

TOWN PLAN & ZONING COMMISSION

MINUTES

Thursday, March 22, 2012

The Town of Bloomfield Town Plan & Zoning Commission held a meeting on March 22, 2012 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
Byron Lester
Elene Needelman
Nick Panke
Barbara Reid

Also Present:

Thomas Hooper
Maureen Sullivan,
Recording Clerk

Absent:

Pamela Gray
Alfred LeFebvre

Mr. Berson called the meeting to order at 7:00 p.m. Ms. Reid was the alternate member sitting on the applications this evening.

Item 5 on the agenda was discussed first.

5. February 23, 2012 Minutes

Mr. Panke made a motion to approve the February 23, 2012 minutes. Ms. Needelman seconded the motion and it was approved unanimously.

**1. Application of James T. Zafiris
for a Text Amendment to
Section 4.4.C.4 of the Zoning
Regulations to add drive-in
windows as a special permit in the
I-2 zone.**

Mr. Lester read the Legal Notice that appeared in The Hartford Courant. Mr. Berson discussed procedures for Public Hearings.

Mr. Nick Paindiris represented the applicant, Mr. Zafiris. Mr. Zafiris is the owner of all the Dunkin Donut franchises in Bloomfield and the owner and operator at Cumberland Farms which is across the street from Three Brothers Restaurant. The landlord at Cumberland Farms is not going to afford any more leases for Dunkin Donuts in any of the Cumberland Farms in the United States. Mr. Zafiris found a property at Three Brothers Restaurant to operate a Dunkin Donuts franchise. The location is not zoned for a drive-thru. A condition of the acquisition of the Three Brothers property is that there is a drive-thru permit. At this time, the I-2 zone does not permit drive-thrus. Mr. Paindiris stated a year ago there was a request by another applicant for a text amendment for a drive-thru in an I-1 zone. Mr. Paindiris stated Mr. Hooper acknowledged the fact that during the change in the regulations there was a transcription error regarding drive-thru windows. The intent of the change in the regulations

was there would be permitted drive-thru windows as a Special Permit. The applicant requested the Commission change the I-2 zone in a similar fashion as the I-1 zone.

Mr. Hooper stated the I-2 zone has been identified as one area that is supposed to support the industrial uses in the north end of town with restaurant and service type uses. Mr. Hooper stated this amendment is something the Commission should seriously consider and move forward with. This request was sent to the Capital Regional Council of Governments and staff received notice on February 24, 2012 that there were no issues with this request.

There were no questions from the public.

Questions from the Commission:

Ms. Reid asked if the site was purchased. Mr. Nick Paindiris stated the applicant has not purchased the property yet and discussed the text amendment.

Mr. Ford asked about Special Permits and drive-thrus.

Mr. Berson asked if this was a ZBA appeal. Mr. Hooper stated the proper procedure is to change the zone text.

There were no comments from the public or Commission.

Mr. Panke 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 T. Zafiris for a Text Amendment to Section 4.4.C.4 of the Zoning Regulations to add drive-in windows as a Special Permit in the I-2 zone to item H for drive-in windows and recode the remaining list. Ms. Needelman seconded the motion and it was approved unanimously.

**2. Application of Steven E. Arnold
for a Resubdivision of a 3.89-acre
parcel at 21 Gale Road, R-80 zone,
into two lots.**

Mr. Lester read the Legal Notice that appeared in The Hartford Courant on March 9, 2012 and March 16, 2012. Mr. Berson discussed procedures for Public Hearings.

Mr. Steven Arnold stated the original subdivision had three lots and was then modified into two lots. Mr. Arnold asked that it be again be modified into three lots. The plot lines were discussed. The purpose was to turn the storage building into a single family residence. Mr. Arnolds addressed the comments in Mr. Hooper's memorandum of March 12, 2012.

Mr. Hooper discussed the issue with the iron pins. If there is an easement for access, it should be shown on the plans. Mr. Hooper stated if the deck was there in 1993, the town cannot do anything about it. The issue with the in-law apartment came up because the real estate listing showed a three room in-law apartment. The lot is slightly irregular.

Mr. Arnold discussed the easement which he voluntarily granted.

There were no questions from the public.

Questions from the Commission:

Mr. Ford asked about the intent of the storage building. Mr. Arnold replied he plans to bring it up to code. The top floor is 800-1,000 square feet. The basement is a walk-out basement. Mr. Ford asked if the applicant will need to come back for a change of use for the side yard because it will be changed from a storage use to a residential. Mr. Hooper replied no, the setback would be the same on the side yard for either a storage building or a primary structure. A

variance was already obtained for the location as it stands now. Mr. Arnold believed the use was already approved.

Ms. Needelman asked about the deck and if a building official needs to inspect it. Mr. Hooper discussed the deck which was built in 1993. Mr. Hooper did not believe there were any safety issues with the deck. As long as the deck was constructed longer than three years ago, statutes protect it.

Mr. Berson asked about the building number. The numbers were discussed. Mr. Berson asked about the square footage and the minimum requirements. Mr. Hooper responded they no longer have any minimum requirements. The septic system was discussed.

There were no comments from the public.

Comments from the Commission:

Ms. Gabriel appreciated the applicant going through the items in Mr. Hooper's memorandum.

Mr. Panke made a motion to close the Public Hearing. Ms. Gabriel seconded the motion and it was approved unanimously.

Mr. Panke made a motion to approve the application of Steven E. Arnold for a Resubdivision of a 3.89-acre parcel at 21 Gale Road, R-80 zone, into two lots, also to include comments from the Town Planner and possible conditions that have to be addressed by staff and also the map dated February 24, 2012. Ms. Gabriel seconded the motion and it was approved unanimously.

3. 8-24 referral – Vincent School

Mr. Hooper stated the Board of Education is moving forward with the completion of renovations to the schools. Vincent School will be vacated. CREC may lease the building for at least two years and possibly longer. The TPZ is being asked to make a recommendation to the Town Council concerning the possible lease of the property.

Mr. Ford asked if the town will continue to maintain the grounds. Mr. Hooper was not aware of the arrangement.

Ms. Gabriel made a motion that the 8-24 referral of Vincent School be given to the Town Council. Mr. Ford seconded the motion and it was approved unanimously.

4. By-Laws revisions

The revisions to the By-Laws was discussed. Article 6, Section 1 of the By-Laws was discussed regarding the election of officers and it was unanimously agreed to keep the same. A typo will be made to Article 4 of the By-Laws. It was agreed by the Commission that Article 11, Section 1 will be changed from four (4) members to five (5) regular members.

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

The meeting adjourned at 8:00 p.m.

Byron Lester, Secretary

Maureen Sullivan, Recording Secretary