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# Town of Cromwell
# Zoning Board of Appeals
# Public Hearing and Meting
# 6:30pm Tuesday, March 8, 2016
# Room 224 Cromwell Town Hall, 41 West Street

## Minutes and Record of Votes

**Present:** Chairman Joseph Morin, Dave Ricard, John Keithan, Dan Delisle, Brian Fisk John Whitney (alternate)

**Other Present**: Town Planner Stuart Popper

1. Call to Order

The meeting was called to order by Chairman Morin at 6:32pm.

2. Roll Call

The presence of the above members was noted.

3. Seating of alternates – none

4. Approval of Agenda

A **motion** was made by Dan Delisle and **seconded** by Dave Ricard to amend the agenda to include seating of officers for 2015-2017. *All were in favor; the motion passed.*

5. Election of Officers

A **motion** was made by Dan Delisle and **seconded** by David Ricard to nominate Joseph Morin as Chairman. No other nominations were made. *All were in favor; the motion passed.*

A **motion** was made by Joseph Morin and **seconded** by David Ricard to nominate Dan Delisle as Vice Chairman. No other nominations were made. *All were in favor; the motion passed.*

Chairman Morin said we are losing Mr. Ricard as he is moving out of the Town but I would like to thank him for his service.

6. Public Comments – none

7. Public Hearing
   a. Application #16-01: Request for a Special Permit to Allow for the Change of a Non-Conforming Use at 573 Main Street in the Residence R-15 Zone District. Haresh Patel is the Applicant and 573 Building Association Inc. is the Owner. At this hearing interested parties may appear and be heard, and written testimony received.

John Whitney reads the public notice dated February 22, 2016.

A **motion** was made by John Keithan and **seconded** by David Ricard to open the public hearing for application 16-01. *All were in favor; the motion passed.*

Attorney Salvatore Petrella of 630 Main Street said he represents the applicant who would like to move the package from across the street to the Knights of Columbus (KofC) building that is for sale. He said KofC has been in town or about 100 years and they have owned 573 Main Street for a substantial amount of time. He said that 573 Building Association is just an entity but they are all members of KofC. He said fraternal organizations are going defunct due to economic times. He said the Knights are forced to put the building up for sale. Attorney Petrella said the owner of the package store rents the space so they decided to put in an offer for the building. He said this would be a change of non-conforming use and the Knights are non-conforming now. He said we are requesting three variances, one to allow the change of non-conforming use, one to allow this use in a residential zone and another to permit within 1500 feet of another retail liquor outlet. He said this was not outlined in the legal public notice so we are going to re-advertise this and leave the public hearing open tonight. He said the residential use grew around this site and a fraternal hall is not listed as a permitted use. He said the use is legal but the question now becomes what can this be used for. He said you don't want to put anything in there that causes a disturbance to the residences.

Attorney Petrella said that parking is a problem for the Knights when they have events. He said the overflow parking is on the street and it becomes a problem. He said the liquor store has much less impact on the neighborhood and no noise so the impact on the neighborhood will be reduced. He said that traffic is a major impact now.

Attorney Petrella said that why they want to move isn't really an element here but it is simply because he has been renting for the last 15 years and it is close by so he can keep all of his current customers.

Attorney Petrella said that the sign was out and submitted an affidavit of that along with the affidavit of mailing. He said that Mrs. Patel asked for support and she received 150 forms with signatures of support which was submitted to Mr. Popper. Attorney Petrella reads one of the form letter for the record.

Attorney Petrella said the listing Real Estate Agent for the KofC submitted a letter which he read. It indicated that people are not interested with the use of restrictions so there is limited marketability.

Attorney Petrella said that the site is not suitable for expansion due to the limited parking. He said it would be a huge amount of money to convert it to the residential and offices are too traffic intensive. He said the courts tend to look favorably to changes of non-conforming use if it doesn't have a more intensive use impact.

Attorney Petrella showed the property on a map and showed parking area and the handicap ramp, he said there are no planned external changes just the removal of the existing sign. He said the house next door just sold and the purchaser has no objections but I will try to get a letter from her for next month.

He said if neighbors are concerned with deliveries we would have the trucks go where it is least impactful since they have access on both sides. They receive deliveries a few days a week.

Attorney Petrella said a variance is due to a hardship and the hardship here is if the Knights can't sell the building. It will be confiscated since no one will buy it. He said the Knights didn't create the hardship.

Mr. Popper asked what the square footage of the sales part of the liquor store is now and what is the footage of the interior of the KofC. Attorney Petrella said the square footage now is 1,200 square feet and the new building could go up to 2,000 square feet depending on the actual configurations. Mr. Popper asked about some info on parking and handicap access for the next meeting. He said we don't need an A2 survey but we need to know if you are meeting the parking requirement. Mr. Popper said if the variances are granted then the next step would be to go to Planning and Zoning with a site plan for approval. He said this Board would need to grant 3 variances, a special permit for change of non-conforming use, use to be less than 1500 square feet from an existing liquor store, and to allow a liquor store in a residential zone.

Mr. Delisle asked about the downstairs. Attorney Petrella said there could be other uses but not residential. Mr. Keithan asked how many distributors they had and Attorney Petrella asked if you are asking how many trucks per week it is 5 – 6 companies before noon.

Chairman Morin asked for any members of the public who wanted to speak.

Frank Czech, 25 Oakwood Manor said that we have 25 kids on bikes living near here. He said the concern is coming out of Oakwood manor. He said I am concerned there is not enough stalls and the will have more traffic than they have now so I can't support it. He said there are always people and kids walking on this side of the street.

Matt Debay, 292 Main Street said he supports this and wishes the Patel's the best of luck. He said this will help the economy and there is plenty of room to turn a semi around in that lot. He said the owner of Cromwell Pizza was here but had to leave but he fully supports this as well.

Timothy Griffin, 95 Willowbrook Road said he supports this and has known the Patel's for 15 years and considers them friends. He said it is the American dream to own a business on your own property. He said the parking is restricted now.

Alan Schumann, 505 Main Street said he is a member of the KofC and he supports this for financial reasons. He said parking is all over now when there is an event. On a regular night we can squeeze in 30 cars. He also said there is no apartment there now.
Thomas Tokarz, 4 Whitney Court said he is strongly in favor of this sale.

Mrs. Patel of Bruce's 19 Hole said she loves working in this town and this will allow me to provide more products to customers. She said this will also allow me to stop paying rent.

Mr. Popper reads an email from Mary Marfas, 7 Chelsea Drive who is in support of the move.

Chairman Morin asked if there was any exploration to change the parking situation. Attorney Petrella said none of that will be explored until we pass this hurdle. He said everyone always complains about putting businesses on Main Street but issues are always resolved to keep the residents and customers happy.

Chairman Morin said we will continue the meeting until next month.

A **motion** was made by John Keithan and **seconded** by David Ricard to continue the Public Hearing for application 16-01 until next month. *All were in favor; the motion passed.*

Attorney Petrella asked to make sure any members not present tonight acquaint themselves with the meeting minutes and tape by April 12th. He said we will re-notify the neighbors and repost the sign.

8. Commissioners Comments:
   Chairman Morin asked about the new setbacks and new regulations. Mr. Popper said we are in the process of doing that now so they will be available at the next meeting.

9. Approval of Minutes:
   a. November 10, 2105

A **motion** was made by John Ricard and **seconded** by Dan Delisle to approve the minutes of November 10, 2015. *All were in favor; the motion passed.*

10. Adjourn

A **motion** was made by David Ricard and **seconded** by John Keithan to adjourn at 7:30pm. *All were in favor; the motion passed.*

Respectfully Submitted,

Linda Imme
Recording Clerk