

SUFFIELD ZONING BOARD OF APPEALS COMMISSION
MINUTES OF REGULAR MEETING
Tuesday, January 30, 2024, 7pm

Present: Mark Blackaby, Chairman
Susan Hastings
John Schwemmer
Despina Tartsinis
Gerard Chase, Alternate
Victor Roy, Alternate

Also Present: Jim Taylor, Zoning Enforcement Officer
Derek Donnelly, Town Attorney
Carl Landolina, Planning and Zoning Attorney
Ellie Binns, Recording Secretary

The proceedings of this meeting were recorded and made available on the Town website, along with all of the application materials.

Chairman Blackaby called the meeting to order at 7:00 pm.

Ms. Binns read the legal notice as published in the Hartford Courant on January 19th and 26th and on the town website into the record.

2023-ZBA2 Frank Grillo, Sr., property Map 16, Block 24, Lot #38, east side of South Grand Street, Suffield, requesting a stay of a cease and desist order issued on 11/15/2023. Section XIII (b)(1) applies.

Mr. Schwemmer made a motion to open the public hearing. The motion was seconded by Mr. Chase and approved unanimously. Mr. Blackaby appointed as voting members, himself, Ms. Hastings, Mr. Schwemmer, Mr. Chase and Mr. Roy.

Ms. Tartsinis recused herself from the hearing because she has dealings with the applicant's attorney David Sherwood in other matters. She excused herself from the room during the hearing.

Attorney David Sherwood represented the applicant Mr. Grillo and explained that Mr. Grillo bought the property to the rear of 456 South Grand Street and an occupant of that property was storing items on the property without a lease. Mr. Sherwood's firm is working on evicting this occupant/owner of the items listed in the cease and desist order. Currently, the case is in the Connecticut Housing Court and Mr. Grillo does not have the authority to remove the equipment in the cease and desist order without a ruling from the court. Mr. Sherwood submitted Exhibit I, which is the Superior Court form filed on December 22, 2023. There have been motions in the court back and forth between the plaintiff and defendant and Mr. Sherwood is requesting a stay of enforcement of the cease and desist order until the case can be resolved. He anticipates a possible resolution by mid March and they will act as quickly as possible to facilitate the removal of the

equipment from the property.

Mr. Blackaby then asked for the Town's summary of the complaint and action.

Zoning Enforcement Officer, Jim Taylor stated that he had a complaint on the property which he investigated, and confirmed the zoning violation. He then issued the cease and desist order to Mr. Grillo as the property owner. He also stated that he has no objection to a stay of enforcement until the matter is resolved in the court.

There were no questions or comments from the public.

Mr. Blackaby asked Mr. Sherwood how long a stay would be needed. Mr. Sherwood stated that his client would agree to an extension of 65 days in addition to the 35 days which started with tonight's hearing. This would allow the public hearing to be continued to the April 30th regularly scheduled meeting of the ZBA.

Mr. Schwemmer motioned to continue the public hearing to the April 30, 2024 meeting of the ZBA. The motion was seconded by Ms. Hastings and approved unanimously 5-0-0.

Attorney Carl Landolina training presentation on ZBA policies, procedures and laws.

Ms. Tartsinis rejoined the meeting.

Mr. Landolina reviewed the process for accepting applications and the time frame for ruling on them. He noted that hearings can be kept open as long as it adheres to the State regulated time frame or the applicants can consent to an extension. He noted that site visits can be arranged through staff during the public hearing process; however there should not be ex parte conversations with the owner or their representative. He reviewed what constitutes a meeting based on the number of members present even when if it is outside of a scheduled meeting. Mr. Landolina talked about what is considered expert testimony and disclosing information that would be part of the decision making during a public hearing. He stressed that commission members should state at the public hearing any research or personal knowledge that impacts their decision. He noted that alternates can speak at the public hearings but if they are not appointed as voting members, cannot participate in deliberations. Mr. Landolina gave a history of zoning regulations and distributed an informational packet on zoning board of appeals court cases as well as a presentation by Dorian Reiser Famiglietti entitled, "Zoning Boards of Appeals – Powers and Duties", which he reviewed and summarized. He also explained the three levels in the Connecticut court; the Superior, Appellate and Supreme. Mr. Landolina also reviewed statements for the record by individual members and using a collective reason for the action of the Commission. He noted that the burden of proof is on the applicant.

He also recommended having a template drafted for the Commission to use in making their decisions, which could also help with drafting motions. He cautioned that variances should be given sparingly and the hardship to be unique to the property.

Mr. Chase moved to approve the minutes of the May 30, 2023 meeting with the correction of changing the word "setback" to "frontage requirement" in the first sentence of Attorney Lingenfelter and in the second sentence of that paragraph also change "setback" to "frontage requirement". The motion was seconded by Ms. Tartsinis and passed unanimously 5-0-0.

Mr. Chase then moved to enter into executive session to discuss current litigation with the members of the Commission and inviting Town Attorney Derek Donnelley to join at 9:09 PM. The motion was seconded by Ms. Hastings and approved unanimously 6-0-0.

These minutes are not official until accepted at a subsequent meeting.

The executive session ended at 9:36 PM with no action taken.

With nothing further to come before the Commission Mr. Schwemmer moved to adjourn the meeting. The motion was seconded by Mr. Chase, and with a unanimous vote the ZBA meeting was adjourned at 9:37 PM.

Respectfully submitted, Susan Hastings, Secretary
Recording Secretary, Ellie Binns

These minutes are a draft subject to approval at the next ZBA meeting.