

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES
MONDAY JULY 25, 2022 7:00 PM
ENFIELD TOWN HALL – COUNCIL CHAMBERS
820 ENFIELD STREET – ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK

2022 AUG -1 AM 9:19

Shirley M Bailey

Call to Order

Chairman Urbanowicz called the meeting to order at 7:03 PM

Roll Call

Commissioner Turner took the roll and present were Commissioners Andrew Urbanowicz, Kelly Davis, Timothy Neville, and Charles Mastroberti

Absent was Commissioner Kwasnicki and Alternate Commissioners Richard Stroiney, and Catherine Plopper

Also present were Lauren Whitten, Director of Planning, Georgianna Driver, Assistant Town Planner and Maria Elsdon, Town Attorney.

Chairman Urbanowicz recused himself for the Executive Session and seated Commissioner Neville as Chairman.

Motion: Commissioner Turner made a motion to move into Executive Session, seconded by Commissioner Mastroberti.

The motion passes with a unanimous vote.

Pending Litigation

Jarmoc Farms, LLC v. Town of Enfield Zoning Board of Appeals
Docket No. LND-HHD-CV 21-6143004-S

Motion: Commissioner Davis made a motion, seconded by Commissioner Neville to end the Executive Session at 7:22PM.

The motion passed with a unanimous vote.

No decisions were made, and no votes taken.

Commissioner Stroiney joined the meeting at 7:22PM

New Business

The public hearing was open

Commissioner Turner read the legal notices

- a. **ZBA# 2022-06-15A: 79 Enfield St-** Appeal of the ZEO's Cease and Desist Order regarding temporary storage containers: 79-81 Enfield Street LLC, Owner; Moshe Ronen, Applicant; Map 35/Lot 217; BL Zone

Moshe Ronen, Church Drive, Longmedow, MA addressed the Commission. He is the owner of 79-81 Enfield Street and the owner of Tire Max. He bought this property in 2020 and it was a previous automotive/tire dealership. He requested to keep the container on the property for storing old junk tires until they are picked up weekly by another business. In keeping the container it will keep the property well maintained and clean.

Commissioner Turner asked Mr Ronen if the stockade fence was put on the property. The Commission requested a stockade fence be placed on the property at a previous meeting. She asked why there are still tires around the property if the container is meant to keep the property clean, and lastly how is the container emptied.

Commissioner Neville asked about the overflow of tires on the property and how many weeks worth of tires are usually on the property.

Commissioner Stroiney asked for clarification on the applicant's appeal, the container not being approved or the tires outside the container? What does the applicant need in this scenario approval for the container or can he go to the Planning and Zoning Department.

Chairman Urbanowicz stated that the reason for the hearing today is for either upholding or overturning the cease and desist order .

Mr. Ronen responded to the questions posed by the Commission.

He has not put up a stockade fence because he doesn't recall from the previous meeting that he was told to put up the fence. However, if that is what the Commission wants him to do, he will do it.

Occasionally there may be extra tires because of the amount of work that is done and the container can hold about 200 junk tires.

The container is emptied by an authorized environmental tire disposal company roughly once a week or every two weeks. A truck pulls up to the container and the tires are removed one by one from the container.

Resident Cheryl Blythe, 6 Willard Ave, stated that she is the budding property to 79-81 Enfield St and that the container has been on this property since she can remember. Since taking ownership of the property, Mr. Ronen has fixed and painted the container to match the building. She stated that the owner from 2011 had the container on the property, so she does not understand why the container is an issue now. Ms. Blythe informed the Commission that she has not seen tires outside the container in months,

if there are tires, it may be a few and they are usually gone within a couple of days. She also asked about the stockade fence and if this fence is to be put up between his business and her property. She stated that she is fine with a chain link fence but she does not want a stockade fence, which would not allow her to see up the street from where she sits in her yard.

Resident Howard Blythe, 6 Willard Ave, stated that he has been at this address for over 30 years. His wife covered everything he wanted to say, but he added that the building itself is the best he has seen in 40 years. The container does not bother him and it's not hurting anyone.

Karl Damon, 3 Willard Ave., stated that he has lived on Willard Ave. for over 50 years and he has seen a lot. Mostly bad from the previous owner with tractor trailers. He stated that he sees no problem with this little container, and that Mr. Ronen has cleaned up the property.

Commissioner Turner read an email correspondence from residents at 13 Sword. Ave. The correspondence stated that the residents drive by 79-81 Enfield Street several times a day and that they see trash, dumpster and tires which are unsightly. Also the residents understand that Mr. Ronen needs the container to store the tires, however, they believe he should comply with the zoning in effect and place a fence or shrubbery around the container.

Georgianna Driver, Assistant Town Planner informed the Commission that the container is a non-conforming structure that has been there for more than 3 years as proven by the neighbors. The 3 year rule may be in effect here.

Commissioner Turner addressed a question to Chairman Urbanowicz and the Director of Planning and Zoning, Ms. Whitten, If this storage container was to be approved, then what happens when the next business comes in and they're not great neighbors, and the storage container is still there.

Ms. Driver replied that it would apply to the new business owner as a non-comforming structure.

Ms. Whitten stated that yes the container would stay there and the 3 year rule would apply. In other words if the structure was to remain on the property for 3 years or more and no action has been taken against the container then it gets to stay there.

Commissioner Turner asked if the property owner had paid taxes on the container.

Ms. Whitten informed Commissioner Turner that the Tax Assessor would have that information. The Tax Assessor would go out to the property and check to see if things are there or not, the Assessor does not check to see if things are compliant.

Motion: Commissioner Turner made a motion, seconded by Commissioner Neville, to close the public hearing,

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

Motion: Commissioner Turner made a motion, seconded by Commissioner Neville, to table ZBA# 2202-06-15A to September 26, 2022, Regular Meeting.

The motion passes with a 4-0-0 vote.

Votes: 4-0-0

- b. **ZBA#2022-06-15B:** 29 Crescent Beach Drive- Application to vary Section 3.40.2A to allow the relocation and expansion of a lawful non-conforming structure (deck); George and Lynn McAlees, Applicants/Owners; Map 97/Lot 10; R-33 Zone; Lake Overlay District.

The public hearing was open

George McAlees, owner and resident of 29 Crescent Beach Drive, stated that he is requesting for a variance to expand his non-conforming deck. The original deck was removed because of termite damage to the deck and the house. Mr. McAlees informed the Commission that he wishes to keep the original deck but in a different configuration. He would like to expand the length of the deck to meet the 2 sliders on the house, but shorten the width. So instead of the deck going out 11 feet from the house, he would like to reconfigure to 8 feet. Which is farther away from the lake. The existing deck goes out 11 feet by 19. He would be increasing the square footage by about 31 to 35 square feet. Mr. McAlees asked the Commission to look at the pictures included which shows the configuration of the old deck and the proposed new deck.

Commissioner Turner stated that a variance was already granted from 35 to 32 by the Commission and she also mentioned that she was at the property a while back when the deck was removed and asked if asphalt is on the ground. She asked if he was building the new deck over the asphalt.

Mr. McAlees indicated that he would build the deck over the asphalt and remove the remaining asphalt at a later date, as it causes erosion to the rest of his property.

Commissioner Neville asked for clarification that he would build the deck over the asphalt, but remove the asphalt beyond the deck.

Commissioner Stroiney clarified that we are looking at the deck not the asphalt, correct? The deck is across the width of your house and shorter than the previous deck, and the closest corner isn't any more non-conforming than what you had before. In other words it's no closer to the shore line.

Ms. Driver informed the Commission that it is only an increase of 31 square feet. Additionally he never had an intent to abandon because it was not submitted in writing. An intent to abandon can only be submitted in writing by the property owner, in this case Mr. McAlees did not submit in writing.

Commissioner Turner requested that conditions be written down that it can not exceed the space, that we will not be coming back for a third time for an additional variance and it does not exceed the building space.

Motion: Commissioner Davis made a motion, seconded by Commissioner Neville, to close the public hearing.

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

Commissioner Turner made a motion to approve **ZBA#2022-06-15B**: 29 Crescent Beach Drive- Application to vary Section 3.40.2A to allow the relocation and expansion of a lawful non-conforming structure (deck); George and Lynn McAlees, Applicants/Owners; Map 97/Lot 10; R-33 Zone; Lake Overlay District.

Motion: Commissioner Turner made a motion, seconded by Commissioner Neville, to approve ZBA#2022-06-15B.

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

Votes: 5-0-0

Commissioner Turner asked for the reasons for approval, Chairman Urbanowicz stated, the property will be less non-conforming by approving this modification as the structure will be further from the water line of the lake. The conditions would be that the width of the deck would not exceed the width of the house and the deck is not to project from the house more than the footage approved which is 8 feet.

- c. **ZBA#2022-07-13**: 1 Depot Hill Road- Automotive Application transfer existing dealership to new opener; Gabrielle Kenworth of CT, LLC, Applicant; RSP Capital Holdings LLC, Ower; Map 13/Lot 38.

Jesse Langer from Updike Kelly and Spellacy, 265 Church Street New Haven, CT and Arthur Sacoone, 100 Poplor Street, Garden City New York addressed the Commission on behalf of the applicant. Also in attendance was Romelo Gabrielle and John Schmitz, an engineer from BL companies to support the application. Mr. Langer stated that Gabrielle is a family owned business and they've operated a commercial truck sales and service business for over 50 years and they have truck dealerships in the tri state area and are expanding their footprint in Connecticut as well. Gabrielle intends to continue the existing dealership use and not make any changes.

The Commission did not have any questions for the applicant.

Motion: Commissioner Turner made a motion, seconded by Commissioner Neville, to approve ZBA#2022-07-13.

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

Votes: 5-0-0

Commissioner Turner discussed the minutes from the December meeting and how they were incorrect and not approved by the Commission.

Ms. Driver stated that she would talk to the Town Clerk to see if it would be possible to add a footnote to the December meeting minutes. She also suggested that the Commission could wait to approve the December minutes until the next meeting and she can report what the Town Clerk says in regards to making additions or footnotes to the minutes.

Commissioner Turner stated that she has an issue with the way the minutes have been written in the past few months and that they are very sanitized and they do not connect to anything. The minutes are not written for you to follow along.

Ms. Whitten stated that the Town Manager wants the minutes to be shorter and if someone needs details, they can go to the video. Minutes are to be a brief synopsis not to indicate every detail.

Commissioner Turner stated now that we have a transcriber I would ask that we say the name of the person speaking, and if we are talking about a specific thing that we state what that specific thing is.

Approval of Minutes

a. June 27, 2022-Regular Meeting

Motion: Commissioner Turner made a motion, seconded by Commissioner Neville, to approve the minutes from June 27, 2022, with Commissioner Davis abstaining.

The motion passed with a 5-0-1 vote.

Votes: 5-0-1

b. July 13, 2022-Regular Meeting

Motion: Commissioner Stroiney made a motion, seconded by Commissioner Neville to approve the minutes from July 13, 2022 as amended with Commissioner Urbanowicz abstaining.

The motion passed with a 5-0-1 vote.

Votes: 5-0-1

Adjournment

Commissioner Neville made a motion, seconded by Commissioner Turner to adjourn. The meeting was adjourned at 8:44 PM.

Prepared by:

Sandra Barone, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary