

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING
December 27, 2004

The Wethersfield Zoning Board of Appeals held a public hearing on December 27, 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
Frank A. Falvo, Jr.
Gina P. DeAngelo, Alternate
Matt Cholewa, Alternate

ABSENT: Bruce T. Bockstael, Clerk
Steven F. Clarke
Craig S. Pinney, Alternate

Also Present: Fred Valente, Assistant Building & Zoning Official
J. Claude Jean, Assistant Building & Zoning Official

Chairman Borea opened the meeting. 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. Chairman Borea stated for the record that they were unable to gain access to the television room this evening; therefore this meeting will not be televised.

Chairman Borea stated that beginning tonight they will be operating under new rules that the Planning and Zoning Commission passed. He stated that these new rules have very specific requirements with regard to the granting of variances which this Board must follow. He also stated that with these new requirements each applicant is required to do mailings to abutters and that the certificate of mailings must be presented to the Board.

Mr. Valente stated that most of these certificates of mailings were already returned and are in the Applicants' folder.

APPLICATION NO. 5892-2004 Alexander J. Antonakos seeking a variance to erect a sign larger than permitted in a residential zone at 23 Garden Street, south side, B Residence Zone. (§167-135).

Chairman Borea questioned if there is a certificate of mailing. Mr. Antonakos stated that his application was made before the new regulations took effect. Mr. Valente confirmed that this was correct.

Mr. Alexander J. Antonakos, 23 Garden Street, Wethersfield, CT appeared before the Board seeking a variance to erect a sign larger than permitted. Mr. Antonakos stated that he would like to get permission to erect a sign similar to his competitors which is a block away on Garden Street. He entered into the record pictures of the sign along with pictures of his competitors sign.

Chairman Borea questioned if he has gone before the Historic District Commission. Mr. Antonakos stated that he has not.

Commissioner Cholewa questioned if it were just the plaque would it comply and how many square feet are allowed. Mr. Valente stated that only 1 square foot is permitted and the sign is 9 square feet, adding that there is a sign on the post and they both need to be added together. Mr. Valente stated that because he has a business in a residential zone he is getting penalized with the size of the sign, because only 1 square foot is allowed in a residential zone.

Chairman Borea confirmed that the sign is already up and questioned how long it has been up for. Mr. Antonakos

stated the sign has been up for a couple of months.

Chairman Borea questioned if someone complained. Mr. Valente stated that he thinks someone from the Historic District Commission noticed it and called the Building Department.

Commissioner Falvo, Jr. stated that the shingle sign has always been up. He questioned if the shingled sign could go on the new sign, that way there would only be one sign and not two. Mr. Antonakos stated that he does not see why not, he could take out the plates that are in the shingle sign and put them underneath the sign.

Chairman Borea questioned if his position is that his competitors were granted signs so he feels that he also should be granted the sign. Mr. Antonakos stated that that is part of his position. He stated that he tried to make the sign fit the style of the Town, adding that he tried to mimic the Towns' sign.

Chairman Borea questioned if this variance were granted would it still need to go before the Historic District Commission. Mr. Valente stated that it would.

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. 5893-2004 Franciszek Marchut seeking a variance to erect a temporary membrane structure in the front yard during the winter months at 11 Williams Street, west side, B Residence Zone. (§3.6.A).

Chairman Borea confirmed that there was a certificate of mailing.

Ms. Margo Marchut and Mr. Franciszek Marchut, 11 Williams Street, Wethersfield, CT appeared before the Board seeking a variance to erect a temporary membrane structure. Ms. Marchut stated that this structure is needed to park the car underneath. She stated that this is a new car and they would like to protect it from the snow and sun.

Chairman Borea questioned if they would like this structure up year round or only during the winter months. Ms. Marchut stated that if it were possible they would like it year round; however, they definitely need it during the winter months. Mr. Valente stated that this can only be on the premises for six (6) months during a twelve (12) month period.

Chairman Borea questioned why this can not be placed in the rear yard. Ms. Marchut stated that the rear yard has flooding issues and is steep and not level; therefore, it would not be feasible to put this in the rear yard.

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. 5894-2004 Theresa, Cecile & Marie Bibeault seeking a variance to erect a temporary membrane structure in the front yard during the winter months at 229 Wells Road, north side, A Residence Zone. (§3.6.A).

Chairman Borea confirmed that there was a certificate of mailing.

Ms. Theresa Bibeault and Ms. Marie Bibeault, 229 Wells Road, Wethersfield, CT appeared before the Board seeking a variance to erect a temporary membrane structure. Ms. Bibeault stated that they have lived in this home for over 40 years. She stated that they had a hard time last winter getting out with all the snow and ice and thought that by putting their car under this structure it may help. She stated that this is only a temporary solution and by next winter they hope to have a more permanent solution.

Chairman Borea confirmed that they are only looking to do this for one year. Ms. Bibeault stated that this was correct; they hope not to need this next year.

Chairman Borea questioned why this needs to go in the front yard and cannot be put in the rear yard. Ms. Bibeault stated that the rear yard is not level and it would need to be graded. Ms. Bibeault stated that she has seen this type of structure on other properties and thought it would be a good temporary solution for this year. She stated that she did not realize how complicated this would get.

Commissioner DeAngelo stated that there is a letter in the file from Ms. Bibeault stating that she has spoken with five (5) surrounding neighbors and they all feel that this is a good idea. Commissioner DeAngelo also stated that there is a letter from the following neighbor also in favor of this application:

1. Mr. & Mrs. Stevens, 239 Wells Road, Wethersfield, CT.

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. 5895-2004 Marilyn Binns seeking a variance to erect an addition having less than the required rear yard at 45 Woodland Street, east side, B Residence Zone. (§3.7.A).

This application was withdrawn by the applicant.

APPLICATION NO. 5896-2004 Marjorie F. Shampain seeking a variance to erect an addition having less than the required side yard at 310 Forest Drive, south side, A Residence Zone. (§3.7.A).

Chairman Borea confirmed that there was a certificate of mailing.

Mr. Robert Shampain, 310 Forest Drive, Wethersfield, CT appeared before the Board seeking a variance to erect an addition having less than the required side yard. Mr. Shampain stated that this addition is needed so that his elderly father can move in with him. He stated that he had a contractor come in and he stated that if they added on to the back it would require blasting. He stated that the property is on an irregular shaped lot and if it were on a rectangular lot he would not require a side yard variance.

Chairman Borea questioned how much of a variance is needed and how much of a side yard will be left. Mr. Shampain stated that an 8' variance is needed and 5.1' would be left after the addition.

Chairman Borea questioned if he has spoken with his neighbors regarding this application. Mr. Shampain stated that letters were sent in from his neighbors in favor of this application.

Commissioner Cholewa questioned if a slab could be added onto the rear. Mr. Shampain stated that he cannot go back because of the ledge; he could only go off to the side. Commissioner Cholewa stated that you probably could but you would have to excavate to some degree.

There were no further questions or comments from the Board.

Commissioner DeAngelo stated that there are letters from the following neighbors in favor of this application:

1. Greta Jordan, 143 Forest Drive, Wethersfield, CT
2. Scott Kemp, 300 Forest Drive, Wethersfield, CT
3. James Amadeo, 303 Forest Drive, Wethersfield, CT
4. Mario Rucci, 163 Forest Drive, Wethersfield, CT

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

1. Mrs. Koko, 304 Forest Drive, Wethersfield, CT - she read a letter into the record stating that she is opposed to

this application for a number of reasons, the main reason being that this would just be too close to her property and she would lose privacy and it would bring down the value of her home.

APPLICATION NO. 5897-2004 Arnco Sign Co., Inc. seeking a variance to install signs larger than permitted at 1092 Silas Deane Highway, east side, Regional Commercial Zone. (§6.3).

Chairman Borea questioned that there is no certificate of mailing. Mr. Valente stated that Diane Matrone, Building Secretary, assured him that all applicants did have their certificate of mailing. He stated that he will verify with her that a certificate of mailing was received.

Mr. Mark Cohen, Arnco Sign Company, 1133 South Broad Street, Wallingford, CT appeared before the Board seeking a variance to install signs larger than permitted.

Mr. Cohen stated that the original application was to increase the signage from 20.5' up to 40'. He stated that the primary signage that they were looking for was for the front which says Starbucks Coffee. He stated that they had also put a drive-thru box on the application.

Mr. Valente clarified the application. He stated that 20 square feet of signage is permitted. The proposed plans call for 47.25 square feet of signage; 27.25 square feet over what is permitted. Mr. Cohen clarified that this is with both the signs together; the Starbucks Coffee and the drive-thru. Mr. Valente stated that this was correct.

Mr. Cohen stated that when he spoke with Mr. Gillespie, Mr. Gillespie added a few things on to the application; a Menu Board with the Starbucks Logo and directional signs.

Mr. Valente informed the Board that with the new regulations menu signs are permitted up to 10 square feet, the proposed signs are 19 square feet. Directional signs are permitted as long as they meet the DOT regulations; the proposed signs do not because they have logos on them and they are illuminated; both of which are not permitted.

Chairman Borea questioned the size of the directional signs. Mr. Valente stated that he thinks they are 2 square feet.

Commissioner Falvo, Jr. questioned if the Silas Deane Beautification Committee has reviewed these plans. Mr. Valente stated that he is not sure if they have seen the plans.

Commissioner Cholewa questioned what the hardship is for this variance. Mr. Cohen stated that because Starbucks Coffee is a long name they feel that it needs a bigger sign to be seen from the road. Commissioner Cholewa stated that when this went before the Planning and Zoning Commission it was the developers' choice to build the buildings further away from the road, therefore, it is hard to use that as a hardship as this was their choice.

Chairman Borea stated that it is going to be hard to act on this application when there are no samples of the signs that are being proposed. Mr. Valente showed the plans that he has, which was not submitted with the application.

Chairman Borea asked Mr. Valente to go through each sign that needs a variance. Mr. Valente showed the menu sign, the directional signs that have a logo, the sign on the building and the post. Mr. Valente stated that this is what he was told the applicant was submitting.

Mr. Cohen turned over the speaking to Mr. Brennan who just arrived at the hearing.

Mr. Dan Brennan, Starbucks Coffee Company, 18 Oliver Street, North Eastham, MA appeared before the Board. Mr. Brennan displayed for the Board a plan of the proposed signs and also an alternative plan to meet the regulations.

Mr. Brennan stated that because of time constraints he came up with alternative plans to his original proposals that would comply. He stated that this is a unique situation, stating that usually if he asks for a variance and it is denied he would have time to come back with modified plans, however because construction is to be completed by January 21, 2005 he does not have that option. That is why he came up with the alternative plans, so he can get approval to get

these signs up.

Mr. Brennan stated that the menu board and the directional signs are standard Starbucks criteria. He stated that if these need to be customized it will cost a lot more money; however, he can meet the 1 square foot requirement for the directional sign without the logo. He stated that for the wall mounted sign they would like to have 18" letters because the street is so far away; however, the alternative plan is to go down to 13" letters and that would comply with the 18.5 square feet regulation.

Chairman Borea confirmed that he is saying that he can comply with the regulations and no variance would be needed. Mr. Brennan stated that he would prefer to get the variance, however, if not, he can comply.

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.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN BOREA

Gina DeAngelo, Clerk Pro Tem

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC MEETING
December 27, 2004**

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PRESENT: Morris R. Borea, Chairman
Thomas J. Vaughan, Jr., Vice Chairman
Frank A. Falvo, Jr.
Gina P. DeAngelo, Alternate
Matt Cholewa, Alternate

ABSENT: Bruce T. Bockstael, Clerk
Steven F. Clarke
Craig S. Pinney, Alternate

Also Present: Fred Valente, Assistant Building & Zoning Official
J. Claude Jean, Assistant Building & Zoning Official

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 5892-2004 Alexander J. Antonakos seeking a variance to erect a sign larger than permitted in a residential zone at 23 Garden Street, south side, B Residence Zone. (§167-135).

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

1. All signs must be combined onto the freestanding sign.

APPLICATION NO. 5893-2004 Franciszek Marchut seeking a variance to erect a temporary membrane structure in the front yard during the winter months at 11 Williams Street, west side, B Residence Zone. (§3.6.A).

Upon motion made by Commissioner Falvo, Jr., seconded by Commissioner Cholewa and a poll of the Board, it was

voted by a vote of 4-1 with Chairman Borea opposed that the above application **BE DENIED**.

APPLICATION NO. 5894-2004 Theresa, Cecile & Marie Bibeault seeking a variance to erect a temporary membrane structure in the front yard during the winter months at 229 Wells Road, north side, A Residence Zone. (§3.6.A).

Upon motion made by Commissioner DeAngelo, seconded by Commissioner Cholewa and a poll of the Board, it was voted by a vote of 4-1 with Chairman Borea opposed that the above application **BE DENIED**.

APPLICATION NO. 5895-2004 Marilyn Binns seeking a variance to erect an addition having less than the required rear yard at 45 Woodland Street, east side, B Residence Zone. (§3.7.A).

Application was withdrawn.

APPLICATION NO. 5896-2004 Marjorie F. Shampain seeking a variance to erect an addition having less than the required side yard at 310 Forest Drive, south side, A Residence Zone. (§3.7.A).

Upon motion made by Chairman Borea, seconded by Vice Chairman Vaughan, Jr., and a poll of the Board, it was voted by a vote of 4-1 with Commissioner DeAngelo opposed that the above application **BE DENIED**.

APPLICATION NO. 5897-2004 Arnco Sign Co., Inc. seeking a variance to install signs larger than permitted at 1092 Silas Deane Highway, east side, Regional Commercial Zone. (§6.3).

Upon motion made by Chairman Borea, seconded by Commissioner Falvo, Jr., and a poll of the Board, it was voted by a vote of 4-1 with Commissioner Cholewa opposed that the above application **BE APPROVED** with the following stipulations:

1. There shall be a 27 sq. ft. sign on building.
 2. There shall be a 14 sq. ft. menu sign.
 3. The Drive thru sign is to have no logo.
 4. The Directional signs must meet DOT standards.
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APPROVAL OF MINUTES

Upon motion made by Commissioner DeAngelo, seconded by Commissioner Falvo, Jr., and a poll of the Board it was unanimously voted that [the minutes of November 22, 2004](#) **BE APPROVED**.

COMMENTS

Upon a discussion with the Commissioners, this Board strongly feels that the Town should do the mailings and not the applicants as is stated in the new Zoning Regulations.

ADJOURNMENT

The meeting was adjourned at 8:15 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN BOREA

Gina DeAngelo, Clerk Pro Tem