

**TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS  
MINUTES OF REGULAR MEETING  
SEPTEMBER 14, 2015**

The East Windsor Zoning Board of Appeals held a meeting on Monday, September 14, 2015 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Nolan Davis, Dan Noble, Scott Morgan and Thomas Talamini; and Alternate Member Robert Yosky. Also in attendance was Robin Newton, Zoning Enforcement Official. The meeting was called to order by Chairman José Giner at 7:00 p.m.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as all five regular members and one alternate member were present.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**MOTION:** To go out of order to take ZBA #2015-05 before ZBA #2015-04.  
Morgan / Noble / Unanimous

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

**NEW HEARINGS:**

**ZBA #2015-05** – Application of Nick Vamvilis for property located at 60 Bridge Street (Maine Fish Market & Restaurant) for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts (front yard setback)* to allow an addition to an existing building to be located less than the required 50 feet from the front property line; and Section 601.3h.1. 2. & 3. *Parking Lot Design* to allow parking less than the required 10 feet from the side and rear property lines, less than the required 25 feet from the front property line, and less than 10 feet from the proposed addition.

Appearing for the applicant were Attorney Carl Landolina, Michael Bezrudczyk, Architect, and Nick Vamvilis. Atty. Landolina referred to plans of the property and explained that the existing restaurant is located at the corner of Bridge and Main Streets. To the west of that there was a 6-family structure. He said Mr. Vamvilis and his company have acquired title to that property. The tenants have moved out. They intend to demolish the existing house and build an addition to the restaurant. Atty. Landolina noted that the proposed addition is somewhat smaller than the footprint of the house. The house is about 20 feet into the front yard. The addition will be set back 23 feet from the front property line. He said they are

going to encroach less, making a situation that will be less nonconforming. Atty. Landolina pointed out that if you look down the street, a few of the buildings are located within the 50 foot front yard. They are all within 20 to 25 feet of Bridge Street.

Atty. Landolina said they have three parking requests. One has to do with parking within 25 feet of the front yard. They have proposed some angled parking spaces to the west of the addition. One space encroaches about 2 feet into the setback. All of the 5 angled spaces to the west of the addition are closer than 10 feet to the building. He said there are two existing curb cuts along Main Street. For the one further to the north, it is difficult to pull in. They are proposing to take some of those spaces and push them closer to the property line to create more of a transit lane. They will be creating 11 new spaces in that location. About half of the spaces encroach into the 10 foot setback.

Atty. Landolina indicated that eventually when this goes before the Planning & Zoning Commission the boundary between the 60 Bridge Street LLC property and 58 Bridge Street will be one parcel. It will be common parking for the whole area. It will make a better flow of traffic.

Atty. Landolina referred to a floor plan of the restaurant and proposed addition. There will be an outdoor / indoor patio space. Mr. Vamvilis said it can be difficult for elderly customers so there will be a ramp coming from the existing building to the proposed addition. There will also be more handicap parking.

Chairman Giner noted that this addition is going further back than the current structure and further back than other buildings down the road. Ms. Newton noted that the Planning & Zoning Commission is currently looking into this area and considering making it into a village district. That will be coming up in the next few months.

Mr. Giner opened up the hearing to the public.

Paul Anderson, 89 Main Street, Broad Brook said we need more small business people. Here is an opportunity to do something. This is a business that is in a village setting. There is character there. He said forcing people to move back from the street changes the appeal. It is an excellent opportunity to support a small business.

Gil Hayes, 143 Rye Street said when he was a young man he used to meet his friends there. It has grown from a small shop into what it is now. He said he was in favor of this application.

**MOTION:** To close the hearing on **ZBA # 2015-05.**

Morgan / Nolan / Unanimous

**MOTION:** To approve **ZBA #2015-05** the Application of Nick Vamvilis for property located at 60 Bridge Street (Maine Fish Market & Restaurant) for a variance of Section 501 *Bulk & Area Requirements – Business & Industrial Districts (front yard setback)* to allow an addition to an existing building to be located 23 feet from the front property line where 50 feet is the minimum requirement; and Section 601.3h.1. 2. & 3. *Parking Lot Design* to allow parking less than the required 10 feet from the side and rear property lines, less than the required 25 feet from the front property line, and less than 10 feet from the proposed addition. As shown on site plan: “ZBA Application Plan, 60 Bridge Street LLC, Maine Fish Market & Restaurant, 42-44, 54 & 60 Bridge Street, East Windsor, Connecticut” prepared by Robert J. Arsenault, P.E., dated 8-23-15, Scale: 1”=20’, Sheet 1 of 1.  
Noble / Davis

**Discussion and Vote:**

Mr. Giner said he agreed with what Mr. Anderson and Mr. Hayes said. The 50 foot setback is not a good idea for maintaining village character. In this case they will be decreasing the degree of non-conformity. He said the Planning & Zoning Commission might be making changes that would make this no longer non-conforming. Mr. Noble said it is a nice improvement and he is in favor of it.

**In Favor:** Unanimous

**ZBA #2015-04** – Resubmittal of 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 relocate to 124 Main Street which is less than the required 500 feet from a public place of worship.

Chairman Giner explained that this application was denied at a previous meeting with 3 members in favor and 2 against. The State Statutes state that we are not required as a board to hear an application for the same project within 6 months. He said we need to discuss and vote on whether we want to hear and vote on this. Mr. Giner asked the applicant to summarize why this is different from what the board heard before.

Latchman Haripaul and his son, Andrew Haripaul came forward. Andrew Haripaul explained that they are looking to increase safety. They don’t have ample parking or proper parking for most of the customers. It is not handicap accessible. They want to bring it up to a safety level.

**MOTION:** To rehear the application of Latchman Haripaul (**ZBA #2015-04**) 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 relocate to 124 Main Street which is less than the required 500 feet from a public place of worship.

Morgan / Talamini / Unanimous

Andrew Haripaul said this has been an active business in town for 11 years and they are looking to grow and hopefully hire a few more employees. They are looking to make Main Street more appealing to the general public. It is not that inviting for ingress and egress. He said the traffic in both directions goes fast. He noted that a lot of over-sized vehicles double park on both sides of the road. He also pointed out that children live in the apartment above their current location.

Latchman Haripaul said there was some concern about the church. He said they are willing to put up a fence. He said it is more of an eye sore across the street than it would be next door to the church. They will have a side entrance. The church doesn't have to see anything that goes on there. He noted that there is an existing handicap ramp there. Mr. Haripaul went on to say that in the winter time there is no parking. A lot of people are afraid of falling. The bank property has ample parking.

Chairman Giner said that the regulations determine the distance from churches, etc., by going from the nearest point of both property lines. He noted that there is a restaurant with a full liquor license that shares the same parking area. There is also a pizza restaurant and bar that is within 500 feet of the church. Mr. Morgan asked about the liquor license. Ms. Newton explained that liquor licenses for package stores are based on population. Currently we have 5 in town. She indicated that Mr. Haripaul's liquor license would go with him to the new business and no one else can open a package store at his present location.

Mr. Giner asked about the package store hours on Sundays. Latchman Haripaul replied that the hours are from 10 a.m. to 5 p.m. on Sundays. He noted that the Broad Brook Brewery and a place of worship are in the same building.

Mr. Talamini asked if they could restrict the parking on the other side of the street. Ms. Newton said it is a State road. She said the Planning & Zoning Commission can make the recommendation that patrons park in the parking area and suggested that they make the side entrance the main entrance.

Ms. Newton said it was asked how the current liquor store came to be located there. She called the State Department of Liquor control and their records indicate a date of December 18, 1975. Ms. Newton noted that our regulations didn't include the separating distance until 1978. They are grandfathered at that location.

Andrew Haripaul suggested that they would consider opening at 12 noon on Sundays. Latchman Haripaul submitted a petition with 210 signatures of customers and local citizens stating that they were in favor of this application and that it would be beneficial to both the town and the customers. He said that all of the people that signed it were residents of the town.

Chairman Giner referred to a letter from the Broad Brook Congregational Church (with 25 signatures) stating that they were against this application. It stated that it would be detrimental to the town and would have an adverse effect on the church.

Mr. Giner opened up the hearing to the public.

Gil Hayes, of 143 Rye Street spoke in favor of this application. He said they will put up a fence and will cut their Sunday hours. He said the owner is a family man with children and a good business man. This will be unique and will be in line with the village look that we want in Broad Brook.

Mr. Gaudet, of 16 Mill Street spoke in favor. They will put up a fence. He said he felt that he can please the church.

Steve Congelos, of 51 Depot Street said this will enhance the area. He said the old building should go back to being an apartment house. The bank property should be put to good use. He said it is a matter of time before someone gets killed going across the street. It is a hazard.

Steve Dearborn, of 144 East Road said the Zoning Board approved a church next to the Broad Brook Brewery. He said he believed the fact that he is under the 500 feet is grandfathered.

Florence Lockwood, of 34 Mill Street said it has always been difficult getting into the front door. The State doesn't take care of the road. She said Paul has been a good guy. He will make it look good.

Alice Wenz, 118 Thrall Road said as a resident of East Windsor she is against any package store abutting a church. She doesn't think it is a proper place for it. She said the town is opening the door to a lot of problems.

Linda York, 33 Graham Road stated that she is a member of the church. She is concerned about the precedent for a liquor store next to a church making it easier to have a liquor store next to a school or another public place. She runs the Sunday school and they have outdoor events that include picnics. The children play outside waiting for their parents. She is concerned about the message we are sending to the young adults. She is concerned about patrons loitering. She is concerned about church members that are recovering alcoholics. She said she would urge the board to vote no.

Richard York, 33 Graham Road expressed concern that there will still be parking in the street.

Wade Signor, 93 Chamberlain Road asked about grandfathering. He wanted to have a good understanding of what that means. Mr. Giner explained that grandfathering goes with the property. Grandfathering can't be transferred to another property. The existing location of the package store is grandfathered because it existed prior to the present regulations.

Carol Lewis, administrator to the church said she had no objection to small businesses. She questioned whether it would make a difference to the board if it was a school located next to the package store. She understood that this applies to churches, schools and other public buildings. She said do they start separating the parts of the ordinance saying it is OK next to a church or not next to a school. She felt they would be opening up to problems if they start giving variances to this ordinance.

Mike Siekiera, 31 Winton Road said there are still people sitting there drinking beer. He said people within the community walk through the memorial garden. It is a quiet spot behind the church. He said if the liquor store moves they are going to see signs that say "Budweiser" or other signs of that type outside the window. They would be able to look out the window and see the ads for alcohol. He said they can now open on Sundays at 10 a.m. What kind of message are we sending to our children?

Constance Cormier, 14B Thistle Way said they have picked up beer bottles and cans and all kinds of trash that comes across the street. She said occasionally they urinate on the back of the church. The memorial garden is for reflection and for spiritual comfort. She said her cremains will be buried in that memorial garden. She wouldn't want this for their church. She said they need to keep that in mind.

Paul Anderson, 89 Main Street, Broad Brook said it is important to point out that variances don't set precedents. They are special and unique. Every one has to be heard on its own merits. He said the concerns that the church has, that is a police matter. It is not the responsibility of a store owner. He doesn't sell items that are opened in public. It is outside of his control whether he is on one side of the street or another. If people are doing things in the back of the church it is a police matter. He said the owner is a very considerate person. He doesn't want to impose on people. At his current location the building is not in very good shape. When it rains he has to put buckets on the floor. At the new location things will be clean and neat. He would like to see the village of Broad Brook prosper and improve.

Steve Congelos, 51 Depot Street said he lives down the street. The garbage and soda cans doesn't just happen there. You can't blame it on his store.

Alice Wenz, 118 Thrall Road said she thinks there are other buildings along Main Street that are probably available that they can move into and still have the parking. She said what if he sells the business? That could create more problems

Mr. Giner asked where the church parks. One of the church members replied that they have an agreement with the plaza next door that allows them to park there.

Latchman Haripaul said that one reason that the church is against this is that they want to purchase the property. He said their signs will be in front of the building and they will not be able to see their signs. He said the signs don't necessarily need to advertise everything on the front of the building. He noted that there is a restaurant that sells alcoholic beverages that shares the parking lot with the church. They might be doing what is going on. He said he will set up more trash cans and make sure that it is free of cigarette butts and cans. It is a matter of making a safer move. They are willing to work with everyone.

Carol Lewis said he wanted to go on record to say that the church is not interested in buying the property.

**MOTION:** To close the hearing on **ZBA #2015-04.**

Morgan / Davis / Unanimous

**MOTION:** To approve the application of Latchman Haripaul (**ZBA #2015-04**) 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 relocate to 124 Main Street which is less than the required 500 feet from a public place of worship. Approved with the following conditions:

A fence shall be erected between the church and the store.

No signage at all on the north side of the building.

The use may only be a package store. No other alcohol related uses may be permitted.

Sunday hours are to start at 12:00 noon.

Davis / Morgan

**Discussion and Vote:**

Mr. Noble said one concern is the parking on the street. People parked on the street to go to the bank. He felt that would still happen and he didn't see that as acceptable. He is voting against it. Mr. Talamini said it is a good idea. It is a safer situation. It gets the trucks off the street. He said on-street parking might still be an issue on that site. Mr. Morgan said he would be in favor of having some kind of fence there. Mr. Giner said the applicant offered to have no advertising on the north side and he offered limiting their Sunday opening time to 12 noon. Mr. Davis said he thinks it is good for business and good for safety. He said the owner is more than willing to accommodate anything that needs to be done. Mr. Giner said as a rule he is not too keen on separating distances. The issues are zoning and impact related. He said this is a unique situation that calls out for some type of remedy. There is a plaza to the north that also has a liquor license that probably has more interaction with the parking to the south. This is an unsafe situation. There is a lot of nonconformity with the present business. A lot of people have trouble navigating there. They have parked on the other side of the street and walked across the street.

People will now park where it is safer. He said there is something unique with this request. They have an existing situation that is unsafe and unsightly and they will remedy it. This doesn't set a precedent. You have to look at each property. Mr. Talamini said this will help the non-conformity. The new location has a handicap ramp. It might be the best use to turn the existing store into residential. Mr. Noble felt that to allow him to move next door to the church is disrespectful to the church. There are a lot of other places in town that he can move into.

**In Favor:** Davis; Morgan; Talamini; Giner

**Opposed:** Noble

**OTHER BUSINESS:**

None

**PUBLIC PARTICIPATION**

No one requested to speak.

**APPROVAL OF MINUTES:**

Ms. Newton pointed out one correction: On page 4, the motion for ZBA#2015-04, the vote should be N. Davis in favor and Talamini opposed.

**MOTION:** To approve the minutes of August 3, 2015 as corrected.

Morgan / Talamini / Unanimous

**ADJOURNMENT:**

**MOTION:** To adjourn.

Morgan / Davis / Unanimous

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

Respectfully submitted,

Marlene Bauer, Recording Secretary