

**WETHERSFIELD ZONING BOARD OF APPEALS**  
**PUBLIC HEARING**  
**MARCH 22, 2004**

The Wethersfield Zoning Board of Appeals held a public hearing on March 22, 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.  
Steven F. Clarke  
D. Bruce Johnston, Alternate

**ABSENT:** Bruce T. Bockstael, Clerk  
Gina P. DeAngelo, Alternate  
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. Two audience members wished to speak.

Lee Sekas, 117 Wells Road, Wethersfield, CT. Mr. Sekas questioned if businesses that are having renovations should then be made handicapped accessible, and if not, can this Board do anything about this. He stated that he was specifically speaking of the Flower Box. Chairman Borea stated that this Board does not take enforcement action, however, the Building Department can enforce the zoning regulations. Chairman Borea stated that, as far as he can remember, this Board has never and would never grant a variance to allow a business not to be handicapped accessible. Mr. O'Connor explained that with regard to the Flower Box the renovations would be done in the spring. He stated that this site plan has already gone before the Planning and Zoning Commission. He stated that the regulations state that if there is a change of use then the Building Code requires handicapped accessibility. However, if there is not a change of use, then the business is not required to be handicapped accessible, adding that the Building Department does try to have the business become handicapped accessible, however it cannot be enforced.

Ms. Dickson, 19 Edgewood Road, Wethersfield, CT. Ms. Dickson stated that she has concerns with regards to storage of items on property such as wood, doors, etc. She would like to know if this Board addresses these issues. Chairman Borea stated that the Building Department handles these complaints. Mr. O'Connor stated that if she has a complaint with a specific address he would contact the Health Department who also gets involved with these matters. Mr. O'Connor stated that he can talk with her at the end of the meeting or she can call his office tomorrow.

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Commissioner Vaughan, Jr., Vice Chairman read the legal notice into the record.

**APPLICATION NO. 5836-2004 Anthony J. Homicki** seeking a variance to relocate a detached garage in the side yard at 201 Cumberland Avenue, south side, B Residence Zone (§167-114).

**Anthony J. Homicki, 201 Cumberland Avenue, Wethersfield, CT** appeared before the Board seeking a variance to relocate a detached garage. Mr. Homicki stated that this is family property that he has lived in all his life. He stated that he has split the lot and in doing so he had to move the existing garage.

Mr. O'Connor clarified to the Board that Mr. Homicki did a lot split which created two lots. He stated that in doing

this he had to move his existing garage over onto his property. He stated that the side yard is correct, however, the problem is that he is not behind the rear of the house.

Chairman Borea questioned how much of a variance is needed.

Mr. O'Connor stated that basically the variance is to maintain an accessory structure not in a rear yard.

Commissioner Clarke questioned what the hardship is. Mr. Homicki stated that the intent is to preserve the garage that has been on the property for 50 plus years that his grandfather has built.

Commissioner Falvo, Jr. questioned what the garage was put on when it was moved. Mr. Homicki stated that the garage is on an old slab that his father put on it about 25 years ago.

There were no further questions or comments from the Board.

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

1. Mr. Greg Lichatz, Wolcott Hill Road, Wethersfield, CT

There was no one in the audience who wished to speak in opposition to this application.

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**APPLICATION NO. 5837-2004 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 (§167.75, §167.129, §167.130 & §167.131).

Paula Larsen, 271 Main Street, Wethersfield, CT appeared before the Board seeking several variances. Ms. Larson stated that she was before the Board last month and her neighbors had problems with the parking. She entered into the record a letter from Mr. Valente, Assistant Building Inspector, with an opinion from the State of Connecticut with regards to the off street parking.

Ms. Larsen stated that at her current location she has a problem with parking and that is why she would like to move the business to her home. She stated that she cannot compete with restaurants on each side of her and only 12 parking spaces for 7 businesses. She stated, for example, that at her present location tonight there was no parking, however, at her home location there was plenty of parking because the other businesses around her have already closed. She stated that she is willing to spend a lot of time and money to get her business moved to her home, adding that her business being moved to her home would not negatively impact any of the businesses around her.

Chairman Borea questioned the hours of operation.

Ms. Larsen stated that the current hours are from 12:00 PM to 9:00 PM, however beginning in June her hours are 11:00 AM to 10:00 PM, with the bulk of the business being from 6:30 PM to 9:00 PM.

Commissioner Falvo, Jr. questioned why the parking variance was asked for last month. Mr. O'Connor stated that the zoning regulations require off street parking and if the parking was to be in the back yard then this is a residential zone so that would be a variance. However, now she is asking for no off street parking.

Chairman Borea questioned how many parking spaces would be needed given the layout. Mr. O'Connor said based on the number of seats, seven (7) parking spaces would be required.

Chairman Borea asked for an explanation of the variances regarding being over the building line and side yard setback. Ms. Larsen stated that this has been scaled back from the original plans. She stated that she has gone before the

Historic District Commission and that the plans are now to be even with the neighbors on both sides of her property.

Commissioner Falvo, Jr. questioned if this application reflects that change. Ms. Larsen stated that what she is asking for now is actually less than what the original application states.

Chairman Borea questioned the number of seats. Ms. Larsen stated that there would be twelve (12) seats outside and nine (9) seats inside.

Commissioner Clarke questioned if any seating would be in the back. Ms. Larsen stated that she originally wanted the seating in the front of the house, however, after going before the Historic District Commission they want a door on the front and the seating on the side. Ms. Larsen stated that this does actually make more sense.

Chairman Borea questioned if this change is reflected on the plans. Ms. Larsen stated that it has not.

Commissioner Falvo, Jr. questioned if the business will be handicapped accessible. Ms. Larsen stated that it would be because it is all flat to the ground and she will also have a handicapped accessible bathroom in the business.

Chairman Falvo, Jr. questioned if her neighbors are aware of the seating being moved to the side. Ms. Larsen stated that she does not think they are aware of this; however, this was from the direction of the Historic District Commission.

Chairman Borea questioned the type of material that will be used for the driveway. Ms. Larsen stated that she would like to do pavers and that is why she has to go before the Planning and Zoning Commission.

Chairman Borea verified that the hardship is the fact her property has a zoning line going through it. Ms. Larsen stated that this was correct, after her garage her property becomes residential, however, before the garage it is business zoned.

Vice Chairman Vaughan, Jr. questioned if with the proposed changes to the zoning regulations would most of these variances be within the new zoning regulations. Ms. Larsen stated that with these new proposed changes her property would then become commercial. Mr. O'Connor stated that with the proposed new zoning regulations there would be a zero (0) line set back from the property line.

Commissioner Clarke questioned if these plans reflect the updated print with the stakes that the land surveyor staked out. He stated that he had spoken with the neighbor to the south that stated that these pins were put in wrong by about a few feet. Ms. Larsen stated that the surveyor had come back and put the pins in. She stated that he is a professional surveyor and these pins are as accurate as can be.

There were no further questions or comments from the Board.

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

1. Larry Spellacy, 215 Pine Lane, Wethersfield, CT - stated that he is a finance officer with the American Legion at 275 Main Street. He stated that he does not believe that her business would adversely affect their business because most of their customers use the parking on Hartford Avenue.

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

1. Kathy Ahern, 15 Hartford Avenue, Wethersfield, CT - stated that she was surprised by the changes in the building and would like to see a new plan drawn out with where the seating would be. She stated that she feels these seats will be right in Mrs. Alderman's living room. She stated that she is concerned that people will begin putting blankets on the front and back lawn area. She stated that she is concerned with the impact on the residents in this neighborhood and it needs to be weighed against attracting business to this neighborhood.

Vice Chairman Vaughan, Jr. read two letters into the record from Mr. Fred Valente, Assistant Building Inspector, and from the Historic District Commission.

Commissioner Clarke questioned if variance five (5) is still over the building line. Mr. O'Connor stated that in most cases yes it would be over the building line, however if it was not, a variance would still be needed for outdoor seasonal seating.

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**APPLICATION NO. 5838-2004 Great Meadows Conservation Trust** seeking a variance to erect a sign greater than permitted in a residential zone at the Southeast corner of Middletown Avenue and Maple Street (Route 3), (§167-135).

Mr. Jim Woodworth, 5 River Road, Wethersfield, CT appeared before the Board on behalf of Great Meadows Conservation Trust seeking a variance to erect a sign greater than permitted in a residential zone. Mr. Woodworth stated that the Department of Environmental Protection requires this sign. He showed the actual sign to the Board.

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.

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**APPLICATION NO. 5839-2004 Suny's Restaurant** seeking a variance to erect a structure over the building line and provide seasonal outdoor seating over the building line at 416 Silas Deane Highway, east side, Planned Development Business Zone (§167.43 & §167.45)

Mr. Craig Sundquist, 416 Silas Deane Highway, Wethersfield, CT appeared before the Board on behalf of Suny's Restaurant seeking a variance to erect a structure over the building line and to provide outdoor seasonal seating over the building line. He stated that he would like to construct a concrete wall with white picket fencing and flower boxes. Mr. Sundquist stated that this is needed to help increase his business.

Commissioner Falvo, Jr. questioned if there would be a canopy. Mr. Sundquist stated that this would be umbrella seating.

Chairman Borea questioned if the concrete wall was required. Mr. Sundquist stated that for safety reasons he would prefer the concrete wall since it is close to Silas Deane Highway. He stated that he wants to feel comfortable that the customers eating at his establishment are safe.

Chairman Borea questioned if there is a plan showing how far back the seating would be. Mr. O'Connor stated that there is a rough plan, however this has to go before Planning and Zoning with a site plan.

Commissioner Clarke questioned if he has spoken with the Silas Deane Highway Beautification Committee. Mr. Sundquist stated that he has spoken with Mr. Gillespie, Town Planner and with some members of the Town Council and all were for this plan.

Mr. O'Connor stated that he feels that a site plan would have to be looked at to make sure it is not obstructing traffic. Chairman Borea stated that Planning and Zoning would have to look at the site plans.

Commissioner Johnston questioned what the distance to the front door would be. Mr. Sundquist stated that it is about 20' from the face of the building and 76' across the front.

There were no further questions or comments from the Board.

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

1. Mr. Lee Sekas, 117 Wells Road, Wethersfield, CT

There was no one in the audience who wished to speak in opposition to this application.

**APPLICATION NO. 5840-2004 Cumberland Farms, Inc.** seeking a variance to erect a building 1) having less than the required square footage, 2) giving a height greater than permitted without the required yard setbacks, 3) having impervious material covering more than 25% of the front yard area, 4) having a sign larger and higher than permitted, and 5) having less than the required parking spaces at 1855 Berlin Turnpike, west side, Business No. 2 Zone (§167.75, §167.130, §167.136, & §167.126).

Attorney Peter Alter, Glastonbury, CT representing Cumberland Farms, Inc. appeared before the Board seeking several variances. He stated that Cumberland Farms has owned this property since 1975 and they have made many changes over the years and have never been able to comply with the zoning regulations. He stated that they currently wish to raise the existing building and construct a canopy. He stated that zoning requires 5,000 square feet and their proposed building is less than 4,187 square feet. He stated that they are proposing to move the building back in the northwestern corner; zoning requires a 14' rear yard and their new building will have an 8' rear yard, adding that this building would be more in line with Elaine's Restaurant. He stated that zoning requires no more than 25% impervious material covering the front yard; adding that they currently have 100% impervious material, after the renovations they will have about 64% impervious material. He stated that the sign is larger and higher than zoning permits; however, the sign will stay about the same size but will be moved further back. He stated that the last variance needed is for parking; zoning requires 28 spaces for this size of building, the proposed plan has 21 parking spaces, not including the ten spaces at the gas pump area. Attorney Alter stated that this also has to go before the Planning and Zoning Commission, adding that there should be a letter in the file from Town Planner, Peter Gillespie regarding these plans.

Commissioner Falvo, Jr. questioned if he had a picture of the sign and if the sign would include any prices of gas. Attorney Alter stated that he did not have one with him; however, it is the same size and color as the existing sign. He stated that zoning regulations allow 6 square feet of pricing on the canopy, the original plans of Cumberland Farms pricing was 6.23 square feet. However, he has recommended to Cumberland Farms to reduce the size by .23 square feet. Therefore, no variance is needed for this.

Mr. O'Connor verified that there would be no prices on the freestanding sign. Attorney Alter stated that this was correct.

Chairman Borea questioned why the building is so high. Attorney Alter stated this is a new design that has a very steep pitched roof, which takes on a very Cape Cod type architecture. He stated that all the mechanicals would be in the back of the building.

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.

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**APPLICATION NO. 5841-2004 Paul Bianca** seeking a variance to erect a free standing sign 1) having less than the required frontage, 2) having less than the required landscaping and 3) having greater percent coverage on the front wall at 580 Silas Deane Highway, east side, Business No. 2 Zone (§167.136).

Paul Bianca, Bianca Sign Company, 99 Newington Avenue, appeared before the Board on behalf of Hamilton Bunker CafÈ, 580 Silas Deane Highway, Wethersfield, CT seeking a variance to erect a free standing sign with less than the required frontage, less than the required landscaping and having greater percent coverage on the front wall. Mr. Bianca stated that a freestanding sign in the front of the building is needed. He stated that per zoning regulations a 100' frontage is required, however they have an 80' frontage.

Commissioner Falvo, Jr. questioned if the freestanding sign will be directly in front of the building. Mr. O'Connor stated that the freestanding sign would be 5' from the sidewalk.

Mr. Greg Lichatz stated that this freestanding sign is really needed so that his business will be visible to potential customers on the Silas Deane Highway.

Chairman Borea verified that there is not enough frontage for the sign. Mr. O'Connor stated that this was correct. He

stated that the sign on the building can only be 5 square feet with the free standing sign, therefore the existing sign on the building will come down and be replaced.

Chairman Borea questioned about landscaping. Mr. Lichatz stated that he thinks they can get 36' of landscaping; 18' on both sides of the sign.

Commissioner Johnston questioned if there would be a reduction in signage. Mr. O'Connor stated that this was correct; all signs on the building will be removed and will be replaced with two signs in the front only; a 14'x7' and a 2'x10'.

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

Thomas J. Vaughan, Jr., Vice Chairman

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC MEETING  
MARCH 22, 2004**

The Wethersfield Zoning Board of Appeals held a public meeting, immediately following the public hearing, on March 22, 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.  
Steven F. Clarke  
D. Bruce Johnston, Alternate

**ABSENT:** Bruce T. Bockstael, Clerk  
Gina P. DeAngelo, Alternate  
Craig S. Pinney, Alternate

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

**DECISIONS FROM PUBLIC HEARING**

**APPLICATION NO. 5836-2004 Anthony J. Homicki** seeking a variance to relocate a detached garage in the side yard at 201 Cumberland Avenue, south side, B Residence Zone (§167-114)

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

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**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 (§167.75, §167.129, §167.130 & §167.131).

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

1. Subject to Historic District Commission approval.
2. No other outdoor seating is allowed other than what was approved.

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**APPLICATION NO. 5838-2004 Great Meadows Conservation Trust** seeking a variance to erect a sign greater than permitted in a residential zone at the Southeast corner of Middletown Avenue and Maple Street (Route 3), (§167-135).

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

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**APPLICATION NO. 5839-2004 Suny's Restaurant** seeking a variance to erect a structure over the building line and provide seasonal outdoor seating over the building line at 416 Silas Deane Highway, east side, Planned Development Business Zone (§167.43 & §167.45)

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. Police Department is to approve the proposed structure so as not to create site obstruction.

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**APPLICATION NO. 5840-2004 Cumberland Farms, Inc.** seeking a variance to erect a building 1) having less than the required square footage, 2) giving a height greater than permitted without the required yard setbacks, 3) having impervious material covering more than 25% of the front yard area, 4) having a sign larger and higher than permitted, and 5) having less than the required parking spaces at 1855 Berlin Turnpike, west side, Business No. 2 Zone (§167.75, §167.130, §167.136, & §167.126).

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

1. Sign is to be no larger than the sign that is there currently.

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**APPLICATION NO. 5841-2004 Paul Bianca** seeking a variance to erect a free standing sign 1) having less than the required frontage, 2) having less than the required landscaping and 3) having greater percent coverage on the front wall at 580 Silas Deane Highway, east side, Business No. 2 Zone (§167.136).

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 stipulation:

1. Landscaping around sign must be a minimum of 36 square feet.

### **APPROVAL OF MINUTES**

Upon motion made by Commissioner Falvo, Jr., seconded by Chairman Borea and a poll of the Board it was unanimously voted that [the minutes of February 23, 2004](#) **BE APPROVED**.

### **ADJOURNMENT**

The meeting was adjourned at 8:40 PM.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN MORRIS BOREA

Thomas J. Vaughan, Vice Chairman

