

**TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
AUGUST 3, 2015**

The East Windsor Zoning Board of Appeals held a meeting on Monday, August 3, 2015 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members, Scott Morgan, Thomas Talamini, Nolan Davis; and Alternate Members: Mystica Davis, Joe Sauerhoefer and Bob Yosky. The meeting was called to order by Vice Chairman Nolan Davis at 7:00 p.m.

ESTABLISHMENT OF QUORUM:

A quorum was established as two regular members and three alternate members were present. Mystica Davis, Bob Yosky, and Joseph Sauerhoefer sat in as voting members in the absence of Dan Noble and José Giner.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Mr. Talamini read the legal notice as it appeared in publication.

Regular Member, Scott Morgan arrived at the meeting at 7:02 p.m. Joseph Sauerhoefer stepped down as an alternate member and Scott Morgan came to the table as a Regular Member.

NEW HEARINGS

ZBA #2015-03 – Application of Latchman Haripaul for property located at 124 Main Street, Broad Brook, owned by United Bank, for a variance of Section 805 a. *Alcoholic Beverages*, to allow an existing package store at 123 Main Street to relocation to 124 Main Street which is less than the required 500 feet from a public place of worship.

The Haripauls came forward and explained that they have been in town for 11 years and they are looking to grow. Mr. Haripaul expressed that this move could benefit his family and the Town of East Windsor. He informed the Board that the store has very limited space for storage, and he strongly expressed his concerns with inadequate parking which affects the safety of their customers, oncoming traffic, and the children tenants who reside in part of the current building of the package store. Mr. Haripaul noted that if they were to be approved for the building at 124 Main Street there would be adequate and safe parking as there are 17 parking spots and there would be more room for storage. He also added that his package store would no longer be the first thing that those coming in and out of the church would see.

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Mr. Talamini asked Mr. Haripaul if the back of the building had enough space for deliveries so that the trucks would not be in the street. Mr. Haripaul responded, "yes there is enough space in the back with a loading dock and a ramp."

Vice Chairman Nolan Davis thanked the Haripauls and opened the hearing up to the public. Mr. Haripaul provided pictures of the current store and parking in front of the store.

Richard York, a member of Broad Brook Congregational Church came to the table. He said that the church has not had the chance to take a vote on this proposed move. He asked the intent of the ordinance that states that a package store cannot be within 500 ft. of a house of worship. Assistant Planner, Robin Newton responded that if he wanted an opinion on the intent of that ordinance, he would have to ask the Planning and Zoning Commission because they wrote that regulation. She read from the ordinance possible inappropriate places which include: daycare centers, places of worship, charitable institutions, hospitals, convalescent homes, cemeteries, libraries, public playgrounds, or municipal buildings. Mr. York stated that the church has children on the grounds and a dedicated memorial garden which they have planned to have the ashes of loved ones buried there. He also mentioned that there were no borders between their memorial gardens and 124 Main Street building. His concern is that there is no way to keep the package store traffic from going onto their property and he is worried that people will drink alcohol on their stone benches in their memorial garden which people invested money into. He strongly urged that a 6 to 8 foot fence be put up if this appeal were to be passed to delineate the border and make it harder for people to cut through.

Scott Morgan asked if the church had any AA meetings that may affect a person that has an addiction to alcohol. Mr. York responded that they have no AA meetings at the moment.

Mr. Talamini asked, "The difference from across the street to next to you would it make that much of a difference?" Mr. York replied that they do not like the idea of having a package store across the street at all but he understands that the store was grandfathered in.

Linda York, in charge of the Sunday School at the church came to the table. She stated that they sometimes have events on the side yard which is the only place for events to be held during the same hours that the package store is open.

Reverend Carol Lewis, Pastor of Broad Brook Congregational Church, came to the table. She stated that this is a complicated issue and she feels for a business trying to make it during these times. She understands that the current place the store is located is grandfathered, but if it were to move, it would not be grandfathered. She has concerns from past experiences with people coming over and leaving liquor bottles behind the church and in their vents. She worries that making it next door would bring it that much closer to the church and she echoes all the concerns that have already been voiced.

Mike Sycera, a trustee at the church came forward and stated that he does not think it is a good idea to move the liquor store to the corner. He mentioned that currently on Friday afternoons people sit in front of their church drinking alcohol after they get off the bus. He is worried that if

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the package store is moved next to the church then these people will go in their memorial garden and back steps consuming alcohol instead of just the front steps. He believes that if the Town allows one liquor store to move next to a church, then the Zoning Board would be making a precedent.

Ellis Winds, a member of Broad Brook Congregational Church, came forward and stated that she wanted to be on record that she is against the liquor store abutting the church. She said that the liquor store being open on Sunday would coincide with their services including Sunday School and elderly people using the side door.

Paul Anderson, 89 Main Street, Broad Brook came to the table. He specified that he respects the church's desire however, he stated that as a Town, we are making a lot of noise on how we are supporting small businesses and this is a business that is trying to grow in a location where they cannot do much to improve. His main concern that is if they cannot do something soon, then they may leave town and the town would lose out on taxes. Mr. Anderson mentioned that putting a fence up to delineate the line between the church and the Package Store would be a great idea. He added that he knows that many people do not go to that store because of the parking issue, which also interferes with the firehouse; he feels that if we can get people off the streets and in parking lots than things will get better. He would like to see the Town support small businesses as much as we can.

Vice Chairman Davis opened this matter up to discussion.

Mr. Talamini feels that it is a good idea to move the package store across the street, but he feels the Board would be setting a bad precedence and it would be there forever.

Mr. Haripaul replied that he understands the issue with setting a bad precedence but they are limited with what they can and cannot do. He said that they are only looking to better the community that they are in. He believes that if this was approved, it would not make the Zoning Board look as though they were setting a bad standard but more so being open to the fact that we are in a new time, a time of change, and what we need to do is what is best for everyone as a whole and not just a select number of individuals.

Mr. Davis asked "If this motion were to fail, what is your business' next step?"

Mr. Haripaul replied, "We would consider doing business in the town. We are just so limited. We are looking for another potential location, it just so happens that this is a perfect corner...with two exits and two entrances." He reiterated that they do not want to leave this town because they have built a relationship with their customers and they do not want to start somewhere new. He mentioned that the appearance of their current store deters people from coming into their store. He feels to put money into it would not be of benefit to them because of the return they would be receiving from it. He mentioned that he agrees with having a fence put in place before moving to the property. He informed the Zoning Board that he and his employees do not promote drinking on the premises or on the street and they would be willing to make any changes they need to by being proactive to make it safe for everyone.

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MOTION: To close the hearing on **ZBA #2015-03.**
Morgan / Davis / Unanimous

MOTION: To accept the ZBA #2015-03 for Latchman Haripaul for property located at 124 Main Street, Broad Brook, owned by United Bank, for a variance of Section 805 a. *Alcoholic Beverages*, to allow an existing package store at 123 Main Street to relocation to 124 Main Street which is less than the required 500 feet from a public place of worship with the exception of having the fence.
Motion by: Morgan Seconded by: Talamini

In favor: Morgan, Talamini, M. Davis

Opposed: N. Davis, Yosky

Motion fails.

Mr. Haripaul briefly commented that business is rough for them right now in their gas business, their package store business and with the cost of cigarettes rising. He asked for suggestions from the Zoning Board as to where they could possibly look into moving. One suggestion was to look into the empty former convenience store on the corner not too far from their current store. A brief discussion was held.

OLD BUSINESS

ZBA #2015-02 – Application of owner WBGLA of Westfield, MA, LLC for property located at 76 North Road for a variance of Section 602.4 a. Total Sign Area – Business and Industrial Districts, to allow 170.25 sq. ft. of signage where 120 sq. ft. is the maximum permitted; Section 602.4 b. Number of Signs, to allow 5 signs where 3 are the maximum permitted; Section 602.5 b. Freestanding Signs - Ground Sign Height and Area, to allow a sign to be 19 feet in height where the maximum allowed is 15 feet and to allow a sign to be 78 sq. ft. where 32 sq. ft. is the maximum allowed. [B-3 zone: Map 113, Block 24, Lot 2-1] (Hearing closed 7/6/2015)

MOTION: To accept the withdrawal of the Application
Morgan / Talamini / Unanimous

OTHER BUSINESS

None.

PUBLIC PARTICIPATION

None.

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APPROVAL OF MINUTES

MOTION: To accept the Town of East Windsor's Zoning Board of Appeals Minutes of Regular Meeting July 6, 2015 as presented.
Morgan / Yosky / Unanimous

ADJOURNMENT

MOTION: To adjourn. Morgan / Talamini / Unanimous

The meeting was adjourned at 7:38 p.m.

Respectfully submitted,


Amanda Schroll, Recording Secretary