

**TOWN OF EAST WINDSOR - ZONING BOARD OF APPEALS  
MINUTES OF REGULAR MEETING  
MARCH 7, 2011**

The East Windsor Zoning Board of Appeals held a Regular Meeting on Monday, March 7, 2011 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, Connecticut. The following members were present: Regular Members Tom Arcari, José Giner, Dan Noble, Stan Paleski and James Stremper, and Alternates George Michna and Christine Wentworth. Also present were Robin Newton, Zoning Enforcement Official and John Burnham, Board of Selectmen liaison to ZBA.

The meeting was called to order at 7:30 p.m. by Chairman Tom Arcari. Mr. Paleski read the legal notice as it appeared in publication.

**ESTABLISHMENT OF QUORUM**

A quorum was established, as all five regular members were present.

**NEW HEARING:**

**ZBA #2011-01** - Application of Steve Palauskas for property located at 136 Tromley Road, owned by Loretta J. Palauskas, for the following variances: Section 402 (4) *Notes to Permitted Uses In Residential Districts* to allow a horse barn to be located 45 feet from the side property line where 100 feet is the minimum required; and Section 401 (2) *Notes to Residential Bulk and Area Requirements* to allow a portion of a 2,880 sq. ft. barn to be used for non-agricultural use. [A-1 zone]

Mr. Palauskas came forward and explained that he put up a 2,880 sq. ft. building for farm use, such as tractors that he fixes and hay equipment. He said during the winter a portion of the building is used for different things. He has sewing equipment, tools and welders there. He does sewing work for the aviation community.

Mr. Palauskas noted that the other issue is the horse barn. He pointed out on plans that it sets back about 1,000 feet from any other building. It is located 45 feet from the property line. He said it is the ideal spot because it is dry. When we get a lot of rain the drainage is good in that area. He said to put it 100 feet away would put it in an area where it slopes down toward the back property. It is sitting on a knoll. Mr. Palauskas said he thought he did not need a permit so he put it up. He noted that they got the horses 3 years ago. His mother-in-law passed away and willed the horses to his wife. He said they were keeping the horses next door but it got too expensive to board them. He explained that the barn is wood with a metal frame with concrete piers in the ground. He said he couldn't just pick it up and move it.

Mr. Arcari asked about chemical dumping there. He said he stored chemicals there at one time and doesn't any more. He had an employee that he had to fire and he went to the police department and told them that Mr. Palauskas had a business in the barn. He said someone from the DEP came out and said they didn't have an issue other than that there was a diesel fuel spill. They said to clean that up and everything would be fine. Mr. Palauskas said that was cleaned up and the supplies have been

selling off. He said most of the materials are gone. He said the Building Official, Rand Stanley, looked at it and said he is making good progress. Mr. Giner pointed out that the applicant is asking for a use variance for something that isn't allowed in the residential zone. He said he would be reluctant to grant a use variance. It stays on the record forever. Mr. Palauskas said he was not looking for a commercial use, just for sewing equipment for something that he does 2 weeks out of the year. He pointed out that a woman down the road has a sewing business. She does alterations out of her house. Mr. Giner asked if we allow sewing as a home occupation. Ms. Newton responded that we allow it in a residence as a home occupation, not in an accessory structure. Ms. Newton explained that Mr. Palauskas was given a permit to build the barn and it went over the allowable structure size, which is 2,000 sq. ft in that zone. Farming uses are exempt from the maximum size requirement; this permit was granted based on the fact that he was going to use it for farming purposes. She said we saw that he was conducting a business and there was little evidence that it is used for any kind of farming purposes. Mr. Palauskas asked if he could just keep the sewing equipment there. Mr. Giner noted that it is the law and the statutes that we have to follow and it is almost illegal to grant a use variance.

Regarding the horse barn, Mr. Paleski felt that it might be inconvenient but he had enough room on this parcel to meet the requirement. Ms. Newton pointed out that we recently had a variance application asking for 85 feet and his lot was such that he really couldn't meet the 100-foot setback, and it was denied. She felt that Mr. Palauskas could certainly meet the 100-foot setback. She said the hardship is self-inflicted. Mr. Palauskas said he has a verbal agreement to buy the adjacent property. Mr. Noble said he is not going to ask a person to move the building. It is on a knoll and there are wetlands on the other side. Mr. Arcari asked what the size of the horse barn was. Ms. Newton said the horse barn is 36' x 44' and the other building is 48' x 60'.

Mr. Arcari asked if anyone in the audience wished to speak.

Shannon Sorensen of 140 Tromley Road, expressed concern that there are a lot of 18-wheeler trucks that are in front of her house because they are making deliveries to his house. She said she has seen gallon drums of materials that concerned her. She has well water and also wouldn't want anything going into the wetlands. She said he has plenty of land out there. There are regulations for a reason. Mr. Palauskas said he didn't have those products coming in any more. He said he tried to get a place in the industrial park and that never happened.

**MOTION:** To close the hearing on **ZBA #2011-01**. Paleski / Noble / Unanimous

**MOTION:** To approve the variance to Section 401 (2) *Notes to Residential Bulk and Area Requirements* to allow a portion of a 2,880 sq. ft. barn to be used for non-agricultural use. Giner / Stremper

**Discussion and Vote:**

Mr. Giner said he would vote against this for the reasons voiced in the hearing. He is asking for a use variance. It is a commercial use. The Planning and Zoning Commission sets the rules for a home occupation. Mr. Giner said in this case there is reasonable use of the property. Also the neighbor is concerned about the type of traffic there has been. He said for those reasons he didn't

think there is a hardship at all. Mr. Paleski said this is a self-created hardship. This was not the intended use of the building. Mr. Noble said he would have to vote against it. It is not the stated intended use. Mr. Arcari agreed for the same reason.

**In Favor:** None

**Opposed:** Unanimous

**MOTION:** To approve the variance to Section 402 (4) *Notes to Permitted Uses In Residential Districts* to allow a horse barn to be located 45 feet from the side property line where 100 feet is the minimum required. Giner / Stremper

**Discussion and Vote:**

Mr. Giner said the question of whether it is a self-created hardship came up. He said if the property owner had come in and talked to the staff he would have been given fair warning that it is not allowed in that location. He said if the property owner purchased the adjacent property a variance would not be needed as long as the barn is 100 feet away. Mr. Giner noted that as a board they had a much narrower piece of property previously that they denied. He said there are solutions that would not involve tearing down the building. He could buy some more land. Mr. Noble asked if they turn it down, what is the next step for the landowner. Mr. Giner said he would have to bring it into compliance. He can move the horses out of there and use it for another use. He could build another horse barn.

**In Favor:** None

**Opposed:** Unanimous

**OTHER BUSINESS:**

**ZBA Rules of Procedure – Proposed Amendment (Pg. 3, Section II OFFICIALS)**

**MOTION:** To approve the changes to the Rules of Procedure as stated in the material included in the meeting packet. Giner / Paleski / Unanimous

**Election of Officers:**

**MOTION:** To elect Stan Paleski for Vice Chairman. Giner / Noble / Unanimous

**MOTION:** To elect Jim Stremper for Secretary. Paleski / Giner / Unanimous

**MOTION:** To elect Tom Arcari for Chairman. Giner / Paleski / Unanimous

**APPROVAL OF MINUTES:**

**MOTION:** To approve the minutes of the November 30, 2010 Special Meeting.  
Paleski / Noble / Unanimous

**EAST WINDSOR ZONING BOARD OF APPEALS  
MEETING - MARCH 7, 2011**

**Pg. 4**

**ADJOURNMENT:**

**MOTION:** To adjourn.

Paleski / Stremper / Unanimous

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Marlene Bauer  
Recording Secretary