

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 19, 2008

The Wethersfield Zoning Board of Appeals held a public hearing on May 19, 2008 at 7:00 PM in the Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Acting Chairman
Frank Dellaripa, Alternate, Acting Clerk
Daniel M. Logan, Alternate
Shelia Hennessey, Alternate

ABSENT: Morris R. Borea, Chairman
Bruce T. Bockstael
George McKee
Matthias DeAngelo

Also Present: Brian O'Connor, Chief Building Official

Vice Chairman Vaughan, Jr. opened the meeting at 7:10PM. Before the meeting started, the public was welcomed to speak regarding anything except specific cases in the past or on the night's agenda. There was no one present who wished to speak.

Vice Chairman Vaughan, Jr. explained to the audience that because there are only four members present tonight their application must be unanimous to be approved. He stated that they will have the option of not being heard this evening and coming back next month at no cost to them when more members should be present.

Mr. Bryan Inkel stated that he would like to be heard on this application this evening.

APPLICATION NO. 6000-08 Bryan Inkel seeking a variance 1) for less than the required parking spaces, and 2) to permit retail use in an Office Zone (renewal) at 365 Silas Deane Highway, west side, General Business (§3.7).

Bryan Inkel, P.O. Box 344, Colchester, CT appeared before the Board seeking a variance for less than the required parking spaces and to permit retail use in an office zone. Mr. Inkel stated that he has had this variance since 1982 with renewals at 5 year, 3 year, and 2 year intervals. He requested that this variance be approved for a period of 3 years as this would coincide with his lease.

Mr. Inkel stated that this is not a traditional retail space. He stated that the maximum number of cars at any one time would be 6; 3 employee cars and 3 customer cars. He added that usually there are only 3 cars; 2 employees and 1 customer.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 19, 2008

Vice Chairman Vaughan, Jr. stated that there were previous stipulations on this variance and questioned if there were any problems with these stipulations. Mr. Inkel stated that he does not have any problems with the stipulations.

Vice Chairman Vaughan, Jr. questioned if there have been any problems or concerns. Mr. O'Connor stated that there have not been any problems or concerns. Vice Chairman Vaughan, Jr. questioned why they have always been asked to come back for renewal after so many years. Mr. O'Connor stated that he felt this was done to keep an eye on things.

Commissioner Hennessey confirmed that this variance was for less than the required parking spaces. Mr. O'Connor stated that this was correct adding that it is also for retail space in an office zone.

Commissioner Logan confirmed that the retail space is Computer Resources. Mr. Inkel 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.

Mr. Gray stated that he would like to be heard on this application this evening.

APPLICATION NO. 6001-08 Joan and Lawrence Gray seeking a variance to install an A/C unit into the required side yard setback at 140 Boulter Road, east side, A-1 Residence Zone (§3.7).

Lawrence Gray, 140 Boulter Road, Wethersfield, CT and David Crispino, Air Temp Mechanicals, 360 Capital Lewis Drive, Southington, CT appeared before the Board seeking a variance to install an A/C unit into the required side yard setback.

Mr. Crispino stated that he sent in for the permit once the job was sold. He stated that it was his mistake that he did the work before the permit was processed. He said usually by sending in the permit once the job is sold this gives plenty of time for the permit to be processed before he starts the work, but for what ever reason it was not processed before the work was done. Mr. Crispino stated the required side yard set back is 10' and they have 9 + '.

Vice Chairman Vaughan, Jr. questioned how much of a variance is needed. Mr. O'Connor stated that actually a 3' variance is needed because the side yard set back is 12' not 10'.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 19, 2008

Vice Chairman Vaughan, Jr. questioned if his neighbor has any concerns with this application. Mr. Gray stated that he does not; he stated that he has a letter from his neighbor that this directly affects; he added that he also has a letter from his neighbor across the street; both neighbors stated that they have no problem with this application. He submitted these letters.

Mr. Crispino stated that there really is no other possible location to put the unit. He stated that all other locations were blocking windows.

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.

Ms. Ashbaugh stated that she would like to be heard on this application this evening.

APPLICATION NO. 6002-08 Hines Sudden Service, Inc. seeking a variance to install a sign larger than permitted (drive thru menu board) at 31 Town Line Road, north side, Regional Commercial Zone (§6.3F.7).

Ms. Gwendolyn Ashbaugh, Lenard Engineering, 140 Willow Street, Winsted, CT appeared before the Board on behalf of Hines Sudden Service, Inc. seeking a variance to install a drive thru menu board which is larger than permitted at 31 Town Line Road.

Ms. Ashbaugh stated that this project is for the Kentucky Fried Chicken. She stated that the maximum allowable square footage for a menu board sign is 18 square feet; the standard KFC menu board is 36.5 square feet with a 6.3 square foot shroud covering the posts at the base. She stated that the proposed menu board is located near the rear of the property, adding that this location has already been approved by the Planning and Zoning Commission.

Ms. Ashbaugh stated that the hardship for this application is that a menu board consisting of only 18 square feet does not allow for adequate space for the menu items to be presented to customers, and limiting the number of items on the menu board would impede business. She stated that although financial loss is not considered a hardship, it would cost the Franchisee Owner of this KFC approximately \$7,000 for a customized design and construction of an 18 square foot sign. This would then also have to get approved by the KFC Franchise Headquarters.

Vice Chairman Vaughan, Jr. questioned if the variance is because it is a free standing sign. Mr. O'Connor stated that the variance is due to the sign being larger than the maximum allowed square footage of 18 square feet.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 19, 2008

Ms. Ashbaugh stated that although the menu board sign is larger than permitted, their overall signage is only 96.4 square feet and 125 square feet is allowed.

Commissioner Dellaripa questioned if any other signs of this size have been granted. Ms. Ashbaugh stated that both Dunkin Donuts and Tim Hortons were granted similar variances. Mr. O'Connor confirmed that they have been granted similar variances.

There were no further questions or comments from the Board.

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

1. Mr. Bryan Inkel, P.O. Box 344, Colchester, CT

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

Ms. McAlister stated that she would like to be heard on this application this evening.

APPLICATION NO. 6003-08 Webb Elementary School PTO seeking a variance to conduct a carnival for three (3) days at the Webb Elementary School, 51 Willow Street, west side, A-1 Residence Zone (§3.5).

Ms. Karen McAlister, 52 Angela Drive, Wethersfield, CT and Mr. Stathis Monaousos, 136 Windmill Hill, Wethersfield, CT appeared before the Board on behalf of Webb Elementary School PTO seeking a variance to conduct a carnival for three (3) days at the Webb Elementary School.

Ms. McAlister stated that they usually have a spring fair, however, because this is considered a carnival with a few rides they were told that they have to get this approved before this Board. Ms. McAlister stated that these rides are state inspected.

Mr. O'Connor brought a map for the Board members to see where the rides would be located. Ms. McAlister stated that these rides would be out of the way of the baseball fields.

Commissioner Hennessey questioned if these rides will be placed on the grass. Ms. McAlister stated that these rides would be placed behind the parking lot area; some may go on the grass and some in the parking lot. Mr. Monaousos stated that it is up to the ride company as to the best placement of these rides.

Ms. McAlister stated that this carnival would take place from June 20, 2008 to June 22, 2008. The hours of operation would be Friday 5 – 9, Saturday 11 – 9 and Sunday 11 – 5.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 19, 2008

Vice Chairman Vaughan, Jr. questioned if this was all planned and organized before they realized that a variance was needed. Mr. Monaousos stated that this was correct. He stated that once they realized that a variance was needed they have been in contact with the Town and have had meetings with the Town Manager, Fire Marshal, Building Inspector, owner of the ride company and anyone else they needed to in order to get this variance approved.

Commissioner Logan questioned how many rides the carnival will be having. Ms. McAlister stated that there will be six (6) small rides.

Vice Chairman Vaughan Jr., read an email from the Town Engineer listing 18 concerns that the Town has. Ms. McAlister and Mr. Monaousos stated that they have addressed all of these concerns. Mr. Monaousos stated that they have had meetings with the Town to work out these issues and they will continue to work with the Town to make sure that all these issues are addressed. Vice Chairman Vaughan, Jr. read each concern; Ms. McAlister and Mr. Monaousos stated how each concern was already addressed.

Ms. McAlister stated that they have a letter from the Superintendent of Schools stating that he is in support of this event and he is looking forward to next years event as well.

There were no further questions or comments from the Board.

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

1. Ms. Susan Dudley, 4 Leonard Farms Way, Wethersfield, CT
2. Mrs. Sullivan, 52 Windmill Hill, Wethersfield, CT
3. Mr. Sebastian Tata, 130 Windmill Hill, Wethersfield, CT

All above audience members wished to express that this would be a great event for the kids and that a lot of time and effort was put into this event.

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

1. Steve Kelly, President, Wethersfield Baseball Association, 29 Old Smitty Lane, Wethersfield, CT
2. Mr. Craig McGovern, 36 Somerset Street, Wethersfield, CT

The above audience members wished to voice their concern over the fields being damaged. If the fields are damaged significantly the whole baseball season could be lost. After speaking with Ms. McAlister and Mr. Monaousos and seeing the plans Mr. McGovern stated that he feels that he can live with the concessions that the PTO has made in making sure that the fields are not damaged.

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

May 19, 2008

3. Mr. William Sullivan, 58 Gooseberry Hill, Wethersfield, CT

The above audience member wished to voice his concern regarding parking on Gooseberry Hill. He also stated that he is concerned that people will be walking through his property on to the fields and to the carnival. He added that he is also concerned about lights going into his home.

WETHERSFIELD ZONING BOARD OF APPEALS
Acting Chairman Vaughan, Jr.

Commissioner Dellaripa, Acting Clerk

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Daniel M. Logan, Alternate
Shelia Hennessey, Alternate

ABSENT: Morris R. Borea, Chairman
Bruce T. Bockstael
George McKee
Matthias DeAngelo

Also Present: Brian O'Connor, Chief Building Official

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 6000-08 Bryan Inkel seeking a variance 1) for less than the required parking spaces, and 2) to permit retail use in an Office Zone (renewal) at 365 Silas Deane Highway, west side, General Business (§3.7).

Upon motion made by Vice Chairman Vaughan, Jr. seconded by Commissioner Hennessey and a poll of the Board it was unanimously voted that the above application **BE APPROVED** with the following stipulations:

1. There shall be no parking in fire lanes.
2. If there is a change in use or ownership, space must revert back to office space.
3. For a period of three (3) years.

APPLICATION NO. 6001-08 Joan and Lawrence Gray seeking a variance to install an A/C unit into the required side yard setback at 140 Boulter Road, east side, A-1 Residence Zone (§3.7).

Upon motion made by Commissioner Dellaripa seconded by Commissioner Logan and a poll of the Board it was unanimously voted that the above application **BE APPROVED** for a 3' variance as presented.

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PUBLIC MEETING**

May 19, 2008

APPLICATION NO. 6002-08 Hines Sudden Service, Inc. seeking a variance to install a sign larger than permitted (drive thru menu board) at 31 Town Line Road, north side, Regional Commercial Zone (§6.3F.7).

Upon motion made by Vice Chairman Vaughan, Jr. seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as presented.

APPLICATION NO. 6003-08 Webb Elementary School PTO seeking a variance to conduct a carnival for three (3) days at the Webb Elementary School, 51 Willow Street, west side, A-1 Residence Zone (§3.5).

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

1. Parking on one side only on all side streets.
2. Conduct Fair in accordance with plan that was presented; to protect the fields.
3. Continue to work with the Town on all 18 issues presented by the Town Engineer.

APPROVAL OF MINUTES

Tabled.

ADJOURNMENT

The meeting was adjourned at 8:35 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
ACTING CHAIRMAN VAUGHAN, JR.

Commissioner Dellaripa, Acting Clerk

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

Commissioner Dellaripa, Acting Clerk