

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, December 4, 2023***

The Glastonbury Zoning Board of Appeals with Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, December 4, 2023 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairman  
Susan Dzialo, Vice-Chair  
Nicholas Kornis, Secretary  
David Hoopes  
Jaye Winkler  
Douglas Bowman, Alternate

**Board Members- Excused**

Aaron White, Alternate

Chairman Smith called the meeting to order at 7:00 pm and explained the public hearing process to the audience. Chairman Smith also noted that 4/5 votes are needed for an application to pass and there is a 15-day appeal period.

Mr. Gary Haynes, Planner, Community Development, was present at the meeting.

Secretary Kornis read the agenda item.

**Public Hearing**

**1. By Corrine Crocker Luby and William Luby for variances from Section 9.11  
Parking - for each of the following three properties:**

- **14-18 Parker Terrace Extension**
- **83 Naubuc Avenue**
- **97 Naubuc Avenue**

**To allow one parking space per four seats for special events venue use.**

Mr. White read the application.

Chairman Smith noted that only section 9.11 was listed in the notice. He explained that, due to a jurisdictional error, not the fault of the applicant, the Board will proceed with Section 9.11 portion of the application. The Board will review the other section regarding expansion of the

building once it is properly noticed and the information is available to the public. Ms. Crocker-Luby agreed to proceed with Section 9.11 portion of the application.

Ms. Crocker-Luby introduced herself for the record and noted that the portion of the application regarding the variance for the square footage can be postponed until the next meeting. Photos of the notice were put up on the screen. Past ZBA approval letters dated October 4, 2021 and January 9, 2023 were put up on the screen. Ms. Crocker-Luby put up an email on the screen detailing communication with Mr. Haynes. She explained that her business is similar to the “place of worship” category in the regulations, which permit “one (1) parking space for each four (4) seats.” The email from Mr. Haynes circled the “Retail trade, eating and drinking” category which permits One (1) parking space for every three (3) seats table seating and one (1) space for every two (2) seats counter seating.” Ms. Crocker-Luby explained that the hardship is due to the regulations and added that the parking formula for special events venue is not listed in the regulations and the most similar activity to her business is the “place of worship” category. She explained that her venue is similar to the Krishna Temple which holds special events, Sunday feasts, which consist of a vegetarian buffet and other ceremonies. Ms. Crocker-Luby noted that her business includes weddings, life celebrations, and receptions and added that the life celebration is in the funeral category. She noted that retail trade is not permitted in the TCMU zone and reiterated that her business is closer to the “place of worship” category. A slide detailing the Retail Trade of the regulations was put up on the screen. Ms. Crocker-Luby read off the proposed parking breakdown for each of her properties. The proposed parking breakdown was put up on the screen:

**83 Naubuc Avenue- Parking Proposal:**

Banquet Area Proposed with Variance: 104 seats for Special Event Parking = 26 parking spaces. 1 parking space = apartment. 1 parking space= staff. Total parking spaces: 28.

**97 Naubuc Avenue- Parking Proposal:**

Banquet Area Proposed with Variance: 100 seats for Special Event Parking = 25 parking spaces. 1 parking space = apartment. 1 parking space = staff. Total parking spaces: 27.

**14-18 Parker Terrace Extension- Parking Proposal:**

Banquet Area Proposed with Variance: 60 seats for Special Event Parking = 15 parking spaces. 3 parking space = apartments. 1 parking space = staff. Total parking spaces: 19.

Ms. Crocker-Luby explained that her proposed development is unique and everything is related to special occasions, requiring reservations. She noted that listed in the agreement are the number of parking spaces, as well as arrival and departure times. Ms. Crocker-Luby explained that her business is not like restaurants with last minute decisions and no reservations. She noted that her business encourages carpooling, shuttling, and added that planning ahead is her job. Ms. Crocker-Luby noted that she needs the appropriate parking formula in order to comply with the

regulations. She stated that she attended a TPZ meeting last month and explained that two Zoning Commissioners have said that they have never seen a project like this. Ms. Crocker-Luby noted that she wants to go through the proper channels to ensure the parking is in compliance. She stated that the area has sidewalks, a bus stop, Uber and Lyft service, carpools and added that her business arranges shuttle options. Ms. Crocker-Luby asked if the Board received the packet materials. Board members confirmed that they received the materials. Ms. Crocker-Luby noted that her business conducts activities that are similar to a place of worship and added that she does not claim to be a place of worship and reiterated that her business conducts similar activities. The presentation was concluded.

Chairman Smith asked the applicant if she had a chance to look over the information Mr. Haynes had emailed regarding the Town Center Mixed Use zone information and the details of shared parking that TPZ has the authority to approve. Ms. Crocker-Luby noted that she is trying to comply with the regulations and explained that her event business is unpredictable. She stated that average weddings in Connecticut have about 150 attendees and she is at 125 or less. Ms. Crocker-Luby stated that sometimes her events reach 150 people and reiterated that she wants to comply with the regulations. Secretary Korns wanted to confirm that the parking breakdown includes the apartments and tenants that live there. Ms. Crocker-Luby replied yes. Secretary Korns noted that the facilities are on different sides of the street and asked if large events overlap to the other properties or if they are kept separate. Ms. Crocker-Luby explained that, in cases of large events, they share parking and added that it is organized. She noted that she does not want large events and her main focus is smaller events. Secretary Korns asked about the parking overflow and asked if cars are directed to park on the street or elsewhere. Ms. Crocker-Luby stated that she does not allow parking on Naubuc Avenue. She noted that guests park on the street at Parker Terrace Extension. Ms. Crocker-Luby noted that she lives in the area and does not want to disrespect the neighborhood and added that she gets along with the neighbors. She stated that she is invited to birthdays and other events.

Vice-Chair Dzialo asked if it is the ZBA or TPZ that makes the determination of which category fits the applicant's business. Mr. Haynes explained that the applicant has only presented a conceptual plan that lacks details on the stormwater management plan. He noted that the plans will likely change through the process and have to be approved by TPZ. Mr. Haynes stated that the applicant is putting the cart before the horse in seeking approval of proposed variances without first going to TPZ for approval. He noted that the applicant is attempting to circumvent the process and added that concerns have been raised when 3 large events are scheduled at the same time. Mr. Haynes noted that the details have to be worked out first and added that the plans are likely to change. Chairman Smith noted that Mr. Haynes' memo details that TPZ can evaluate the category that fits the applicant's business. The Chairman noted that there has to be a hardship to grant a variance request. He explained that a hardship is topographical and provided examples of steep slope and wetlands that are tied to the land. The Chairman asked the applicant if there is a hardship she would like to present to the ZBA. Ms. Crocker-Luby stated that she has submitted the drainage plans. The plans were put up on the screen. Mr. Davis, IT Web Meeting Host, noted that Mr. Emilio Flores has his hand raised. Chairman Smith noted that a board member cannot speak at another zoning meeting and explained that a person can speak as an

individual. Ms. Winkler noted that the public comment portion of the meeting is at the end. Chairman Smith noted that Town staff can speak about the issue and explained that, under state statute, TPZ members are not allowed to speak up at ZBA meetings. Ms. Crocker-Luby stated that Mr. Flores is her neighbor and added that it is a conflict of interest for him to speak. Chairman Smith noted that Mr. Flores can speak as an individual and not speak on behalf of TPZ. The Chairman noted that members of the public will have the opportunity to speak later.

Ms. Crocker-Luby noted that the drainage plans were done as well as the topography survey. She noted that a demolition plan was also done. Chairman Smith explained that it is not the ZBA's function to look at stormwater and drainage plans. He noted that the only hardship presented is that the regulations do not address the parking issue. The Chairman directed the applicant to Section 4.13 of the regulations. Ms. Crocker-Luby noted that the other hardship is that the regulations do not permit retail trade in the TCMU zone and directed the Board to page 95 of the regulations. Mr. Haynes explained that TPZ has the authority to approve consolidated shared parking plans and can determine the parking ratio by evaluating the proposal under the Special Permit approval process. He noted that the applicant is attempting to circumvent the TPZ approval process and added that no unique hardship tied to the land, wetlands or steep slope was presented. Mr. Haynes suggested for the applicant to go through TPZ first. Ms. Crocker-Luby stated that she is not looking to join all the properties and wants to keep them separate. Chairman Smith noted that keeping the properties separate does not change the issue and added that a hardship tied to the land was not presented. He explained that TPZ is the Board that reviews traffic studies, engineering and other components of the plans. The applicant noted that she has reached out to the local hotels about shuttle options and stated that she feels strongly that her application meets the hardship criteria. Chairman Smith noted that the Board is not judging the application on its merits and explained that it is a matter of procedure. The Chairman moved on to public comment.

**Ms. Heather Dimoff** (address not provided) noted that she has known the applicant since 2009. Ms. Dimoff stated that the applicant is highly professional and the Tiffany Juliet House is a beautiful asset to Glastonbury. Ms. Dimoff noted that she listened to the public hearing and her take is that that a hardship exists because most vendors turn away customers who want small ceremonies. Ms. Dimoff stated that the applicant is experienced and passionate about providing customers with special events and added that the business provides a unique experience to Glastonbury. Ms. Dimoff noted that she hates to see this approval process prolonged and reiterated that the applicant's business is an asset to Glastonbury.

**Ms. Kathleen Koehler** (address not provided) noted that she is a CPA in Glastonbury and explained that the applicant helped plan her daughter's wedding event. Ms. Koehler explained that it is difficult to find a venue that will host 40 to 60 guests. Ms. Koehler stated that she has booked a bridal shower event for one of her daughters and added that the applicant offers a valuable service. Ms. Koehler stated that designated parking is written in the contracts and added that she is in favor of the application. Ms. Koehler stated that the applicant is an asset to the community and lovely to work with and added that she hopes everything works out for Ms. Crocker-Luby.

**Mr. Emilio Flores of 66 Parker Terrace Extension** stated that he is speaking as a member of the public and not as a TPZ Board member. He noted that he would like to put up some photographs of the parking that has spilled over from the applicant's events. Pictures were put up on the screen which show several cars parked on the lawn area and overflow parking on Parker Terrace Extension. Mr. Flores noted that parking on the lawn and the street is not due to a hardship. An aerial view of the neighborhood was put up on the screen. The majority of the properties were circled in red. Mr. Flores explained that the red circles are residential homes. He noted that some of the residential properties are mixed use and added that 28 families live in this neighborhood. Mr. Flores stated that his tenants have complained about the loud music that goes on late into the evening. Mr. Flores thanked the Board for listening to his concerns.

There were no other public comments. Chairman Smith asked Secretary Korn to read the letter of opposition from Mr. Andy Zlotnick dated December 3, 2023. The letter opposing the application was read into the record. Chairman Smith asked Secretary Korn to read the opposition letter signed by three people dated December 4, 2023. Secretary Korn read the opposition letter that was signed by Lucie Carangelo, Stephanie Norwood, and Tina Yenker of CNY Realty LLC, 101 Naubuc Avenue. Chairman Smith asked Ms. Crocker-Luby to respond.

Ms. Crocker-Luby stated that she respects the neighborhood and explained that when she first arrived it was designated as the planned industrial zone which was quite commercial. Ms. Crocker-Luby noted that she is doing a great thing for the community and is here to comply. She stated that occasionally an event or two go over the limit in terms of parking. Ms. Crocker-Luby noted that she is responsible and wants to comply and explained that she feels the application meets the hardship criteria. She noted that many venues do not take small events and she considers her business to be a small events venue. Ms. Crocker-Luby noted that sometimes there are larger events and reiterated that page 95 of the regulations do not allow her use in the TCMU zone. She stated that the closest category for her business is the place of worship category. Ms. Crocker-Luby remarked that no one is perfect and stated that she is trying to help the community and explained that there is a lack of venues that take in small events in Connecticut. She remarked that she wants to make people happy in the end and asked the Board to consider her request, relief from the uncertainty in the regulations. Ms. Crocker-Luby thanked the ZBA for their time.

Chairman Smith closed the public hearing.

Mr. Hoopes offered to make the motion and wanted to confirm that the ZBA is not in the practice of wording the motion to deny. Chairman Smith replied correct. There was a brief discussion on presenting an option for withdrawal and continuing the application. Ms. Winkler suggested offering the applicant the option of a continuance and explained that the rest of the application will be presented at the next meeting. The applicant raised her hand. Chairman Smith noted that the Board cannot accept further testimony. Ms. Crocker-Luby stated that she would like a continuance and explained that she is presenting again in January. Ms. Winkler noted that the applicant is owed another meeting and explained that the square footage has impact on the parking.

**Motion by:** Chairman Smith

**Seconded by:** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals continues the December 4, 2023 application.

**Discussion:**

Mr. Hoopes stated that he opposes the continuance and explained that there is no point that he can see and added that nothing will change from now to January. Ms. Winkler suggested the applicant's lawyer consult with TPZ to get a better understanding of the options. Mr. Hoopes noted that it will not change anything. Secretary Kornes agreed with Mr. Hoopes and added that the applicant cannot provide additional evidence. Secretary Kornes brought up the points discussed about putting the cart before the horse and explained that this is part of the consolidated parking plan. Secretary Kornes stated that he will vote against the continuance. Mr. Hoopes noted that he does not see a scenario that will change things and reiterated that he will vote against the continuance.

**Result:** Motion failed. (0-4-1)

(Ms. Winkler abstained.)

**Action on Public Hearing**

**1. By Corrine Crocker Luby and William Luby for variances from Section 9.11 – Parking - for each of the following three properties:**

- **14-18 Parker Terrace Extension**
- **83 Naubuc Avenue**
- **97 Naubuc Avenue**

**To allow one parking space per four seats for special events venue use.**

**Motion by:** Mr. Hoopes

**Seconded by:** Secretary Kornes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Corrine Crocker Luby and William Luby for a variance from Section 9.11 related to parking for 14-18 Parker Terrace Extension, 83 Naubuc Avenue, and 97 Naubuc Avenue (TCMU zone) to allow one parking space per four seats for special events venue use based on the stated hardship claim that the regulations are unclear. The requirements of Section 13.9 have been satisfied.

## **Discussion:**

Mr. Hoopes noted that the applicant is anticipating what she thinks TPZ is going to do and asking by variance to overturn, what they will require, before they require it. He noted that the variance request is not appropriate and added that it is not a variance request. Mr. Hoopes remarked that what was presented was clearly nothing resembling a hardship and added that he does not think it is a variance issue. Mr. Hoopes noted that, if TPZ denied the application, the applicant could not come back to the ZBA and would have to look into other remedies and added that a variance application is not one of those remedies. Mr. Hoopes explained that this is no comment on merits of the application and noted that the applicant runs a very nice business. He explained that it is not the ZBA's purview and what is being requested is encroaching on the purview of TPZ. Mr. Hoopes stated that he will not vote in favor.

Vice-Chair Dzialo agreed with the comments that were made and added that the request is premature. She explained that the proposed revisions to the property are substantial even if the proposal is beautiful. Vice-Chair Dzialo noted that the proposal is still subject to intensive scrutiny by TPZ and added that it is inappropriate for the ZBA to act at this time.

Ms. Winkler thanked Mr. Hoopes for clarifying the issue which is a procedural question. She noted that in the past the applicant was told by TPZ to go before the ZBA. Ms. Winkler agreed with Mr. Hoopes' point that the applicant is anticipating something that might not occur and added that TPZ might welcome the idea of less empty parking spaces and a more walkable downtown area. Ms. Winkler noted that the Town Center group has been advocating for a reduction of parking and added that this proposal meets that. She remarked that this particular case encroaches on TPZ's authority. Ms. Winkler noted that she will join the vote to deny the application.

Secretary Korns agreed with Mr. Hoopes' comments and stated that he will vote against the application.

Chairman Smith noted that Mr. Hoopes made an accurate point that the decision is not a judgement against the applicant's business. The Chairman remarked that the Board agrees that the applicant runs a fine business and added that the ZBA granted the applicant a use variance in the past. Chairman Smith encouraged the applicant to make the same argument to TPZ and explained that the ZBA is not in the business of rewriting regulations. Chairman Smith noted that it is a procedural issue and encouraged the applicant to go to the right body first. The Chairman stated that he will vote against the application.

**Result:** Motion fails. (0-5-0)

Chairman Smith thanked the applicant for the presentation and encouraged the applicant to proceed to the next regulatory body.

## **REGULAR MEETING**

### **Acceptance of Minutes from November 6, 2023 meeting**

**Motion by:** Secretary Korn

**Seconded by:** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the November 6, 2023 minutes as presented.

**Result:** Motion passes unanimously. (5-0-0)

#### **Discussion:**

There was a brief discussion on the Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter. There was a brief discussion on the Zoning Variance Hardship Criteria that was included in the packets. Several Board members noted that it is helpful for applicants to have this information as they submit an application for a variance. There was a brief discussion on the 2024 ZBA meeting schedule.

**Motion by:** Secretary Korn

**Seconded by:** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals accepts the 2024 meeting dates as presented.

**Result:** Motion passes unanimously. (6-0-0)

#### **Discussion:**

There was a brief discussion on the organizational meeting for officers in January. Secretary Korn noted that this item needs to be on the next agenda. Mr. White agreed and made note of it.



## **Adjournment**

***Motion by:*** Secretary Kornis

***Seconded by:*** Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of December 4, 2023 at 9:01 pm.

***Result:*** Motion passes unanimously. (6-0-0)

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Brian Smith, Chairman