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**MINUTES**  
**ENFIELD ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**MONDAY, FEBRUARY 29, 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:

**Chairman Larosa called the meeting to order at 7:00 PM.**

2. Roll Call:

**Secretary Mary Ann Turner took the roll.**

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

**Also present:** Roger O'Brien, Director of Planning; and Lynn Ballard, Recording Secretary.

3. Fire Evacuation Notice:

Chairman Larosa gave evacuation instructions in the event of a fire.

4. Pledge of Allegiance:

The Pledge of Allegiance was recited.

5. 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 Board's statutory or regulatory authority would not be considered by the Board in reaching its decision. Once the application had been presented, it would most likely be voted on that night, so the applicant would have an understanding of where application stood. If the decision was tabled or deferred, then the meeting would be rescheduled, most likely in 30 days. Written notice would be sent from the Town regarding its decision.

Chairman Larosa stated for the record that 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.

6. Reading of the Legal Notice:

Ms. Turner read the Legal Notice. The Enfield Zoning Board of Appeals would hold public hearings on Monday, February 29, 2016 at 7:00 p.m. in the Council chambers of Town Hall, 1<sup>st</sup> floor, 820 Enfield Street, Enfield, Connecticut concerning ZBA 2016 -02-01 – Robie Realty, LLC, Applicant/Owner, 9 Anngina Drive, Map 082/Lot 56, I-1 Zone. Request to allow a 10' rear yard, where 20' is required and 10' side yard, where 25' is required to construct a 2800 square foot addition to the existing structure. Information on file in the Planning Office. Posted in the Journal Inquirer on February 17, 2016 and February 25, 2016.

7. Public Hearing:

A. **ZBA 2016-02-01 – Robie Realty, LLC**, Applicant/Owner, 9 Anngina Drive, Map 082/Lot 56, I-1 Zone. Request to allow a 10' rear yard, where 20' is required and 10' side yard, where 25' is required to construct a 2800 S.F. addition to the existing structure.

**Robie Staples, owner Robie Realty, 1145 Enfield Street, and Todd Clark, of Aeschliman Land Surveying, Inc., 1379 Main Street, East Hartford, approached the Board.**

Mr. Urbanowicz informed the applicant that he represents Mr. Staples' sister-in-law and has represented his mother-in-law in the past. He feels he can give the applicant a fair

hearing but he is leaving it in the applicant's hands. If the applicant feels Mr. Urbanowicz will be biased, he will recuse himself. Mr. Staples stated he was fine with Mr. Urbanowicz.

Mr. Clark stated the applicant was in need of enlarging the existing building. There are a number of problems with enlarging the building. There is a large conservation easement. During the development of the land it was ordered to do underground storage in 2006. The underground storage was placed directly alongside the building. All the utilities would have to come from the street. There is a large infiltrator system, fairly complex, tied to storm manholes, catch basins, etc., intended to attenuate the rainwater and storm water, percolate a lot of it and then the overflow would head out to a brook. With conservation and wetlands, utilities, and a wetlands buffer, the only place to put the addition is where it is shown on the site map. The applicant is requesting a variance of about 15 feet, which is 10 feet from the side line, and they would like to go to 10 feet from the rear line.

**Chairman Larosa asked if there were any questions of the Board.**

Mr. Clark addressed potential issues with parking, stating they did not think it was an issue at this point. They would have to go to site plan review and would address it at that time. The applicant did check into the issue and there are approximately nine extra spaces at this point; they will lose 6 or 8 depending on the survey. Mr. Clark stated ZBA was the first step in the project.

Ms. Turner asked how many parking spaces the property had when it was built. Mr. Clark answered that when the property was developed it was shown to need 100 spaces. The property currently has 119 spaces. Ms. Turner stated when she visited the building all the parking was being used.

Ms. Turner asked the applicant to describe the proposed building and if was going to be attached to the existing building. Mr. Staples showed the Board where the building would be placed. Ms. Turner stated it would help to have some building plans so they could see the proposed building. If the addition was not attached, the applicant may not need a variance.

Mr. Clark said the new building was approximately 2' from the catch basin. The doorway would have to be reworked. Mr. Staples said he can not bring the building forward into the parking lot because of the drainage system.

Ms. Turner asked if 2800 sq. ft. was the size the applicant was planning on building. Mr. Staples said no, he may have to drop it 160 sq. ft.

Ms. Turner asked what is going on with the property that is causing a need for the addition. Mr. Staples stated the tenant needs more space and this was the most logical place for the building.

Mr. Larosa said the applicant just stated they were making the proposed building a little smaller. He needs to know what the measurements are of the proposed building. Mr. Staples answered the fire marshal informed him that above 12,000 square feet he would have to put a sprinkler in the whole building. He stated he would bring the building down 3 feet on one side.

Mr. Larosa asked if the proposed addition was a storage building and Mr. Staples answered yes. Mr. Larosa stated if the applicant detached the proposed building from the main building the setbacks change and he could come within 5 feet of the property line and variances may not be needed. Accessory structures can be closer to the property line. Mr. Staples stated the tenant wants access to another small storage area and wants it adjoined.

Mr. O'Brien asked the applicant for clarification. If they built the smaller building do they want 3' less on the back or on the side? Mr. Staples answered it was on the side, on the 70' width.

Mr. Kwasnicki asked what was the difference between an attached structure and a detached structure. Mr. Larosa answered a detached structure is an accessory to the main structure. In the town zoning regulations the main structure has certain setbacks allowed on the front, side and rear. Accessory structures have different allowances.

Not knowing what the detention system is, Chairman Larosa asked if the applicant was able to put something over any portion of the detention system. Mr. Staples answered no.

Mr. Kwasnicki asked who would be impacted by the structure on the back and side. Mr. Staples answered Mr. Polek, who he has talked to and stated there was no problem.

Mr. Urbanowicz asked if the building would be fully enclosed with solid walls. Mr. Staples answered yes; it will have metal walls to match the building already there.

Ms. Turner asked if the only access would be from inside. Mr. Staples answered no. Ms. Turner said one of the problems is the Board does not have plans to see. Mr. Staples stated he would put a doorway in the center of the building, on the 70' side which would comply with the regulation which requires no more than 50' maximum to get out of the building.

**Mr. Larosa asked if any audience members wished to speak for or against the application.**

**Karen LaPlante, 166 North Maple Street, came forward.**

Ms. LaPlante stated that when Mr. Staples bought the property he knew it was wet; he knew what he would have to build on. She said Mr. Staples is saying this is 9 Anngina Drive but the Town Assessor's data base is only listing it as 7 Anngina Drive with two

buildings existing on it. The GIS system does not show the second building. Ms. LaPlante took pictures showing how close it is to the property line of the farm. She stated it was quite a steep bank from where the applicant's property was down to the farm. Ms. LaPlante presented 2 photographs she took of the property.

Ms. Turner read into the record two 8 ½ x 11 full color photos, one that shows the back of the building where the air conditioners are facing against the building and the other one is looking up the slope towards the parking lot but encompasses the marker to show how far the building would go out.

Ms. LaPlante stated from the plans it looks like the existing building is far from the property line, but it is not really far from the bank. She questions how much closer to the bank on the north side the applicant can build. She believes this is strictly a financial hardship. There are three ponds in the area that have been damaged by the development. Ms. LaPlante reiterated it is one lot according to the assessor's data base and questioned how many buildings were allowed on an industrial lot; there are already two plus the accessory structures. She requested the Board deny the variance.

**Mark Polek, 72 George Wood Road, Somers, came forward.**

Mark Polek explained Polek Properties owns the property north of the applicant's structure. The applicant spoke to Paul Polek, who is only a 25% shareholder in Polek Properties. Mr. Mark Polek does not know how the other 75% would feel about the applicant putting another building 10' from the border. Mark Polek asked that the application be denied until the other family members were consulted.

**Chairman Larosa asked if any other audience members wished to speak in favor or against the application. No one came forward.**

**Chairman Larosa then asked the applicant if he would like to speak again.**

Mr. Staples stated Paul Polek did not inform him he had a brother. Paul Polek had no problem with the application. The conservation area on the print was there when he bought the property. As far as the slope in the back, the building was within regulations and built to specifications.

**Chairman Larosa asked if the Board had any more questions.**

Mr. O'Brien stated the Planning office records show that there are two approved buildings; the second building was approved in 2006. He added that for the purpose of the assessor he called the property 7 Anngina Drive, but both buildings were approved and showed the complete parking plan and underground gallery. Mr. O'Brien stated the Commission has four choices, 1) Approve the application, 2) Deny the application, 3) Deny without prejudice, or 4) Table the application and get any questions answered.

Chairman Larosa stated that on the north side the applicant is right on the edge of the hill. He asked how it would impact the farm property trying to stabilize the land to build the new building. Mr. Staples answered he would grade the property and the building would not affect drainage.

Chairman Larosa asked if the applicant would like time to approach his tenant and ask if they could do a detached building or a smaller building.

Ms. Turner questioned if Inlands and Wetlands would want to be involved because of the escarpment.

Mr. O'Brien explained that if the Board was to deny the variance then the applicant would not have to answer the questions they would have to answer if they moved forward, either to Wetlands if necessary or to P&ZC.

Ms. Turner stated any variances that are granted stay with the land. She feels it is premature for an applicant to ask for a variance when the Board has no way to find out what is going to happen when the other Boards look at it. Mr. O'Brien answered that P&ZC can not hear the application subject to a variance. Ms. Turner would like P&ZC to hear the project to see if it may move forward, and Inland Wetlands to hear it before it has a variance.

Mr. O'Brien reiterated that the process starts with ZBA if there is regulation that needs to be varied.

Mr. Clark suggested the applicant table the application and they could then show the elevations. If they can show that they do not have to grade in a regulated area, they should not have a problem with Wetlands.

Mr. Staples said ZBA was the first stop for the applicant. If he gets the variance, then he would proceed to Inland Wetlands and P&ZC.

Mr. O'Brien informed Mr. Staples that the Board needs more details to feel comfortable with what the applicant was asking.

Ms. Turner told Mr. Staples to come back with exactly what he plans to build, exactly where he wants to put it.

**Ms. Turner made a motion, seconded by Mr. Mastroberti, to table the application. The motion passed unanimously with a 5-0-0 vote.**

8. Old Business: None.
9. New Business: None.
10. Approval of Minutes:

A. January 25, 2016

**Ms. Turner made a motion, seconded by Ms. Scull, to approve the minutes of January 25, 2016.**

Chairman Larosa asked if there were any changes or discussion. There was none.

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

11. Correspondence / Staff Report:

Chairman Larosa asked Mr. O'Brien if he had anything for the Board. Mr. O'Brien introduced Kim Holden who has joined the Planning office part time.

Mr. O'Brien notes there are two appeals. One was a cease and desist for a garage that was converted to an apartment. The opinion was appealed but the applicant is currently in Florida so he asked to hold it in abeyance.

A second appeal of cease and desist was just filed.

Regarding Myott's Package Store, the owner is on hold with the Building Dept. until he comes back with a plan to address the roof and other issues with the site. Blight enforcement was citing him trying to get him to move forward to side the building, but Planning and Zoning enforcement did not want Myott's to do certain things until he was going to do them the way he was supposed to.

Mr. O'Brien did get the request that the Board wanted an updated list.

Regarding the recent P&ZC meeting, an applicant applied for four signs, one was denied as exceeding the building profile. The sign regulation could be read in different ways. ZBA asked P&ZC to interpret the regulation. The regulation needs to be clarified and P&ZC directed Mr. O'Brien to work on a better definition; the chairman stated they would like it interpreted the way that Ginny Higley interpreted the regulation. The sign regulations have some confusion in them. One section says the director of planning approves sign applications and if somebody disagrees they can go to P&ZC to review whether the director has correctly interpreted the regulation. Another section says a sign permit should be treated as a zoning permit and the appeal would be to ZBA. At the present time the interpretation remains what Ms. Higley said it was; the sign in question would have to be lowered.

Chairman Larosa stated that P&ZC said the majority of the main portion of the building is the roof line versus individual roof lines.

12. Other Business:

Ms. Turner brought Ms. Higley a retirement gift, a fruit basket, on the Board's behalf. Ms. Higley sent a card thanking the Board.

13. Adjournment:

**Ms. Turner made a motion, seconded by Mr. Urbanowicz, to adjourn at 7:56 pm.**

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

Minutes prepared by – Lynn Ballard

Approved by Commission:

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Mary Ann Turner, Secretary