

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING
February 23, 2004

The Wethersfield Zoning Board of Appeals held a public hearing on February 23, 2004 at 7:00 PM in the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Morris R. Borea, Chairman
Thomas J. Vaughan, Jr., Vice Chairman
Bruce T. Bockstael, Clerk
Frank A. Falvo, Jr.
D. Bruce Johnston, Alternate
Gina P. DeAngelo, Alternate

ABSENT: Steven F. Clarke
Craig S. Pinney, Alternate

Also Present: Brian O'Connor, Chief Building & Zoning Official

Chairman Borea opened the meeting. Chairman Borea stated for the record that every attempt was made to televise this meeting; however, they were unable to gain access to the equipment room. 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.

Commissioner Bockstael, Clerk read the legal notice into the record.

APPLICATION NO. 5833-2004 Porter and Chester Institute seeking a general repairer's license (renewal) at 125 Silas Deane Highway, west side, Business No. 2 Zone. (Article 25).

Brian Malanson, 125 Silas Deane Highway, Wethersfield, CT appeared before the Board on behalf of Porter and Chester Institute seeking a renewal to a general repairer's license. He stated that this is a technical school that has been in business for over 50 years, adding that their students can do work on the public's cars which in turn also generates money for the school.

Chairman Borea stated that last time they were before the Board there were complaints regarding noise, and questioned how this has been resolved. Mr. Malanson stated that he believes this situation has been corrected. He stated that he has been there for a little over 2 years and in that time he has tried to do a lot to keep track of any noise level problems and has talked directly with any neighbors regarding any issues that they might have.

Chairman Borea stated that one of the issues was keeping the overhead door shut; he questioned how that has worked out. Mr. Malanson stated that the only time that the overhead doors need to be opened is to let cars in and out of the garage. He stated that the shop is heated and air conditioned so this is not a problem.

Commissioner DeAngelo questioned the hours of operation. Mr. Malanson stated that the school operates classes from 7:30 AM to 12:40 PM. In the afternoons no live work is done, this time is spent cleaning the shop. In the evening the shop operates from about 6:00 PM to 10:30 PM, at which time everything is shut down and they are doing clean up for the night.

Chairman Borea stated that there were four (4) stipulations put on the previous application, and questioned if there were any problems with those stipulations. Mr. Malanson stated that he is aware of these stipulations now, and has no problems with them.

Commissioner Bockstael stated for the record that there is a report from Building Inspector Valente stating that there was a problem a while ago regarding a potential problem with noise.

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.

APPLICATION NO. 5834-2004 Paula Larsen seeking a variance to 1) construct an addition a portion of which will be over the building line, 2) a portion of which will be over the side yard set-back, 3) having less than the required square footage, 4) commercial parking within a residential zone, 5) provide seasonal outdoor seating over the building line, 6) having more impervious material than permitted over the building line, and 7) constructing a parking lot with material other than what is permitted, located in a Business No. 2 Zone at 271 Main Street (Sections 167.75, 167.129, 167.130 & 167.131).

Paula Larsen, 271 Main Street, Wethersfield, CT appeared before the Board seeking several variances. Mrs. Larsen stated that she lives between Hartford Avenue and Main Street and is surrounded by businesses to the left and the right of her. She stated that her home was previously a retail business for many years. She stated that she was thinking of moving her ice cream business into her home, however with today's codes and laws with regards to handicap accessibility she would basically have to destroy the entire house to make it comply with the rules.

Mrs. Larsen stated that she would like to put an addition in front of her home, which would keep with the look of the home. She stated that this would be over the building line, adding that many of the businesses are already over the building line.

Chairman Borea confirmed that this would be over the building line and that it is also over the side yard setback. Mrs. Larsen stated that her home already is over the side yard setback. Chairman Borea questioned if these variance would be in compliance with the new Village Business Zone regulations if they were adopted. Mr. O'Connor stated that as far as the setbacks go they are talking about having a zero setback in the front, so therefore yes, these would conform.

Chairman Borea questioned what the issue is for less than the required square footage. Mr. O'Connor stated that this is the less than 5,000 square feet in a business zone requirement. Mrs. Larsen stated that her house is 1,800 square feet and this addition is 690 square feet, so she does not meet the 5,000 square feet.

Chairman Borea questioned what type of commercial parking she is envisioning. Mrs. Larsen stated that the Town requires that she have a total of eight (8) parking spaces, seven (7) to one side that can be seen on the plan and then one (1) handicapped space. Chairman Borea questioned if that would be a problem under the Village Business Zone. Mrs. Larsen stated that they are going to waive the business homes from having to have parking; she stated that if she waited she would not have to supply parking.

Mr. O'Connor stated that the new Village Business Zone wants as much off street parking as possible, so what she is doing in the back there is good, however it is in a residential zone right now.

Chairman Borea questioned the outdoor seating over the building line. Mrs. Larsen stated that it is a very small area and should not affect the sidewalk.

Commissioner Bockstael questioned how that area would be treated. Mrs. Larsen stated that it would be either pavers or bricks. Mr. O'Connor stated that zoning regulations require asphalt for the driveway and that is the reason for this variance.

Chairman Borea questioned if she is going to need a site plan for Planning and Zoning approval. Mr. O'Connor stated that was correct, if she gets approval from this Board then she has to go before the Planning and Zoning Commission and the Historic District.

Chairman Borea questioned the hardship for these variances. Mrs. Larsen stated that one of the reasons is that her

house is commercial, however; she did not want to have to destroy her home in order to accommodate the regulations for the ice cream shop. She also stated that the parking where her shop is located now has gotten impossible.

Commissioner Falvo, Jr. questioned if she will be selling more than ice cream. Mrs. Larsen stated that her landlord would not allow her to sell a few pastries during the winter months so that she can stay open. Mrs. Larsen stated that she sells coffee, hot chocolate and hot cider now and would also like to offer a few baked items, adding that these items would not be baked on the premises.

Commissioner Bockstael stated that his concern is the delineation between the walk and the drive, adding that she must make sure that no one would be parking on that walkway because the existing porch is elevated and the handicapped person, if in a wheelchair, would have to go around that. Commissioner Bockstael stated that a walk is shown but questioned how it would be kept separated from the driveway. Mrs. Larsen stated that there has been talk about putting different colors so that they could see the pathway, however, she stated that she does not see where her backyard would be used that much because most of her business is in the evening when there is no other businesses around her open.

Chairman Borea questioned the timetable for the regulations for the Village Business District. Mr. O'Connor said that he was not sure when it will be adopted.

Chairman Borea questioned why she had a problem waiting for the new Village Business District regulations. Mrs. Larsen stated that she does not have a problem with waiting, however, her lease is up and she cannot come to an agreement with her landlord.

There were no further questions or comments from the Board.

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

1. Debra Cohen, 73 Church Street, Wethersfield, CT
2. Mimi Perrotti, 405 Main Street, Wethersfield, CT
3. James Holley, formally 382 Main Street, Wethersfield, CT
4. Carol Jackson, 658 Wolcott Hill Road, Wethersfield, CT
5. Ken Sokolowski, 79 Main Street Wethersfield, CT
6. Lori Demotto, 456 Main Street, Wethersfield, CT

All these audience members in favor expressed that the Main Street Creamery gives a sense of community and stated that they are extremely in favor of this application.

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

1. Carol Alderman, 267-265 Main Street, Wethersfield, CT - stated that she is not against the ice cream shop, however is objecting to the side yard parking, adding that it is very close to her property.

Commissioner Johnston wanted to verify for the record that Mrs. Alderman is only opposing the parking variances of this application. Mrs. Alderman stated that this is correct, for now.

2. Kathy Ahern, 15 Hartford Avenue, Wethersfield, CT - stated that she is concerned about the size of the building being proposed, concerned about the parking that is being proposed, adding that the parking would basically be in her back yard and she would have to hear trucks making deliveries, and is also concerned about what the café portion of the application could potentially mean.

Commissioner Bockstael verified for the record that if the proposed Village Business District's new regulations were adopted then this building would be in full conformance, adding that this application also has to go before the Planning and Zoning Commission.

3. Michael Jose, 11 Hartford Avenue, Wethersfield, CT - stated that he is concerned because there is already a

problem with parking in the front of the home because it is commercial, and he would not want parking and traffic behind him also, adding that he would literally be surrounded by commercial property.

Commissioner Falvo, Jr. verified for the record that Mr. Jose is opposed to the parking in the rear. Mr. Jose stated that that was correct.

Commissioner Bockstael stated for the record that there are three (3) letters in support of this application from:

1. Bruce and Barbara Daley, 796 Ridge Road, Wethersfield, CT
2. Mary and Robert Goldman, 363 Wells Road, Wethersfield, CT
3. J.J. Delfeld, Jr., First Church, Wethersfield, CT

Commissioner Bockstael also stated for the record that there is a letter from Town Planner, Peter Gillespie stating the potential for this to be in adherence with the Village Business District.

APPLICATION NO. 5835-2004 S. James Lamore seeking approval for limited repairer's license (renewal) at 475 Silas Deane Highway, west side, Business No. 2 Zone (Article 25).

S. James Lamore, 475 Silas Deane Highway, Wethersfield, CT appeared before the Board seeking approval for a limited repairer's license. Mr. Lamore stated that this is a renewal.

Chairman Borea stated that in March 2000 this application was approved with eight (8) stipulations, he questioned if these stipulations have been honored. Mr. Lamore stated that all have been adhered to with the exception of the one stipulation about the amount of cars that can be parked on the premises overnight.

Chairman Borea questioned why there is a problem with that stipulation. Mr. Lamore stated that because this is a hometown garage most of the cars are dropped off the night before they are to be worked on, adding that some cars cannot be repaired the same day and then they also have to stay overnight.

Chairman Borea questioned how many vehicles he has overnight, and if any of the vehicles are unregistered. Mr. Lamore stated that at times there may be an unregistered vehicle there if the owner does not want to get the repairs done, and he comes to pick up the plates on the car and then takes a few days to decide what to do with the vehicle, however, he added that this does not happen often.

Vice Chairman Vaughan, Jr. questioned how many vehicles are there now, and why there was a ten (10) vehicle stipulation. Mr. Lamore stated that he probably has about 30 vehicles there now, adding that the parking lot can hold 40-45 vehicles comfortably without any double ups. Mr. O'Connor stated that a ten vehicle stipulation was put on this property back in 1994, and it has always just been renewed without any change.

Commissioner Johnston questioned Mr. O'Connor if he would be opposed to having more vehicles than is currently allowed. Mr. O'Connor stated that this is only an issue with his department because of the stipulation, as long as there is no interference with traffic he does not have a problem with increasing the number of vehicles allowed.

Commissioner Falvo, Jr. questioned if the parking lot is striped. Mr. Lamore stated that the parking lot is not striped, however he knows the perimeter of the property can hold around 40-45 vehicles.

Commissioner Falvo, Jr. stated that the purpose of the stipulation is so that the property does not look like a junkyard. Mr. Lamore stated that the vehicles that are there are all in tact, they are not stripped or jacked up with tires off of them, they are running condition cars.

There were no further questions or comments from the Board.

There were no audience members who wished to speak in favor of or in opposition to this application.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN MORRIS BOREA

Bruce Bockstael, Clerk

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC MEETING
February 23, 2004

The Wethersfield Zoning Board of Appeals held a public meeting, immediately following the public hearing, on February 23, 2004 at 7:00 PM in the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Morris R. Borea, Chairman
Thomas J. Vaughan, Jr., Vice Chairman
Bruce T. Bockstael, Clerk
Frank A. Falvo, Jr.
D. Bruce Johnston, Alternate
Gina P. DeAngelo, Alternate

ABSENT: Steven F. Clarke
Craig S. Pinney, Alternate

Also Present: Brian O'Connor, Chief Building & Zoning Official

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 5833-2004 Porter and Chester Institute seeking a general repairer's license (renewal) at 125 Silas Deane Highway, west side, Business No. 2 Zone. (Article 25).

Upon motion made by Chairman Borea, seconded by Commissioner Falvo, Jr. and a poll of the Board it was unanimously voted, with Commissioner Johnston abstained, that the above application **BE APPROVED** for a period of five (5) years with the following stipulations:

1. No outside storage of vehicles.
2. All repairs and testing shall be done inside the building with the doors closed.
3. A sign inside the building shall be posted notifying students to keep the noise down.
4. Management shall check with neighbors in regard to noise control.

APPLICATION NO. 5834-2004 Paula Larsen seeking a variance to 1) construct an addition a portion of which will be over the building line, 2) a portion of which will be over the side yard set-back, 3) having less than the required square footage, 4) commercial parking within a residential zone, 5) provide seasonal outdoor seating over the building line, 6) having more impervious material than permitted over the building line, and 7) constructing a parking lot with material other than what is permitted, located in a Business No. 2 Zone at 271 Main Street (Sections 167.75, 167.129, 167.130 & 167.131).

Upon motion made by Chairman Borea, seconded by Commissioner Bockstael and a poll of the Board it was unanimously voted that the above application **BE DENIED** with out prejudice.

APPLICATION NO. 5835-2004 S. James Lamore seeking approval for limited repairer's license (renewal) at 475 Silas Deane Highway, west side, Business No. 2 Zone (Article 25).

Upon motion made by Chairman Borea, seconded by Commissioner Bockstael and a poll of the Board it was

unanimously voted that the above application **BE APPROVED** for a period of two (2) years with the following stipulations:

1. Strict compliance with the terms of Limited Repairer's permit issued by the State Department of Motor Vehicles.
2. No unregistered motor vehicles on the premises.
3. No overnight parking on the premises, except those registered vehicles either left for limited repair under the terms of the permit or owned by the applicant and used in the conduct of the limited repairer's business.
4. Motor vehicles on the premises not to exceed the number of vehicles that can be parked within regulation size parking spaces. Spaces are to be striped and delineated.
5. No motor vehicles to be offered for sale or sold.
6. No repair of any motor vehicles, including those of the owner of the business and his employees, except limited repair within the terms of the limited repairer's permit.
7. The owner of the station must control traffic in and out of the station to guarantee a minimum amount of noise.
8. There shall be no parking between the sidewalk and the highway at any time.

APPROVAL OF MINUTES

Upon motion made by Commissioner Johnston, seconded by Commissioner Bockstael and a poll of the Board it was unanimously voted that the [minutes of January 26, 2004](#) **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 8:05 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN MORRIS BOREA

Bruce Bockstael, Clerk