Present: Chair Jacqueline Isaacson, Secretary Shirley Williams, Commissioner Mark Mitchell, Commissioner Seth Pitts, Commissioner Alan Budkofsky

Alternates: Commissioner Tiffany Mohammed and Commissioner Jennifer Marshall-Nealy

Absent: None

Also Present: Ms. Lynda Laureano, ZEO, Mr. Marc Needelman, Town Attorney

I. Call to Order: Chair Isaacson called the meeting to order at 7:32 p.m.

II. Roll Call: A Quorum was established with 5 members and 2 alternates.

Commissioner Williams stated the public hearing has been continued from the June 6, 2022, ZBA Commission meeting, for the Appeal by Two Brothers, LLC from a Cease-and-Desist Order. Regarding non-compliance with previously issued Special Exception approval condition, failure to renew Special Exception, vehicle storage in a manner not approved by PZC (Sec.6.11), overnight vehicle storage not within a building (Sec. 4.1.D(4)(jj)).

III. Public Hearing (continued):

a. Appeal by Two Brothers, LLC from a Cease-and-Desist Order. Regarding non-compliance with previously issued Special Exception approval condition, failure to renew Special Exception, vehicle storage in a manner not approved by PZC (Sec.6.11), overnight vehicle storage not within a building (Sec. 4.1.D(4)(jj)).

Ms. Laureano, Bloomfield’s ZEO, provided a Supplemental Staff Report for the ZBA Commission dated July 6, 2022, via email, which provided the ruling of the zoning enforcement, the Cease and Desist order for the above appellant. The documentation Ms. Laureano provided included a picture of the property, key application timelines, legal standard, action documentation, applicant’s statement of appeal, facts for consideration, and the conclusions.

Included in the documentation provided by Ms. Laureano were two forms of possible motions to consider: a motion to sustain the Appeal of Two Brothers, LLC, or a motion to deny the Appeal of Two Brothers, LLC. Also included was a) Exhibit A - the February 28, 2019, TPZ Commission minutes, b) Exhibit B - a Stipulation for Judgement, dated October 6, 2020, from Town Attorney, Mr. Marc Needelman, c) Exhibit C – a letter from Mr. Giner former AICP of the Office of Planning and Zoning dated September 23, 2021, to Two Brothers Automotive, LLC. The letter was addressed to Mr. Dimos Tsikrikis stating the referenced plans, listed were the conditions to be met prior to the signing of plans, the conditions to be met prior to the issuance of permits and/or start of construction, the conditions which must be met prior to the Issuance of a Certificate of Compliance, and the general conditions.

Also Ms. Laureano received via email from Mr. Ken Slater an aerial view of the property from 1986, the underground tank (UST) removal information sheet dated July 7, 2011, the January 29, 1979 zoning investigation, and the August 10, 1987 zoning violation letter from Ms. Claudia Cousins, Acting Building Inspector during that time. Mr. Slater also included a site plan.

Ms. Laureano stated after receiving Mr. Slater’s email, she forwarded to the Commission the minutes from September 23, 1969, the TPZ Commission’s original approval when it was a gas station and
a repair shop. She also included the Cease and Desist order from 1987 and the zoning investigation of 1979. Ms. Laureano also emailed her documentation to Mr. Slater, and reiterated it for the Commission.

Mr. Needelman stated if the July 6, 2022, Supplemental Report hadn’t been reviewed by Mr. Slater, as well as the other material Ms. Laureano brought forth at this meeting, Mr. Slater must review the material immediately. Therefore, Ms. Laureano displayed the documents on the shared screen for everyone’s review and she explained the material in-depth.

Mr. Kenneth R. Slater, Jr., Esq, of Halloran & Sage LLP, located at One Goodwin Square, 225 Asylum Street, Hartford, CT, was the attorney representing the Appellant. Mr. Vasillios Tsikrikis, was also present at this meeting.

Mr. Slater gave a quick summary from the Appellant’s point of view, he stated Ms. Laureano was asked to step in and support Mr. D’Amato’s decision concerning the property. However, Mr. Slater stated Mr. D’Amato’s order clearly shows he did not realize there were two approved uses on the site. He stated, if the only approval that existed was the 1989 modification of the initial approval authorizing the sale of vehicles, what Mr. D’Amato saw was clearly in violation because the only vehicles that would be on site were the ones referenced in the 1989 plan.

Mr. Slater stated there were two uses allowed on the property, an existing service station with repairs, which was taken by the Town for redevelopment. In 1969, this board approved a gasoline sales and service business with a gas station garage. Customers dropped cars off awaiting repairs which was totally unrelated to what was allowed a few years later, which was a limited number of cars for sale required to be in the rear of the building. He stated all enforcement violation orders received were always related to sales. All past and present violations were never for improperly stored cars related to service. Mr. Slater stated Mr. D’Amato could not differentiate between vehicles for sale or vehicles for service. This order was focused on sales, and there wasn’t evidence the Appellent exceeded their number of sales, and he explained in-depth.

Mr. Slater also stated they proved their case on day one of the hearing because they showed there was no evidence that any of the vehicles exceeded the number for sale. And they are not subject to the regulations that requires a service station that would be built today having all vehicles kept inside the building. The Appellant pre-existed that period in 1969, the Appellant was allowed to have vehicles outside, and he explained in-depth. Mr. Slater stated they submitted a site plan which he explained and showed the diagram to the Commission.

Commission Questions:

Chair Isaacson asked, how many cars were on location at their last visit? Ms. Laureano answered it was hard to tell the difference between sale and service vehicles.

There were other questions from the Commission concerning the storage of cars, the dumpsters, storage of tires, drop off area, fence height, location of sales vehicles, location of service vehicles, which were answered satisfactorily. However, Mr. Needelman wanted to concentrate directly on the front of the building, he was concerned with the pileup of cars in front of the building. He stated there should be a decrease in cars parked in the front of the building and no cars should be located under the car port. Mr. Needelman was interested in the cars being marked with designated locations, a drop off area, a sales
area, and a service area. Mr. Vasiliou Tsikrikis agreed to create clear designated areas, and some signage for the different areas.

Mr. Needelman recommended closing the public hearing and continue the hearing at the August 1, 2022, ZBA Commission meeting.

Commissioner Budkofsky made a motion to close the public hearing, and continue the hearing at the August 1, 2022, ZBA Commission meeting for the Appeal by Two Brothers, LLC for a Cease-and-Desist Order. Regarding non-compliance with previously issued Special Exception approval condition, failure to renew Special Exception, vehicle storage in a manner not approved by PZC (Sec.6.11), overnight vehicle storage not within a building (Sec. 4.1.D(4)(jj)). Commissioner Williams second the motion. Chair Jacqueline Isaacson voted yea, Secretary Shirley Williams voted yea, Commissioner Mark Mitchell voted yea, Commissioner Seth Pitts voted nay, Commissioner Alan Budkofsky voted yea, and the motion passed.

IV. Old Business:
   a. Discuss current Zoning Board of Appeals bylaws for possible updating.

This discussion was postponed to the September 12, 2022, ZBA Commission meeting.

V. Public Comments: None

VI. Approval of the minutes:
   a. June 6, 2022

   Commissioner Budkofsky made a motion to approve the July 6, 2022, meeting minutes, as amended, and Commissioner Mitchell second the motion. The Commission voted unanimously to approve the motion.

VII. Adjournment:

   Commissioner Budkofsky made a motion to adjourn the meeting at 9:10 p.m., and Commissioner Williams second the motion. The Commission voted unanimously to approve the motion.

   NEXT MEETING: August 1, 2022