

WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING
April 19, 2004

The Wethersfield Zoning Board of Appeals held a public hearing on April 19, 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
Steven F. Clarke
Gina P. DeAngelo, Alternate
D. Bruce Johnston, Alternate

ABSENT: Frank A. Falvo, Jr.
Craig S. Pinney, 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.

APPLICATION NO. 5842-2004 James Gavin seeking a variance to construct a front porch over the building line at 14 Barstow Drive, east side, A Residence Zone (§167-75).

Mr. James Gavin, 14 Barstow Drive, Wethersfield, CT appeared before the Board seeking a variance to construct a front porch over the building line. Mr. Gavin stated that he would like to add a porch that will be 8' from the house and 24' across the full length of the house with a roof line and with the stairs going out to the driveway.

Chairman Borea questioned how far over the building line the porch would be and if the porch will be opened or enclosed. Mr. Gavin stated that the existing porch is 25.5' from the road and the proposed porch would be about 17.5' from the road, adding that the porch would not be enclosed.

Commissioner Clarke questioned if the 25.5' is from the existing porch. Mr. Gavin stated that the 25.5' is from the house, not from the porch.

Commissioner Bockstael questioned what the set back is. Mr. O'Connor stated that the normal set back for this zone is 40'.

Chairman Borea questioned how much further out from the existing porch he would be going, and the purpose for doing this. Mr. Gavin stated that he would be going out about 2' further than the existing porch, and that he is doing this to enhance the value of the property.

Chairman Borea questioned if he had any discussions with his neighbors about this plan. Mr. Gavin said that he has spoken to his adjacent neighbors and they have no problem with this.

Commissioner Clarke questioned the hardship of this application. Commissioner Bockstael stated that the hardship is the fact that the house was built back in 1923 before setback regulations.

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. 5843-2004 Rosario LaBella seeking a variance to provide seasonal outdoor seating over the building line at 227 Main Street, west side, Business No. 2 Zone (§167-75).

Mr. Rosario LaBella, 92 Sean Circle Drive, Coventry, CT appeared before the Board as owner of La Dolce Bakery, seeking a variance to provide seasonal outdoor seating over the building line. He stated that he is requesting two outdoor tables with chairs.

Chairman Borea questioned how many chairs. Mr. LaBella stated that there will be two chairs per table. Mr. LaBella stated that the tables will be 32" square wrought iron bistro type tables, adding that he is planning to put out two tables, however, if possible, he would like to get approval for three tables.

Chairman Borea questioned where he plans on putting the tables. Mr. LaBella stated that he plans on putting them right in front. Chairman Borea questioned if there will be enough room for handicapped accessibility. Mr. LaBella stated that the door itself is bigger than the 3' required for the handicapped accessible doorway, so that would not interfere with the tables.

Commissioner Bockstael questioned how much store frontage he has, and how far he plans on going out from the window. Mr. LaBella stated that the actual window front is 15' and he feels that the tables will come out about 5' from the window front. Mr. LaBella stated that three tables will probably be too much, and feels that the two tables he originally requested will suffice.

Commissioner Clarke questioned if he was open for business yet, and if he will be serving any alcohol. Mr. LaBella stated that he is not yet open, he plans on opening May 1, and that no alcohol will be served. They plan on selling coffee, cappuccino and items of that nature.

Commissioner Johnston questioned if the tables would only be out during business hours. Mr. LaBella stated that the tables are quite heavy and he was planning on leaving them out for the season.

Chairman Borea questioned if the Building Department has any concerns over this application. Mr. O'Connor stated that he is in front of the Board tonight because it is over the building line; however, he does not feel that seasonal seating in this area is an issue.

Chairman Borea questioned if this would be going onto the sidewalk or if this is his own space. Mr. O'Connor stated that he believes this is all sidewalk and all town property.

Chairman Borea questioned if there was already a variance for this property for table and chairs. Mr. O'Connor stated that there is a variance for the Main Street Creamery.

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. 5844-2004 Richard J. Patrissi seeking a variance to conduct a business in a residential zone at 454 Maple Street, south side, A Residence Zone (§167-7).

Mr. Richard J. Patrissi, 454 Maple Street, Wethersfield, CT appeared before the Board seeking a variance to conduct a business in a residential zone. Mr. Patrissi stated that this business will be an antique furniture restoration business.

Chairman Borea questioned how much of the home would be used for the business. Mr. Patrissi stated that just the single car garage will be used for the business.

Chairman Borea questioned if any modifications or improvements would be made to the garage and if any equipment will be used. Mr. Patrissi stated that there will be no changes made to the garage; he stated that he would be using portable power hand tools and benches. He stated that he does high end antique restoration.

Chairman Borea questioned if there will be any employees, signs or customers. Mr. Patrissi stated that there will be no employees or signs, adding that he will be picking up and delivering the items that he restores, therefore there will be no customers on the premises.

Commissioner Clarke questioned the hours of operation, asking if he would be working into the night, adding that he is concerned about the noise from the equipment. Mr. Patrissi stated that he is a daytime person, adding that he will not be using any heavy equipment that would make a lot of noise.

Chairman Borea questioned if he will be working another job besides this or if this will be his main occupation. Mr. Patrissi stated that he will be leaving who he is currently working for.

Chairman Borea questioned the hours that he plans to work in the garage. Mr. Patrissi stated that he is planning on anywhere from 8:00AM to 7:00PM, however right now, while he is still working his other job, it will be mostly weekends as a part time job.

Commissioner Bockstael questioned the delivery of raw materials. Mr. Patrissi stated that there will be no raw materials such as lumber etc; he stated that the only raw material will be the furniture.

Chairman Borea questioned what type of truck will be used to pick up and deliver the furniture. Mr. Patrissi stated that he plans on using a minivan. Chairman Borea informed Mr. Patrissi that, for his information, there are regulations on the size trucks that can be used in a residential neighborhood, adding that the maximum gross vehicle weight is 6500 lbs.

Chairman Borea questioned if his neighbors are aware of this application. Mr. Patrissi stated that his neighbors to the side and the back of his property are in support of this application.

There were no further questions or comments from the Board.

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

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

1. Ms. Margaret Morisawicz, 28 Valley Crest Drive, Wethersfield, CT - stated that she is concerned about the debris that may get into her yard and she is also concerned about the deliveries. She stated that when he had a shed installed the deliveries of lumber and concrete were made in the back on Valley Crest Drive.
2. Ms. Dory Budas, 12 Valley Crest Drive, Wethersfield, CT - stated that she feels that this is a residential area that should not have businesses. She stated that she too is concerned of deliveries being made on Valley Crest Drive. She stated she is also worried about the noise and the possibility of hearing constant sanding. She added that she feels there is not enough control.

APPLICATION NO. 5845-2004 Sean Keane seeking a variance to conduct a business in a residential zone (renewal) at 404 Wolcott Hill Road, east side, A Residence Zone (§167-7).

Ms. Jane Galligher, 5 Cotwell Road, Wethersfield, CT appeared before the Board on behalf of Sean Keane seeking a variance to conduct a business in a residential zone. Ms. Galligher stated that this is strictly a renewal and that there have not been any changes to the business.

Chairman Borea questioned if there have been any complaints. Mr. O'Connor stated that there have not been any complaints.

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. 5846-2004 Seth D. Paine seeking a variance to erect a garage higher than permitted at 223 Broad Street, west side, A Residence Zone (§167-114).

Mr. Seth D. Paine, 223 Broad Street, Wethersfield, CT and Mr. David Paine, Colchester, CT appeared before the Board seeking a variance to erect a garage higher than permitted at 223 Broad Street. Mr. Seth Paine stated that this drawing had been approved by the Historic District however it was taller than zoning allowed. He stated that it was modified to comply with the height requirement of zoning, not realizing that they would then have to go before the Historic District again. Therefore he is now before the Board asking for a variance on the height requirement.

Chairman Borea confirmed that he is looking for approval on the original plan that the Historic District had already approved. Mr. Seth Paine stated that that was correct.

Chairman Borea questioned if the Historic District was aware that a variance would be needed when they approved the plans. Mr. O'Connor stated that they did not know a variance would be needed for the height.

Chairman Borea confirmed that they are seeking a 2' variance which would basically be the crown of the garage. Mr. David Paine showed drawings of the salt box plan that is being built. He stated that the 20' is needed for the head room to be able to stack the cars. He added that they have looked at other barns on the green, and all but maybe one is over the 18'.

Commissioner Bockstael questioned if there is an intermediary floor. Mr. David Paine showed the drawings and which side the floor is on. He added that the garage is up and they can look and see where the floor is.

Commissioner Johnston clarified that the Historic District approved a salt box plan, and then there was a height problem, so it was modified, and built not as a salt box but a regular, and if the two feet are granted then it will go back to being a salt box? Mr. David Paine stated that this was correct, adding that the garage has been framed but not finished and that they will have to take the roof off.

Commissioner Bockstael questioned if the second floor will be used for storage. Mr. Seth Paine stated that this was correct.

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.

APPLICATION NO. 5847-2004 John L. Ferguson seeking a special exception to continue a residential office/business (renewal) at 39 Spruce Street, north side, MDR Zone (§167-172.g).

Mr. John L. Ferguson, 39 Spruce Street, Wethersfield, CT appeared before the Board seeking a special exception to continue a residential office/business at 39 Spruce Street. Mr. Ferguson stated that this is strictly a renewal. He stated that he is the owner of ValPak and that the office is strictly a sales office.

Chairman Borea questioned if he has been able to meet all previous stipulations. Mr. Ferguson stated that he has, and is requesting an approval for a longer period of time.

Chairman Borea questioned if there have been any complaints. Mr. O'Connor stated that there have been no complaints.

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.

APPLICATION NO. 5848-2004 Min R. Guo & Tian Lu Guo seeking a special permit for the sale of alcoholic beverages (service bar), (renewal) at 188 Silas Deane Highway, east side, Planned Development Business Zone (§167-123).

Min Guo, 188 Silas Deane Highway, Wethersfield, CT appeared before the Board seeking a special permit for the sale of alcoholic beverages (service bar) at East Buffet, 188 Silas Deane Highway. Mr. Guo stated that this is a renewal and there have been no changes to the business. He stated that the service bar helps his business.

Chairman Borea confirmed that this is a service bar and alcoholic beverages are only being served during normal business hours. Mr. Guo stated that this was correct.

Chairman Borea confirmed that the has a liquor permit. Mr. Guo stated that he does.

Chairman Borea questioned if there have been any complaints. Mr. O'Connor stated that there have not been any complaints.

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 T. Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC MEETING
April 19, 2004**

The Wethersfield Zoning Board of Appeals held a public meeting, immediately following the public hearing, on April 19, 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
Steven F. Clarke
Gina P. DeAngelo, Alternate
D. Bruce Johnston, Alternate

ABSENT: Frank A. Falvo, Jr.
Craig S. Pinney, Alternate

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

DECISIONS FROM PUBLIC HEARING

APPLICATION NO. 5842-2004 James Gavin seeking a variance to construct a front porch over the building line at 14 Barstow Drive, east side, A Residence Zone (§167-75).

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 4-0, with Commissioner Clarke abstained, that the above application **BE APPROVED**.

APPLICATION NO. 5843-2004 Rosario LaBella seeking a variance to provide seasonal outdoor seating over the building line at 227 Main Street, west side, Business No. 2 Zone (§167-75).

Upon motion made by Commissioner Bockstael, seconded by Commissioner Clarke and a poll of the Board it was unanimously voted that the above application **BE APPROVED** for a period of one (1) year with the following stipulation:

1. No more than two (2) tables and four (4) chairs.
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APPLICATION NO. 5844-2004 Richard J. Patrissi seeking a variance to conduct a business in a residential zone at 454 Maple Street, south side, A Residence Zone (§167-7).

Upon motion made by Commissioner Bockstael, seconded by Chairman Borea and a poll of the Board it was voted by a vote of 4-0, with Commissioner DeAngelo abstained, that the above application **BE APPROVED** for a period of one (1) year with the following stipulations:

1. Work area is to be enclosed.
 2. Supplies are to be delivered to driveway.
 3. There shall be no signage.
 4. There shall be no employees.
 5. Deliveries must be made during the day.
 6. Hours of operation are to be 8:00AM to 6:00PM
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APPLICATION NO. 5845-2004 Sean Keane seeking a variance to conduct a business in a residential zone (renewal) at 404 Wolcott Hill Road, east side, A Residence Zone (§167-7)

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** for a period of four (4) years with the following stipulations:

1. Saturday hours must be every other Saturday and after 12:00 noon.
 2. Group sessions shall be limited to six, and no more than once a week.
 3. This approval is subject to obtaining the proper licenses from the State of Connecticut.
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APPLICATION NO. 5846-2004 Seth D. Paine seeking a variance to erect a garage higher than permitted at 223 Broad Street, west side, A Residence Zone (§167-114).

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

APPLICATION NO. 5847-2004 John L. Ferguson seeking a special exception to continue a residential office/business (renewal) at 39 Spruce Street, north side, MDR Zone (§167-172.g).

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** for a period of three (3) years with the following stipulations:

1. There shall be no signage.
 2. There shall be no on street parking.
 3. Office/business use shall not occupy no more than 25% of the gross floor area of the residence.
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APPLICATION NO. 5848-2004 Min R. Guo & Tian Lu Guo seeking a special permit for the sale of alcoholic

beverages (service bar), (renewal) at 188 Silas Deane Highway, east side, Planned Development Business Zone (§167-123).

Upon motion made by Chairman Borea, seconded by Vice Chairman Vaughan, Jr., and a poll of the Board it was unanimously voted that the above application **BE APPROVED** for a period of three (3) years with the following stipulations:

1. Upon approval from Liquor Control Commission.
 2. Shall be a service bar only.
 3. Alcoholic beverages shall only be served during normal business hours.
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APPROVAL OF MINUTES

Upon motion made by Commissioner Clarke, seconded by Chairman Borea and a poll of the Board it was unanimously voted that [the minutes of March 19, 2004](#) **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 7:50 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN MORRIS BOREA

Bruce T. Bockstael, Clerk