



TOWN OF EAST WINDSOR

ZONING BOARD OF APPEALS

11 Rye Street, Broad Brook, CT 06016

860.623.6030 www.eastwindsor-ct.gov

Commission

Jose Giner, Chairman
Nolan Davis, Vice Chairman
Thomas Talamini, Secretary
Scott Morgan
Dan Noble

Alternates

Mystica Davis
Robert Yosky
Robert Slate

MINUTES OF REGULAR MEETING

April 1, 2019

The East Windsor Zoning Board of Appeals (ZBA) held a meeting on Monday, April 1, 2019 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT.

Regular Members present:	Chairman, Jose Giner; Scott Morgan; Tom Talamini, Secretary; Dan Noble
Alternate Members present:	Bob Slate, Mystica Davis, Bob Yosky
Staff present:	Matt Tyksinski, Assistant Planner/Zoning Enforcement Official/Wetlands Agent
Public present:	Gil Tougas, Carol Starvish

The meeting was called to order by the Chairman, Jose Giner at 7:02pm.

- I. ESTABLISHMENT OF QUORUM - A quorum was established as four regular members and 3 alternates were present. It was determined that Mystica Davis would be sitting in as a voting member.
- II. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was recited.
- III. NEW HEARING - Mr. Talamini read the Legal Notice as it appeared in publication.

ZBA #2019-03 – Application of Gil Tougas for property located at 268 South Main Street for a variance of Section 502, Permitted Uses in Business & Industrial Districts, to convert the property from commercial to residential use in a B-2 Zone. The property is owned by the applicant and is identified as Map 38, Block 05, Lot 94 on the Assessor's Map.

Assistant Planner Matt Tyksinski explained the situation. He also explained that he drove by the site each day for the last week and observed that the public hearing sign was down on the property for the past week.

Gil Tougas explained his application stating that he had been unsuccessful in renting out his property for a commercial use on the bottom floor of the property. He said that there was a coffee shop in there a long time ago but that he has been unable to rent

out anything that has lasted. He is worried about the safety of the property, and believes there should be a traffic light right next to the property. He said that he needed a place to live.

Chairman Giner explained that the ZBA has a process and that the Board cannot legally take into consideration personal hardship when making a decision on an appeal application.

Mr. Noble said that the property would be worth more as a business than a residential use. This would be helpful if/when the applicant chose to sell the property. Chairman Giner outlined that the use of the rental property on the top floor had been grandfathered in as a legal non-conforming use and that that is still legal.

Chairman Giner reviewed the tracking issues and the applicant's previous history with the ZBA. He noted that the applicant had submitted an application to the ZBA in 2009 but never attended the hearing. The Applicant said that he was told that the variance would not be granted so he did not bother coming. Chairman Giner also noted that the applicant was cited on a zoning violation in 2012, but the situation was never addressed.

Tom Talamini stated that the amount of traffic on Route 5 was not reason enough to grant a variance. He said that it was not in the ZBA's purview.

Chairman Jose Giner said that again, it cannot be a personal hardship, the Board must adhere to the letter of the law.

Applicant said that the property is worth more as a tear down right now.

MOTION by S. Morgan to close the hearing on ZBA #2019-03. Seconded by T. Talamini. So voted unanimously 4/0/0.

A discussion ensued among the Commission members. Tom Talamini said that there are businesses along the entire Route 5 Corridor and that that was not a reason for a hardship. It is a problem for everyone on the road. Scott Morgan said that traffic is horrible during rush hour.

Dan Noble mentioned that because it went from residential to commercial, it might be able to go back to residential.

Chairman Jose Giner said that this was a self-inflicted hardship. He said that he would rather have the Planning and Zoning Commission comment on it. He said he does not see any other hardship other than personal. He said that variances are pretty strict and that it should be difficult to get a variance.

MOTION: To approve **ZBA #2019-03** Application of Gil Tougas for property located at 268 South Main Street for a variance from Section 503, to convert the property from commercial to residential use in a B-2 Zone. The property is owned by the applicant and is identified as Map 38, Block 05, Lot 94 on the Assessor's Map.

Application was unanimously Denied.

IV. OTHER BUSINESS – None

V. PUBLIC PARTICIPATION –

Carol Starvish, 266 South Main Street. She said that she was a next door neighbor, that she ran a farm and that she was fearful of the children. She came in to say that. She said she didn't realize she had missed the meeting. The Commission informed her that the application was denied.

VI. APPROVAL OF MINUTES –

S. Morgan amended the minutes to reflect that he had mentioned to the Commission that Marlene Bauer, who retired in February, would be greatly missed. He commended her on her long career and wished her all the best.

MOTION by T. Talamini to approve the minutes of February 4, 2019 as amended. Seconded by S. Morgan. So voted 4-0-1 (J. Giner abstained because he was not at the previous meeting).

VII. ADJOURNMENT –

MOTION by S. Morgan to adjourn at 7:35 pm. Seconded by M. Davis. So voted unanimously.

Respectfully submitted,

Matthew Tyksinski, Assistant Planner, Zoning Enforcement Official, Wetlands Agent
Judi Mosso, MPA, Administrative Assistant, Planning & Development Department