

**WETHERSFIELD ZONING BOARD OF APPEALS**  
**PUBLIC HEARING**  
**June 26, 2006**

The Wethersfield Zoning Board of Appeals held a public hearing on June 26, 2006 at 7:00 PM in the Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Morris R. Borea, Chairman  
Thomas J. Vaughan, Jr., Vice Chairman  
Bruce T. Bockstael, Clerk  
Gina P. DeAngelo  
George McKee  
Earle R. Munroe, Alternate  
Frank Dellaripa, Alternate

**ABSENT:** Matt Cholewa, Alternate

**Also Present:** Brian O'Connor, Chief Building Inspector

Chairman Borea opened the meeting at 7:00PM. Before the meeting started, the public was welcomed to speak regarding anything except specific cases in the past or on the night's agenda. The following audience member wished to speak.

Mr. John O'Hare, 6 Stocking Mill Road, Wethersfield, CT - he wanted to address an issue relative to the Minutes of the May 22, 2006 meeting. He stated with regard to paragraph 1 on page 6, the point that he was trying to get across was the fact that the applicant did not own the property before Stocking Mill was developed; that this point is moot. He stated that the applicant did not own the property until about 10 years after Stocking Mill was installed. He stated that he would like the record to show this.

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**APPLICATION NO. 5953-06 Dunkin' Donuts** seeking a variance to install menu boards larger than permitted at 416 Silas Deane Highway, east side, General Business Zone (§6.3.F).

Mr. Phillip Jona, 222 Williams Street, Glastonbury, CT, General Contractor, appeared before the Board on behalf of Dunkin' Donuts seeking a variance to install signs larger than permitted. Mr. Jona stated that they are seeking a 10' variance for the installation of a standard Dunkin' Donuts Franchise Menu Board. He stated that he believes that some of this square footage is due to the "Point of Purchase" plagues that are on the side of the menu boards that show up and coming products. He stated that the menu board itself faces the rear of the property and is kiddy corner; adding that it will not be visible from the street.

Mr. O'Connor stated that he is 23 square feet over the maximum allowed 18 square feet. He stated that this includes the side point of purchase plagues.

Chairman Borea questioned how much he would be over if the side point of purchase displays were not attached. Mr. O'Connor stated that he would be around 12 to 13 square feet over.

Chairman Borea questioned if other Dunkin' Donuts in Wethersfield have these side signs. Mr. Jona stated that he believes they do; he stated that this is relatively a new type of sign and if they do not have this exact type then they do have something similar to this sign. He stated that this type of sign has a separate speaker; so that it will keep the volume down and it eliminates the screaming. He stated that unfortunately if this variance is not approved the applicant would have to have a special sign made which would be smaller, but cost more. He would also have to get this approved by Dunkin' Donuts.

Mr. O'Connor stated that he wants the Board to realize that Tim Horton's was approved for two menu signs, one at 33 square feet and the other at 22 square feet for a total of 55 square feet. He also stated that he checked around Town and that Burger King on the Silas Deane Highway, which was installed before zoning regulated menu signs, has a menu board at 48 square feet.

Chairman Borea questioned the Dunkin' Donuts on the Berlin Turnpike. Mr. O'Connor stated that he did not check that sign. He stated that any signs that were installed prior to November 2004 are grandfathered in.

Commissioner Monroe questioned that if these signs are new standard Dunkin' Donuts menu boards what were the sizes of the boards before. Mr. Jona stated that they were basically the same size however they had a rolled type sign. He stated that when he says these are new menu boards he means within the past year to year and a half.

Commissioner Monroe questioned the hardship for this application. Mr. Jona stated that the hardship is that they would have to get a custom made sign that would also have to go before Dunkin' Donuts for approval because it is not the standard size. He stated that making the new sign could cost around \$6,000.

Commissioner Monroe confirmed that this sign is comparable to Tim Horton's. Mr. O'Connor stated that this sign would actually be smaller, and it is also smaller than the Burger King sign.

There were no further questions 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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**APPLICATION NO. 5954-06 Turnpike Brokers LLC** seeking a variance to permit an accessory use for the display of outdoor merchandise at 1884 Berlin Turnpike, west side, Business Park District Zone (§5.3).

Attorney Lee Johnson, Silas Deane Highway, Wethersfield, CT appeared before the Board on behalf of Turnpike Brokers seeking a variance to permit an accessory use for the display of outdoor merchandise. Atty. Johnson stated that his client rents a commercial space at 1884 Berlin Turnpike at the U Store It Garage. He stated that the applicant has a business which buys, sells, and trades various goods such as computers, tire rims, stereo equipment, power equipment, etc, adding that their hours are 11AM to 8 PM Monday thru Saturday and closed on Sunday. He stated that they are before this Board tonight because they would like to display some of these items out side in front of their building in an area that is 30' wide. He stated that, as you can see on the sketch that was submitted, this is a round half circle shaped area; he stated that this area is relatively small. He stated that what they would like to do is during normal business hours is put about 5-10 items such as lawn mowers, scooters, snowblowers, etc., in this area. He stated that this property is in a Business Park Zone and because of this there is no procedure to allow for a special permit which is why we are requesting the variance. He stated that this property was previously in a C Zone which allowed for the use by a special permit; however, apparently the zone was changed in May as part of the revisions that were done. He stated that the building is set sideways and is not very visible from the street, he adding that there is not a lot of glass to display this merchandise in the store front. He stated that this is why they are seeking the variance. He stated that the use that is being requested is really not out of context for this area or with the other building uses of this neighborhood.

Chairman Borea questioned if this would have been allowed previously before the zone change. Atty. Johnson stated that this is his understanding, it was originally a Commercial Zone and this would have been allowed by a special permit application. Chairman Borea questioned if they ever displayed merchandise there before. Atty. Johnson stated that previous to this owner he has no knowledge of that.

Commissioner McGee confirmed the hours of operation. Attorney Johnson stated that they would be from 11AM to 8PM Monday thru Saturday.

Commissioner Bockstael confirmed that according to the sketch they are requesting a certain 600 square foot area; confirming that there would not be any merchandise out by the curb or in other areas of the parking lot. Attorney Johnson stated that this was correct the display would only be in the designated area.

Vice Chairman Vaughan, Jr. questioned if items would be stacked up on top of each other. He stated that they would not; they will only be displaying bigger merchandise and it would be displayed neatly. He stated that the merchandise, once displayed outside, goes very quickly.

Commissioner Bockstael questioned the lighting in the area. The applicant stated that there is a flood light outside which lights up the area very well. He stated that once it starts getting dark they bring the merchandise in because they can not keep a good eye on it.

Vice Chairman Vaughan, Jr. questioned if the flood lights can be seen in the rear of the building because it is residential in the back of the Berlin Turnpike. The Applicant stated that the lighting cannot be seen in the back.

Commissioner DeAngelo questioned if this display would be all year long or just for the summer. The Applicant stated that this is his first year there so he is not sure, but probably in the winter he would like to put out some snow blowers.

Commissioner Dellaripa questioned if this is new or used merchandise. The Applicant stated that this is used merchandise.

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 member wished to speak in opposition to this application:

1. Attorney Dan Blume, Blume Associates, West Hartford, CT representing his client Mr. Martin O'Meara, Jr. who owns the parcel immediately to the south of the parcel that is being discussed tonight. He stated that they are in serious opposition to this application for a number of reasons. First, ordinance under 5.3 prohibits outdoor display of merchandise in the Business Park Business Zone. He stated that the only way that the Board could permit this is by virtue of a variance, however, in Section 8.6a.3 which states specifically about variances, it must be demonstrated that it would result in exceptional difficulty or unusual hardship for the individual to get a variance. He stated that he has not heard of any hardship, it record one case which said: "to limit the use of variances proof of exceptional difficulty and unusual hardship is absolutely necessary as a condition proceeded to the granting of a zoning variance. A mere economic hardship is insufficient in justifying a variance and neither financial loss nor the potential financial gain is the proper basis for granting a variance." He stated that he feels that this applicant strikes out on three counts, first there is no hardship, second the LLC came into being in December of 2005 and on a lease in the premises; this constitutes the "purchase of knowledge rule"; and the third strike is a serious question of safety. He presented photographs to the Board which shows the two buildings that are on this parcel. He stated that he feels with the traffic coming in from Berlin Turnpike to get to the self storage area, this is not a place to have people walking around looking at merchandise. He stated that because of this his client is opposed to this application. He read a statement from his client which states that he has owned this property for over 50 years and does not feels that a flea market or year round garage sale would degrade the value of the adjacent property. He stated that the desire for outdoor display is of course to attract the attention of passing by vehicles which is also a means of distracting drivers on a very busy highway which is a potential safety hazard.

Chairman Borea stated because a lot of information was given by Attorney Blume that Attorney Johnson did not address in his original presentation he is welcome to come up and address any of these points. Attorney Johnson stated that first he would like to clarify that this would not be a flea market/garage sale type display. He stated this is merely an outdoor display. He stated that Bob's Fruit Stand is a perfect example of another outdoor display. He stated that if you look at the parking lot there is a lot of space in the parking lot; this display would only take up approximately 1-3 parking spaces. He stated that this is not in an area that you would drive in or out of; it is more in the front and the side, and it is appropriately placed. With regards to the hardship requirements; two issues, we discussed the location of the building as it is placed on the land, and also the fact that the zone change has created the reason for us being here. No one has mentioned that they are grandfathered in.

There were no further questions or comments from the Board.

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**APPLICATION NO. 5955-06 Rick Garofalo** seeking a variance to construct an addition which will be located over the building line at 6 Avalon Place, north side, B Residence Zone (§3.7).

Rick Garofalo, 6 Avalon Place, Wethersfield, CT appeared before the Board seeking a variance to construct an addition which will be over the building line. He stated that the variance is actually needed for the south side at the front entrance. He stated that currently there is a non existing conformity. He stated that they are looking to enclose the front porch; he stated that it is currently just a stoop; however, they would like to enclose and enlarge it. The proposed enclosure would come out 5' from the house and would be about 7 1/2' wide. He stated that this 1' out further from the stoop and a 1 1/2' wider.

Chairman Borea questioned how much of a variance is needed. Mr. O'Connor stated that the variance is for the whole enclosure because the house is non-conforming. He stated that the set back is half way thru the house.

Mr. Garofalo showed drawings of the proposed addition and presented pictures to the Board showing another house across the street at 9 Avalon Place that has the same addition. He stated that basically every other house on the street has something on the front and their house is only a stoop. He feels that this would look much nicer for the area.

Chairman Borea questioned if the Historic District has looked at these plans. Mr. Garofalo stated that he has already received approval from the Historic District Commission. He apologized for not coming to this Board first.

There were no further questions 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  
CHAIRMAN MORRIS BOREA

Commissioner Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS  
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June 26, 2006**

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**PRESENT:** Morris R. Borea, Chairman  
Thomas J. Vaughan, Jr., Vice Chairman  
Bruce T. Bockstael, Clerk  
Gina P. DeAngelo  
George McKee  
Earle R. Munroe, Alternate  
Frank Dellaripa, Alternate

**ABSENT:** Matt Cholewa, Alternate

**Also Present:** Brian O'Connor, Chief Building Inspector

All regular members voted.

## **DECISIONS FROM PUBLIC HEARING**

**APPLICATION NO. 5953-06 Dunkin' Donuts** seeking a variance to install menu boards larger than permitted at 416 Silas Deane Highway, east side, General Business Zone (§6.3.F).

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

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**APPLICATION NO. 5954-06 Turnpike Brokers LLC** seeking a variance to permit an accessory use for the display of outdoor merchandise at 1884 Berlin Turnpike, west side, Business Park District Zone (§5.3).

Upon motion made by Commissioner Bockstael seconded by Vice Chairman Vaughan, Jr. and a poll of the Board it was unanimously voted that the above application **BE DENIED** due to no hardship.

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**APPLICATION NO. 5955-06 Rick Garofalo** seeking a variance to construct an addition which will be located over the building line at 6 Avalon Place, north side, B Residence Zone (§3.7).

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

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## **APPROVAL OF MINUTES**

Chairman Borea stated that he was not at the meeting of May 22, 2006, however, he did not hear anything that would have to correct the minutes from what occurred. In other words the minutes accurately stated what happened. He stated that he understands Mr. O'Hare's position that that was a moot point in his opinion because they already owned the property for 10 years and his comments will be on the record from today.

Upon motion made by Vice Chairman Vaughan, Jr., seconded by Commissioner McKee and a poll of the Board it was unanimously voted that [the minutes of May 22, 2006](#) **BE APPROVED**.

## **ADJOURNMENT**

The meeting was adjourned at 7:45PM.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN BOREA

Commissioner Bockstael, Clerk