

**ZONING BOARD OF APPEALS  
EAST GRANBY, CONNECTICUT  
June 24, 2021 MEETING**

A meeting of the East Granby Zoning Board of Appeals was held on Thursday, June 24, 2021. Members present when Chairman John Corcoran called the meeting to order at 7:00 p.m. were Michael Malloy, Jennifer Cook, Betty Ann Hayden and alternate James Luchina.

**PUBLIC HEARING**

- A. Application #21-05 by Timothy Brignole/103 & 113-115 Old Hartford Avenue  
Appeal from the Zoning Enforcement Officer – parking in unauthorized areas

The legal notice was read.

Attorney Carl Landolina, representing the applicant, stated that he did not dispute the regulations in place within the Zoning Regulations but the Board should look beyond the text. He stated that the business is very successful and the parking approved was inadequate.

One year ago Mr. Brignole appeared before the PZC to modify his site plan for additional parking. The request was limited to an additional 45 spaces with no valid reason to do so. There was no issue with wetlands, drainage etc. and as long as the parking requested met the Zoning Regulations for setback requirements, there was no reason to deny the request. The Commission arbitrarily denied the parking needed. There is no maximum number for parking within the Zoning Regulations. The Commission's decision was not valid and it has been appealed to the courts.

Mr. Brignole was told that if he could demonstrate that he needed more spaces, he could come back to revise his plan. Mr. Landolina said – “how do you do that” because if you turn customers away, it doesn't look like there is a need.” There is clearly a need and the Commission doesn't understand their role or function. He requested that the Board look beyond the regulations and make an equitable decision.

No one spoke in favor. In opposition, David Tobin, 119 Hartford Avenue, commented that it's not just the needs of the business but the impact on surrounding residential areas with noise and nuisance issues. He stated the vineyard has made an impact on the neighborhoods and there needs to be a limit.

Mr. Haynes reviewed the back ground of this site and displayed the site plan approved in 2020 and the issues with parking and phases. He discussed the parking history and what was approved in 2020 and what parking areas were eliminated. A barn was removed to make room for more parking which should give Mr. Brignole a better sense of what is needed and may resolve some of the issues.

There was discussion by Mr. Malloy on the fact that the approval was not just for site plan but a special permit and doesn't the Commission have more discretion because of that type of application. Mr. Landolina said that the special permit applies to use and that parking is a part of the site plan portion of the application. Limiting capacity would be under the authority of the Fire Marshal.

There was more discussion on what the Commission had the right to restrict under a special permit. Mr. Haynes stated that this situation is similar to a manufacturing use in an industrial zone which abuts a residential zone. The Commission can limit activity or require buffering in areas within proximity to the residential area. This is an agricultural business in an agricultural zone which abuts residential areas.

With no further comment, the public hearing closed at 7:31 p.m.

## **NEW BUSINESS**

- A.** Application #21-05 by Timothy Brignole/103 & 113-115 Old Hartford Avenue  
Appeal from the Zoning Enforcement Officer – parking in unauthorized areas

Mr. Luchina questioned whether this was a “one time” issue or a recurring one. As the hearing was closed, no one could answer that question. The Town Attorney, Derek Donnelly, reviewed the rules as to what the Board had the authority to do with this appeal. Betty Ann Hayden commented she was glad to see a business doing well but there also needs to be a balance between that and the environment as well as the neighborhood.

A motion was made by Michael Malloy and seconded by Jennifer Cook to affirm the cease & desist order by the Zoning Enforcement Officer for Application #21-05 in an appeal by Timothy Brignole regarding the parking of cars in unapproved parking spaces for 103 & 113-115 Hartford Avenue. Votes in favor to uphold the order were four (Malloy, Corcoran, Cook, & Hayden). One opposed (Luchina). Motion carried.

## **ADJOURNMENT**

A motion was made by Michael Malloy and seconded by Jennifer Cook to adjourn the meeting at 7:40 p.m. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Rosalie McKenney  
Land Use Administrative Assistant