

# **APPROVED 9/23//2021**

## **TOWN OF EAST HAVEN ZONING BOARD OF APPEALS MINUTES OF SPECIAL MEETING HELD ON JULY 29, 2021 IN PERSON AT EAST HAVEN SENIOR CENTER, 91 TAYLOR AVENUE**

Chairwoman Karen Martin called the regular meeting to order at 7:05 p.m.

Ms. Martin introduced the members of the Board and staff.

The Pledge of Allegiance.

The following Board members were present:

Karen Martin - Present

Judy Mison - Present

David Gersz - Present

Joseph Ginnetti - Present

Kevin Coyle - Present

There was a quorum.

The following were also in attendance:

Joe Budrow – Planning and Zoning Administrator and Zoning Enforcement Officer

Sotonye Otunba-Payne - Clerk

Jennifer Coppola - Counsel to the Board.

Ms. Martin asked whether there were new notices that this was coming up.

Mr. Budrow replied that the original notice started the trail. People who knew about the first meeting know that this meeting was coming up. Yes, they added some sections that required variances. They were published in the paper.

Mr. Budrow informed the Board that at its regular meeting on July 15, 2021, mid-hearing, it was believed that the only nonconformities that Mr. Modena would like an approval to go to on the second application had parking nonconformities. However, it was learned at the last meeting that there was a section of the Regulations that he did not see.

So this variance for the lack of parking is his request for an auto repair dealer to go on the property where there are 20 parking spaces whereas he needs 25 parking spaces. He was short two spaces for the repair. However, Mr. Modena stated on the record that he wanted three parking spaces for selling cars.

Mr. Budrow further stated that then it was learned that the building cannot have an auto repair business if it is within 25 feet of the street line or another property line. It is within the 25 feet of the street line at Michael Street. The other issue is the curb cut which is both less than 30 feet and within 50 feet of Foxon Road. So, these are the three topics of the variances sought by Mr. Modena.

Ms. Martin asked if 25 parking spaces included the three parking spaces sought by Mr. Modena. Mr. Modena replied that it would be a total of 30 parking spaces as there were other tenants in the building.

Mr. Budrow indicated he included the three spaces. The other people needed nine parking spaces. Mr. Modena needed five more parking spaces.

Ms. Martin asked if this is because of the number of employees or the size of the building. Mr. Budrow replied by saying that the parking requirements for a business office has a square footage and a one car per so many square feet. He believes it is 400 square feet. It is not employee related. This is for offices. Mr. Modena needs three parking spaces for employees.

Mr. Budrow spoke about the following three conditions of Mr. Modena's application should the request be granted: One, abandoned or unregistered cars may not be left on the property. Two, repairs on vehicles are to be made inside the building only. Three, the use of banners, tenants, dynamic signs are not allowed. These would be conditions for the second application if the first application is approved.

Mr. Modena agreed to these conditions.

Ms. Martin stated that there would be no need for an attendant at night. Mr. Modena stated that it has a locked fence.

Attorney Coppola asked if he had an agreement to receive any repossessed cars. Mr. Modena replied that he did not. It's a rarity because it's too expensive.

Ms. Mison asked if there are regulations about the number of cars Mr. Modena can take in. Mr. Modena stated that there is. For the most part he is by himself..

Attorney Coppola directed the Board to the relevant sections of the Regulations regarding Motor Vehicle Service Stations and Limited Repair Garages. Section 34.6.5 states *"all vehicles awaiting repairs or service shall be stored within an enclosed, appropriately screened storage yard, screened from view of the general public. Off-street areas required for the parking of*

*customers and employees shall not be used for the storage of vehicles awaiting repairs.”*

Section 34.6.6 states: *“All vehicle servicing or repair, except for very minor activities such as tire changing, wiper and headlight repair, shall be conducted within a building”.*

Section 34.6.7 states: *“All outside storage of parts or material shall be put in suitable containers provided and utilized for the disposal of automotive parts or kept inside a building. Containers used on the site shall be screened from the public view.”*

Mr. Modena indicated that he had none of that.

Attorney Coppola indicated that she just wanted to put this on the record as there were discussions about outside storage which is typically a site plan issue. She wanted the Board to be careful not to authorize something that went beyond what is in the Regulations.

Ms. Martin stated that this led her to Section 34.6 (*the total area of the site, excluding areas left in their natural state shall be suitably treated with paving and landscaping to the satisfaction and approval of the Commission.*) Ms. Martin stated that all in all it is a residential neighborhood. It would only be right to have it appear pleasant.

Mr. Modena indicated that he had been doing some cleaning and landscaping as well.

Mr. Budrow indicated that Mr. Modena would have to go to Planning and Zoning for site plan approval where landscaping needs can be discussed.

Ms. Mison addressed 34.6 since Mr. Modena indicated cars might get dropped off at night. Anything awaiting repair must be inside your gate. She asked if there is a way to control that.

Mr. Modena said he could tell the customers to bring the cars in when he is there.

Attorney Coppola indicated that the Board was determining a certificate of approval of location. It is statutorily within the Board's authority.

**Mr. Gersz motioned to close the public hearing. Said motion was seconded by Mr. Ginnetti. The motion pass unanimously.**

1. **Application No. 21-13 on behalf of Scott Modena, 19 Michael Street.**

Assessor's Map 450, Block 5619, Lot 008, CB-2 District. An application requesting to locate an automobile repairer and dealership at 19 Michael Street.

**Ms. Mison motioned to grant the variance as requested. Said motion was seconded by Mr. Gersz.**

**Mr. Ginnetti - Yes.**

**Mr. Gersz - Yes, because he would like to see the businesses stay in East Haven**

**Mr. Mison - Yes.**

**Ms. Martin - Yes.**

**Mr. Coyle - Yes.**

**Motion passed unanimously.**

**2. Application No. 21-14 on behalf of Scott Modena, 19 Michael Street.**

Assessor's Map 450, Block 5619, Lot 008, CB-2 District, requesting variances to Sections 42 of the East Haven Zoning Regulations to allow an automobile repair garage and an automotive retail sales facility to not require the required number of off-street parking spaces. Also, to be located in a building that is within 25 of a street line and side property line, has a curb opening wider than 30 feet and is within 90 feet of a street intersection.

**Ms. Mison motioned to approve Application No. 21-14. Said motion was seconded by Mr. Ginnetti.**

**Mr. Ginnetti - Yes.**

**Ms. Martin - Yes.**

**Mr. Gersz - Yes.**

**Ms. Mison - Yes.**

Ms. Martin indicated that they also wanted to incorporate the conditions of approval.

**The conditions of approval are as follows: Abandoned or unregistered cars may not be left on the property; repairs on vehicles are to be made inside the building only; and the use of banners, tenants and dynamic signs are not allowed.**

Ms. Martin further stated that Mr. Modena should check with the Zoning Enforcement regarding the size of the banner he indicated he might have. Ms. Martin asked that the motion be stated again.

Attorney Coppola stated that the move is to amend the motion previously stated and then make the amended motion.

**Ms. Mison motioned to amend the motion on Application No. 21-14.  
Said motioned was seconded by Mr. Ginnetti.**

**Mr. Ginnetti - Yes.  
Ms. Martin - Yes.  
Mr. Gersz -- Yes.  
Ms. Mison - Yes.  
Mr. Coyle - Yes.**

**Motion passed unanimously.**

**Mr. Ginnetti motioned to include the three conditions of approval as  
read by Ms. Martin. Said motion was seconded by Ms. Mison.**

**Mr. Ginnetti - Yes.  
Ms. Marin - Yes.  
Mr. Gersz - Yes  
Ms. Mison - Yes.  
Mr. Coyle - Yes.**

**The motions passed unanimously.**

Mr. Ginnetti motioned to adjourn. Said motion was seconded by Mr. Gersz  
The motion passed unanimously.

The Board adjourned at 7:57 p. m.

Respectfully Submitted,

Sotonye Otunba-Payne