

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING**

**November 4, 2014**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, November 4, 2014 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

**1. CALL TO ORDER:**

Vice Chairman Harley called the meeting to order at 7:00 p.m.

**1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):**

Clerk Margiotta called the roll as follows:

Member Name	Present	Absent	Excused
Richard Roberts, Chairman			✓
Thomas Harley, Vice Chairman	✓		
Antonio Margiotta, Clerk	✓		
James Hughes			✓
George Oickle	✓		
Joseph Hammer			✓
Anthony Homicki	✓		
Angelo Robert Fazzina	✓		
Thomas Dean			✓
Alex Vasel (alternate)	✓		
Leigh Standish (alternate)	✓		
Ryan Allard (alternate)	✓		

Also present were: Peter Gillespie, Town Planner/Economic Development Manager; and Denise Bradley, Assistant Planner

Members of the Public were present.

Vice Chairman Harley noted at the time of roll call there were five (5) full members and three (3) alternate members in attendance. All members present to participate.

**2. OLD BUSINESS:**

There was no old business discussed during this meeting.

**3. NEW BUSINESS:**

**3.1 PUBLIC HEARING APPLICATION NO. 1842-14-Z: Kishan Patel Seeking a Special Permit** in accordance with Section 5.8 of the Wethersfield Zoning Regulations for retail liquor sales at 860-862 Silas Deane Highway.

Kishan Patel, representing Harry’s Wine and Liquors, appeared before the Commission regarding this application. The proposed business would be located at 860 Silas Deane Highway and would consist of seven thousand (7,000) sq. ft. of retail space. Harry’s Wine and Liquors currently operates two (2) facilities in Connecticut – Enfield and Vernon. They are a family-run business of over 20 years.

Vice Chairman Harley inquired and Mr. Gillespie indicated that per Town Atty. Jack Bradley, and based on criteria set by the State of Connecticut Department of Consumer Protection, the Town of Wethersfield is allowed up to ten (10) package store permits. He noted the Town is currently at nine (9)

licenses but that the Commission was not limited to selecting only one Application as the final approval would rest in the hands of the State. He pointed out the Department of Consumer Protection references as submitted by Atty. Bradley. Mr. Gillespie noted the number of package stores is determined by the State and based on a ratio of one (1) per every twenty-five hundred (2,500) residents. The Town of Wethersfield currently has a population of around twenty-six thousand (26,000).

Commissioner Oickle inquired and Mr. Gillespie indicated that the criteria for the Commission were located in section 5.8 and 8 of the regulations.

Vice Chairman Harley noted the special permit requirements under Section 5.8 (Alcoholic Beverages), specifically the proximity of the establishment to schools, churches, synagogues, residential neighborhoods and charitable institutions supported by public and private funds and the proximity to other alcoholic establishments.

Commissioner Vassel inquired and Vice Chairman Harley indicated that there is no specific separation distance between establishments.

Commissioner Oickle inquired and Mr. Gillespie listed the locations for existing permitted licenses in town. Commissioner Oickle noted there was no concern with concentration in past but now that area of the Silas Deane Highway may be reaching a higher concentration.

Vice Chairman Harley indicated the presence of residential properties across the street, commercial properties to the North and South and CenterPoint Community Church one hundred and forty (140') feet to the North.

Commissioner Oickle inquired and the Applicant indicated that they are planning to purchase the property as well as perform major site renovations to address the current unkempt appearance. The Applicant noted there were plans submitted showcasing the proposed façade renovations and that they may seek to take advantage of grants from the Town for that work.

Commissioner Oickle inquired and Mr. Gillespie indicated that it is a pre-existing building that appears to be substandard in parking. Based on the retail criteria in the Regulations, thirty-five (35) spaces would be required and there are currently only twenty-five (25).

Commissioner Homicki inquired and Mr. Gillespie noted the space was previously occupied by The Chamber of Commerce, a print shop and the only remaining tenant is a computer repair shop. Commissioner Homicki noted there would be a change from low profile office building to retail space.

Commissioner Homicki inquired and the Applicant indicated there would be approximately six (6) to eight (8) employees. The hours of operation would be 9am to 9pm Monday through Saturday and 10am to 5pm on Sunday. Commissioner Homicki inquired and the Applicant indicated that reduction in the size of the building to increase the number of parking spaces would not satisfy their retail objectives.

Commissioner Homicki inquired and Mr. Gillespie indicated there had been no commentary from the Fire Marshal or other Town Staff regarding traffic flow.

The Applicant noted there are currently twenty-nine (29) parking spaces. They've proposed plans for twenty-five (25) spaces, two (2) of those being for handicap use.

Commissioner Homicki inquired and the Applicant indicated there would be additional lighting on the front and sides of the building. Commissioner Homicki inquired and the Applicant indicated that the presence of an existing left turn lane on the Silas Deane Highway should not intensify the traffic pattern in front of Burger King.

Commissioner Oickle noted the close proximity of the driveway exiting Burger King and the driveway entrance/exit at the Applicant location. The Applicant stated there was a ten (10') – twelve (12') foot median.

Mr. Gillespie indicated issues with lighting, landscaping, a potential need for increased dumpster size, the proposal of two (2) handicap spaces to bring the parking lot closer to compliance from the existing

single handicap space and the existing curb cut at the rear of the property to the adjoining property on the north side. He noted these issues may have to be addressed as conditions of approval.

Commissioner Oickle inquired and Mr. Gillespie indicated that the Applicant would have to return for façade renovations. He noted that according to plans submitted, the driveway entrance and exit is only twenty-one (21') feet eight (8") inches. Commissioner Oickle mentioned that similar narrow properties along the Silas Deane Highway have a separate entrance and exit driveway whereas this one is combined.

Commissioner Standish inquired and the Applicant clarified that the size is existing and will not change with the addition of handicap parking spaces. He noted the parking lot would be repaved as part of renovations.

Commissioner Allard mentioned the CL&P Right of Way at the rear of the property and its potential use to enforce the parking space requirements as used by other neighboring properties if available.

Commissioner Margiotta indicated that on previous applications, the Commission could not disallow an application strictly because of a heavy concentration of like-businesses. He noted that this application was different because of special provisions. Commissioner Oickle agreed on the concentration.

**PUBLIC COMMENTS:**

Mitchell Marcus, president of the Marcus Insurance Agency and owner of the building located at 840-842 Silas Deane Highway (under BZN Realty LLC), appeared before the Commission and spoke unfavorably of this Application. He presented a letter to the Commission regarding his concerns. Mr. Marcus noted that CenterPoint Community Church is his tenant on the first floor and located approximately one hundred and sixty (160') feet from the Applicant. He inquired and Mr. Gillespie noted there is no set distances from place of worship when considering location of a package store.

Mr. Marcus indicated that Marcus Insurance Agency has been in business for over 70 years and has been in Wethersfield since 1974. He stated he is pro-business and sees it as optimal for all vacant buildings to be filled but does not care for the high concentration of package stores in the immediate area and the traffic this proposed application would bring.

Vice Chairman Harley corrected the distance between the church and the proposed package store as being one hundred and forty (140') feet. He also mentioned the existing alcohol permits in the immediate area: Buy Rite Liquors three hundred (300') feet to the north, City Fish two hundred (200') feet to the south, Sake and Wethersfield Liquors fifteen hundred (1,500') feet to the south.

Commissioner Homicki inquired and Mr. Marcus indicated he is pro-business but he is against the saturation of liquor stores in the area.

Atty. Richard Kuzmak, on behalf of Sam Shaw (owner of Buy Rite Liquors located at 808-810 Silas Deane Highway), appeared before the Commission to speak against this Application. For over 16yrs Sam has been the owner of Buy Rite Liquors as well as an active participant in town including the Wethersfield Chamber of Commerce and Historical Society. Atty. Kuzmak also introduced Diane Lombardo of Lombardo Family Limited Partnership, the property owner at 808-810 Silas Deane Highway. Atty. Kuzmak noted that Sam's location is an appropriate size with ample parking and is accessible from multiple access points along the Silas Deane Highway. He mentioned the five (5) existing liquor sale outlets on the Silas Deane Highway in addition to grocery store permits and at least

two (2) other package stores at the southerly end of the Silas Deane across the Line in Rocky Hill as being more than enough with additional establishments considered unreasonable. Atty. Kuzmak indicated there was concern by his client over the competition which could put his livelihood and business at stake. He offered a breakdown of the criteria as written in the Wethersfield Zoning Regulations for which he felt this application did not meet those conditions.

- 1) Section 8.1.A, Suitable Location, requires proposed use to be in harmony with the orderly development of the area and compatible with other existing uses. He feels this is not the case with the proposed use nor with most other uses along this particular corridor.
- 2) Section 8.1.B, the nature and intensity of use in relation to the size of the lot size of lot; it's a small lot with a very intense proposed use.
- 3) Section 8.2.B, Neighborhood Compatibility, requires the proposed use or activity will not alter the essential characteristics of the area or adversely affect property value in the neighborhood. He pronounced that a seven thousand (7,000) sq. ft. liquor sale facility, three hundred (300') feet from his client's existing facility, at twice the size with less access is essentially a box store and does not fit the area. He feels it will put his client out of business with competitive pricing and higher volume of product in a space which cannot handle the volume of traffic.
- 4) Section 8.4.B, Suitable Access and Parking, requires that the entrance and exit driveways are laid out to achieve maximum safety, especially with regard to managing access onto roads and streets. He feels the site plan as laid out, with the entrance and exit adjacent to the Burger King exit, is unsafe. There is minimal driveway, encroachment on side yards, inadequate parking and hard to access for first responders in an emergency situation. The intensity of the use is inappropriate for that particular site.
- 5) Section 8.9.B, the proposed use will provide adequate landscaping and screening. He noted the absence of these items on site plans.
- 6) Section 8.9.D, that the use will enhance community development and not result in excessive numbers or proximity of like uses. He indicated there's no need for this use when a like use is in existence within three hundred (300') feet.
- 7) Section 5.8.B, dealing with undue concentration of establishments. There is an abundance of like uses.

Commissioner Homicki inquired and Ms. Lombardo stated that Buy Rite Liquors is better suited to handle heavy traffic in and out of the parking lot. She noted that the parking being proposed by the Applicant would be insufficient once they accounted for employees occupying spaces.

Commissioner Margiotta inquired and Atty. Kuzmak indicated that he believes five (5) package stores on the Silas Deane are too many with no evidence of a need for more.

Commissioner Vassel inquired and Vice Chairman Harley indicated the Commission should look at the appropriateness of the use and whether or not there is undue concentration, not the need for service.

Mr. Raj, Manousos Wines & Liquors, appeared before the Commission and spoke unfavorably of the Application.

Ms. Barbara Franchi, 68 Beverly Road, appeared before the Commission and spoke unfavorably of this Application. She noted her concern for the parking lot entrance/exit and the related traffic issues that it would bring.

Mr. Marcus noted that sidewalks on the Silas Deane Highway were recently redone creating more foot

traffic. He voiced his concern for pedestrians in the winter when sidewalks have not yet been cleared and any additional traffic brought in by this business would increase that hazard.

Mr. Patel noted the State permits one (1) license per twenty-five hundred (2,500) people. He indicated his store would offer people an opportunity to purchase brands not sold in other stores as the larger size of the building will allow him to carry more. He also indicated that while there is a concentration of liquor stores along the Silas Deane Highway, the area is one that is appropriate for such as it is a retail corridor.

Commissioner Homicki inquired and Mr. Gillespie indicated that one (1) handicap parking space is required for the first twenty-five (spaces) and additional handicap spaces per fifty (50) standard spaces. He noted the parking requirements would be looked at by the Town during permitting.

Vice Chairman Harley indicated to the Commission that they could chose to leave this Application open and hear the second Application, or they could make a decision. He noted the numerous site issues with inadequate parking, a proposed high use with higher intensity and a difficult egress situation

Commissioner Standish mentioned the Commission should approve or disapprove this Application on its merits regardless of a second Application.

Commissioner Homicki indicated a need for input from the Fire Marshal regarding traffic and the ability for fire apparatus to access the property.

Vice Chairman Harley inquired and Mr. Patel indicated he plans to bring new life to the building through renovations thus improving surrounding property values.

Vice Chairman Harley inquired and Mr. Patel stated he would like more parking if possible. Mr. Gillespie suggested that Mr. Patel make inquiries to the property owner about any historical agreement with CL&P.

**Motion:** Commissioner Oickle made a motion to Table the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1842-14-Z Kishan Patel** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for retail liquor sales at 860-862 Silas Deane Highway.

**Second:** Commissioner Homicki seconded the motion.

Aye: Harley, Margiotta, Oickle, Homicki, Fazzina, Vassel, Standish, Allard;

Nay: None;

Vote: 8-0;

**Public Hearing Tabled.**

**3.2 PUBLIC HEARING APPLICATION NO. 1844-14-Z: SF Wine, LLC** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for retail liquor sales at 1138

Silas Deane Highway.

Steven Field, of 1142 Silas Deane LLC and SF Wine LLC, appeared before the Commission regarding this permit. The proposed store would consist of three thousand six hundred and seventy-two (3672) sq. ft. and would be managed by BevMax. Mr. Field noted that the property has been owned by his family for over forty (40) years and they make every effort to keep the property clean as well as surrounding areas. He indicated that along with new sidewalks, the plaza has a total of four hundred and eighteen (418) parking spaces in an area where only three hundred and eighty (380) are required. There is access from Mill Street with a traffic light as well as a left turn only lane from the Silas Deane Highway. He also indicated there are neither schools nearby nor existing traffic issues in the area.

Vice Chairman Harley noted the four (4) active alcohol permits within fifteen hundred (1,500') feet of this location are Sake and Wethersfield Liquors at one hundred (100') feet to the West, Tilted Kilt at one hundred and fifty (150') feet to the Southwest, and Mint at seven hundred and fifty (750') feet to the North.

Vice Chairman Harley inquired and Mr. Gillespie indicated Marshalls is busy but parking is still sufficient.

Commissioner Oickle commented that the entrance to the parking lot is in need of repaving but curbing along Walgreens looks good. He noted an abundance of trash receptacles on the property and graffiti on back wall but the property is otherwise well maintained.

Vice Chairman Harley noted the proximity to other alcohol permits consists of three (3) restaurants and only one (1) take out liquor store/

Commissioner Oickle inquired and Mr. Gillespie indicated liquor in restaurants has different criteria from a liquor store.

Vice Chairman Harley inquired and Mr. Gillespie indicated that the Mill Street access alleviates some of the traffic from the Silas Deane Highway along with an exit only from the Walgreens area of the plaza.

*At 8:20pm Commissioner Homicki was excused from the meeting.*

Commissioner Standish noted that four (4) of the nine (9) package stores are located on the Silas Deane Highway between Nott Street and Town Line Road.

Commissioner Oickle mentioned the intensity of that number given the commercial use of the area was not so bad. He inquired and Mr. Gillespie indicated that within the Historic District there are two (2) restaurants that serve alcohol and no package stores.

Vice Chairman Harley indicated the proximity to other alcohol sales is the same as the previous application but noted this location to be better suited to handle the traffic.

Commissioner Margiotta read to the Commission Section 5.8 from the Town of Wethersfield Zoning Regulations stating,

“The proximity of the establishment to another alcoholic beverage establishment such that, in the judgment of the Commission, there not be created a cluster or undue concentration of

establishments where the sale or consumption of alcoholic beverages may be perceived as a dominant characteristic of the neighborhood or area.”

He indicated that this, along with the church two hundred and twenty-five (225’) feet away makes for an undue concentration.

Mr. Field commented that Goff Brook Plaza, Wethersfield Shopping Center and his property are large plazas with multiple stores and thus they do not create an image of concentration.

Commissioner Margiotta noted this Application seems suitable in term of location, proximity to other establishments, access and parking.

Commissioner Oickle inquired and Mr. Field indicated size of the building is three thousand six hundred and seventy-two (3672) sq. ft. and store hours would be 9 am to 8 pm, Monday – Wednesday, 9 am to 9 pm Thursday – Saturday with state mandated hours on Sunday from 12pm – 5pm. He noted that Marshalls is also open until 10pm Friday – Saturday.

Commissioner Oickle inquired and Mr. Gillespie indicated that parking in this plaza is sufficient but he also noted its proximity to Marshalls makes it difficult for customers to obtain parking close to the entrance of the storefront.

Commissioner Standish voiced concern over patrons parking in the fire lane to run in and out of the package store.

**PUBLIC COMMENTS:**

Filipe Martins and Andrew Urbanski, owners of Town Line Discount Wine & Liquors, 1303 Silas Deane Highway, appeared before the Commission and spoke unfavorably regarding this Application. Mr. Martins voiced concern for the Applicant seeking a permit with the intention of expanding in the future.

**Motion:** Commissioner Oickle made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1844-14-Z SF Wine, LLC** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for retail liquor sales at 1138 Silas Deane Highway.

**Second:** Commissioner Standish seconded the motion.

Aye: Harley, Margiotta, Oickle, Homicki, Fazzina, Vasel, Standish, Allard;

Nay: None;

Vote: 8-0;

**Public Hearing Closed.**

**Discussion:**

Commissioner Oickle indicated he was in favor of this location and site and would vote to approve this application.

Commissioner Fazzina indicated he will be voting against this application due to the concentration in the area and the distance from the church and other liquor stores.

Commissioner Standish indicated there are areas of town that would be better served by liquor stores such as the Nott Street market or a high end boutique wine and spirits shop in Old Wethersfield.

Commissioner Margiotta indicated he feels that a small liquor store in a large plaza doesn't disrupt the quiet pursuit of education and religion in the same way a free standing building does.

Vice Chairman Harley noted he also feels large plazas hide the liquor stores so they don't stand out.

Commissioner Allard indicated concern for how Section 5.8 of the regulations was being applied inconsistently, in conversation, on this Application because of its location in a plaza.

Vice Chairman Harley indicated he was less concerned with concentration in plaza but in particular the traffic situation is better for this location.

Commissioner Oickle noted the plaza is one of the most active in the community making parking less than ideal for.

**Motion:** Commissioner Standish made a motion to deny **PUBLIC HEARING APPLICATION NO. 1844-14-Z SF Wine, LLC** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for retail liquor sales at 1138 Silas Deane Highway;

**Second:** Commissioner Fazzina seconded the motion.

**Discussion:**

Vice Chairman Harley inquired and Mr. Gillespie indicated that he would involve the Town Attorney in determining when and if the Applicant could return.

Commissioner Standish indicated he voted against the Application due to concerns over parking in the fire lane, proximity of parking in relation to the store, and location of the store within the plaza. He also noted concern over density of liquor stores along Silas Deane Highway.

Commissioner Allard indicated he voted against the Application in order to uphold consistency for Section 5.8 of the Town of Wethersfield Zoning Regulations with a liquor store directly across the street.

Commissioner Fazzina indicated he voted against the Application because the church and existing liquor permits were too close making for an undue concentration.

Commissioner Margiotta indicated he voted for the Application because in a large shopping area it would not be perceived as a dominant characteristic of the neighborhood.

Commissioner Vasel indicated he voted for the Application and felt it was a suitable location.

**Voting:**

Aye: Oickle, Fazzina, Standish, Allard;

Nay: Harley, Margiotta, Vasel;

Vote: 3-4;

**Application Denied.**

**4. OTHER BUSINESS:**

There were no matters of Other Business discussed during this Meeting.

**5. MINUTES – October 21, 2014. Planning & Zoning Commission Meeting Minutes**

**Motion:** Commissioner Oickle motioned to approve the minutes, as submitted.

**Second:** Allard seconded the motion.

Aye: Harley, Margiotta, Oickle, Homicki, Fazzina, Vasel, Standish, Allard;

Nay: None;

Vote: 8-0;

**October 21, 2014 Planning & Zoning Commission Meeting Minutes approved as submitted.**

**6. STAFF REPORTS:**

Mr. Gillespie noted the pending Applications to be heard by the Commission.

**7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:**

Solomon Field, property owner at 1142 Silas Deane, appeared before the Commission to comment on the distance between the proposed location for SF Wine, LLC and the New Life Fellowship Church. He noted not only linear distance between the locations but an additional six (6) lanes of highway.

Filipe Martins inquired as to whether a permit could be made available only for Old Wethersfield and Mr. Gillespie indicated that it was open town-wide.

**8. CORRESPONDENCE:**

There were no items of correspondence discussed at this meeting.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:**

**9.1 PUBLIC HEARING APPLICATION NO. 1845-14-Z 530 Silas Deane Associates LLC** Seeking a Special Permit in accordance with Section 5.3 of the Wethersfield Zoning Regulations for outdoor storage container at 530 Silas Deane Highway.

**9.2 PUBLIC HEARING APPLICATION NO. 1846-14-Z Francesco Rodriguez** Seeking a Special Permit in accordance with Section 3.5 of the Wethersfield Zoning Regulations to park a boat larger than permitted in a residential zone at 34 Mayfield Road.

**10. ADJOURNMENT:**

**Motion:** Commissioner Oickle motioned to adjourn the meeting at 8:52 p.m.

**Second:** Commissioner Margiotta seconded the motion.

**Aye:** Harley, Margiotta, Oickle, Homicki, Fazzina, Vasel, Standish, Allard;

**Nay:** None;

**Vote:** 8-0;

Meeting adjourned.

Respectfully submitted,  
Lindsay Schmitt, Recording Secretary