

TOWN OF KENT
ZONING BOARD OF APPEALS
41 Kent Green Boulevard
P.O. Box 678
Kent, CT 06757

JULY 12, 2016 REGULAR MEETING MINUTES

RECEIVED FOR RECORD
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JUL 13 A 9:01
BY *Donna Hayes*
TOWN CLERK

The Town of Kent Zoning Board of Appeals held a regular meeting on July 12, 2016 at 7:00 p.m. in the Kent Town Hall.

- 1) Call to Order and Roll Call

Mr. DiPentima called the meeting to order at 7:00 p.m.

Board Members Present: Anthony DiPentima, Chairman; Anne Bisenius, Nick Downes, Daniel Murray,
Mike VanValkenburg

Staff Present: Donna Hayes, Secretary/Clerk

- 2) Appointment of Alternates(s) to Voting Status.

Mr. DiPentima elevated Ms. Bisenius to voting status.

- 3) Acceptance or Revision of Agenda

Ms. Bisenius moved to accept the agenda as filed. Mr. Downes seconded and the motion carried unanimously.

- 4) Reading and Approval of Regular Meeting Minutes of June 14, 2016.

Ms. Bisenius moved to approve the Regular Meeting Minutes of June 14, 2016, as written. Mr. Downes seconded and the motion carried unanimously.

- 5) Recess Meeting. Convene Hearing:

At 7:05 p.m. the meeting recessed and the hearing convened.

5.1. Application #03-16, Jay Hoefer for John O'Hara, 337 Kent Road, Certificate of Approval for Motor Vehicle Sales, Services and Repair Uses, Map 6 Block 11 Lot 6.

Mr. Hoefer was present to address the Board. Mr. Hoefer explained that the current owner of Bulls Bridge Repair was retiring and he was buying the business from the owner. Mr. Hoefer will be offering general repair services and used car sales which is in keeping with the current business. He continued that up until 2009, he owned a similar business in New Milford.

Ms. Bisenius asked if there would be any additional businesses added to the location and Mr. Hoefer replied that there would not be any expansion of the business. Mr. DiPentima asked if Mr. Hoefer had made arrangements for any hazardous material and Mr. Hoefer replied that the handling of hazardous materials is mandated in the repair license.

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Ms. Robin Mollica, an adjoining property owner, asked Mr. Hoefer what his hours of operation would be. He replied that they would remain the same: 8:00 a.m. to 5:00 p.m. Monday through Friday; and 8:00 a.m. to 1:00 p.m. on Saturday. She had no other questions. Mr. Hoefer also commented that the first thing he would do would be to clean up the area. He assured Ms. Mollica that he would be a good neighbor.

Ms. Hayes advised the Board that the State Statute regarding Certificates of Approval for Motor Vehicle Sales, Services and Repair Uses had changed effective July 1, 2016. In addition to ZBA approval, the Building Official and Fire Marshal were now required to approve the location. She advised Mr. Hoefer that a new form had been created by the State and asked him to make sure he had the correct form for signature.

6) Close Hearing. Brief Recess

The hearing closed at 7:10 p.m. There was no brief recess.

7) Reconvene Meeting. Action on Appeal(s) Heard

The meeting reconvened at 7:10 p.m.

Having no further discussion on Application #03-16, the following motion was made.

Mr. Downes moved to approve Application #03-16, Jay Hoefer for John O'Hara, 337 Kent Road, Certificate of Approval for Motor Vehicle Sales, Services and Repair Uses, Map 6 Block 11 Lot 6 with the hours of operation of 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday as proposed. Mr. VanValkenburg seconded and the motion carried unanimously.

8) Old Business

No action taken.

9) New Business

No action taken.

10) Communications

Mr. DiPentima referred the Board members present to the article entitled "Inability to Expand Building Presents Personal Hardship" in the Spring 2016 issue of the *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter*. He continued that the Appellate Court had overturned the longstanding case of Stillman v. Zoning Board of Appeals stating that "In order for a variance to be granted, an applicant must demonstrate that the application of the zoning regulations imposes an unusual hardship which cannot be personal in nature." In this case, the Supreme Court reversed the granting of the variances ruling that no hardship had been presented.

Mr. DiPentima stated that the hardship must be real and substantial and continued that the Board must pay closer attention to what is decided and not be quite as lenient as they had been in the past.

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- 11) **Executive Session. Pending Litigation: Mauri v Town of Kent, Docket No. LLI-CV-14-6009906-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.**

At 7:14 p.m., Mr. Downes moved to enter in Executive Session. Pending Litigation: Mauri v Town of Kent, Docket No. LLI-CV-14-6009906-S in Litchfield Superior Court. Discussion of strategy and negotiations with legal counsel.

The Board came out of Executive Session at 7:18 p.m.

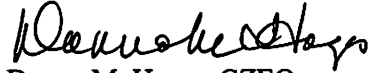
- 12) Open session involving discussion and possible action.

No action taken.

- 13) Adjourn

Mr. VanValkenburg moved to adjourn at 7:18 p.m. Mr. Murray seconded and the motion carried unanimously.

Respectfully submitted,



Donna M. Hayes, CZEO
Secretary/Clerk

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