

**MINUTES OF PUBLIC HEARING  
HELD BY THE ZONING BOARD OF APPEALS  
LINCOLN CENTER HEARING ROOM  
NOVEMBER 30, 2016**

**MEMBERS PRESENT:** James R. Stevenson, Chair  
Albert Gionet, Vice Chair  
Robert Haley, Secretary  
Edward Slegeski  
Armando Darna

**ALTERNATES PRESENT:** Sandra DeCampos  
Matthew Peak

**ABSENT:** John Topping

**ALSO PRESENT:** Renata Bertotti, Senior Planner  
James Davis, Zoning Enforcement Officer  
Katie Williford, Administrative Secretary

The Chair opened the Public Hearing at 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

**OM FOUNDATION, INC.** – application #2016-115 - Request a variance of Art. II Sec. 1.00.02(e)1 to allow a place of worship on a street that is not an arterial or collector street at 15 Burnham Street Extension, Rural Residence zone.

Attorney Stanley Falkenstein, of Falkenstein, Meggers, Paul & Robinson, PC, at 113 East Center Street, spoke on behalf of OM Foundation, Inc. He said the applicant hoped to construct a Hindu temple at 15 Burnham Street Extension, and a variance was needed because a new house of worship must be located on an arterial or collector road. Attorney Falkenstein noted that the property has frontage on Clark Street, which is an arterial road, and on Chapel Road, which is a collector road. However, the access is planned to be on Burnham Street Extension, which is not arterial or collector. He noted that the zoning regulations do not specify that the access must be on an arterial or collector road, but his understanding was that that was how the regulations were interpreted.

The traffic engineer for the project, Patrick O’Leary from VHB, located at 100 Great Meadow Road in Wethersfield, spoke next. Although the site has frontage on arterial and collector roads, for practicality and safety it would not make sense to locate the primary access on one of those roads, he said. Mr. O’Leary said he believed the intent of the regulation was to prevent a house of worship from being located on a local street in a subdivision, not to prohibit curb cuts on streets that were not arterial or collector roads. He stated that the hardship is the configuration of the lot, which is triangular due to the town line, and has several intersections on the western corner. If it were not for the unusual shape of the lot, there would be adequate frontage to locate drives on the arterial or collector road, he said.

The proposed temple would be approximately 11,000 square feet and supported by 130 parking spaces, Mr. O’Leary said. The maximum capacity of the temple is about 300 people, and that is on limited occasions. The parking lots would only be full one to three times per year, and during more traditional times there would be somewhere around 50 people. Having traffic circulate on

this section of Burnham Street would have no impact on adjacent neighborhoods, Mr. O’Leary said.

Mr. Haley asked what would be done with the existing single family house on the property and the real estate broker, Mr. Barry Wolfgang of William Raveis Real Estate in Wethersfield, stated that the house, garage, and barn would be demolished and the property would be cleared.

Mr. Peak asked if there were many other homes on Burnham Street Extension and Mr. O’Leary responded that there was not much else on the street. There were no residences across the street from the site, and there was a single family house to the east, he said.

In response to a question from Mr. Peak, Mr. O’Leary said that locating the driveway on Chapel Road would be less safe due to the proximity to the intersection. Regarding parking, he said the reason for having 130 spaces was to allow for circulation, but in reality the parking lot would only be about 80 to 90% occupied. He added that traffic volumes would be very small and would have no impact on Burnham Street Extension, Clark Street, or Chapel Road.

Mr. Kiran Gudupalli of 1 Hawthorne Lane in Bloomfield, Connecticut, a founding member of the temple, spoke next. He gave a brief overview of the temple's mission and explained that the temple is currently renting space in Middletown, but wants to build a larger Hindu temple. He noted that Connecticut only has a few Hindu temples. The proposed location is ideal because most of the temple’s devotees are from the surrounding area, he said.

In response to a question from Mr. Gionet, Mr. Gudupalli said that 99% of the attendees of the temple will be Connecticut residents, but there may be occasional guests from other states.

Mr. Haley asked if ceremonies are conducted outside on holidays, and if there would be any instruments or drumming. Mr. Gudupalli said that prayer services were conducted outside but there would be no drums or instruments. Mr. Haley asked if there would be regular classes to educate young people. Mr. Gudupalli said they do not have classes currently but would like to when they build the temple. The classes would be weekly on Saturday or Sunday, with 50-60 students per class.

Mr. Stevenson asked if buses would be transporting people to the temple. Mr. Gudupalli said they did not plan to have buses, and that would only happen if the parking was not sufficient.

Mr. Falkenstein added that no alcohol would be served, there would be no exterior loudspeakers, and no music would be played outside the temple.

Dr. Mohan Kasaraneni of 75 Colton Road in Glastonbury, Connecticut, spoke next. He said the temple would add value to the community. He explained what a Hindu temple is and its origins, worship and activities. He noted that everyone has their own deity that they pray to, so not everyone would come to this one temple. There would be a priest who performs prayers. Sermons are not usually given as part of regular worship, but are given on special occasions. Cultural activities include learning about yoga, traditional arts, and ancient culture. Emphasis would be given to interacting with the local community.

Mr. Gionet asked whether the temple would have anything above the first story similar to the sample photo that Dr. Kasaraneni showed. Attorney Falkenstein noted that the temple would have to submit an application to the Planning and Zoning Commission, so the PZC would review

that. The Chairman of Om Foundation, Srini Nama, of Hartford, said they were still considering different designs and there would be some kind of shrine, but not exactly like the one pictured.

Mr. Darna asked whether the parking lot and building would be lit at night. Mr. Nama said they would take security measures to make sure devotees are safe, but the spire or top of the temple would not be illuminated at night.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application.

Mr. Sylvester Chaponis, who owns the first house on Burnham Street Extension, closest to the proposed temple location, spoke in support of the application. He said Burnham Street Extension was a dead end street and he and his cousin occupied the first and second houses. The house to be demolished for the temple was his grandmother's house, Mr. Chaponis said. He said he thought it was welcoming to have something like the proposed temple in town.

Mr. Charles Chaponis of 63 Burnham Street Extension said he had no reservations whatsoever about having this community come in to the site.

Mr. Francis A. Maffé, Jr., of 116 Croft Drive in Manchester, said he had no objection to this application. However, he said he wanted to make sure the blockade between Burnham Street Extension and Burnham Street was not removed due to any additional traffic that might be generated by this application. Mr. Maffé said the blockade was put up specifically to stop cars from going through the neighborhood to get to the mall and the J.C. Penney warehouse.

Ms. Savitha Hariharasubramanian, of 39 Buckland Street in Manchester, said she supported the application because she currently has to travel to Middletown to visit the temple there. It would be easier for her if there was a temple in this area, and she would like her children to be educated in this culture.

Dr. Venkateswara Narla, who lives in Glastonbury and practices in Manchester, said he was part of the Middletown temple and it was difficult for him to go that far, so he supported this application.

Mr. Barry Wolfgang, of William Raveis Real Estate in Wethersfield, said that when he was growing up in Hartford he had religious classes in Judaism on Sunday mornings. He noted that religious classes are not all day, like a school. He added that he had met wonderful people from the temple, and it would be an asset to the town.

Mr. Venkata Swami said he supported the application. He owns a pharmacy in Manchester and felt the proposed temple would bring people to town and generate revenue for local businesses. He also stated it would be more convenient for him to attend a temple in Manchester, because he currently lives in Ellington and visits the temple in Middletown.

Mr. Shashida Manasani said he supported the application because it would be good to bring the temple near this community.

Ms. Bertotti said the staff did not have many comments. She noted that the application mainly had to do with traffic, because the reason the applicant was seeking a variance was because they proposed to locate the access to the temple on Burnham Street Extension. Ms. Bertotti said the Town Traffic Engineer had reviewed the application and his opinion was that residents to the

east would not be affected by additional traffic. In his opinion, only the residents of 3 Burnham Street Extension would be affected, and only during the large events described in application, Ms. Bertotti said. The Traffic Engineer had asked whether the temple would host weddings, and the applicant replied they probably would not because the temple would not serve alcohol or meat, Ms. Bertotti said.

Ms. Bertotti said that, whether or not the variance is approved, the applicant would probably have a chance to apply to the Planning and Zoning Commission for a special exception, but the ZBA's decision on this variance could impact what type of site design the applicant would bring to the PZC. She said the question for the Board to consider was whether it would make sense to deny a variance and, in doing so, force a design that might result in an unfavorable traffic situation on Chapel Road. If the applicant applied for a special exception through the PZC, at that time they would need to provide more detailed traffic analysis, Ms. Bertotti said. Regardless of what the ZBA decides on this variance, there would be a second, detailed round of review. Regarding lights, the zoning regulations state that no light shall be projected into eyes of drivers, so the applicants would be required to have notes on the plans and to provide photometric plans if they submitted a special exception application to the PZC, Ms. Bertotti said.

Mr. Stevenson asked who regulates the blockade that Mr. Maffé had referred to. Mr. Davis said he thought that was done by the Director of Public Works some time ago. He noted that the blockade was a cul-de-sac and grassed area and did not have any guard rails. Mr. Stevenson asked if there would be additional public hearings if the road were to be extended through the blockade. Mr. Davis said he did not know if a public hearing would be required. Ms. Bertotti said it would require a review by the Planning and Zoning Commission and then the Board of Directors would make a final decision. The recommendation would probably come from the Director of Public Works, she said.

The public hearing on this application was closed.

**JUSTIN WEAVER** – application #2016-130 - Request a variance of Art. II Sec. 1.03.04(c) to allow a shed 7 feet from the side property line (15 feet minimum side yard required) at 10 Trevor Court, Residence AA zone.

Mr. Weaver said he was requesting a variance for the location of a proposed 8'x10' shed. The back yard abuts some woodlands and there are two set back lots with nobody on them currently. Mr. Weaver said he would like to maintain the view from his deck. The proposed shed was from Kloter Farms and would be placed on 12'x10' of 2-inch-thick gravel.

Mr. Weaver said there were two hardships. First, there was a big white oak tree that would block the view of the shed from the road. In addition, there was a slope and landscaped area in the yard. If the shed were located 8 feet further from the property line than proposed, it would take up a large chunk of the yard, obstruct the view of the landscaped area, and be more visible to neighbor, he said.

Mr. Weaver said the shed would match the house as much as possible, with the same color of siding, a sloped roof, the same color shingles, and a white door facing the house.

Mr. Haley asked for confirmation that there was no plan to run a business out of the shed and that there would not be any heavy equipment. Mr. Weaver confirmed there would be no business or heavy equipment, and added that the shed would have no utilities.

Mr. Stevenson asked if the hardships were the slope of the lot and the retaining wall in the area, and screening the view from the neighbors. Mr. Weaver said that was correct, and that putting the shed in a different location would take up more of his yard.

Ms. Bertotti said there were no staff comments on the application.

Mr. Gionet asked if the neighbors had been notified of the application. Ms. Bertotti said that letters are sent, but only to the owners of properties that share a boundary with the property in question. The Planning Department also advertises applications in the newspaper twice, she said.

Mr. Haley noted that the property was close to a brook. Mr. Davis said that the Wetlands Agent had approved a wetlands application.

The public hearing on this application was closed.

**DAVID FARR** - application #2016-132 - Request a variance of Art. II Sec. 4.01.01 to allow 56 feet of lot frontage (100 feet minimum frontage required) and to reduce the lot area to 7,280 sq. ft. (12,000 sq. ft. required) at 42 Westwood Street, Residence A zone.

Attorney Joshua Shulman of Beck & Eldergill, 447 Center Street, Manchester, presented the application on behalf of the applicant, who is the owner of 42 Westwood Street. Attorney Shulman explained that all of the lots on Westwood Street are 50 by 130 feet. When the property was purchased years in the past, two lots were purchased, and they had been combined, he said. The second lot was intended to be a second building lot, but it was never built on. The applicant would like to sell this undeveloped portion of his property to his neighbor at 34 Westwood Street. This would be beneficial because it would close the possibility of this land ever being built on, Attorney Shulman said.

Attorney Shulman said the reason that the portion of the property to be sold is only 44 feet of frontage instead of 50 feet was to avoid the need for a side lot adjustment, because the house is 4 feet from the 50 foot lot line. The portion of the property to be sold is 44 feet out of 50 feet of frontage of what was lot 84 on the original subdivision map from the 1930s, he said. This would bring 34 Westwood Street into compliance for the square footage of the lot, but it would not be in compliance with the frontage. The buyer wants to buy the property to make sure that it would not be built on if the applicant sold his home in the future, Attorney Shulman said.

Nothing would be built on this portion of the property, so there would be no change to the character of the neighborhood, Attorney Shulman said. The hardship was that the zoning regulations came about after this subdivision was created, and the value of the applicant's property would be diminished if he could not transfer his property.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application.

Mr. David Lefebvre and Ms. Jean Lefebvre, who live at 34 Westwood Street, said they would like to acquire this land.

Ms. Bertotti said there were no staff comments on the application.

Mr. Peak asked for clarification of why the variance was needed. Mr. Davis explained that 42 Westwood Street is 100'x130', and, when purchased, it consisted of lots 84 and 85 of the subdivision. 42 Westwood Street is currently in compliance, he said. 34 Westwood Street is 50'x130', consisting of lot 83 from the subdivision. If part of 42 Westwood Street were sold, it would create two noncompliant matters: The lot is required to have 100 feet of frontage but it would have 56 feet, and the lot area would be less than what is required. At the same time, 34 Westwood Street would come into compliance for the lot area, and would come closer to compliance for lot frontage, Mr. Davis said. Mr. Peak noted that the other surrounding houses have 50 feet of frontage and Mr. Davis responded that most of the neighbors bought lots from the subdivision which was 50'x130' at the time. Ms. Bertotti clarified that the subdivision dates back to the 1930s or 1940s, and at that time the original frontage requirement for this zoning district was 50 feet. That requirement changed to 100 feet of frontage around 1945, after this particular house was built, Ms. Bertotti said. The lots became legal and nonconforming when the zoning regulations changed, she said. These lots are small lots of record, meaning they cannot be reduced because they are already nonconforming.

Mr. David Lefebvre said he would like to buy the 50 foot section of property. Mr. Stevenson said that would require a different variance because this variance is for the specified dimensions. Mr. Lefebvre said that was what they had originally planned to do, but a surveyor had said the house was too close to the property line.

The public hearing on this application was closed and the public hearing portion of the meeting was closed at 8:25 p.m.

I certify these minutes were adopted on the following date:

January 25, 2017

Date

James Stevenson, Chair

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN  
BE HEARD IN THE PLANNING DEPARTMENT.**

kmw