

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC HEARING**

**June 28, 2010**

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The Wethersfield Zoning Board of Appeals held a public hearing on June 28, 2010 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Vice Chairman  
Bruce T. Bockstael  
George McKee  
Daniel M. Logan, Alternate  
Frank Dellaripa, Alternate  
Sheila Hennessey, Alternate

**ABSENT:** Morris R. Borea, Chairman  
Matthias DeAngelo

**Also Present:** Steve Lattarulo, Assistant Building Official  
Fred Valente, Building Official

Vice Chairman Vaughan, Jr. opened the meeting at 7:00PM. There was no one from the audience who wished to speak.

Vice Chairman Vaughan, Jr. stated that they will be taking the Applications out of order; they will be hearing Application # 6037-10 first; then close the hearing and go into Public Meeting to vote on this Application.

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**APPLICATION NO. 6037-10 Tibor Kovacs**, appealing the decision of the Chief Building & Zoning Official for interpretation of a past variance for the keeping of pigeons and enclosures not having the required setbacks at 91 Fairview Drive, south side, A Zone. (§3.5.4).

Tibor Kovacs, 91 Fairview Drive, Wethersfield, CT and Bill Sousi, American Racing Pigeon Union, 91 Tolland Green, Tolland CT appeared before the Board appealing the decision of the Chief Building & Zoning Official on a past variance.

Mr. Kovacs stated that he received a letter from the Town stating that there was a compliant regarding the pigeons. He stated that he received a variance back in 2003 to keep the pigeons. He presented to the Board a petition with 32 signatures in favor of his variance.

Mr. Sousi stated that it appears there must have been some confusion regarding the previous variance that was approved and the Building Official states there is a 30 pigeon

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maximum. He stated that the Commission had asked how big the coop had to be; it was answered that you needed one square foot per pigeon; therefore, a 30 square foot loft could hold 30 pigeons. The Board approved a 6' X 20' loft with two stories, at 120' per story. He stated there was nothing in the variance about the number of birds only the size of the coop.

Mr. Sousi stated that the basis for the appeal of finding is simple – a loft size was approved that can sustain 200 plus pigeons; Mr. Kovacs does not have anywhere near that many pigeons, but a loft was approved that could hold that many pigeons. He stated that pigeons do not fall under livestock. He stated that he feels the 30 pigeon limit came out of some notes; and that it is not practical to have only 30 pigeons on a racing team. He stated that you have to understand that they breed; and to have to stay at a limit does not seem reasonable.

Vice Chairman Vaughan, Jr. stated that he and Commissioner Bockstael were here during that previous application in 2003. He stated that he remembers there being an issue with the coops being in disrepair and that they were going to be repaired and made to look nicer. Mr. Kovacs stated that he did do that; adding that he had a blueprint which he brought to Mr. O'Connor and it was approved. He stated everything has been ok; but now, he doesn't know why or what happened, but his neighbor at 97 Fairview Drive complained, however, his mother signed the petition in favor of the application.

Commissioner Bockstael stated that at the time of the last hearing you stated that you had 30 pigeons; the question was asked what would the size of the facility need to be to support 30 pigeons; and at the time, the document showed that you had a 6' X 10' structure; so I made the comment that this could easily support 50 pigeons. He stated that the hearing back then supported the 50 pigeons; but you indicated at the time that you had 30 pigeons, so that is probably why the 30 pigeon limit.

Mr. Sousi explained about the sport of Pigeon Racing and how it is somewhat like horse racing; he explained about the different types of pigeons and how they are not your common everyday pigeons; adding that some of these pigeons are imported and quite expensive. He stated that some pigeons are never released; adding that usually there is a limit on the number of birds you release at any one time.

Commissioner Bockstael stated that he feels the issue is not the number; unfortunately at the time of the hearing back in 2003 the numbers that were used were somewhere between 30 and 50 and that is why the Building Inspector landed on this number. He stated that at the time Mr. Kovacs never mentioned that his intent was to have 100 plus pigeons or this Board may have in fact approved that, but it was never mentioned. The issue here is that the Building Inspector stated to you that your approval is based on a certain number and you have now exceeded that number. Mr. Sousi questioned that isn't it a fact that in the same discussion it was mentioned that you need 1 square foot per

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pigeon and then it was approved for 120 square feet?

Vice Chairman Vaughan, Jr. stated that one of the stipulations is that there must be a plan submitted to and approved by the Building Department; so at the time of the hearing we did not have the information of the size of the coop. So, if Mr. O'Connor approved the coop at that size then that is what it is; but at the hearing we did not know the size.

Mr. Kovacs stated that he never lets out more than 50 pigeons at a time. Commissioner Bockstael stated that right now we are dealing with the number of pigeons that was previously approved.

Mr. Sousi stated that he feels the paperwork is in order to support the number of birds that Mr. Kovacs has. He stated that if there are any problems they can discuss it and rectify it; maybe by limiting the number of birds being released or whatever the problem may be.

Vice Chairman Vaughan, Jr. questioned if Mr. Kovacs had more land would this be an issue. Mr. Lattarulo stated that the zoning regulations are based on the square footage of the land.

Commissioner McKee stated that he is a little confused and questioned if the issue is the number of pigeons he now has. Mr. Sousi stated that he does not know; the number of pigeons is not on the application; it just says that 30 were in the notes. Commissioner McKee confirmed that their contention is that when the variance was initially granted there was no limit on the number of pigeons and it is being questioned as to why the Building Inspector has placed a number limit on the variance. Mr. Sousi stated that this was correct; explaining what square footage is needed for a healthy bird, and the amount of square footage that was approved, adding that this does not support only having 30 birds. Commissioner McKee confirmed that his issue is that the Building Inspector put a number on the variance which should not be 30 but based on the size of the structure which you are well within the limits of. Mr. Sousi confirmed that this was correct.

Commissioner Dellaripa stated that he has an ariel view of the property and questioned where the coop is; stating that he cannot tell because there are a lot of structures in the back. Mr. Kovacs showed him on the photo where the coops are kept.

Mr. Sousi submitted to the Board the actual plans that were approved by the Building Inspector.

There were no further questions or comments from the Board.

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The following audience members wished to speak in favor of this application:

1. Mary Ann Botticello, 189 Beverly Road, Wethersfield, CT – she stated that she is a friend of the family and she too has birds. She stated that when she was showed the pigeon coops she seen that it was kept very clean and they were not noisy at all. She stated that he takes very good care of them; adding that he is a very responsible bird owner.
2. Violet Frajko, 190 Beverly Road, Wethersfield, CT – she stated that she is Mr. Kovacs sister and she wanted to show support for her brother. She stated that he has received first place prizes in racing pigeons and she hopes that he can continue to do this hobby as he has done it since he was a little boy.
3. Ms. Meg Kovacs, 20 Woodland Road, Rocky Hill, CT – she wanted to state that she is in support of her father; adding that he takes very good care of the birds and they are very important to him. She stated that they are animals; maybe a different breed for a residential area; but they are animals.

The following audience members wished to speak in opposition to this application:

1. Gail Damelio, 104 Fairview Drive, Wethersfield, CT – she stated that the pigeons are fine; they fly around which is fine; but her concern is how is it enforced; and what is the limitations; if I decide to have show pigs can I have that as well or 75 cats, would that be ok. The issue is he was approved for 30, then what 240, and then 550, etc. What is the limitation and how is it enforced.

Vice Chairman Vaughan, Jr. and Commissioner Bockstael stated that there are limitations and enforcement; that is why we are here now. Commissioner Bockstael stated that there are livestock regulations.

Commissioner McKee stated that there certainly are limitations; that is why there are ordinances. He stated that this Board is here to make exceptions to a rule and we can put a number on it.

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2. Carol Gray, 97 Fairview Drive, Wethersfield, CT – she stated that he was previously granted a variance for 30 pigeons; however today he is housing approximately 75 pigeons. She stated that because he is over on this variance she feels that it should not be upheld. She stated that this current variance is bothersome to her; stating that these birds land on her roof. Adding that because of these pigeons she cannot use her backyard and family and friends do not like to come over because of these birds; stating that when the birds are released they fly and circle around and around like a scene from the Alfred Hitchcock movie The Birds. She stated emphatically that these birds should not be allowed in a residential neighborhood. She submitted to the Board a petition from 5 surrounding neighbors in opposition to this application.

Commissioner Dellaripa read the petition into the record and confirmed there are 5 signatures from neighbors opposed to this application.

Vice Chairman Vaughan, Jr. stated for the record that they are not rescinding any previous motions from in the past; that is not what this application is for.

3. Mr. Gregory Ryan, 46 Holly Lane, Wethersfield, CT – he stated that his backyard abuts Mr. Kovacs property. He stated that it is difficult to stand up and be against a neighbors life passion. However, he stated that he moved in several years ago because it was zoned as a residential neighborhood and had a trust that the Town would allow that zone to continue. He stated that it is difficult to explain to guests, who are eating on the deck, not to worry, these pigeons will not defecate like other pigeons do. He stated that this is a residential neighborhood and should continue to be zoned a residential neighborhood without exceptions.

Commissioner McKee questioned how often the pigeons are released and swoop around the property. Mr. Ryan stated that he is not home very often and works all day; however, he knows it is several times a week; recently he has not seen them as often but he did in the past.

Commissioner McKee questioned how long they stay out for; Mr. Ryan stated about half an hour to an hour.

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4. Ms. Sandra D'Angona, 442 Yellow Brick Lane, Orange, CT – she stated that she is a friend of Carol Gray's. She stated she visited her friend's home when there were about 40 pigeons circling the property over and over again; she stated that she felt she was in Hitchcock's film The Birds; she stated she has never experienced an event like it before. She stated that when she left the home there were droppings on her car. She stated that this is unacceptable in a residential neighborhood. She urges the Board to act responsibly and stop this.
5. Mr. Ralph Corneia, 34 Holly Lane, Wethersfield, CT – he stated that he does not want to take someone's passion away from them but he also does not want the pigeons tripling. He stated that he has more room for pets and children but that does not mean he has to have them.

Commissioner McKee questioned if he is fine with what Mr. Kovacs has now. Mr. Corneia stated that he has learned to live with the number he has now; but would not want to see it triple.

Vice Chairman Vaughan, Jr. stated that they will now be voting on this application only.

Mr. Sousi entered into the record a petition of neighbors in favor of this application.

Commissioner Dellaripa read the petition in favor and confirmed there were 31 signatures in favor; adding that there were many from Fairview Drive and some from other streets.

Commissioner Dellaripa read a letter from the American Racing Pigeon Union sent by Karen Clifton, Executive Director stating that Mr. Kovacs is a member in good standing; and explained how these pigeons are not the same as feral pigeons.

There was nothing further.

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**APPLICATION NO. 6036-10 Wei Hong Ng**, seeking a variance to construct an addition not having the required rear yard setback at 21 Parkview Drive, west side, B Zone. (§3.7).

Wei Hong Ng, 21 Parkview Drive, Wethersfield, CT and Ms. Cavrara, 26 Walnut Road, Rocky Hill, CT ; speaking on behalf of her father Mr. Cavrara, who is the contractor; appeared before the Board seeking a variance to construct an addition not having the required rear yard setback. Ms. Ng stated that she wishes to enclose the sunroom and

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make a three season room.

Vice Chairman Vaughan, Jr. questioned how much of a variance is needed. Mr. Lattarulo confirmed that a 5.2' variance is needed.

Commissioner Bockstael stated that the plan looks like the intent is to put in a wooden floor off the ground. Ms. Ng stated that this was correct.

Commissioner Bockstael questioned if the structure will be enclosed with the same siding. Ms. Ng stated that this was correct.

Commissioner Bockstael questioned where the door out of the room will be placed; asking if it will go out in the rear yard or to the side yard. Ms. Ng stated that it will be going out to the side yard.

Vice Chairman Vaughan, Jr. confirmed that they will not be going any further out into the rear yard. Ms. Ng stated that this was correct.

Commissioner Hennessey stated that last year there was a second floor enclosure approved; and now an application for a 3 season room enclosure; she questioned if there will be any heat. Ms. Ng stated that there will be no heat – this is strictly a 3 season room.

Commissioner Dellaripa confirmed that this is being built with Town approvals. Mr. Lattarulo stated that this is correct; they have a permit.

Vice Chairman Vaughan, Jr. questioned if her neighbors are aware of this application. Ms. Ng stated that they are and they are all fine with it.

Commissioner Logan questioned if there will be minimal windows. Ms. Ng stated that there will be one window and one door.

Commissioner Logan questioned what the room will be used for. Ms. Ng stated that it will be a 3 season room; with no heat and no air conditioning.

Vice Chairman Vaughan, Jr. questioned if she were to turn this into a 4 season room; would she have to come back before the Board. Mr. Lattarulo stated that she would not; but she would need to go to the Building Department to get the necessary permits.

There were no further questions or comments from the Board.

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There was no one in the audience who wished to speak in favor of or in opposition to this application.

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**APPLICATION NO. 6038-10 Tibor Kovacs**, seeking a variance to amend a previous variance to keep a greater number of birds (200) not having the required lot size and setbacks, at 91 Fairview Drive, south side, A Zone. (§3.5.4)

Commissioner Bockstael stated that they have already heard most of this testimony.

Tibor Kovacs, 91 Fairview Drive, Wethersfield, CT and Bill Sousi, American Racing Pigeon Union, 91 Tolland Green, Tolland CT appeared before the Board seeking a variance to amend a previous variance to keep a greater number of birds (200) not having the required lot size and setbacks.

Mr. Sousi explained that if there is talk about removing the birds he ask that it can be done after the racing season; adding that there is a considerable amount of money invested in racing. He stated that the bands on the birds alone are a couple thousand dollars. Vice Chairman Vaughan, Jr. stated that he would think that they can make a stipulation as far as timing goes.

Mr. Sousi educated the Board on these pigeons and pigeon racing. He stated that the racing season runs from July to October; adding that breeding is done in February and March. Mr. Sousi explained about approximately how many birds are needed to enjoy this hobby; adding that you need at least 25 to race and to breed you need 15 paired. He explained about the mature adult race teams and the young race bird teams.

Mr. Sousi stated that these pigeons can be moved to another location; like inside the home or garage without a variance being needed. He stated that they do not fall under the livestock ordinance and it does not sound like Wethersfield has any ordinances specific to racing pigeons. He stated however, that it may become a Board of Health issue if kept inside.

Vice Chairman Vaughan, Jr. stated that they have certainly been well educated on these pigeons and racing; however, the fact is that it does affect the neighbors. Mr. Sousi pointed out that there are also 30 plus signatures from neighbors that are in favor of this application and enjoy watching these pigeons.

Commissioner Bockstael stated that his dilemma is that this is a very dense neighborhood; he feels that people that do this racing probably have a larger lot size. He stated that because he has a small lot the birds cannot just circle over his



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property but they are flying over neighbor's property also. He stated that he is trying to find some type of compromise.

Mr. Sousi stated that it is very hard to enforce the number of birds. He stated that you can enforce the number of birds that are released at any one time. He stated that Mr. Kovacs has sections and he can release them at only certain times and only so many at a time; it is something that can be done and enforced and hopefully a good compromise.

Commissioner Dellaripa questioned what is wrong with having only 30 birds. Mr. Sousi stated that they breed; he stated that the breeding stock alone is 15 paired; and you race with 25 birds so having only 30 is really not feasible. The least you should have is 40 to 50. If 30 were the limit he would have breeding stock only and would have none for racing.

Commissioner McKee questioned what happens at the end of the season in October. Mr. Sousi stated that the flock is considerably less; adding that you give many away. Mr. Kovacs stated that from November to March he never releases the birds.

Commissioner McKee confirmed that at this time he has 100-125 birds and currently 70 birds are released at any one time. He also confirmed that if there were to be a limit it would be best for them if they had until the end of October. Mr. Sousi stated that this was correct; otherwise the birds are useless to anywhere but that house; you would have to move them in the house or kill them.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of this application.

The following audience members wished to speak in opposition to this application:

1. Carol Gray, 97 Fairview Drive, Wethersfield, CT – she is concerned because the original variance was for 30, the Building Inspector stated that he had 75, and now Mr. Kovacs admitted to having 100-125. She stated that most people that signed his petition are not adjacent to his property.
2. Ms. Sandra D'Angona, 442 Yellow Brick Lane, Orange, CT – she stated that when she was there the whole sky turned dark and there had to be about 40-50 flying low. She stated that all she can say is that this is not the place for this type of hobby; in a residential neighborhood.

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3. Mr. Gregory Ryan, 46 Holly Lane, Wethersfield, CT - he stated that he has received a good education and a lot of facts have come out. He stated that he has a problem with the previous variance being granted when the information was not accurate. He stated that the data being stated here tonight is very enlightening and questions if in a year or two more accurate data will come out. He also questions if there is a monetary reason for wanting these birds and racing.

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**APPLICATION NO. 6039-10 Naitram Adhin** seeking a variance to erect a shed not in the required yard location at 114 Dix Road, north side, B Zone. (§3.6.A.1).

Naitram Adhin, 114 Dix Road, Wethersfield, CT appeared before the Board seeking a variance to erect an 8' X 10' shed not in the required yard location. Mr. Adhin stated that he went to the Building Department to pull a permit to erect a shed in his yard and he was told by Mr. O'Connor that regulations require that the shed be placed on the right side of the lot. Mr. Adhin stated that his hardship for this application is that this is a corner lot. He added that there is also a storm drain on the right side of the lot and that he gets a lot of water on that side.

Mr. Adhin presented pictures of the proposed location and the location that Mr. O'Connor was speaking of.

Commissioner Dellaripa questioned if the drain is a private drain. Mr. Adhin stated that he is not sure; it was there when he purchased the property.

Commissioner Bockstael confirmed that the shed will be on his property and not on the right of way. Mr. Adhin stated that this was correct.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or in opposition to this application.

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WETHERSFIELD ZONING BOARD OF APPEALS  
Vice Chairman Thomas Vaughan, Jr.

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Commissioner Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC MEETING**

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The Wethersfield Zoning Board of Appeals held a public hearing on June 28, 2010 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Vice Chairman  
Bruce T. Bockstael  
George McKee  
Daniel M. Logan, Alternate  
Frank Dellaripa, Alternate  
Sheila Hennessey, Alternate

**ABSENT:** Morris R. Borea, Chairman  
Matthias DeAngelo

**Also Present:** Steve Lattarulo, Assistant Building Official  
Fred Valente, Building Official

**DECISIONS FROM PUBLIC HEARING**

**APPLICATION NO. 6037-10 Tibor Kovacs**, appealing the decision of the Chief Building & Zoning Official for interpretation of a past variance for the keeping of pigeons and enclosures not having the required setbacks at 91 Fairview Drive, south side, A Zone. (§3.5.4).

Upon motion made by Commissioner McKee seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that this application **BE DENIED**.

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**APPLICATION NO. 6036-10 Wei Hong Ng**, seeking a variance to construct an addition not having the required rear yard setback at 21 Parkview Drive, west side, B Zone. (§3.7).

Upon motion made by Commissioner Bockstael seconded by Commissioner McKee and a poll of the Board it was unanimously voted that this application **BE APPROVED** with the following stipulations:

1. Approved for a 5.2 ft. variance.
  2. Must have a side entrance.
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**APPLICATION NO. 6038-10 Tibor Kovacs**, seeking a variance to amend a previous variance to keep a greater number of birds (200) not having the required lot size and setbacks, at 91 Fairview Drive, south side, A Zone. (§3.5.4)

Upon motion made by Commissioner McKee seconded by Commissioner Bockstael and a poll of the Board it was voted by a vote of 4 to 1 with Commissioner Logan opposed that this application **BE APPROVED** with the following stipulations:

1. No more than 50 flying pigeons.
2. No more than 25 pigeons can be released at any one time.
3. Must be in compliance by the end of October 2010.

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**APPLICATION NO. 6039-10 Naitram Adhin** seeking a variance to erect a shed not in the required yard location at 114 Dix Road, north side, B Zone. (§3.6.A.1).

Upon motion made by Commissioner Bockstael seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that this application **BE APPROVED** as presented.

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**APPROVAL OF MINUTES**

Upon motion made by Commissioner Bockstael seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that the minutes of May 24, 2010 **BE APPROVED**.

**ELECTION OF OFFICERS**

This item was tabled.

**ADJOURNMENT**

The meeting was adjourned at 9:10 PM.

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VICE CHAIRMAN VAUGHAN, JR.

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Commissioner Bockstael, Clerk

I hereby certify that the above is a true copy of the minutes of the Zoning Board of Appeals on

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Commissioner Bockstael, Clerk