

ZONING BOARD OF APPEALS –REGULARLY SCHEDULED MEETING
MONDAY, APRIL 7th, 2025, 7:30 P.M.
ZOOM MEETING PLATFORM
(DRAFT)

Present: Chair Jacqueline Isaacson, Secretary Shirley Williams, Commissioner Seth Pitts, Commissioner Alan Budkofsky, Alternate Pancy Archer, and Alternate Harvey L. Frydman

Absent: Commissioner Mark Mitchell and Alternate Thomas Moore

Also Present: Ms. Lynda Laureano, Assistant Director of Building and Land Use, Mr. Alex Samalot, ZEO, Crumbie Law on behalf of the Town of Bloomfield (Ashley Moore).

I. Call to Order: Chair Jacqueline Isaacson called the meeting to order at 7:35 p.m.

Secretary Shirley Williams read the call, which appeared in the Hartford Courant to open the hearing.

II. Roll Call: A Quorum was established with four members and one alternate (a second alternate arrived after Roll Call). Alternate Harvey L. Frydman was selected to be a voting member.

III. Approval of the Minutes

Secretary Williams made a motion to approve the minutes, Commissioner Pitts seconded the motion. The Commission voted unanimously to approve the motion.

IV. Public Hearings:

Chair Jacqueline Isaacson made a motion to amend the agenda so that the Public Hearing for the variance at 45 Hillcrest Avenue would be before the Appeal for 69 Brown Street due to the anticipated duration of both.

- a. 45 Hillcrest Avenue—Applicant/Owner: Christopher Hyman, Principal & Manager, Hymans Trucking LLC, for a Variance of the Zoning Regulations Section 4.4.B (Lot Area Bulk Requirements of the I-2 District) to convert the legal preexisting nonconforming residence to offices and outdoor storage.**

Christopher Hyman, 5 Joshua Hill Windsor, CT 06905, owner of Hymans Trucking LLC, introduced himself and his proposed business. He stated he is looking to open an office for property management/construction with additional office space for a developer at 45 Hillcrest Ave. He stated the lot predates the current zoning regulations.

Alex Samalot, Zoning Enforcement Officer (ZEO) summarized his staff report for the variance. He summarized the variance is for Lot Area Bulk Requirements of the I-2 District. Mr. Hyman answered questions related to the existing site features and aspects of his business. Mr. Hyman stated that the business does not include storing stockpiles of soil, gravel, etc. on the property for offsite use.

Dawn Jenkins, 56 Hillcrest Avenue, stated Mr. Hyman has cleaned up the property and expressed she has concerns with current/future development on other parcels in the general area.

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Mr. Hyman stated he plans to keep cleaning up the area and use the property for his business.

Commissioner Alan Budkofsky made a motion to grant the variance as requested for 45 Hillcrest Avenue, Applicant/Owner: Christopher Hyman, Principal & Manager, Hymans Trucking LLC, for a Variance of the Zoning Regulations Section 4.4.B (Lot Area Bulk Requirements of the I-2 District) to convert the legal preexisting nonconforming residence to offices and outdoor storage. Alternate voting member Harvey L. Frydman seconded the motion. The Commission voted unanimously to approve the motion.

b. [Continued from March 3rd 2025] 69 Brown Street—Applicant/Owner: Anthony Maulucci, Principal & Manager of Maulucci Properties LLC, for an appeal of the November 7, 2024, Cease and Desist Order.

Assistant Director Laureano (Ms. Laureano) asked the ZBA to confirm whether they had reviewed the Cease-and-Desist Order and relevant reports and exhibits provided at the last meeting. ZBA confirmed. Ms. Laureano presented an addendum to the Staff Report. Ms. Laureano presented and provided proof of the Zoning Certificate issued on June 29, 2022, which stated the use of the property as a single-family residential use, not Commercial Use as Mr. Maulucci had stated at the previous public hearing meeting.

Ms. Laureano reviewed CT Secretary of State registration records including the dates active businesses were registered to the property, associated NAICS codes, and addresses of the owner(s). She reviewed several addresses of businesses that were originally/previosuly registered to other addresses then later had the addresses changed to 69 Brown Street. This included the address of M&M Construction and Landscaping LLC, formed in 2005 having a business address in West Hartford, and the address was changed later on 2019 to 69 Brown Street, Bloomfield CT; she stated that the other business named Drainage Pros also had an address change from 49 Brown Street, Bloomfield CT to 69 Brown Street Bloomfield, CT in recent years, and that to-date, no business or personal property declarations have been filed with the Tax Assessor, and that the taxes owed on the recently established Drainage Pro is delinquent. She stated that a “grandfathered use” would have to have been established by March 15, 1950, not those recently established.

Ms. Laureano stated to-date, there still have been no submissions by Mr. Maulucci of evidence or documents to review to determine if the use could be a grandfathered use. This information was originally required for a zoning permit application. No taxes have been paid for businesses on the property and the record shows Mr. Maulucci does not live on the property. She stated the Town does not have any record for any legal establishment of the businesses Mr. Maulucci claims to be grandfathered in, and that current business activities would not qualify as a “Home Based Business or Occupation” under the Zoning Regulations established in 1950 and/or the current Zoning Regulations, because Mr. Maulucci no longer resides at the Property (69 Brown Street).

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Ms. Laureano informed the commission that the public hearing be closed at the April 7th, 2025 meeting, because of the 35 day statutory requirement. The commission would have 65 days to make a decision after the closing of the public hearing. Mr. Laureano recommended that the commission take its time to review all evidence and testimonies heard at the hearings, and make its decision within 65 days.

Athony Maulucci, property owner and owner of businesses located at 69 Brown Street introduced Dave Ziaks, an Engineer with F. A. Hesketh & Assoc., Inc. (3 Creamery Brook, East Granby, CT 06026). Mr. Maulucci stated they have worked together for over 20 years. He stated that a property card was also submitted to the bank with the Zoning Compliance Certificate for the single-family home, and many of the LLCs are only registered to the property, not operating out of the property. He stated that the only business being run on the property is CT Drainage Pros which he feels is a continuation of Maulucci Construction. He stated Maulucci Construction started in the 1930s when the Maulucci's originally purchased the property, at the original house. The garage in the back had been there since the early 1900's, burned down in 1940, and was rebuilt as a construction garage in 1940. He stated in the 1950s the property was part of a larger parcel that was split into two addresses.

Mr. Maulucci stated that the only equipment on the property is from the 1970s-1980s, there is less activity than when his father was the owner of the property, and the owed taxes should qualify as records. He stated he had no declarations because there was no equipment other than a pickup truck at the time, and has then scaled up to his current operations.

Dave Ziaks, Engineer with F. A. Hesketh & Assoc., Inc. (3 Creamery Brook, East Granby, CT 06026), presenting for Mr. Maulucci, introduced himself for the record. Mr. Ziaks stated his company has been working in the Town since the 1970s and his experience with the Maulucci's dates back to 1987. He stated his office has worked with the Maulucci's before he was with the company.

Mr. Ziaks stated that there has been construction related office use, commercial activities, and outdoor activities on the property. He stated that Maulucci construction, drainage pros, and M&M Construction are the entities that make up the commercial activity on the property. He presented a 2022 property card and aerials going back to 1992 which he believes confirms commercial activity.

Mr. Ziaks showed documents related to the Anthony's Way Subdivision addressed to 69 Brown Street. He summarized the history that Mr. Maulucci provided, and presented an Award Certificate made out to "Maulucci Construction" from an unknown organization. The Award Certificate was for 60 years of growth and customer satisfaction. Mr. Ziaks stated he believes the current activity is grandfathered.

Commissioner Alan Budkofsky asked if Mr. Ziaks was familiar with the other work without permits case. Mr. Ziaks said he was not involved with it.

Ms. Laureano asked for clarification on where the business certificate came from. Mr. Maulucci stated he believed it came from the Town Newspaper. Ms. Laureano requested copies for the commissioners.

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Ms. Laureano showed an aerial from the Town GIS service to show all the structures on the property and what it has been referred to as. She stated that the barn behind the garage had a variance for the setback. She stated that the land was used as a farm, the garage was built in a typical residential garage fashion for the 1970s. She disagreed with the statements made by Mr. Ziaks who stated that nothing had changed on the site.

Ms. Laureano stated that the existing residential garage was expanded on and was called a “shop” in a Building Permit submitted by Mr. Maulucci, and that she had rejected the permit application from a Zoning Signoff, which is part of the approval process. Review of land use and building permit files did not indicate that part of the property or structure was commercial. The 2021-2022 property card that Mr. Maulucci and Mr. Ziaks presented was changed because it was determined that the commercial/industrial activity was listed in error by the previous Assessor and the error was caught and the owner received a credit /adjustment of assessment.

Ms. Laureano showed the Adjustment that the Assessors had made for the record. She stated that if the appellant feels the garage is nonconforming than, the addition would be an enlargement of a nonconforming use. She stated that a nonconforming structure cannot be enlarged/extended as per 8.1.D of the current zoning regulations. She stated a variance would be needed for enlarging any preexisting nonconforming structure.

Ms. Laureano stated all of the uses Mr. Ziaks mentioned do not go far back enough to make them a legal nonconforming use or structure. She stated there is no record in the Town that would indicate that the uses or structure met the qualifications for legal nonconformity.

Commissioner Alan Budkofsky had questions about the garage and there was some discussion with Ms. Laureano and Mr. Maulucci about the work without permits case.

Chair Jacqueline Isaacson asked if there were any further questions and there was discussion with Commissioner Alan Budkofsky, Mr. Ziaks, Mr. Maulucci, and Ms. Laureano about additional submissions following the close of the Public Hearing. Commissioner Alan Budkofsky and Mr. Maulucci discussed sewer easements, wetlands, and the equipment onsite. Mr. Maulucci also requested the voting be done in person.

Ms. Laureano described owner occupancy requirements for a Home Occupation. She also stated expanding the garage (if the use was grandfathered) would be an expansion that requires a variance. Commissioner Alan Budkofsky had questions about home based business policies in the 1950s.

Mr. Maulucci stated he would apply for a variance if it is determined that he needs one. Chair Jacqueline Isaacson asked legal counsel if a variance would be needed for a grandfathered use. Ms. Moore stated that the use would be a determination based on evidence. Making the determination something is grandfathered would be a result not a given and she would look in to if a variance would be required following a potential determination of a grandfathered use. Ms. Laureano stated that the Cease-and-Desist Order was not just for the use, but also for the expansion of the structure. She asked the commission to review the Cease-and-Desist carefully and to treat each point of the Cease-and-Desist for its own merit when making their decisions.

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The public hearing was closed. Commissioner Alan Budkofsky made a motion to continue deliberation until the May 5th, 2025 meeting, seconded by Alternate (voting) member Harvey L. Frydman, unanimous approval for continued deliberation.

V. Old Business

Ms. Laureano informed the ZBA that 56 Tunxis Avenue remains in Court Appeal. The Judge determined the parties should work on an agreement to improve compliance with the Zoning Regulations, before it's next court date.

VI. New Business:

None

VIII. Adjournment:

Alternate (voting) member Harvey L. Frydman made a motion to adjourn the meeting at 9:30 p.m., and Secretary Shirley Williams seconded the motion. The Commission voted unanimously to approve the motion.

NEXT MEETING: May 5th, 2025

(A video recording of the meeting can be found on the town's website at: www.bloomfieldct.gov or contact the Land Use office at 860-769-3515)