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MINUTES
ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MONDAY, JANUARY 25, 2016 – 7:00 P.M.
ENFIELD TOWN HALL – COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

THE MEETING WILL ADJOURN AT 9:00 P.M.

1. Call to Order:
Vice Chairman Larosa called the meeting to order at 7:00 PM.

2. Roll Call:
Secretary Mary Ann Turner took the roll.

Present: Vice Chairman Maurice Larosa, Mary Ann Turner, Andrew Urbanowicz, Charles J. Mastroberti, and Lynn A. Scull.

Absent: Bob Gillespie, Alternate.

Also present: Virginia Higley, CZEO, Assistant Town Planner; Shawn Rairigh, Assistant Town Planner; and Lynn Ballard, Recording Secretary.

3. Fire Evacuation Notice:
Evacuation instructions were given in the event of a fire.

4. Pledge of Allegiance:
The Pledge of Allegiance was recited.

5. Election of Officers:
Ms. Turner made a motion, seconded by Ms. Scull, to amend the agenda for the meeting and allow the election of officers. The motion passed 5-0-0.

Ms. Turner made a motion, seconded by Mr. Urbanowicz, that Mr. Larosa be made chairman.

Mr. Larosa asked if there were any other nominations; there were none. **The motion passed 5-0-0.**

Ms. Turner made a motion, seconded by Ms. Scull, that Mr. Urbanowicz be made vice chairman.

Mr. Larosa asked if there were any other nominations; there were none. **The motion passed 5-0-0.**

Mr. Larosa made a motion, seconded by Ms. Scull, that Ms. Turner be made secretary.

Mr. Larosa asked if there were any other nominations; there were none. **The motion passed 5-0-0.**

6. Public Hearing(s) / Procedural & Policy Statements by Chairman:

Chairman Larosa outlined the procedure of conducting business. He said the Secretary would read the legal notice. The applicant would then be asked to come up and sit at the desk before the Board. They would state their name and address for the record and present their application. He said the Board may or may not have questions. The audience would be given an opportunity to speak in favor or against the application. If an audience member spoke, the applicant would then have an opportunity to give a final comment. Any additional information the applicant wanted to submit into public record that wasn't presented to the Board during their presentation had to be submitted while the public hearing was open. Once the public hearing closed, no additional information would be accepted. Comments made by the public that were not relevant to the exercise of the Commission's statutory or regulatory authority would not be considered by the Commission in reaching its decision.

Once the application had been presented and the public hearing is closed, then the applicant may have a seat in the audience while the Board conducts its discussion and most likely its decision. The applicant is welcome to stay for the remainder of hearing, but it is not necessary. Written confirmation of the board's decision will be sent from the Town.

Definition of when a variance is granted: A variance could be granted where such grant would not affect the overall purpose of the zoning ordinance and where strict interpretation of the ordinance would result in a hardship. He explained that a hardship exists where a zoning ordinance uniquely affects a parcel of land differently from other properties and where use of the property or reasonable use of the land would be impossible without the variance. Self-imposed or financial hardships cannot by law be considered as a reason for granting a variance.

7. Reading of the Legal Notice:

Ms. Turner read the Legal Notice. The Enfield Zoning Board of Appeals would hold a public hearing on Monday, January 25, 2016 at 7:00 p.m. in the Council chambers of Town Hall, 1st floor, 820 Enfield Street, Enfield, Connecticut concerning ZBA 2016 -01-01 - Sign Pro Inc. on behalf of Devcon Commons, LLC, Owner, 51 Palomba Drive, Map 056, Lot 7, BL Zone. Appealing a denial of a sign permit by the Zoning Enforcement Officer. Information on file in the Planning Office. Dated this 13th day of January, 2016. Mary Ann Turner, Secretary, posted in the Journal Inquirer on January 13, 2016 and January 21, 2016.

8. Public Hearing:

- A. ZBA 2016-01-01- Sign Pro, Inc., Applicant / on behalf of Devcon Commons, LLC, Owner, 51 Palomba Drive, Map 056, Lot 7, BL Zone. Appeal of a denial of a sign permit by the Zoning Enforcement Officer. Information on file in the Planning Office.

Robert Kuszpa, of Sign Pro, Inc., 60 Westfield Drive, Plantsville, CT representing Goodwill Industries approached the Board.

Mr. Kuszpa presented slides to the Board. The first slide was one of the original drawings submitted for the site plan review. It was noted that there never was any mention that there might be an issue with any part of the building or the signage. He stated that normally during site plan reviews they do not review signage. The drawing shows the three signs that were approved; the Goodwill sign over the front door which is 42 ¼ sq. ft., then for the drivethrough on the left is a donations sign which is directional in nature and is 7.35 sq. ft., and finally on the back side of the canopy is a clearance sign that is 7.35 sq. ft. These 3 signs total 56.95 sq. ft. What Mr. Kuszpa is proposing is the fourth sign on the tower feature which is 54.3 sq. ft. which would bring the total up to 111 sq. ft. By code the building is allowed 201 sq. ft. of signage due to its setback from the road. The original idea of the tower feature was to get signage into a better position. Mr. Kuszpa showed photos of the completed building which included a distance shot about halfway back across the parking lot in which he stated you can not see the Goodwill sign very well and the trees are bare. The tower was put there to get better visibility for the building. During the denial it was deemed that the sign in question sits on a parapet wall above the roof line. Looking at the structure he stated it was quite a massive part of the building, it is not a parapet wall but another portion of the building. He continued that there are two parts of the sign regulation concerning sign positioning; one is that no sign or portion of shall project above the exterior wall of the structure. The second portion leads you to figure 10.30.2 that shows several different configurations of buildings and where the maximum height of a wall sign can be. The problem is the building does not fit one of the four shapes. He presented photos of several different buildings in town, including their signs, which did not fit the shapes. He stated the regulation is subjective; it depends on how you read it and how you look at the diagrams on whether a sign is compliant or not. Mr. Kuszpa feels that the Goodwill letters, the main sign, sits below the roof line on the left hand portion of the building, and the

Goodwill logo that he is here for tonight sits on the right hand portion of the building below its roof line. The regulations do not say what happens if a building has more than one roof line.

Chairman Larosa asked the Board Members if they had any questions.

Ms. Turner asked if Mr. Kuszpa had considered swapping the two signs. He answered then the logo sign would be above the roof line on the left-hand side of the building. The applicant has already made the sign. Ms. Turner asked if the logo sign could be moved down; Mr. Kuszpa answered it would look funny half covering the brickwork and they would have to probably remove the awning so it would look funny compared to the rest of the windows. The roof line is all the way down to the bricks.

Chairman Larosa asked if they would be able to do this project without the logo sign. Mr. Kuszpa answered he did not know what the business was like right now without the sign, but stated with the current visibility of the building it would be beneficial to have the sign.

Ms. Turner made a motion, seconded by Mr. Urbanowicz, to approve ZBA 2016-01-01 – Appealing a denial of a sign permit by the Zoning Enforcement Officer.

The public hearing was closed. Chairman Larosa asked if there was any discussion from the Board.

Ms. Turner asked Staff if they reviewed the other sites and signage Mr. Kuszpa had in his presentation.

Ms. Higley stated most of them she knew. She said at one time the Planning and Zoning Commission approved all signage and some date back to that. Some of them when they were built, like the shopping centers, they came in with a sign theme and they were approved for a sign theme. The only one incorrectly approved that she knows of was AT&T which is not in the applicant's pictures.

Chairman Larosa said the two he was looking at, Longhorn and PC Richards, are fairly new. Ms. Higley stated ZBA gave them the variances for those signs, but Mr. Larosa said not to go over the roof line, which never came to the Board. It was for size of signs. The issue of above the roof line for Longhorn did not come to the Board. Ms. Higley stated she would have to look at the approval to see if they asked PZC to approve the location of signs. Regarding PC Richards, the ZBA made them take off the "& sons" part of the sign which is how they got above the roof line.

Ms. Scull said she read through the regulations and the definitions trying to find out what the definition is of roof line, and what she found was "the little diagram" (figure 10.30.2). If the ZBA has any sort of listing of regulations that need to be clarified, she would like to add this. She continued that applicants are not finding clarified information

in the regulations. Ms. Scull stated she tried to determine whether this location has one roof line or two, based on her knowledge of what is a roof line. If there is nothing in the regulations to tell her what a roof line is, she goes back to what is commonly held.

Ms. Higley stated the top sill plate is the roof line; that is the building definition and it is also in the Planning Book of Definitions.

Mr. Mastroberti asked what would be considered the top sill plate on this building? Chairman Larosa answered in his mind there were two sill plates; it is definitely a separate entity of the building, it has its own sill, its own roof. But Mr. Urbanowicz stated is it merely decorative or is it actually structural is how you interpret it. To him the structural roof line is the top level not the extra extension which is decorative.

Mr. Mastroberti stated he would be inclined to table the application. Chairman Larosa stated to deny without prejudice would mean the applicant can reapply at any time with the exact same project. Tabling the issue means it can be moved to the next meeting to gather more information. Chairman Larosa asked what further information Mr. Mastroberti wanted. He answered if it can be construed as a roof line because it is a separate entity. Chairman Larosa stated he would consider it a separate roof line. PZC on other projects have considered the same thing. He stated that as a town we have allowed these types of projects to move forward in the past. Mr. Urbanowicz answered that a lot of those are a special design overlay for that particular shopping center. Ms. Scull said there were plenty of examples throughout town outside of shopping centers.

Ms. Turner asked if ZBA can ask PZC what its interpretation is. Chairman Larosa asked if ZBA was allowed to do that. Mr. Rairigh stated what is being asked tonight is whether the ZEO correctly read the regulations. Ms. Turner asked if ZBA could put the question to PZC if they consider what she was calling a parapet to have its own roof line. Mr. Rairigh stated he did not see a legal issue with this. Ms. Turner continued that if PZC's interpretation is that this is a façade, then we have our answer. Mr. Rairigh stated the Board should craft the question rather than Staff.

Chairman Larosa stated the public hearing was closed. He was unsure if the Board can legally bring forward the issue to PZC in a public hearing because this public hearing is closed. He stated ZBA has to act on the issue one way or the other tonight, then the Board can get confirmation as to what PZC's thoughts are.

Ms. Turner removed the motion to approve ZBA 2016-01-01 – Appealing a denial of a sign permit by the Zoning Enforcement Officer.

Ms. Turner made a motion, seconded by Mr. Urbanowicz, to deny without prejudice ZBA 2016-01-01 – Appealing a denial of a sign permit by the Zoning Enforcement Officer.

The motion was denied without prejudice by a 4-1-0 vote. Chairman Larosa opposed the motion.

Chairman Larosa explained that the application has been denied without prejudice which means the applicant can bring the same application back up to the Board. The Board felt it needed more information and could not gather that information while the process was still sitting before the Board.

Ms. Turner said she would draft the question for PZC, she would send it out to the other Board members for editing, and then it will be brought in front of Planning Zoning for next Thursday's meeting.

9. Old Business:

Ms. Turner asked Ms. Higley is she followed up regarding the signs on South Road (the convenience store) being taken down and Ms. Higley answered yes, the signs are down.

10. New Business:

None.

11. Approval of Minutes: - December 28, 2015. Regular meeting.

Ms. Turner made a motion, seconded by Mr. Mastroberti, to approve the minutes of December 28, 2015.

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

12. Correspondence / Staff Report:

None.

13. Other Business:

Ms. Turner asked for an update on CREC. Mr. Rairigh stated there was a walk through of the property last week but he did not have an update as to when they are bringing an application in.

Chairman Larosa stated in the packets the Board was not getting the list of actions, approvals, etc. He stated if the Board denies something they would like to see what action was taken.

14. Adjournment:

Ms. Turner made a motion, seconded by Mr. Urbanowicz, to adjourn at 7:34 pm.

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

Respectfully submitted,

Mary Ann Turner, Secretary

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