

**PLANNING & ZONING COMMISSION
EAST GRANBY, CONNECTICUT
MINUTES
March 8, 2022**

A meeting of the East Granby Planning & Zoning Commission was held on Tuesday, March 8, 2022. Members present when Chairman Thomas Derlinga called the meeting to order at 7:02 PM were David Brassard, Charlie Allen, Amanda Thompson, Daniel Velcofsky, John Welsh and alternate members Mark Ricketts and Jay Tran.

PUBLIC HEARING

The legal notice was read.

**A. Timothy Brignole/Zoning Regulation Change Application#22-02
Craft Café License for Wineries
(rec'd 2/08/22) (h/d 3/08/22) (d/d 5/10/22)**

Attorney Carl Landolina, representing the applicant, Timothy Brignole, owner of Brignole Vineyards at 103 Hartford Avenue, provided the background for Mr. Brignole's request to amend East Granby's existing zoning regulations to allow for a Craft Café license for his establishment.

The new Craft Café license, created in Connecticut in 2020, allows manufacturer permittees such as farm wineries and craft breweries to cross-sell and serve other Connecticut-made products: wine, beer, mead, cider, malt, and/or spirits.

Attorney Landolina shared comments made by Connecticut Senator Witkos in favor of the Craft Café license. Witkos, a sponsor of the bill, along with other members of the legislature, supported the new Craft Café license as a way for vineyards to eliminate the competitive disadvantage they faced with brew pubs, who under other certain licenses are allowed to sell not only their own craft beer but in some instances also wine and liquor. With the license, farm wineries would be able to sell Connecticut-made beer on their property to accommodate their non-wine drinking patrons.

The Craft Café license limits the sale of beer and other Connecticut manufactured alcoholic products to 20% of the manufacturer's gross annual revenues. Attorney Landolina explained that since the State of Connecticut already oversees the industry to be sure that farm wineries are in compliance with existing regulations (minimum of 25% Connecticut-grown fruit in their wines, etc.), it is expected that the State will do the same to ensure that the farm wineries are complying with the 20% limit of sales of outside products.

Attorney Landolina indicated that while the Craft Café permit would allow for the sale of Connecticut-made spirits by a farm winery, Mr. Brignole has no intention of selling any kind of spirits at his location. His goal for obtaining the license is to have the ability to sell craft beer and perhaps mead, cider, or seltzers, but no spirits, and the regulation that he is asking the Commission to adopt does not have the provision in it for the sale of spirits.

In closing, Attorney Landolina also stated that allowing the Craft Café license in East Granby will be in compliance with the Town's Plan of Conservation in Development, which notes the importance of the preservation of farmland in the town. Mr. Brignole is currently the largest grape producer in Connecticut with 37 acres of farmland under grape production.

John Welsh asked for confirmation on how the 20% gross sales limit on the sale of outside products will be monitored. Attorney Landolina anticipates that the Department of Consumer Protection will audit Brignole Vineyards to make sure that the business is complying with the requirement as they do currently for their existing requirements. Mr. Brignole added that farm winery production and sales are highly regulated.

Mr. Welsh also questioned if the craft beer products come in only logs or barrels, not in bottles. Mr. Brignole confirmed that they are distributed in five-gallon kegs (logs) put through a nitrogen system. Thomas Derlinga asked if there would be can sales along with tap beer sales. Mr. Brignole explained that the plan is to sell three different beers on tap, not in cans.

Gary Haynes reiterated that the intention of each maker, both vineyards and breweries, is to sell their own products, but that the sale of other items provides cross marketing and will allow patrons at each venue to have an alternate option if they are not a wine drinker or a beer drinker. Mr. Brignole stated that the vast majority of his patrons are wine drinkers who may bring along another guest who does not prefer wine. Adding craft beer will allow the vineyard to take care of that very small market of patrons, so that those one or two people that are attending with the rest of the vineyard crowd can have the option to enjoy a glass of beer with everybody else that is having a glass of wine.

Conversation continued regarding the process of wholesaling wine, and whether the addition of a beer-drinking clientele would change the nature of the winery from "Vineyard" to "Vineyard and Brewery." Brignole explained that wineries provide 5-gallon kegs to breweries that can be used by the brewery's nitrogen system, which also allows a brewery to offer a consistently fresh wine product. He reiterated that the main focus of Brignole Vineyards is to produce and sell wine and that a Craft Café license would simply allow his business to offer beer to people who don't drink wine as most other vineyards in Connecticut already do.

Thomas Derlinga asked if the production of wine in kegs new for Brignole. Mr. Brignole replied that for over a year they have been producing kegs of carbonated wine mostly for their own premises. Now, as sponsors of a couple of Hartford sports teams, they have been asked to produce kegs and will be expanding on their production of them, with 20,000 new kegs directed toward the wholesale market.

Charlie Allen questioned whether State approval has already been granted for a Craft Café license for Brignole. Gary Haynes answered that East Granby's zoning regulations do not currently allow for a Craft Café permit so the applicant has come before the Commission with a regulation change request so that once adopted and approved locally, they can file for the permit from the State of Connecticut. Mr. Haynes stated that he appreciates that Mr. Brignole has left spirits out of the regulation change to meet the concerns of some of the residential neighborhoods in the area and noted that the expansion of the wholesale side of the business will expand on the agricultural use of the winery without expanding on actual foot traffic to the winery, which has been a past concern.

Discussion then focused on the specific wording of the regulation change request: “Any farm vineyard requesting Craft Café permit under this subsection shall not be required to amend its existing special permit to obtain the Craft Café permit but all existing conditions relating to its special permit shall apply to the sale of craft beer.” It was questioned whether Brignole Vineyards was currently in compliance with the conditions of their special permit due to pending litigation. It was determined that the second half of the sentence under discussion was superfluous and would be removed.

Gary Haynes then shared comments from the Capitol Region Council of Governments and noted that CRCOG has reviewed the zoning referral and finds no apparent conflict with their regional plans and policies and concerns of the neighboring towns.

Public comment included support from Paul Calebaugh, 152 Turkey Hills Road, who expressed that he feels that Mr. Brignole provides a great service to the Town of East Granby but also feels that the Commission is still making it difficult for Mr. Brignole to expand his business.

The public hearing closed at 7:56 PM.

DISCUSSION WITH APPLICANT AND/OR PUBLIC

None.

MINUTES

A motion was made by Charlie Allen and seconded by David Brassard to approve the minutes of February 8, 2022 as submitted. Votes in favor were unanimous. Motion carried. Amanda Thompson abstained due to her absence at the last meeting.

COMMUNICATIONS

The Commission received:

- IWC Minutes for 03/02/2022
- An e-mail from Attorney Landolina with a revised version of the proposed regulation change #22-02 dated 02/16/2022
- An e-mail from Gary Haynes with the full winery regulations with the proposed changes from Application #22-02 in highlights
- The Commission’s own Zoning Regulation Change Application #22-03 for cannabis dispensaries
- An administrative approval for 29 Kripes Road for a sign theme
- CRCOG comments dated 03/04/2022 for Zoning Regulation Change Application #22-03
- CRCOG comments dated 02/04/2022 for Zoning Regulation Change Application #22-02
- Regulation Change Application #22-04 by SL 50-58 Rainbow Road LLC for revisions to Commerce Park Transitional Zone

OLD BUSINESS

A. Zoning Enforcement Report

A packet of information was received by Commission members from resident Colleen Colabella regarding conditions at 170 Hartford Avenue. Gary Haynes provided an update regarding the status of this property. After trees were removed last July, complaints were received from neighbors regarding the changes to the property and the items being stored there. When contacted at that time, the property owner indicated they wanted to clear some of the area to create some additional storage and for potential expansion for some of their auto services. They were reminded by the Town that if they intended to complete any sort of expansion, they would need to go before the Planning and Zoning Commission with a revised site plan. The property owner indicated they were going to do so but the Town started to receive some complaints again in September. The Town contacted the property owner who stated that they had contracted with an engineer and were working on a site plan approval, but the engineer was currently overloaded with work. The Town did speak to the engineer who confirmed that he was behind with the plan. In December, it was reported that more material was being brought to the site. A cease and desist order was issued to the property owner on February 1st. Since that time, the property owner has been working on clearing up the site, getting the landscaper who was storing equipment there to remove it. The engineer also provided an update and said that they started to do some surveying but had some difficulty finding some of the monumentation. He indicated they hoped to continue this week and next week to do the survey so they can submit for site plan approval for expansion on those areas. Since the issue of the cease and desist order on February 1st, there has been a lot more progress with site clean up and the applicant is trying to come into compliance.

Mr. Haynes stated that he did not receive the packet of information from Ms. Colabella but would be happy to speak with her about the situation and will send her an e-mail with an update. When asked what the next step in the process should be, Mr. Haynes commented that if the cease and desist order was not followed, the matter would be sent to the Town attorney and through the court system. If the applicant is making a valid attempt in terms of clean up then those steps would not be necessary.

B. Planner Report

Administrative Site Plan Approval – 29 Kripes Road Sign Theme

Gary Haynes reported that one of the new tenants of the office building at 29 Kripes Road, known as the Airport Business Center, was interested in signage for his business so he worked with the landlord to develop a uniform sign theme for the multi-tenant building. All the sign sizing requirements required by zoning regulations were met and the application received administrative approval. Packets illustrating the signage plans were distributed to Commission members prior to this evening's meeting.

C. CRCOG Regional Meeting Report – No report. The next meeting is scheduled for March 24, 2022.

NEW BUSINESS

A. Timothy Brignole/Zoning Regulation Change Application#22-02 Craft Café License for Wineries (rec'd 2/08/22) (h/d 3/08/22) (d/d 5/10/22)

A motion was made by Daniel Velcofsky and seconded by Amanda Thompson to approve Zoning Regulation Change Application #22-02 to allow for Craft Café licenses with the elimination of the following: "...but all existing conditions relating to its special permit shall apply to the sale of craft beer."

After comment, a motion was made by Daniel Velcofsky and seconded by Thomas Derlinga to amend his previous motion to include that the zoning regulation change is in conformance with the Town Plan of Conservation and Development specifically with regard to farms. Votes in favor of the amended motion were unanimous. Motion carried. It was noted that the effective date of this regulation shall be April 2, 2022.

ADJOURNMENT

A motion was made by Charlie Allen and seconded by Daniel Velcofsky to adjourn the meeting at 8:09 PM. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Laura Hall
Land Use Administrative Assistant