

TOWN OF SOUTHTON
 ZONING BOARD OF APPEALS
 TUESDAY, APRIL 26, 2011

Chairman Robert Salka called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:02 o'clock, p.m. in the Town Council Chambers with the following members in attendance:

Patricia Potter & Bryan Wysong

Alternates: Matthew O'Keefe
 Juanita Champagne

Others: Rob Librandi, Zoning Enforcement Officer

Absent: Edmund Costello, Commissioner
 Jeffrey Gworek, Commissioner
 Ronald Bohigian, Alternate
 Michael Milo, Alternate

The Chair seated Ms. Champagne for Mr. Gworek and Mr. O'Keefe for Mr. Costello. A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

ROBERT SALKA, Chairman, presiding:

5. PUBLIC HEARING ITEMS:

A. Appeal #5845A, Application of Joseph Calvanese III for a special exception approval to allow a package store liquor permit at this location under Section 4-03.32A, 11-04 and 15-05 of the Zoning Regulations, 685 Queen Street, Unit #2, property of Kastner & Calvanese Inc in a B zone.

ATTORNEY ANDREW DENORFIA: Good evening, Mr. Chairman and commission members, Andrew Denorfia with offices at 133 Main Street in Southington representing the applicant, Joseph Calvanese.

As the Zoning Officer stated, we come before you tonight for a special exception approval to allow a package store liquor permit located at 685 Queen Street, Unit 2, under Section 4-03.32A, 11-04 and 15-05 of the zoning regulations.

The subject property is located in a Business zone. What we are proposing to do is have a small package store in an already existing commercial plaza. As many of you know, there are businesses such as Sleepy's, Subway, and Taco Belle in this plaza at 685 Queen Street.

The unit is located - from the maps that were submitted ---the unit is located in the corner next to Sleepy's and is approximately 3400 square feet.

There is ample parking in the front and in the rear there is a loading area behind all of the units in the back.

This complies with all of the applicable zoning regulations, specifically 11-04 in that it is not within 400 feet of a church, public school, organized school, charitable institution, hospital or library.

It also meets 15-05 which are the special exception requirements in that the nature, location and size, intensity and site layout of use is in harmony with the appropriate and orderly development of the area.

Also, pedestrian and vehicle traffic will not be hazardous as this is a vacant unit in an already existing, as I said, commercial plaza.

The applicant and his family have been involved in many successful businesses around town and have had or held restaurant and banquet licenses in the past. So they do understand the business and the responsibility that comes with that.

We believe this will be a good fit for the area and will bring another business to town. With that, any questions, I'll be more than happy to answer them.

THE CHAIR: Any questions for the applicant?

(Pause)

You always have a question. What's happening here?

MS. POTTER: We're staring at you.

MR. WYSONG: Okay, I have a question. The section as cited here, 4-03.32A, I don't believe there is such a section in the regulations. I believe it is 4-01.23A. At least my book doesn't have one.

MS. POTTER: Whoops!

ATTORNEY DENORFIA: What the applicable section states and this is off the top of my head while I'm looking, is uh, yes, 4-03.32 which references 4-01.32. What it clarifies is that in a business zone, the special exception applies also to the Central Business Zones.

That's kind of how we, in a roundabout way, end up here.

THE CHAIR: The bottom line is the issues we have that we've always had with liquor stores basically, traffic, volume, is it appropriate for the area. It seems to meet all of our requirements. There's nothing we can pick out saying well, it doesn't meet the requirements, you know, in going through it.

It's basically a transient type business where they come in, buy their liquor and leave. There's nothing consumed there.

ATTORNEY DENORFIA: Correct.

THE CHAIR: And, it usually happens throughout the day, so it's not um, you know, it's not going to create, there's no real peak period.

So, I mean, when I looked at it, I really didn't find anything inappropriate with putting a liquor store there, although I'd like to see fewer liquor stores in town, there is nothing we can hang our hat on in saying, you know, in order to deny it. At least, I don't see anything there.

So, I have no other questions.

Matt, anything for you?

MR. O'KEEFE: No, I mean, the business seems to be ancillary to the other businesses that are in there and that somebody may go to a Subway and then stop at the liquor store. So you may have, you know, two stop shopping as opposed to destination shopping.

THE CHAIR: Right. The big issue is there is no liquor consumed there.

ATTORNEY DENORFIA: Correct.

THE CHAIR: It's you know ---- okay.

Thank you.

ATTORNEY DENORFIA: Thank you.

THE CHAIR: Is there anyone else speaking in favor of this application?

(No response)

Is there anyone opposing this application?

(Pause)

Anyone opposing this application?

Yes? Please, come up to the podium and state your name and address for the record.

JOE VASSER: Good evening. My name is Joe Vasser and I live in Plainville at 366 Camp Street.

I own Great Spirits Package Store on 50 Spring Street here in town.

I am not really opposed to the application. I just have a question. With regards to the numerous package stores that are on Queen Street and neighboring streets surrounding, does the Town of Southington have some sort of ordinance that there has to be a distance as far as feet from door to door for package stores?

THE CHAIR: I don't think so. Basically, the only limitations are, you know, where it's zoned and from a church, school and those types of things.

Typically, we don't have a regulation that I have seen that says, you know, it has to be 500 feet or 1000 feet.

MR. LIBRANDI: I did check the State Liquor Department website and they did say that they only allow for our town 17 liquor stores as stated on the website.

So, I guess, they just focus on the amount.

THE CHAIR: The total number within a town. Okay.

SPEAKER: Yes. It's one store for every 2500 residents.

THE CHAIR: Right.

SPEAKER: I had heard something at one time about it being that there had to be at least 1500 feet door to door. But again, that is subject to the Town Ordinances as opposed to a state law.

That's why I was curious as to whether Southington had anything. But if you don't, then I don't have anything.

THE CHAIR: Why? Do you see something - what is the distance between, do you know?

SPEAKER: I would say, I mean, I clocked it by car. So, it's a little bit different. But it is less than two-tenths of a mile. So, I'm guessing somewhere around a thousand feet.

THE CHAIR: Okay.

SPEAKER: But if there is no ordinance, then we don't have a problem with it. We just wanted to see if there was.

THE CHAIR: But again, they still need a state liquor permit, as well. And, the state liquor permit would, you know, they'll keep track of the number of liquor stores. That's sort of their responsibility. Per state statutes.

SPEAKER: The number right, the number of stores in town would not be an issue for us.

THE CHAIR: Right.

SPEAKER: Just the distance from door to door.

THE CHAIR: Sure.

SPEAKER: Thank you.

THE CHAIR: Thank you.

Anyone else speaking or opposing this application?

(No response.)

Hearing none, this application is closed.

7:10 pm.

REGULAR MEETING

Approval of Minutes - Regular Meeting of April 12, 2011

Ms. Potter made a motion to approve the Minutes of the April 12, 2011 meeting. Mr. O'Keefe seconded. Motion passed unanimously on a voice vote.

NEW BUSINESS:

A. Appeal #5845A, Application of Joseph Calvanese III for a special exception approval to allow a package store liquor permit at this location under Section 4-03.32A, 11-04 and 15-05 of the Zoning

Regulations, 685 Queen Street, Unit #2, property of Kastner & Calvanese Inc in a B zone.

Mr. O'Keefe made a motion to grant a special exception for Appeal 5845A for the reasons that the applicant has satisfied the provisions of our statutes relative to it. Ms. Potter seconded.

Motion passed 5 to 0 on a roll call vote.

MISCELLANEOUS / OLD BUSINESS / NEW BUSINESS

Mr. Wysong asked the story on this Appeal 5843A. That appears two weeks from now. It was a continuation for this meeting and it's not now on the Agenda. I wondered what was the reasoning. The Chair added on the Agenda it should appear as a continued hearing item and not a new line item.

Mr. Wysong noted he has changed some dimensions between the first appeal and the second appeal. He changed the size of the structure and now it looks like he is asking for more of a setback or more of a variance.

Mr. Librandi explained the applicant came in today and we helped him with the process as to what they needed, what they asked for and what they wanted. This is what they're going for.

The Chair said at the next meeting we basically will just be voting on what he's proposing. He apparently didn't bring in any of the experts that we asked. So, he is just going to go with it the way it is for an up or down vote.

Mr. Librandi agreed.

The Chair wanted the record to show that he will not be present at the next meeting nor will Mr. Wysong be at the next meeting. The Chair will contact Mr. Costello and let him know. Mr. O'Keefe and Ms. Champagne will fill in and cover.

Mr. Wysong asked if it was appropriate at this meeting to discuss pros and cons or any discussion at all or is that only applicable when it comes up on the Agenda. The Chair responded we should wait until it comes up on the Agenda instead of bringing it up here. The applicant doesn't have an opportunity to hear what we say and defend himself. The Chair suggested if you have a concern, get a hold of Rob and write a letter and he'll make sure those topics are covered and those questions are answered at the meeting. At least it gives the applicant right of rebuttal.

Mr. Librandi reported there has been new information they have brought. But in terms of a licensed engineer or surveyor, nothing like that as of right now.

Hearing nothing else, the Chair asked for a motion to adjourn.

Ms. Champagne made a motion to adjourn which was seconded by Ms. Potter. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:15 o'clock, p.m.)

Robert Salka, Chairman
Zoning Board of Appeals