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

Alternate: Commissioner Jennifer Marshall Nealy

Absent: Commissioner Tiffany Mohammed

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

I. Call to Order: Chair Isaacson called the meeting to order at 7:33 p.m.

II. Roll Call: A Quorum was established with 5 members and 1 alternate.

Commissioner Williams read the legal notice as follows: this appeared in the Hartford Courant published May 24, 2022, and May 31, 2022, zone six. Legal notice for the Town of Bloomfield Zoning Board of Appeals, notice is hereby given that the Zoning Board of Appeals will conduct a public hearing at a meeting to be held on June 6, 2022, commencing at 7:30 p.m., via a Zoom Meeting Platform to consider the following:

a) Application by Norman Oates for a variance request from Sec. 3.3.B bulk requirements and Sec. 8.1.D non-conforming structures of the Bloomfield Zoning Regulations to allow a side yard setback of 13ft., where 15ft is the minimum side yard setback required and to allow an expansion of a non-conforming structure within the front yard setback for a proposed 16x24 addition at 325 Park Avenue in a R-15 zone.

b) Application by Jolley 2, LLC for a variance request from Sec. 6.2.M.1.d. Of the Bloomfield Zoning Regulations to allow additional tenant and visitor parking within the required 40ft front yard setback at 65 Jolley Drive in a PLR zone. A full copy of the applications are available for inspection at the Planning Office at Town Hall. Application materials are also available on the Zoning Board of Appeals Section of the town’s website.

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 gave background information on this case from its initial decision of a cease and desist order issued by Interim Zoning Enforcement Officer Mr. Michael D’Amato, which was sent January 24, 2022. The cease and desist order was for Two Brotheres, LLC, at 56 Tunxis Avenue for non-compliance with previously issued special exception approval conditions, which were issued June 5, 1989 (CBA Special Exception). Also vehicle storage in a manner not approved by the Town Planning and Zoning Commission, and overnight vehicle storage not within the building, Section 4.1.D(4)(jj)). That was the nature of the violation, the necessary steps taken were to immediately seize all the service repair, purchase sales, storage or evaluation of any motor vehicle and within ten days bring the property into complete compliance with the 1989 CDA.

Due to the fact that some commissioners were not at the ZBA Commission public hearing April 4, 2022, Ms. Laureano gave information concerning that meeting. She informed the Commission that there were two site visit inspections of the property by staff since that meeting, one site visit was April 11,
2022, at 11:00 a.m., and the second site visit was May 23, 2022, at 11 a.m. Ms. Laureano stated they met with the attorney for the appellant Mr. Kenneth Slater and the property owner. They discussed the best way to handle the situation for compliance and come up with a strategy regarding the amount of vehicles on site, where the vehicle were being stored and other areas with outdoor storage.

Ms. Laureano gave detailed background information on the approvals granted, regulations and meetings concerning the site. She went as far back as March 15, 1950, September 23, 1969, November 22, 1972, February 18, 1975, November 11, 1988, June 5, 1989, and the April 4, 2022, which gave the Commissioners a clear understanding of the special exception that was granted previously, and why the cease and desist was before the Commission.

Ms. Laureano also provided a presentation of the regulations dating back to the 1950s, and she provided pictures of their visits to the property. At their meetings on site there were still no designation areas were the cars for sale, or for repairs were located. There was suppose to be fourteen vehicles in the front and cars in the rear, on their April 11, 2022 visit there was a total of sixty cars on location mixed up. Mixed up were cars without for sale stickers, some with for sale stickers, some with license plates, and some without license plates. On their May 23, 2022, visit their objective was to create a plan to organize designated areas for the service repair, sales, storage of cars, and to address others concerns with other outdoor items in conjunction with the principal use of the facility. Ms. Laureano also provided pictures from the May 23, 2022, visit in which the owner did make an effort to clean up the property. She stated the south side of the property is close to wetlands and the brook, all storage of material should be contained properly to avoid runoff into the brook. **Ms. Laureano asked for a continued site inspection to observe that area.**

**Commission Questions:**

Chair Isaacson asked, how many cars were on location at their last visit? Ms. Laureano answered about sixty or a little more. And Ms. Laureano continued to explain the regulations from the years prior to the April 4, 2022 meeting.

Commissioner Pitts asked did the regulations state how many cars should be on location for sale and servicing? Ms. Laureano stated there were no car count for servicing, and she explained.

Mr. Marc Needelman, Bloomfield Town Attorney, asked Ms. Laureano to share the provision in the earlier permit which limited parking on the north side of the property within a certain area bordering the northern boundary of the property, he asked that she address that section. And Mr. Needelman asked Ms. Laureano to share the information that was determined with respect to parking within the state right-a-way adjacent to Tunxis Avenue. He stated there was a condition that prohibited vehicles within 40 feet of the north property line or similar. Ms. Laureano addressed those issues for the Commission, which turned out not to be a concern.

Mr. Needelman, Mr. Slater and the owner met on the property, the mutual goal was to prepare a proposed site plan for town staff, for consideration to the ZBA Commission, and approval by the TPZ Commission. Ms. Laureano informed him it was a recommendation that had not been received, but they did receive a preliminary proposal of an aerial view from Mr. Slater which entailed a markup of the relocation of cars and materials on the property. Ms. Laureano stated it was not an official site plan. And she explained in-depth. Mr. Needelman asked Ms. Laureano to share with the Commission the most
recent documentation received, which she shared and explained with a PowerPoint Presentation. Mr. Needelman was concerned with the cars being parked as permitted 20 feet from the buffer, he didn’t want them on the buffer. He was interested in the appellant providing a proposed site plan, and Ms. Laureano was also requested a proposed site plan.

Mr. Kenneth R. Slater, Jr., Attorney from Halloran & Sage, located at 225 Asylum St., Hartford, CT 06103. Mr. Slater stated the material Ms. Laureano presented were things going forward not looking backward. The appeal was a decision made by the acting Zoning Enforcement Officer D’Amato. He stated Mr. D’Amato did not realize there were two legal uses of the site, and his decision was made based on the counting of the number of vehicles, which Mr. D’Amato thought was a violation. However, all of the material presented showed the service use was a use allowable in the zone and there were no limitations in the regulations which should be made part of the record.

Mr. Slater stated, at the time of the approval in 1969, the town was undertaking redevelopment and there was an existing repair facility that the town took, the Commission which was authorized to do so under the 1950 regulations authorized the service business. It contained a building and a portico no spaces or limit for the number of vehicles associated with that service business. However, it wasn’t until 1972 that the board allowed the sale of vehicles on the property. And in 1972, the Commission stated any vehicles for sale was also for the convenience of the service customer. Therefore, it was clear that those were two separate uses, and in 1975 there were no limitations to vehicles, in fact neither approval limited the number of vehicles. There was a restriction that they had to be in the rear, however the original approval was issued in 1969 with no limitation on parking. In the mid-eighties there became a restriction on parking in the front yard, still no restriction on the limitation of parking. Mr. Slater stated the use of outside storage was approved in 1975, but no limitations to the number of vehicles. The only limitations was cars must be to the rear with no limitation and there had to be a limitation on the size of the signs on the vehicles.

Mr. Slater also stated in 1989, there were concerns about vehicle being displayed for sale in the front, however there were no communications that vehicles could not be placed in the front. The use was permitted and there were no restrictions because they established the use. In 1989, the limitation was created in terms of the display of vehicles for sale, and it had nothing to do with the repair business. There were to be no more than fourteen vehicles allowed to be located in the front of the property. The only concern was the vehicles up front associated with the repair business. There were no more than twenty-five vehicles permitted on the site to be offered for sale, however no special permit indicated the service business because it was approved once in 1969, with no limitation on where cars would be parked for customers. Mr. Slater was interested in creating a site plan for the property.

Mr. Needelman agreed and he asked the Commission to act on the cease and desist order. Commissioner Budkofsky stated he would only vote if the Appellant was required to provide the Commission with a proposed site plan.

In conclusion, Mr. Slater will return to the next meeting with a proposed site plan, he waived his right to the sixty-five day deadline and they will be heard on July 11, 2022.

Commissioner Budkofsky made a motion to continue the public hearing open to be heard at the July 11, 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)). This decision was based on Mr. Kenneth R. Slater, Jr., representative for the client, who is waiving the right of the sixty-five (65) day deadline, and subject to the submission of a site plan. Commissioner Williams seconded the motion and the Commission voted unanimously to approve the motion.

IV. Public Hearing (New):

a. Application by Norman Oates for a variance request from Sec. 3.3,B bulk requirements and Sec. 8.1.D non-conforming structures of the Bloomfield Zoning Regulations to allow a side yard setback of 13ft., where 15ft is the minimum side yard setback required and to allow an expansion of a non-conforming structure within the front yard setback for a proposed 16x24 addition at 325 Park Avenue in a R-15 zone.

Mr. Norman Oates was here as the applicant, located at 325 Park Avenue, Bloomfield. Mr. Oates was proposing to add to the west side of his property a bedroom, bathroom and closet, which will match the house. Ms. Laureano stated there were no issues, his neighbor’s know and she supported it.

Chair Isaacson closed the public hearing.

Commissioner Budkofsky made a motion to approve the Application by Norman Oates for a variance request from Sec. 3.3,B bulk requirements and Sec. 8.1.D non-conforming structures of the Bloomfield Zoning Regulations to allow a side yard setback of 13ft., where 15ft is the minimum side yard setback required and to allow an expansion of a non-conforming structure within the front yard setback for a proposed 16x24 addition at 325 Park Avenue in a R-15 zone. Commissioner Pitts seconded the motion and the Commission voted unanimously to approve the motion.

b. Application by Jolley 2, LLC for a variance request from Sec. 6.2.M.1.d. Of the Bloomfield Zoning Regulations to allow additional tenant and visitor parking within the required 40ft front yard setback at 65 Jolley Drive in a PLR zone.

Mr. Jonathan Thiesse, Engineer was here representing the Town of Bloomfield. Mr. David Ziaks, PE. F.A. Hasketh and Mr. Brain Zelman were here representing the applicant. The proposed multi-development was located at 65 Jolly Drive, they are seeking a variance request to allow additional tenant and visitor parking within the required 40 feet front yard setback at 65 Jolly Drive.

Mr. Ziaks provided a PowerPoint Presentation showing the area plan which was 17.6 acres, 10 acres would be conservation land. He also provided the master plan, illustrated master plan, layout plan adding 23 parking spaces. He stated they worked closely with the town staff concerning this proposal. Mr. Thiesse confirmed the fact that they worked closely with the town staff and this proposal was the best solution they jointly came up with for this proposal. Ms. Laureano also suggested the Commission approve the proposal.

Commissioner Mitchell made a motion to approve the Application by Jolley 2, LLC for a variance request from Sec. 6.2.M.1.d., of the Bloomfield Zoning Regulations to allow additional tenant and visitor parking within the required 40ft front yard setback at 65 Jolley Drive in a PLR
zone. The hardship was the type of land and the conservation land. Commissioner Budkofsky seconded the motion and the Commission voted unanimously to approve the motion.

V. Old Business:

a. Discuss current Zoning Board of Appeals bylaws for possible updating.

This discussion was continued to the July 11, 2022, ZBA meeting.

VI. Public Comments: None

VII. Approval of the minutes:

a. April 4, 2022 and May 2, 2022

Commissioner Pitts made a motion to approve the April 4, 2022, meeting minutes, and Commissioner Budkofsky seconded the motion. The Commission voted unanimously to approve the motion.

Commissioner Budkofsky made a motion to approve the May 2, 2022, meeting minutes as amended, and Commissioner Williams seconded the motion. The Commission voted unanimously to approve the motion.

VIII. Adjournment:

Commissioner Budkofsky made a motion to adjourn the meeting at 10:31 p.m., and Commissioner Williams seconded the motion. The Commission voted unanimously to approve the motion.

NEXT MEETING: July 11, 2022