

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES
MONDAY, FEBRUARY 22, 2021 7:00 PM
Virtual Meeting

Call to Order

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

Roll Call

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

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

Chairman LaRosa seated Alternate Commissioner Stroiney.

Old Business

New Business

- a. **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; Batool Express, Inc., applicants; Map 29/Lot 15; BL Zone.

Commissioner Stroiney read the legal notice.

Daniel McKellick from Bacon Wilson, P.C. of Springfield, Massachusetts addressed the Commission along with Jay Ussery of J.R. Russo & Associates. Bob Corriveau was also present as a representative for both the applicant and the seller.

Mr. McKellick stated that they would like to request an approval for an automotive use, specifically general repair and used car sales. He provided a brief history of the property and past uses. He went over the reasons the Commission should approve the application, including the following: the property has had prior approval for automotive use, there has been no substantial change in the neighborhood since the last approval was issued, the use will be reduced and scaled back, safety will improve, and the plan will make the property more conforming.

Mr. McKellick went over the planned changes to the property including striping of the lot, additional landscaping, eliminating one of the bay doors and adding another so traffic can pass through the building, “No Parking” signage in certain areas, outdoor planters, repaving, painting and other improvements which he said will improve safety on the lots themselves as well as the surrounding streets and sidewalks.

Chairman LaRosa requested that Mr. Ussery walk the Commission through the safety changes that had been made to the plan. Mr. Ussery pointed out the changes on the site plan, stating that they propose to reduce the number of apartments, add landscaping/planters to the front of the building, put in new concrete

walkways, add fire lane signage to keep cars from parking in front of the buildings, remove/regrade the pavement in the back of the building, add new bay doors and a ramp which allow for a drive lane through the building and reduce the impervious coverage in the back of the building.

Mr. Ussery stated that making the use less intense allows them to meet the parking requirements in this zone. He stated that they will be striping the parking area and adding a fence and dumpster in the back. Mr. Ussery concluded that the Planning & Zoning Commission (PZC) approved this at their last meeting.

Mr. McKellick stated that the previous proposed plan at the last suitability hearing for this property asked for more employees, more working bays, used car displays, a towing business and an impound lot, making it a much more intense use than the one he is proposing.

At the request of Commissioner Davis, Mr. McKellick pointed out the areas on the site plan where customers will enter and exit.

Commissioner Stroiney asked where the apartment occupants will park. Mr. McKellick stated that there is currently no specifically designated parking for them, and they talked about having spots 2, 3, 4 and 5 for the apartment occupants.

Commissioner Stroiney stated that 718 had a previous K7 and asked if the properties had been combined. Ms. Pacacha stated that the two properties are not combined but have been historically used together and there are papers on file which show that. Commissioner Stroiney pointed out that the K7 is typically one property at a time and not combined. Ms. Whitten explained that this is historic in nature and legally nonconforming.

Chairman LaRosa asked if they have to do a K7 for both properties, to which Ms. Whitten replied that they would both have to be listed in order to be proper.

Ms. Whitten reminded the Commission of the January court order that eliminated the Commission's review of location to schools, churches, theaters, traffic conditions and width of highways. She stated that their purview is to determine whether the local area has substantially changed since this was originally a dealers repairers license.

Commissioner Stroiney stated that the K7 was for 710 and does not list 718. Chairman LaRosa stated that if they are going to use 718 for used car sales then 718 needs to have a K7 for used car sales.

Mr. McKellick stated that the application was put in for 710 and 718 but his client is willing to do two separate applications if the Commission prefers.

Commissioner Urbanowicz asked if the office use at 718 will be part of the automotive business or separate office space leased to someone else. Mr. McKellick stated that it is going to be associated with the used car sales.

Commissioner Kwasnicki stated that the warranty deed says that it is two parcels but one warranty deed for both.

Chairman LaRosa suggested that the Commission can move forward with the application for the automobile repair shop and have the applicant file for the used car sales on a separate application which

can be approved administratively. Ms. Pacacha stated that the plans on file have historically shown that 718 has had accessory parking and other things associated with the 710 use, and both properties have been used together in a nonconforming manner.

Chairman LaRosa stated that if the properties are not separated, they are both blanketed with an automotive repairers license and a used car sales license. He stated that they do not need both licenses for both properties.

Commissioner Stroiney stated that the town shows them as two distinct properties and they should be treated that way. He stated that he is concerned someone could turn the apartment building into a repair shop if both properties are blanketed.

Mr. McKellick stated that they are happy to break it up, but the dealer and the repair licenses would have to apply to each parcel. Chairman LaRosa asked why 718 would need a repairers license. Mr. McKellick stated that it is tied into the operation and they need both of them to be covered under that license as has been in the past to be sure that the operation can be freestanding.

Commissioner Kwasnicki asked what the full address is on the K7. Ms. Pacacha stated that there is not a K7 for this application yet, but in past K7s it has been 710. Commissioner Kwasnicki stated that if the Commission approves the application they will be going against the DMV, which muddies the waters and may cause a problem for the applicant down the road.

Commissioner Stroiney stated that 718 is not suitable for a repair facility.

Ms. Whitten asked if it is acceptable to the applicant for 710 to have dealers and repairers licenses and 718 to have just a dealers license for used cars. Mr. McKellick stated that it would be fine for today and asked if Staff can administratively approve the repairers license on 718 if they find it is required down the road. Chairman LaRosa stated that they would have to see proof that it is required by the state. Ms. Whitten stated that if you have a used car dealers license, you must have some ability to repair those cars, to which Chairman LaRosa replied that they could have a written agreement with the facility next door for repair. Mr. McKellick stated that this is a viable option and if something comes up down the road they can come back.

Motion: Commissioner Stroiney made a motion, seconded by Commissioner Mastroberti, to approve ZBA# 2021-01-13 as amended for a dealer's and repairers license for 710 Enfield Street.

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

Votes: 5-0-0

Motion: Commissioner Stroiney made a motion, seconded by Commissioner Mastroberti, to approve ABA# 2021-01-13 as amended for a used car sales license for 718 Enfield Street.

Motion: Chairman LaRosa made a motion, seconded by Commissioner Urbanowicz, to modify his motion to include the word only.

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

Votes: 5-0-0

- b. **ZBA# 2021-02-08** – 69 Broadbrook Road – Appeal of the Zoning Enforcement Officer’s Notice of Violation of section 4.10 – Residential Lot & Bulk Requirements; Jarmoc Farm LLC and Jarmoc Real Estate LLC, owner/applicant; Map 102/Lot 49; R-88 Zone.

Ms. Pacacha stated that the applicant has requested to have this item tabled until the next meeting.

Motion: Commissioner Mastroberti made a motion, seconded by Commissioner Kwasnicki, to table ZBA# 2021-02-08.

The motion passed with a 4-0-1 vote with Commissioner Urbanowicz abstaining.

Votes 4-0-1

- c. **ZBA# 2020-10-27** – 9 Hamilton Court – Variance application to allow over 20% lot coverage; Kevin Hicinbothem, owner/applicant; Map 83/Lot 170; R-33 Zone. ***Application Withdrawn***

Motion: Commissioner Stroiney made a motion, seconded by Commissioner Kwasnicki, to accept the withdrawal of ABA# 2020-10-27 without prejudice.

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

Votes: 5-0-0

Approval of Minutes

- a. January 25, 2021 – *Regular Meeting*

Motion: Commissioner Davis made a motion, seconded by Commissioner Urbanowicz, to approve the minutes from the January 25, 2021 Regular Meeting.

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

Votes: 5-0-0

- b. February 8, 2021 - *Special Meeting*

Motion: Commissioner Kwasnicki made a motion, seconded by Commissioner Davis, to approve the minutes from the February 8, 2021 Special Meeting.

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

Votes: 5-0-0

Correspondence / Staff Reports

Ms. Pacacha stated that everyone is all set for the Connecticut Bar Association seminar, and Staff received the books in the office

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