

**WETHERSFIELD ZONING BOARD OF APPEALS
PUBLIC HEARING**

October 28, 2013

The Wethersfield Zoning Board of Appeals held a public hearing on October 28, 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
Eugene Ziurys, Jr
David Gustafson, Alternate – Acting Clerk
Paul J. Leblanc, Alternate

ABSENT: Mark Rudewicz, Clerk
Robert Cobb, Alternate

Also Present: Fred Valente - 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. 6134-13 Christopher Barber, seeking a Use variance to obtain a General Repair license to repair motor vehicles at 61 Arrow Road, North side, BP Zone, (§5.7).

Attorney Michael Bonanno, Jacobs, Walker, Rice and Barry, 146 Main Street, Manchester CT and Christopher Barber, 61 Arrow Road, Wethersfield, CT appeared before the Board seeking a Use variance to repair motor vehicles at 61 Arrow Road.

Attorney Bonanno stated that he is here tonight representing his client Mr. Barber. He stated that they are requesting a Use variance to repair high end vehicles in Unit 8. He stated that only one vehicle will be repaired at a time, adding that a similar application was granted on this property back in October 2012. He stated that his clients business will not be as intrusive as the variance that was already approved – that business was for repair and 24 hour towing.

Attorney Bonanno stated that Unit 8 faces directly onto Arrow Road and will not impact any of the residence in the area. He added that the previous variance that was granted faced the Condo's and has a 24 hour towing operation. He stated that other businesses on this property are

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small engine repairs, a crane service and light manufacturing. He added for background on this property - it was built in 1960 at which time it was a heavy manufacturing business until it went out of business. It was completely renovated back in 2004.

Attorney Bonanno stated that their hardship is the fact that the zone was changed back in 2012. He stated that his clients business is in line with what other businesses are doing on this property.

Commissioner Gustafson questioned how much parking will be needed. Attorney Bonanno stated that they have three spaces assigned to their unit; however, this is a single employee business so there is more than enough parking available.

Commissioner Borea questioned the hours of operation. Attorney Bonanno stated that it would be Monday through Friday 9:00 AM to 5:00 PM.

Chairman Vaughan, Jr. questioned if any tenants or neighbors have any issues with this application. Attorney Bonanno stated that he was not aware of any issues. Mr. Barber stated that he spoke with the President of the Condo Association and she stated that they have a problem with the 24 hour towing and repo business; they feel that this will bring the wrong clientele to the area.

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. Mary Raum, 10 Tanner Crossing, Wethersfield, CT – she stated that she has concerns with this being permanent and if another person can move in with bigger businesses. She stated that the last time a variance was granted to the owner of this building there were stipulations that he did not adhere to. She stated that he is not a responsible building owner and should not be granted with another variance when he does not comply with the stipulations from a previous variance. She stated that she can see boats, food trucks etc. that were supposed to be shielded with shrubbery.

Commissioner Vaughan, Jr. explained that he understands her frustrations; but the application before this Board is not for the owner; it is just a use variance on this property.

Vice Chairman Logan explained to her that the previous variance and stipulations that she is speaking of are from the Planning and Zoning site approval application.

Commissioner Gustafson questioned if she has any issue with a one bay repair business. Ms. Raum stated that she does not have any objection to that.

2. Rose Germano, 17 Tinsmith Crossing, Wethersfield, CT – she stated that she is concerned with the long term; what if he leaves will the next person be granted a 2 or 3 bay garage. She also has concerns with environmental issues with oil etc.

Chairman Vaughan, Jr. explained that only the same type of business would be allowed. He stated that Planning and Zoning would address any environmental concerns.

3. Mrs. Badulesce, 29 Tinsmith Crossing, Wethersfield, CT - she stated that she is concerned with the value of her property when business like this open so close to her. With her property value going down she should pay less; it is not fair others are making money at the expense of them losing money. She stated that she moved there because it is a nice neighborhood and she would like it to stay that way because if not they all lose.

Commissioner Gustafson questioned how many active businesses are on that property. Mr. Valente stated that he believes there are 8 to 10 small businesses.

Commissioner Borea explained that he feels all these concerns should go to the Building Department. He explained that they should take pictures and document the issues.

Ms. Raum stated that she went to a Planning and Zoning meeting and they had no luck speaking with the owner of the property. Commissioner Borea suggested that they speak with the Town Manager and let him be aware of these issues.

Application No. 6135-13 Southside Partners LLC, seeking a variance to enlarge an accessory building of which exceeds the permitted square footage and to be used for business in a residential zone at 82 Wolcott Hill Road, East side, GB Zone, (§3.5.1)

Mr. Donte Boffi, Boffi Designs, 20 West Main Street, Avon, CT appeared before the Board on behalf of his client Southside Partners, LLC seeking a variance to enlarge an accessory building

which exceeds the permitted square footage and which will be used for business in a residential zone.

Mr. Boffi stated that his client wishes to add a 24' x 24' bay to the existing 2 bay accessory building. He stated that they were careful to make sure the bay stays off the building line; the rear is 7.84' off the building line and the side is 9.43' off the building line. He stated that there will be one 10' x 8' overhead door.

Mr. Boffi stated that his clients building is fully occupied; adding that they maintain their own building and landscaping and it is always kept neat and clean. He stated that the new bay will house their truck, snowplow and maintenance equipment. The existing bays can then be used just for storage for the tenants. He stated that because the building has been so successful and is fully occupied there is no other option for storage but to expand the bay.

Mr. Boffi presented the drawing of the addition and pointed out the fencing from the residential area and the exit.

Chairman Vaughan, Jr. questioned the height of the fencing and asked if there have been any issues. Mr. Boffi stated that the fence is 8' high and that as far as he knew there have been no issues.

Vice Chairman Logan questioned the existing square footage. Mr. Boffi stated that the new addition will be 576 square feet and the existing is 800 square feet. Mr. Valente corrected him; stating that the new addition is 576 square feet and the existing is 720 square feet.

Commissioner Borea questioned why a variance is needed. Mr. Valente stated that a variance is needed because it is in a residential zone and because he would need a 662 square foot variance.

Commissioner Gustafson questioned if he was over the square footage with the last variance; Mr. Valente stated that he was.

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 variance:

1. Scott Smith, 13 Lexington Street, Wethersfield, CT – He stated that his backyard faces this property. He stated that this owner has no regard for his neighbors; adding that he hears noise from power equipment and trucks starting at 7:00 in the morning. He stated that a previous variance was given for storage; however, a business is actually being run from one of the “storage buildings” – called Power Point Energy. He stated that what is being proposed is something that is already built with no permits being taken out. He stated that they are not being forthright in saying “we are proposing this accessory building” when it is already there. He stated that if this property owner does not adhere to one variance; why give him another one.

Mr. Valente confirmed to the Board that to some degree it has already been built.

Chairman Vaughan, Jr. questioned Mr. Smith that if it was used just for storage would you have an issue with this application. Mr. Smith stated he would not but this is not what is going on; there is a business being run out of there.

2. Mr. Charles Vicino, 19 Livingston Street, Wethersfield, CT – He stated that his property partially borders this property. He stated that he has had issues with the owner, Mr. Carbone, in the past, stating that they had high intensity lights shining right at their home at 11:00 at night. He stated that he had to go to the Building Department in order to get this rectified.

Chairman Vaughan, Jr. questioned if he had the same issue with noise. Mr. Vicino stated that he has issues with the whole property; adding that there is also drainage issues.

3. Ms. Marissa Ocasio, 88 Wolcott Hill Road, Wethersfield, CT – she stated that her property is right next door. She stated that she has issues with trucks pulling out at 5:00 in the morning. She stated that she has sent video of this to Carbone Chiropractic but nothing has been done. She stated that there is a commercial building across the street; and there are no issues with them; they make sure that deliveries are made during the day. She stated that Mr. Carbone has no regard for his neighbors.
4. Mr. David Murray, 88 Wolcott Hill Road, Wethersfeld, CT – He stated that he agrees with what everyone has said here tonight. He stated that he has seen deliveries anywhere from 1:00 – 4:00 AM with tractor trailers leaving pallets. He stated that he complained and to some degree some of these delivers have stopped. However; he stated that he is running a business from the accessory building that was meant to be for storage.

Mr. Boffi stated that he wanted to explain that yes some of the building has already been framed. He stated that the owner contacted the builder and the builder confirmed that they did not pull the required permits. He stated that he has no knowledge of any business running from the accessory buildings. He stated that Southside Partners needs this additional space for storage.

Chairman Vaughan, Jr. stated that it sounds like the neighbors have a lot of issues with the owner and the property; however the application before us is just for the additional storage building.

Application No. 6136-13 Joe Maggi & Sarah Morin, seeking a variance to erect a wall sign of which a portion will project above the roofline at 1267 Silas Deane Hwy, West side, RC Zone, (§6.3H).

Joe Maggi, 1267 Silas Deane Highway, Wethersfield, CT appeared before the Board seeking a variance to erect a wall sign of which a portion will project the roofline. Mr. Maggi stated that he and his partner, whom is his daughter, are Franchisees of Buffalo Wild Wings in Glastonbury and Windsor and they would like to open one in Wethersfield.

Mr. Maggi stated that the Franchise requires certain signage as this is their branding and trademark; he stated that they need a variance for this sign; he stated that the wedge of the sign is what most identifies Buffalo Wild Wings. He stated that this will be no higher than the gable that Office Depot is on.

Chairman Vaughan, Jr. questioned the height of the sign. Mr. Maggi stated it is 19' plus or minus.

Chairman Vaughan, Jr. questioned if a variance is needed for the square footage. Mr. Valente confirmed that a variance is only needed for the height; not the square footage.

Chairman Vaughan, Jr. confirmed that the Franchisor requires the wedge sign. Mr. Maggi stated that this was correct; it is what identifies Buffalo Wild Wings.

Mr. Maggi stated that the Board should have a letter in favor of the sign from the Design Review Committee.

Commissioner Gustafson questioned if the size is dictated by the Franchise Agreement. Mr. Maggi stated that it is not. Commissioner Gustafson confirmed that there is no issue with the

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square footage of the sign. Mr. Maggi stated that the Assistant Town Planner stated that the size met what they are entitled to.

Commissioner Borea questioned if the zinger is out. Mr. Maggi stated that it is.

Commissioner Gustafson confirmed that the sign is in block lettering. Mr. Maggi stated that this was correct.

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.

WETHERSFIELD ZONING BOARD OF APPEALS
Chairman Vaughan, Jr.

Vice Chairman Daniel Logan, Acting Clerk

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PRESENT: Thomas J. Vaughan, Jr., Chairman
Daniel Logan, Vice Chairman
Morris Borea
Eugene Ziurys, Jr.
David Gustafson, Alternate – Acting Clerk
Paul J. Leblanc, Alternate

ABSENT: Mark Rudewicz, Clerk
Robert Cobb, Alternate

Also Present: Fred Valente - Building Official

DECISIONS FROM PUBLIC HEARING

Application No. 6134-13 Christopher Barber, seeking a Use variance to obtain a General Repair license to repair motor vehicles at 61 Arrow Road, North side, BP Zone, (§5.7).

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 APPROVED** with the following stipulations:

1. Limited to only one single bay.
2. Must adhere to all Building Fire Codes.
3. Must receive all State required permits.
4. Hours limited to Monday to Friday 9:00 AM to 5:00 PM.
5. No car parts or debris is to be left outside overnight.
6. Limited for a period of three (3) years.

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There was much discussion by all Board Members of the issues that were presented during the Public Hearing. It was noted that there are a lot of unanswered questions and without the Owner of the property present those questions are impossible to answer. It was discussed that many of the problems may be able to be resolved with the Owner's cooperation.

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 TABLED** without prejudice for a period of 30 days.

Application No. 6136-13 Joe Maggi & Sarah Morin, seeking a variance to erect a wall sign of which a portion will project above the roofline at 1267 Silas Deane Hwy, West side, RC Zone, (§6.3H).

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

APPROVAL OF MINUTES

Upon motion made by Commissioner Gustafson, seconded by Commissioner Ziurys, Jr. and a poll of the Board it was unanimously voted that the minutes of September 23, 2013 **BE APPROVED**.

ADJOURNMENT

The meeting was adjourned at 8:10 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN VAUGHAN, JR.

Commissioner Gustafson, Acting Clerk

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

Commissioner Gustafson, Acting Clerk