissioner Turner stated that if they have a Town Attorney opinion, they should have been able to discuss it.

Ms. Whitten suggested that they table these applications until a Special Meeting on February 8 so they do not have to re-advertise them, and they can hopefully speak to the Town Attorney.

Commissioner Turner asked if there is going to be 18 feet left over between the garage and the property line. Chairman LaRosa stated that there is, so there will still be almost 40 feet between the houses.

Chairman LaRosa stated the Town Attorney said the variance can be just for the attached garage to this structure. Ms. Pacacha stated that the legal opinion does say that the variance can be structure-specific. She clarified that the applicant is asking to encroach seven feet rather than have a seven-foot side yard. Ms. Pacacha stated that the Town Attorney opinion allows for it to be structure-specific so if the Commission wants to go forward with it that way then Staff supports it.

Commissioner Mastroberti stated that if they can make it specific, they should vote on it. Commissioner Davis agreed with this.

Commissioner Urbanowicz stated that it makes sense for this site as it has a lot of topography and shape challenges.

Chairman LaRosa stated that since the Town Attorney says they can be building-specific, that is the way they can write the decision. He stated that the shape of the land causes a problem and there is still a lot of land between the houses. Chairman LaRosa concluded that they cannot do anything wrong by granting it.

The Commission discussed the dimensions of the garage.

Commissioner Mastroberti withdrew his motion to approve and Commissioner Urbanowicz withdrew his second.

Chairman LaRosa asked for the dimensions of the proposed garage. Mr. Gomeau stated that the proposed garage is estimated to be 24'x24'.

Ms. Whitten stated that the applicant is seeking a 7-foot variance from the 25-foot side yard setback for an attached 24'x24' garage.

Commissioner Turner asked if a bonus room will go above this garage, to which Mr. Gomeau replied that they are not sure yet.

Discussion took place regarding the wording of the motion.

Motion: Commissioner Mastroberti made a motion, seconded by Commissioner Urbanowicz, to close the Public Hearing.

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

Votes: 5-0-0

Motion: Commissioner Urbanowicz made a motion, seconded by Commissioner Mastroberti, to approve ZBA# 2021-01-12.

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

Votes: 5-0-0

Commissioner Turner stated that they are approving a 7-foot variance from the 25-foot side yard setback for a two-story 24'x24' garage.

- b. **ZBA# 2021-01-13** – 710-718 Enfield Street – Auto Location Approval application for a dealer's and repairer's and used car sales license; Melissa Gurry, Kimberly Novak, co-executrix to the estate of Matthew Porcello, owners; Bartool Express, Inc., applicants; Map 29/Lot 15; BL Zone.

Commissioner Turner read the legal notice.

Ms. Pacacha stated that the Planning & Zoning Commission (PZC) has a few proposed changes, including striping of the parking lot and changes to the bay doors.

Motion: Commissioner Turner made a motion, seconded by Commissioner Urbanowicz, to table ZBA# 2021-01-13 until the February meeting.

Chairman LaRosa stated that they should have been notified of this so the clock did not have to be started.

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

Votes: 5-0-0

Approval of Minutes

a. December 21, 2020 – *Regular Meeting*

Motion: Commissioner Mastroberti made a motion, seconded by Commissioner Davis, to approve the minutes from the December 21, 2020 Regular Meeting.

The motion passed with a 4-0-1 roll call vote with Commissioner Turner abstaining.

Votes: 4-0-1

Correspondence / Staff Reports

Ms. Whitten reminded the Commission of the invitation to the Connecticut Bar Land Use Law biannual meeting and recommended that they attend. Commissioner Turner stated that everyone should attend if they can.

Commissioner Turner stated that she would like the Commissioners to receive their packets in paper form prior to the meetings. Ms. Pacacha explained that since COVID-19 Staff started sending everything virtually, but they can go back to paper.

Commissioner Stroiney asked if the dimensions of a structure should be on the application, to which Chairman LaRosa replied that they should. Commissioner Stroiney suggested a checklist in order to make the process easier for everyone involved.

Discussion took place regarding the scheduling of a meeting with the Town Attorney. Ms. Whitten suggested that they schedule a Special Meeting for February 8 so they do not hold up the applicant. The Commission discussed dates for a Special Meeting, ultimately deciding by roll call vote to hold it on February 10, 2021 at 7:00 PM.

Commissioner Turner asked why one application was going before the PZC for review prior to coming before the ZBA while the other was not. Ms. Whitten explained that the PZC is reviewing the application that has proposed site changes in the Design District. Ms. Pacacha stated that it is going before the PZC for review because of the Design Overlay District as well as the addition of striping in the parking lot. Ms. Whitten stated that location approval can come before or after PZC review, according to legal opinion. She stated that PZC review is not required for a location approval or transfer of license.

Adjournment

Motion: Commissioner Kwasnicki made a motion to adjourn.

The meeting was adjourned.

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary