# ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting March 19, 2020 Page One

#### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

#### Staff Present:

John Diakun, City Attorney Steven P. Schiller, Planner II Danielle Rosado, Secretary

#### 1. CALL TO ORDER:

Chairman Matthew Malinowski called the meeting to order at 6:00 p.m.

#### 2. ROLL CALL:

A quorum of seven (7) members was present upon roll call. Commissioner Kathy Olandt, Commissioner Marion Fischbein and Vice-Chairman Jerrell Hargraves were present via teleconference.

#### 3. APPROVAL OF MINUTES: JANUARY 16, 2020, REGULAR MEETING

**ACTION**: A motion to approve the minutes of the January 16, 2020 Regular Meeting was made by Commissioner Nowak and seconded by Commissioner Catanzaro. The motion passed by a 6 to 0 vote with 1 abstention. [Commissioner Olandt abstained].

#### 4. OLD BUSINESS

#### A. PUBLIC HEARING AND DISCUSSION:

#4867: Ali-Abdulharim Noman – 236 Main Street

#### NEW BUSINESS

## A. PUBLIC HEARING AND DISCUSSION:

#4873: David Frank/DealPoint Merrill, LLC – 1055 West Main Street

#4874: DATTCO, Inc. - 315 South Street

#4875: Aurelio Ramirez – 663-665 Stanley Street

#4876: Beata & Jerzy Krawczyk – 21 Queen Street

#4877: Hamza Lehnoud/Meriden Makeovers, LLC - 195 East Street

#4878: Brian Conaci – 994 West Main Street

#4879: Earl Dubree - 189 Newington Avenue

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#### 6. OTHER NEW BUSINESS

There was no other new business.

## 7. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Hargraves, seconded by Commissioner Pac, and unanimously approved, the time being 7:00 p.m.

Respectfully submitted,

Danielle Rosado, Secretary

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# ZONING BOARD OF APPEALS

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> No. 4867 March 19, 2020

Ali Abdulharim-Noman is requesting a special exception approval pursuant to Section 170-20-70, in order to allow a grocery beer permit at a small convenience store known as The Main Street Food Store at 236 Main Street. Zone: CBD

### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Mr. Schiller noted he has not heard from the applicant, the notice sign was not posted as required, and the applicants were not present. He recommended the matter be dismissed without prejudice.

**ACTION:** A motion to dismiss Application #4867 without prejudice was made by Commissioner Catanzaro and seconded by Commissioner Nowak and passed by unanimous vote.

APPLICATION #4867 WAS DISMISSED WITHOUT PREJUDICE BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

# ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4873 March 19, 2020

David Frank for DealPoint Merrill, LLC is requesting a modification to an existing variance 150-10, for permitted uses and variances to Sections 150-40-70.01, required front yard and 150-40-70.02, required side yard toward a side street, in order to construct additional storage building unit buildings on the Cube Smart property at 1055 West Main Street. Zone: B-2

## **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Mr. Schiller noted for the record that he received an email from David Frank, CEO for DealPoint Merrill, LLC that due to the current national emergency and travel ban he is requesting that his application be postponed without prejudice.

**ACTION:** A motion to postpone Application #4873 was made by Commissioner Catanzaro and seconded by Commissioner Olandt. The motion passed by unanimous vote.

APPLICATION #4873 WAS POSTPONED WITHOUT PREJUDICE BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

# ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4874 March 19, 2020

DATTCO, Inc. is requesting the granting of a special exception under Sections 200-20-100, 200-20-110, 200-20-120 and 200-20-130, in order to allow issuance of a DMV license for motor vehicle sales, repairs, leasing and vehicle washing at an existing DATTCO bus facility at 315 South Street. Zone: I-2

#### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report stating the City Plan Commission is of the opinion that this particular location is appropriately zoned to allow a licensing for sales, repair and lease of buses and that it would have virtually no effect on the character of the property or on any adjoining neighbor. The City Plan Commission has no objections provided that the property and business operations are kept in compliance with all applicable provisions of the zoning ordinances, particularly as they related to the buffer zone and screening along the residential property lines and that no parts or wrecked vehicles be kept unscreened from the street or from any adjoining property. Presuming this is approved by the Zoning Board of Appeals, a formal application with signed A-2 survey plans will be needed to be submitted for formal location approval by the Common Council, acting in its capacity as the city's Zoning Authority.

The Engineering Department had no comment on this application.

There was no Building Commission report for this application.

Speaking in favor: Donald DeVivo, DATTCO, Inc., 583 South Street, New Britain, CT

**ACTION:** A motion to approve Application #4874 was made by Commissioner Catanzaro and seconded by Commissioner Nowak. The motion passed by unanimous vote.

APPLICATION #4874 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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# ZONING BOARD OF APPEALS

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> No. 4875 March 19, 2020

Aurelio Ramirez is requesting a variance to Sections 90-40-20, lot area per dwelling unit and 240-2 required off-street parking, in order to allow the conversion of a former funeral home space into a second residential apartment unit at 663-665 Stanley Street. Zone: T

#### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the staff report stating that the Commission has no objections to the granting of this variance, provided that all necessary Building Department permits are taken out for the conversion and the building inspected to ensure compliance with all applicable fire and building codes.

The Engineering Department had the following comments on this application:

- 1. The following should be identified in the application:
  - a) Number of conforming parking spaces available on the site.
  - b) The number of parking spaces required for the existing use.
  - c) The number of parking spaces required for the proposed use.
  - d) The number of parking spaces requested in this variance.
- 2. Where will tenants park if conforming parking is not provided?
- 3. Cars already appear to be illegally parking on this site.

There was no Building Commission report for this application.

Speaking in favor:

Aurelio Ramirez, 19 Clune Court, East Hartford, CT

06108

**ACTION:** A motion to approve Application #4875 was made by Commissioner Nowak and seconded by Commissioner Pac and passed by 5 to 2 vote. [Commissioner Fiscbein and Commissioner Olandt voted against].

APPLICATION #4875 WAS GRANTED BY 5 TO 2 VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

# ZONING BOARD OF APPEALS

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> No. 4876 March 19, 2020

Beata and Jerzy Krawczyk are requesting variances to Sections 70-40-10, minimum lot area and 70-40-50, minimum lot width, in order to split a 100 foot wide 13,500 square foot parcel into two 50 foot wide, 6,750 square foot building lots at 21 Queen Street. Zone: S-2

#### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report that states the City Plan Commission has no objections to the granting of these variances, provided that, as a condition of approval, it is agreed that the property will be utilized only for the construction of a single-family house.

The Engineering Department had the following comment on this application:

1. The application should state the specific area and frontage reductions being requested.

There was no Building Commission report for this application.

Speaking in favor: Jerzy Krawczyk, 55 Erik Court, New Britain, CT 06053

**ACTION:** A motion to approve Application #4876 was made by Commissioner Nowak and seconded by Commissioner Catanzaro. The motion passed by unanimous vote.

APPLICATION #4876 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

# ZONING BOARD OF APPEALS

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> No. 4877 March 19, 2020

Hamza Lehnoud for Meriden Makeovers, LLC is requesting variances to Sections 140-40-70.01, required front yard and 140-70.02 required side yard, in order to allow the expansion and conversion of a former gasoline/repair garage into a convenience store at 195 East Street. Zone: B-1

#### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report that stated the City Plan Commission supports the restoration of this building as a neighborhood convenience store and has no objections to the granting of the requested variances, provided that as a condition of approval there is a full-site plan review and approval through the City engineering, building department and planning staff and that driveway sidewalk and landscaping improvements are made to the site.

The Engineering Department had the following comment on this application:

 A site plan conforming to City of New Britain standards will be required when building permits are applied for. No review of the plan submitted with the variance application was done.

There was no Building Commission report for this application.

Speaking in favor: Hamza Lehnoud for Meriden Makeovers, LLC, 167 Cobblestone Lane,

Meriden, CT

**ACTION:** A motion to approve Application #4877 was made by Commissioner Catanzaro and seconded by Commissioner Olandt. The motion passed by unanimous vote.

APPLICATION #4877 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

# ZONING BOARD OF APPEALS

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> No. 4878 March 19, 2020

Brian Conaci is requesting a special exception approval pursuant to Section 160-20-90, in order to allow a restaurant beer and wine license in conjunction with the Brian's Fare Restaurant, which recently opened in this new location, at 994 West Main Street. Zone: B-3

#### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report that stated the City Plan Commission has no objections to the granting of this special exception for a restaurant beer and wine permit, with the provision that there is no bar seating and the service is limited to beer and wine served in conjunction with meals.

The Engineering Department had no comment on this application.

There was no Building Commission report for this application.

Speaking in favor:

Brian Conaci, 16 S 3rd Street, Meriden, CT

Mohin Kapaduala, 68 Hyde Avenue, Vernon, CT

**ACTION:** A motion to approve Application #4878 was made by Commissioner Nowak and seconded by Commissioner Catanzaro. The motion passed by unanimous vote.

APPLICATION #4878 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

# ZONING BOARD OF APPEALS

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> No. 4879 March 19, 2020

Earl Dubree is requesting a variance to Section 230-100-10, schedule of permitted fences, in order to install a 6-foot chain link fence around his property located on the southwest corner of Newington Avenue and Wildwood Street at 189 Newington Avenue. Zone: T

#### **Members Present:**

Matthew Malinowski, Chairman Kathy Olandt Jerrell Hargraves Roman Nowak Paul Catanzaro Marion Fischbein Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report that stated the City Plan Commission has no objections to the granting of this variance to allow a front yard fence 6-feet in height, with the stipulation that the fence be painted black, wherever it borders Newington Avenue and Wildwood Street.

The Engineering Department had the following comment on this application:

 The proposed fence may interfere with existing site lines exiting Wildwood Street onto Newington Avenue as well as the applicant's and adjacent driveways. The applicant's engineer should identify where the fence needs to be placed in order to maintain minimum site lines.

There was no Building Commission report for this application.

Speaking in favor: Earl Dubree, 4 Pebble Lane, Newington, CT

<u>ACTION</u>: A motion to approve Application #4879 was made by Commissioner Catanzaro and seconded by Commissioner Pac. The motion passed by unanimous vote.

APPLICATION #4879 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman