

TOWN PLAN & ZONING COMMISSION

MINUTES

Thursday, February 28, 2013

The Town of Bloomfield Town Plan & Zoning Commission held a meeting on February 28, 2013 scheduled for 7:00 p.m. at Town Hall, 800 Bloomfield Avenue in Bloomfield, Connecticut with the following members present:

Present:

Barry Berson, Chairman
Abraham Ford, Jr.
Fannie Gabriel
Charlotte Gregg
Pamela Gray
Alfred LeFebvre
Byron Lester, Secretary
Elene Needelman
Nick Panke
Barbara Reid

Also Present: Thomas Hooper

Absent: Maureen Sullivan,
Recording Clerk

1. Call to order.

Mr. Berson called the meeting to order at 7:00 p.m.

2. Approval of January 24, 2013 minutes.

Mr. LeFebvre made a motion to approve the January 24, 2013 minutes. Ms. Needelman seconded the motion and it was approved unanimously.

3. Application of James Walsh for a Site Plan for 26 apartment units at 1122 Blue Hills Avenue, PLR zone (continued from January 24, 2013).

Mr. Panke made a motion to open the public hearing. Ms. Gabriel seconded the motion and it was approved unanimously.

Mr. Robert Arsenault, Professional Engineer, discussed the outstanding items outlined in Mr. Hooper's memorandum of January 16, 2013. The street name will be called Pilgrims Circle. The following items have been added to the plans: a development sign, a sidewalk, a handicapped ramp at the intersection on Blue Hills Avenue, detail on the street lights, a bike rack and a playscape. Fencing and buffering on the north and south limits of the project were clarified on the plans. Trash storage and collection will be by private roadside collection.

There were no questions from the public.

Questions from the Commission:

Mr. Ford asked about the visitor parking. Mr. Arsenault showed the visitor parking area on the plans, as well as the playscape area. Mr. Ford asked about a building on the plans. Mr. Arsenault responded that was a duplex unit, which is in the R-10 zone. It is a separate lot that was approved under the original subdivision plan. It will be accessed from Banfield Lane.

Mr. LeFebvre asked where the bike rack was located. Mr. Arsenault showed the bike rack on the plans, which will be a 6 bicycle rack.

Mr. Hooper stated the landscape plan was submitted.

Ms. Gabriel made a motion to close the public hearing. Ms. Needelman seconded the motion. Mr. Panke reminded the Commission that comments were not heard at this point. The motion to close the public hearing was rescinded.

There were no comments from the public.

Comments from the Commission:

Ms. Reid and Mr. LeFebvre commented that everything was covered and the application was good.

Mr. Panke stated he was satisfied with what was presented at last month's meeting. Mr. Panke hoped the Commissioners were happy with the presentation.

Ms. Gabriel made a motion to close the public hearing. Ms. Needelman seconded the motion and it was approved unanimously.

Mr. Panke made a motion to approve the application of James Walsh for a Site Plan for 26 apartment units at 1122 Blue Hills Avenue, PLR zone as continued from the January 24, 2013 meeting, with all the conditions and comments based on the last memorandum supplied to the Commission and the request from the Commission regarding the foundation planting, the bike rack, the playscape and more details on the play area for resident children. Ms. Gabriel seconded the motion and it was approved unanimously.

**4. Application of Salvatore Sala for
a Revised Site Plan at 7 Old
Windsor Road, I-2 zone.**

Mr. Sudacar Nagardeliqar spoke on behalf of the applicant. The applicant was seeking approval of a 6,384 square foot addition in the back of the building. The deliveries to the site were discussed. The coverage was exceeded by about 6 or 7 square feet more than what is allowed. The applicant needs additional space for machinery. No additional landscaping has been proposed. The area behind the building is mostly wooded and a few trees will be removed. The septic system was discussed. The site image on the front sheet of the plans will be removed.

Mr. Hooper stated there were no negative comments from the Fire Department or Town Engineer. There are a few minor items to address that Mr. Hooper can address.

Questions from the Commission:

Ms. Reid asked what the building was used for. Mr. Nagardeliqar responded it is a machine shop.

Mr. LeFebvre asked about the system to get rid of the waste. Mr. Gino Sala, the owner's son, stated the chips are collected in 55 gallon drums and a scrap yard company picks up the drums. The scrap is very fine metal chips.

Mr. Ford asked why the applicant could not have 50% lot coverage. Mr. Nagardeliqar responded the applicant needed an adequate space for the tractor trailer trucks to turn around. There are about 14 employees at the site. Mr. Hooper supported the 7% coverage waiver. Mr. Sala discussed the trucks backing up out of the site.

Mr. Nagardeliqar made closing comments.

Ms. Needelman made a motion to approve the application of Salvatore Sala for a Revised Site Plan at 7 Old Windsor Road, I-2 zone, to include the items that have been added due to staff comments, as well as a 7.36% site coverage waiver. Ms. Gabriel seconded the motion and it was approved unanimously.

5. Request for Zoning Interpretation- pawn shop at 727 Park Avenue.

Mr. Hooper stated there was a request to locate a pawn shop in the Bloomfield Center District. Mr. Hooper did not find that particular use in the permitted use of the Regulations in the Bloomfield Center District and did not believe it to be a traditional retail operation. Mr. Hooper made the ruling with the Assistant Zoning Enforcement Officer that the use was not permitted. The individuals in attendance would like to hear whether the Commissioners believed a pawn shop was a retail operation in the Regulations.

Ms. Gabriel thought that pawn shops were pseudo banks where there was an interest in the item presented with a thought that possibly the item would be held with interest.

Mr. Panke stated retail is a facility where you go in and you buy something. Mr. Panke discussed pawn shops. The Commissioner believed a pawn shop has too many things going on that are not applicable to what Mr. Panke viewed as what was discussed for the center of town and what retail was envisioned.

Ms. Needelman believed pawn shops can be considered a retail operation. It is a business that is conducted by obtaining merchandise which is then made available to buyers. The Commissioner believed a pawn shop can qualify for retail.

Mr. Ford stated there is retail when there is a buyer and a seller. There is a transaction that happens that one of the parties has something that the other party wants and purchases it. Mr. Ford wanted to hear the argument of the applicant as to how the applicant describes the transactions of this type of business.

Mr. LeFebvre stated he can go to a pawn shop and buy any item that was available; therefore the Commissioner believed it is retail. In addition, the feature of obtaining a loan based on collateral, that is unique, but it is like banking and did not find it antagonistic to the retail form.

Ms. Reid stated she is a shopper and if she was to go into a pawn shop and there was something she wanted, she would purchase it.

Ms. Gray stated her understanding of the business model of a pawn broker is collateral loans are made, something is given up that someone possesses with the understanding of a loan and the loan needs to be repaid. If the loan is defaulted, the pawn broker would have the right to sell the items. A general retail store stocks a particular item to be consumed. A pawn shop does not have general merchandise, it is a hodgepodge of merchandise of someone's personal possessions to hold or sell until the loan is satisfied.

Mr. Berson observed pawn shops as an outgrowth of the medieval banking system when there wasn't a lot of cash around. Pawn shops have electronic departments, musical instrument departments, furniture departments and it seemed to Mr. Berson that the amount of merchandise seemed to be far in excess of what the traffic of the stores would be bringing in. Mr. Berson did not feel that a pawn shop was retail.

Attorney Coleman Levy, of Hinckley, Allen & Snyder, 20 Church Street, Hartford, represented Levy Properties, LLC, the applicant and owner of the shopping center presently known as the

Amazing Shopping Center. The center was discussed. The owner, at the request of the Town Planner, requested a word interpretation pursuant to Article 2.1C of the Zoning Regulations. The request is to confirm that a pawn shop is a retail store, which is a permitted use in the Bloomfield Center District Zone. It was the applicant's position that a pawn shop is a retail use and clearly fits within the definition of a retail business as defined by the Zoning Regulation. Attorney Levy discussed what takes place in a pawn shop. The ability to operate the pawn broker aspect of the business requires a license, which is issued by the Chief of Police, and requires a very thorough background check of the applicant. There are very strict reporting requirements. The lending of the money is strictly regulated by the banking department. Retail comprises the sale of a wide selection of goods and merchandises and is all inclusive without limitation. This is evident by the varied type of retail stores that exist in the BCD zone. Retail establishments sell to customers for their own personal or household use. This is exactly what takes place in the retail space that will be the pawn shop. A good part of the business has to do with selling of brand new merchandise. Attorney Levy stated the activities of a pawn shop clearly fit within the definitions of a retail business as defined by the Town's Zoning Regulations, Black's Law, Webster's Dictionary and The Latest Illustrated Book of Development Definitions. The Town of Bloomfield has the general category of retail stores which is very broad and encompasses the right to sell almost anything as provided in the definition of retail business. Attorney Levy submitted a petition that was signed by all the tenants of the shopping center who are in favor of this particular use.

Mr. Dean Levy made a correction to Attorney Levy's presentation. The pawn shop is not mostly new stuff.

Mr. Berson stated what was being discussed in general was whether a pawn shop may or may not go into any retail place in town.

The regular members voted this evening.

Five Commissioners voted that a pawn shop was a retail operation. Two Commissioners (Mr. Panke and Mr. Berson) voted that a pawn shop was not a retail operation.

Mr. Hooper stated the 4-H farm in town would like to have pigs. The Regulations were discussed. The consensus from the Commissioners was there wasn't a problem with the pigs on the farm. This is considered an agricultural operation and has been a farm for years. This is a teaching farm.

5. **Adjournment**

Mr. Lester made a motion for the meeting to adjourn. Ms. Needelman seconded the motion and it was approved unanimously.

The meeting adjourned at 8:15 p.m.

Byron Lester, Secretary

Maureen Sullivan, Recording Secretary