

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

August 26, 2013

The Wethersfield Zoning Board of Appeals held a public hearing on August 26, 2013 at 7:00 PM at Town Hall, Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan, Jr., Chairman
Daniel Logan, Vice Chairman
Morris Borea
Paul J. Leblanc, Alternate
David Gustafson, Alternate

ABSENT: Mark Rudewicz, Clerk
Eugene Ziurys, Jr
Robert Cobb, Alternate

Also Present: Steve Lattarulo – Chief Building Official
Anthony Arborio – Assistant Building Official

Chairman Vaughan, Jr. opened the meeting at 7:00PM. He explained the procedures of the Meeting and Hearing and asked if anyone wanted to speak on something other than what was on tonight's Agenda. There was no one from the audience who wished to speak.

Application No. 6128-13 David and Jessica Kuethman, , seeking a variance to install a standby generator in the side yard having less than the required side yard at 70 Baneberry Lane, South Side, AA Zone, (§3.7)

Mr. David Kuethman, 70 Baneberry Lane, Wethersfield, CT appeared before the Board requesting to install a standby generator.

Mr. Kuethman presented to the Board documentation supporting this placement of the generator. He stated that this is the best possible location for the generator as it is the closest to the gas meter. He stated that there are concrete slabs in the yard that hinders the placement of this generator. He stated that a 3' variance is needed; adding that this would give him a little cushion.

Mr. Kuethman stated that the neighbor that is most affected by this variance is in favor of this variance and a letter stating this support is attached to the documentation that has presented to all Board Members.

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There were no further questions from the Board.

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

Application No. 6129-13 Mary Crosen, seeking a variance for change of use from retail to restaurant (take out only) at 539-541 Nott Street, South Side, B Residential Zone, (§3.5.1).

Ms. Mary Crosen, and Mr. Mark Minet, 17 Crystal Street, Wethersfield, CT appeared before the Board seeking a use change from retail to restaurant (take out only).

Ms. Crosen stated that the owner of the Market on Nott Street approached them about renting space in the back half of the market. She stated that they already own a small deli in Berlin and figured this would be convenient as it is right down the street from their residence. She states that this would be a small deli with takeout sandwiches and pizza.

Chairman Vaughan, Jr. questioned if this needs to go before Planning and Zoning. Mr. Lattarulo stated that this is the first step in this process; if it is approved here they would need to go before Planning and Zoning.

Mr. Minet stated that the owner would be downsizing his portion of the business; selling only soda, cigarettes, lotto, etc. and they would be adding a deli selling sandwiches, pizza, etc. This would be all takeout food; no food would be consumed on the premises.

Chairman Vaughan, Jr. questioned if they planned on being open the same hours. Mr. Minet stated that they would start out from 6AM to 9PM 7 days a week; however, they would possibly like to be open until 10PM or 11PM on the weekends depending if there is a need for it.

Chairman Vaughan, Jr. questioned if there is enough parking. Mr. Minet stated that this needed to be all marked out; adding that there are probably 15 spaces now. Chairman Vaughan, Jr. questioned if there is on street parking now. Mr. Minet stated that no one parks on the Nott Street side now; as it is a busy street.

Commissioner Gustafson questioned if they visit the store frequently now. Ms. Crosen stated that she does; adding that it is right down the street from her residence.

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Commissioner Borea questioned what it is zoned now and how this application started at Zoning Board of Appeals. Mr. Lattarulo stated that it is currently B Zoned and is legal non-conforming. He stated that the applicants spoke with Mr. Valente and he felt that it was going to be a more intense business. Commissioner Borea expressed concern as to why this would be before the Zoning Board of Appeals instead of Planning and Zoning. Mr. Lattarulo stated that they are here just for the use change and they still need to go before Planning and Zoning for site plan approval.

Chairman Borea questioned what items he sells there now. Mr. Minet stated that it is a small grocery store selling mostly cigarettes, soda, coffee and lottery tickets.

Commissioner Gustafson questioned if they ever sold sandwiches. The owner of the market, Mr. Qaicer Yosufzai, 539 Nott Street, Wethersfield, CT came up to speak to the Board. He stated that he used to have a deli when he purchased the store; however, he never used the deli, however the previous owners did sell sandwiches.

Commissioner Borea questioned how long he owned the store and how many parking spaces there are. Mr. Yosufzai stated that he has been there for 16 years and there are about 10 parking spaces.

Commissioner Borea questioned if there will be enough parking and if there will be handicapped parking. Mr. Lattarulo stated that this is why they need to go before Planning and Zoning after this Commission.

Commissioner Borea questioned his hours. Mr. Yosufzai stated that he is open from 6AM to 9PM Monday through Saturday and from 6AM to 5 PM on Sunday.

Commissioner Leblanc questioned if there is a designated way in and out of the parking lot. Mr. Yosufzai stated that there are two ways to get into the parking lot; however, currently it is not marked but that they will mark it.

Commissioner Borea questioned that the application does not state a hardship. Ms. Crosen stated that she was not sure what a hardship meant and did not understand the hardship. Chairman Vaughan, Jr. explained that a hardship would be a reason as to why the Board would approve the application.

Commissioner Borea questioned the owner as to the reason why he wanted to do this. Mr. Yosufzai stated that he wanted to try and promote his business; he stated that it is not doing

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well and that by renting a portion he would be getting additional money and it would be a help to him.

There were no further questions from the Board.

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

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

1. Ms. Carol Celio, 11 Booth Avenue, Wethersfield, CT - She stated that she is the Granddaughter of the original owners; they owned the property from 1950 to 1977. She stated that her father could not sell sandwiches back then. She stated that her family sold the business back in 1977 and there have been many owners since then. She stated that none of these owners have done any work on the building or property; adding that her father was the last person to do any repairs on the building. She stated that she strongly disagrees with a zone change to a restaurant; it has been a grocery store and should remain a grocery store. She stated that there is plenty of empty store fronts on the Silas Deane Highway where restaurants are permitted.
2. Mr. Art Bagdasarian, 4 Booth Avenue, Wethersfield, CT – He expressed his concern that this neighborhood is always busy at night with kids in the parking lot. He stated that the dumpster is always full now and cannot imagine what would it would be like with a restaurant there. He stated that the neighborhood would smell of food, pizza, etc.; adding that no one would want that in their neighborhood. He stated that this is no place for this type of business.
3. Ms. Kathy Nemicas, 9 Yale Street, Wethersfield, CT – She handed out packets to the Board Members with a listing of concerns and pictures to confirm why she has these concerns. She stated that they live with the smell of trash now; and it would only get worse if a restaurant was allowed there. She stated that there are no sidewalks on Yale Street and the increased traffic would be a hazard. She stated that there are two other locations in Wethersfield with a grocery store and takeout food and both places have had numerous accidents; one being a fatality just this year. She expressed concern that this would depreciate the value of her home.
4. Ms. Maria Perez, 555 Nott Street, Wethersfield, CT – She stated that she agrees with what all her neighbors have said. She stated that she has lived there for 16 years and moved out of Hartford because she wanted a peaceful neighborhood to live in.

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5. Mr. Anthony Kazakos, 554 Nott Street, Wethersfield, CT – He stated that he feels this is not a good idea. He stated that there is not enough parking. He stated that he owns this same type of business and does not see where there is enough space inside the building and not enough parking outside the building. He stated that there also has to be enough parking for the tenants that live upstairs. He stated that he does not feel that this would work at all in this location.

6. Mr. Greg Conashevick, 14 Yale Street, Wethersfield, CT - He stated that his biggest concern is that his four and six year olds bus stop is right there. He stated that when you walk out of the store you are in a high traffic area within three feet. He stated that cars coming down Nott Street pull onto Yale Street to get into the parking lot; he stated that this is a very scary situation traffic wise. He apologized to the applicants and realizes that they just want to make a living; however, he does not feel that this would be safe.

Mark Minet came up to address some of the concerns expressed by neighbors. He stated that according to the plot plan there would be enough parking spaces; and they would also be putting a door on that side of the building. He also expressed concern that everyone is calling it a restaurant. He stated that it is not a restaurant but a deli with takeout food. There will be no sit down tables; it is not a restaurant.

Chairman Vaughan, Jr. questioned if he received a letter of support from any of the neighbors. Mr. Minet stated that they did not.

Commissioner Gustafson questioned where his current deli is now. Mr. Minet stated that they currently own a place in Berlin. He thought that with this situation they would be able to help each other. He stated that the store has around 200 to 300 customers per day and they thought by bringing this business in it would produce more customers for the store.

Commissioner Gustafson questioned about how many more customers per day they thought they would get. Mr. Minet stated that he was not sure but they hoped to be able to expand the business. He stated that they plan on cleaning up the building and the property; they also planned on marking parking spaces.

Chairman Vaughan, Jr. questioned if there is an oven on the premises now. Mr. Minet stated that there is not they plan on installing one.

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Commissioner Gustafson questioned if the hours would change. Ms. Crosen stated only by an extra hour.

There were no further questions by the Board.

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Chairman Vaughan, Jr.

Vice Chairman Daniel Logan, Acting Clerk

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Paul J. Leblanc, Alternate
David Gustafson, Alternate

ABSENT: Mark Rudewicz, Clerk
Eugene Ziurys, Jr
Robert Cobb, Alternate

Also Present: Steve Lattarulo – Chief Building Official
Anthony Arborio – Assistant Building Official

DECISIONS FROM PUBLIC HEARING

Application No. 6128-13 David and Jessica Kuethman, , seeking a variance to install a standby generator in the side yard having less than the required side yard at 70 Baneberry Lane, South Side, AA Zone, (§3.7)

Upon motion made by Commissioner Borea, seconded by Commissioner Leblanc and a poll of the Board it was unanimously voted that the above application **BE APPROVED** for a 3’ variance.

Application No. 6129-13 Mary Crosen, seeking a variance for change of use from retail to restaurant (take out only) at 539-541 Nott Street, South Side, B Residential Zone, (§3.5.1).

Upon motion made by Commissioner Borea, seconded by Vice Chairman Logan and a poll of the Board it was unanimously voted that the above application **BE DENIED** without prejudice.

The Board members discussed the fact that so many neighbors are opposed to this application and the fact that there was no hardship stated on their application. Commissioner Gustafson questioned if it would still go before the Planning and Zoning Commission if it is not approved by this Commission. Mr. Lattarulo stated that it would not; the process would stop here.

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APPROVAL OF MINUTES

Upon motion made by Commissioner Borea, seconded by Commissioner Leblanc and a poll of the Board it was unanimously voted that the minutes of July 22, 2013 **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 7:45 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN VAUGHAN, JR.

Vice Chairman Daniel Logan, Acting Clerk

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

Vice Chairman Daniel Logan, Acting Clerk