

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING
November 24, 2003

The Wethersfield Zoning Board of Appeals held a public hearing on November 24, 2003 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
Frank A. Falvo, Jr.
Steven F. Clarke
D. Bruce Johnston, Alternate

ABSENT: Craig S. Pinney, Alternate
Gina P. DeAngelo, Alternate

Also Present: Brian O'Connor, Chief 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.

Commissioner Bockstael read the legal notice into the record.

APPLICATION NO. 5817-2003 Wethersfield Cooperative Nursery School seeking exception to permit the continued use of a child day care center (renewal) at 300 Main Street, east side, B Residence Zone. (Section 167-172.h)

Donna Grover, 54 Whitewood Drive, Rocky Hill, CT appeared before the Board on behalf of Wethersfield Cooperative Nursery School seeking exception to permit the continued use of a child day care center at 300 Main Street. Ms. Grover stated that they have been at this location for the past two years. She stated that they were before the Board in June seeking a five year variance; however, there were some issues with their neighbor Mr. Hart from Hart Seed Company.

Ms. Grover explained how these issues were resolved. She stated that the issue of the children's safety was resolved by installing a 6' stockade fence between the properties, she added that this fence is around 80% finished. She stated that the issue with the playground area has been resolved because they moved the play area to the opposite end of the property, the furthest away from Hart Seed Company. She also stated that the parking issue has been resolved because they implemented a strict parking regulation that there is only to be parking in the church parking lot, no on street parking is allowed. She stated that Mr. Hart is in agreement with how these issues were resolved, and that he has now submitted a letter in favor of this variance.

Chairman Borea questioned when the fence would be completed. Ms. Grover stated that it would be completed in the spring.

There were no further questions or comments from the Board.

The following audience members were in favor of this application:

1. Mr. Freeze, Trinity Episcopal Church, 300 Main Street, Wethersfield, CT

Chairman Borea questioned how long the lease is with Wethersfield Cooperative Nursery School. Mr. Freeze stated that the lease is currently a year to year lease.

Chairman Borea questioned by a show of hands who was in favor of this application. Numerous audience members (approximately 30 people) were in favor of this application. Chairman Borea welcomed those audience members to speak if they wished, or they did not have to speak individually, however, it would be noted into the record that they were present in favor of this application.

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

APPLICATION NO. 5818-2003 Hamilton's Bunker Cafe seeking a variance to permit wall signage having greater square footage than permitted at 580 Silas Deane Highway, east side, Business No. 2 Zone. (Section 167-136)

Gregory Lichatz, Hamilton's Bunker Café, 580 Silas Deane Highway, Wethersfield, CT appeared before the Board seeking a variance to permit wall signage having greater square footage than permitted at 580 Silas Deane Highway. Mr. Lichatz stated that a sign is needed so that potential customers on Silas Deane Highway will know where he is located. He stated that this sign will be the same size as the old Wilson Seafood Sign.

Commissioner Falvo, Jr. questioned if the Flower Box sign will be coming down. Mr. Lichatz stated that it would, adding that a new Flower Box sign will be installed.

Commissioner Bockstael questioned how much of a variance is needed. Mr. O'Connor stated that a little over a 4' variance is needed.

Chairman Borea questioned why this sign is needed. Mr. Lichatz stated that it is needed because the café is in the back of the Flower Box and he needs visibility on the Silas Deane Highway.

Vice Chairman Vaughan, Jr. questioned if the old Wilson Seafood sign was in compliance. Mr. O'Connor stated that at the time that the sign was put up it was in compliance.

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. 5819-2003 Colvest Wethersfield, LLC seeking a variance to permit a drive-thru window at 1082-1090 Silas Deane Highway, east side, Industrial Zone. (Section 167-71(43))

Peter LaPointe, Director of Real Estate, Colvest Wethersfield, LLC, 1082-1090 Silas Deane Highway, Wethersfield, CT appeared before the Board seeking variance to permit a drive-thru window at 1082-1090 Silas Deane Highway. Mr. LaPointe stated that this location is the old Town Fair Tire location. He stated that this is an approved site for the CVS Pharmacy, adding that there is a tentative lease agreement with Starbucks; however, as part of the lease they require a drive thru window. He stated that the drive thru would have a soft canopy.

Mr. LaPointe stated that they own around 35 other properties and all their properties are well maintained; they are sand swept, landscaped, plowed, etc.

Commissioner Falvo, Jr. questioned where the cars exit after going through the drive thru and what would stop them from going between the buildings. Mr. LaPointe stated that there will be signs directing traffic to go around the building.

Chairman Borea questioned if this has to go before Planning and Zoning. Mr. O'Connor stated that this site has already been approved by the Planning and Zoning Commission.

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. 5820-2003 Carrie E. Lupoli seeking a special exception for a residential office at 312 Brimfield Road, south side, B Residence Zone. (Section 167-172.g)

Peter Lupoli, 312 Brimfield Road, Wethersfield, CT appeared before the Board on behalf of his wife Carrie Lupoli seeking special exception to conduct a residential office at 312 Brimfield Road. He stated that his wife's business is a room decorating business. He stated that there will be no clients coming to their home.

Chairman Borea questioned how much of the home is used for business use and if there will be any signage or employees. Mr. Lupoli stated that they only use a desk with a computer, there will be no signage and he will be the only other employee if his wife needs help.

Commissioner Clarke questioned if there will be any deliveries. Mr. Lupoli stated that there would not be any deliveries.

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. 5821-2003 John Scandura seeking a variance to construct an accessory building over the street side building line and not located in the approved portion of lot at 89 Dix Road, north side, B Residence Zone. (Section 167-114)

John Scandura, 89 Dix Road, Wethersfield, CT appeared before the Board seeking a variance to construct an accessory building over the street side building line and not located in the approved portion of lot. Mr. Scandura entered into the record a letter from the only neighbor that would be impacted by this variance in favor of this application.

Mr. Scandura stated that per zoning regulations the accessory building should be in the rear of the house, however because it is a corner lot this is not feasible.

Chairman Borea questioned the hardship. Mr. Scandura stated that the hardship is the corner lot adding that placing the accessory building as planned would also alleviate swellage.

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. 5822-2003 Bobi Molchan & Wayne Holcombe seeking a variance to erect stairs to the rear of an accessory building having less than the required rear setback at 164 Hartford Avenue, east side, B Residence Zone. (Section 167-114)

Wayne Holcombe, 164 Hartford Avenue, Wethersfield, CT appeared before the Board seeking a variance to erect stairs to the rear of an accessory building having less than the required rear setback at 164 Hartford Avenue. He stated that he has done renovations and the stairs are needed to have access to the storage area.

Chairman Borea questioned how much of a variance is needed. Mr. O'Connor stated that a 3'2" variance is needed.

Commissioner Bockstael questioned what the purpose of the second floor is and verified that it is not residential. Mr. Holcombe stated that the second floor is a storage area.

Chairman Borea questioned if he has spoken to his neighbors regarding this variance. Mr. Holcombe stated that he has not.

Commissioner Clarke questioned why the stairs could not be erected on the house side. Mr. Holcombe stated that the contractor suggested that it be erected in the rear because it would be too difficult to turn in the driveway if it was not.

Commissioner Bockstael questioned why the stairs can't be erected on the front of the home. Mr. Holcombe stated that he thought the Historic District would have an issue with the door and stairs being in the front of the home.

Commissioner Falvo, Jr. questioned what the hardship is. Mr. Holcombe stated that the hardship is not being able to turn around in the driveway.

Commissioner Bockstael questioned if the Historic District has reviewed the plans, and what is behind the property. Mr. Holcombe stated that what is being proposed tonight has not been reviewed by the Historic District; however the other renovations have already been approved by the Historic District. He stated that there is another residential home behind his property.

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. 5823-2003 Jamie Angeloni seeking a variance to conduct a retail business from a vehicle/roadside stand without a principal building at 1881 Berlin Turnpike, east side, Business No. 2 Zone. (Article 18, Section 167-71.39)

Jamie Angeloni, 403 Main Street, Wethersfield, CT appeared before the Board seeking variance to conduct a retail business from a vehicle/roadside stand at 1881 Berlin Turnpike. Ms. Angeloni stated her intentions have changed since last month when she was before the Board. She stated that now she is not looking to begin her business until February as she is unable to make this Holiday season. She also stated that she is now looking to open a Floral Stand with no canopy.

Chairman Borea verified that the Police Department has been out to review the site. Mr. O'Connor stated that they did review the location and there were not any traffic issues.

Chairman Borea questioned if she has plans for signs. Ms. Angeloni stated that she has plans for enter, exit and one way signs. Mr. O'Connor stated that she will have to go before the Planning and Zoning Commission for site plan review.

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. 5824-2003 Gloria W. Smith seeking a special exception for a residential office at 5 Victory Lane, west side, AA Residence Zone. (Section 167-172.g)

Gloria W. Smith, 5 Victory Lane, Wethersfield, CT appeared before the Board seeking a special exception for a residential office at 5 Victory Lane. Ms. Smith stated that this business is a product development fingernail business. She stated that she is only using a desk and computer in her home.

Chairman Borea questioned if there will be any customers. Ms. Smith stated that there would not be any customers.

Commissioner Clarke questioned if there will be any employees or any signage. Ms. Smith stated that there will not be any other employees and there will be no signs.

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. 5825-2003 Town of Wethersfield seeking a special exception to sell Christmas Trees from December 1-24, 2003 at 156 Prospect Street, south side, A-1 Residence Zone. (Article 18, Section 167-71(39))

This application was withdrawn.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN MORRIS BOREA

Bruce Bockstael,
Clerk

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PUBLIC MEETING
November 24, 2003**

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PRESENT: Morris R. Borea, Chairman
Thomas J. Vaughan, Jr., Vice Chairman
Bruce T. Bockstael
Frank A. Falvo, Jr.
Steven F. Clarke
D. Bruce Johnston, Alternate

ABSENT: Craig S. Pinney, Alternate
Gina P. DeAngelo, Alternate

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

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 5817-2003 Wethersfield Cooperative Nursery School seeking exception to permit the continued use of a child day care center (renewal) at 300 Main Street, east side, B Residence Zone. (Section 167-172.h)

Upon motion made by Commissioner Bockstael., 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 for a period of five (5) years:

1. Fence is to be finished by June 1, 2004.

APPLICATION NO. 5818-2003 Hamilton's Bunker Cafe seeking a variance to permit wall signage having greater square footage than permitted at 580 Silas Deane Highway, east side, Business No. 2 Zone. (Section 167-136)

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

APPLICATION NO. 5819-2003 Colvest Wethersfield, LLC seeking a variance to permit a drive-thru window at 1082-1090 Silas Deane Highway, east side, Industrial Zone. (Section 167-71(43))

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

APPLICATION NO. 5820-2003 Carrie E. Lupoli seeking a special exception for a residential office at 312 Brimfield Road, south side, B Residence Zone. (Section 167-172.g)

Upon motion made by Chairman Borea, seconded by Commissioner Clarke and a poll of the Board it was unanimously voted that the above application **BE APPROVED** with the following stipulations for a period of two (2) years:

1. No more than 25% of home may be used for business.
 2. There shall be no customers at the home.
 3. There shall be no signage.
 4. There shall be no deliveries.
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APPLICATION NO. 5821-2003 John Scandura seeking a variance to construct an accessory building over the street side building line and not located in the approved portion of lot at 89 Dix Road, north side, B Residence Zone. (Section 167-114)

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

APPLICATION NO. 5822-2003 Bobi Molchan & Wayne Holcombe seeking a variance to erect stairs to the rear of an accessory building having less than the required rear setback at 164 Hartford Avenue, east side, B Residence Zone. (Section 167-114)

Upon motion made by Chairman Borea, seconded by Commissioner Bockstael and a poll of the Board it was voted by a vote of five to one, with Commissioner Clarke abstained, that the above application **BE APPROVED** with the following stipulation:

1. Subject to approval from Historic District Commission if necessary.
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APPLICATION NO. 5823-2003 Jamie Angeloni seeking a variance to conduct a retail business from a vehicle/roadside stand without a principal building at 1881 Berlin Turnpike, east side, Business No. 2 Zone. (Article 18, Section 167-71-(39))

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 for a period of one (1) year:

1. Subject to approval from Planning and Zoning Commission if necessary.
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APPLICATION NO. 5824-2003 Gloria W. Smith seeking a special exception for a residential office at 5 Victory Lane, west side, AA Residence Zone. (Section 167-172.g)

Upon motion made by Commissioner Falvo, Jr., seconded by Chairman Borea and a poll of the Board it was unanimously voted that the above application **BE APPROVED** with the following stipulations for a period of two (2) years:

1. No more than 25% of home may be used for business.

2. There shall be no customers at the home.
3. There shall be no signage.
4. There shall be no deliveries.

APPLICATION NO. 5825-2003 Town of Wethersfield seeking a special exception to sell Christmas Trees from December 1-24, 2003 at 156 Prospect Street, south side, A-1 Residence Zone. (Article 18, Section 167-71(39))

Application was withdrawn.

APPROVAL OF MINUTES

Upon motion made by Commissioner Falvo, Jr., seconded by Commissioner Clarke and a poll of the Board it was unanimously voted that the [minutes of October 27, 2003](#) **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 8:00 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN MORRIS BOREA

Bruce Bockstael,
Clerk