

**WETHERSFIELD ZONING BOARD OF APPEALS**  
**PUBLIC HEARING**  
**September 27, 2004**

The Wethersfield Zoning Board of Appeals held a public hearing on September 27, 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  
Matt Cholewa, 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.

Commissioner Cholewa entered the meeting at 7:04PM.

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**APPLICATION NO. 5879-2004 Stephen Budaj** seeking a variance to erect an addition causing the existing accessory building to be in the side yard at 64 Griswold Road, east side, A-1 Residence Zone (§167-75 & §167-114).

Mr. Stephen Budaj, 64 Griswold Road, Wethersfield, CT appeared before the Board seeking a variance to erect an addition causing the existing accessory building to be in the side yard. Mr. Budaj stated that he wishes to build a two room addition.

Mr. O'Connor verified that the addition will cause the existing garage to be non-conforming because it will no longer be in the rear yard.

Chairman Borea confirmed that the addition does conform. Mr. O'Connor stated that this was correct.

There were no further questions or comments from the Board.

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

1. Mr. Peter Gardow, 60 Griswold 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. 5880-2004 Atlas Tile, Inc.** seeking a variance to display a banner approximately 4' x 10' not permitted (renewal) at 1862 Berlin Turnpike, east side business No. 2 Zone (§167-136).

Mr. Herman Rosenbaum, 22 Brownleigh, West Hartford, CT appeared before the Board on behalf of Atlas Tile, Inc. seeking a variance to erect a banner at 1862 Berlin Turnpike. Mr. Rosenbaum stated that these banners are needed to promote business and will be used periodically for sales. He stated that the banners will be placed above the front doors between the two existing pillars, adding that these banners are approximately 33" x 9 1/2'.

Mr. O'Connor stated for the record that this is not a renewal as the notice stated.

Chairman Borea questioned how long and when these banners would be displayed. Mr. Rosenbaum stated that they would like to use the banners for approximately two weeks at a time probably during the months January, late March into early April, late May into early June, late September into early October and mid November.

Chairman Borea questioned if these banners will all be the same size and the reason for the signs. Mr. Rosenbaum stated that all the banners will be the same size, only the writing will be different. Mr. Rosenbaum verified that these signs are needed to promote, stimulate and enhance business.

Chairman Borea questioned if there was anything about the building that would make it difficult for people to see from the road. Mr. Rosenbaum stated that the building is setback from the road and with traffic going by at over 50 miles per hour the signs in the windows are difficult for prospective customers to see.

Commissioner Cholewa questioned if there are any provisions concerning temporary signs or banners and questioned if the variance is needed for the square footage of the banner. Mr. O'Connor stated that in the existing regulations, signs or banners do not exist and that the variance is only needed for the sign not the square footage.

Commissioner Clarke questioned how many occasions he wishes to use the signs. Mr. Rosenbaum stated that they would like to use the sign 12 times out of 52 weeks.

Vice Chairman Vaughan, Jr. questioned if this type of variance was granted in the past for other businesses. Mr. O'Connor confirmed that there have been other variances that were approved usually with stipulations on the time frame.

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.

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**APPLICATION NO. 5881-2004 Judy Malley** seeking a variance to erect a fence higher than permitted over the building line at 538 Maple Street, west side, A Residence Zone (§167-83).

Ms. Judy Malley, 538 Maple Street, Wethersfield, CT appeared before the Board seeking a variance to erect a fence higher than permitted and over the building line at 538 Maple Street. Ms. Malley stated that in August she had a fence installed at a cost of approximately \$5,000.00. She stated that she has since found out that a permit should have been taken out for this work. Ms. Malley stressed that she was not aware that a permit was needed; adding that she did have a professional company, The Home Depot, install the fence, and their contractors did not inform her that a permit was needed.

Ms. Malley entered into the record pictures of the fence. She stated that she did spend quite a bit of money to get a better fence so that it would be aesthetically pleasing. She stated that she wanted the fence for a few reasons; first to protect her son and animals from the street, adding that Maple Street is a very busy street, and also so that her house is not so exposed. She stated that she has had problems with people cutting through her property from Boulter Road.

Chairman Borea questioned when the fence was installed and how the Town was made aware of this. Ms. Malley stated that the fence was installed in August. Mr. O'Connor confirmed that there was a complaint made. Mr. O'Connor stated that the Boulter Road side is fine; however it does not meet regulations on the Maple Street side.

Commissioner Cholewa questioned if generally putting up a fence requires a building permit. Mr. O'Connor stated that a permit is needed for fences that are over 6'.

Chairman Borea questioned if there was a site line problem. Mr. O'Connor stated that he does not feel there would be a site line problem as the fence is installed way back.

Commissioner Bockstael questioned if the fence is installed on her own property or on Town property and if a survey was done. Ms. Malley stated that she believes the fence is on her own property, however, she is not aware of a survey being done.

Chairman Borea confirmed that the variance is just for the height. Mr. O'Connor stated that the variance is for the height and over the building line but the Board may want to confirm that fence is put on her own property.

Chairman Borea confirmed that the cost of the fence was \$5,000.00. Ms. Malley stated that this was correct, adding that this was for materials and labor. Chairman Borea questioned if she looked into having the fence moved. Ms. Malley stated that she has not, adding that she was hopeful this Board would look favorably upon leaving the fence where it is. Ms. Malley stated that she feels moving the fence would be quite an expense. Commissioner Cholewa stated that hopefully, if this application were to be denied, Home Depot would step up to the plate and make the necessary changes.

There were no further questions or comments from the Board.

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

1. Mr. Jack M. Goldberg, 530 Maple Street, Wethersfield, CT - he also entered into the record a letter that he read.
2. Mr. Paul Lombardo, 39 Sherburne 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. 5882-2004 Wethersfield Board of Education** seeking a variance to place a storage container in the southwest side yard at 186 Nott Street, north side, C Residence Zone (§167-83).

Mr. Joe Kuszaj, 32 Livingston Street, Wethersfield, CT appeared before the Board on behalf of the Wethersfield Board of Education seeking a variance to place a storage container in the southwest side yard at 186 Nott Street. He stated that this container is needed for storage space for the school. He added that the Fire Marshal was seen this location and is in favor of it. Mr. Kuszaj stated that this location is the most infrequently used location on the property.

Chairman Borea questioned if there was any other place to put the container that conforms to the regulations. Mr. O'Connor stated that this location is the location that makes the most sense. He added that the variance is needed because an accessory structure is being put in a side yard verses the rear yard which is back quite a distance.

Commissioner Bockstael questioned if the rear yard is used for recreational activities. Mr. Koszaj stated that the rear yard has about an 8' embankment and there are modular classrooms and a playscape.

Commissioner Cholewa questioned exactly where the container would be going. Mr. Koszaj stated that if you stand in the front of the building and look at it to the left there is opposing courtyards an east and west courtyard. He stated that this is basically an unused courtyard and that is where the container would be placed.

Commissioner Cholewa questioned how much of a side yard is there. Mr. O'Connor stated that in this Zone, C Residence Zone, there is a 5' setback and a total of 15', adding that the building itself is 48' from the property line, this container will be totally hidden from Nott Street so it will be well over the 48'. Commissioner Cholewa questioned why the variance is needed. Mr. O'Connor stated that an accessory structure needs to go in the rear yard behind the building.

Chairman Borea stated that basically this is just a technical application of the rule for this situation.

Commissioner Cholewa confirmed that this is shielded on three sides and comes out less than the existing building. Mr. Koszaj stated that this is probably about 16' or 18' short of the end of the building. Commissioner Cholewa stated that he feels this does not even require a variance depending on your interpretation of the regulations. Mr. O'Connor stated that it does because it is an accessory to the main use which has to go in the rear yard. Commissioner Cholewa stated

that we have two different interpretations to the regulations. Mr. O'Connor said he did not write the 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 this application.

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

1. Mr. Frank Tapalbo, 183 Nott Street, Wethersfield, CT - he stated that he would like to know if this container is permanent and if there will be shrubbery around the container. He stated that he would like it to go where it cannot be seen from Nott Street.

Chairman Borea showed Mr. Tapalbo on the plan where the container would be going and confirmed to Mr. Tapalbo that the container cannot be seen from Nott Street.

Mr. Tapalbo was fine with the location as long as he cannot see the container from the street.

Commissioner Cholewa questioned what the container is constructed of. Mr. Kuszaj stated that it is solid steel all around. Commissioner Cholewa confirmed that the container could be painted to match the building. Mr. Kuszaj stated that they were planning on painting the container to match the trim on the building.

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**APPLICATION NO. 5883-2004 William N. Aronne** seeking a variance to erect a detached two-car garage having less than the required side yard at 41 Carson Avenue, west side, B Residence Zone (§167-114).

Mr. William N. Aronne, 41 Carson Avenue, Wethersfield, CT appeared before the Board seeking a variance to erect a detached two-car garage having less than the required side yard at 41 Carson Avenue.

Chairman Borea questioned how much of a variance is needed. Mr. O'Connor stated that because of the lot width he needs to hold 5' from property lines; in the rear he is fine, on the right side he is looking for a 2' variance.

Commissioner Cholewa questioned why it cannot be moved 2' to the left. Mr. Arrone stated that it cannot because of the way the house is situated. Mr. Arrone confirmed with Mr. O'Connor that the plan was changed and a 2' variance is needed on the back also.

Chairman Borea questioned why the garage has to be placed there. Mr. Arrone stated that there is no other place to put the garage. Mr. O'Connor stated that the variances are needed more or less for the swing going into the garage; adding that if you move the garage over 2' you would not be able to get into the garage or back out without hitting something.

Commissioner Cholewa questioned how deep garages are typically. Mr. O'Connor stated that the usual is 20 by 20 or 24 by 24.

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.

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**APPLICATION NO. 5884-2004 Renee & Michael Morales** seeking a variance 1) to build an addition for an accessory apartment and 2) to erect stairs a portion of which will extend into the required side yard setback at 675 Ridge Road, west side, A-1 Residence Zone (§167-111 & §167-75).

Renee & Michael Morales, 675 Ridge Road, Wethersfield, CT appeared before the Board seeking a variance to erect an addition for an accessory apartment and to erect stairs a portion of which will extend into the side yard setback. Mr. Morales stated that they wish to add on to the house for an in-law apartment for his mother-in-law.

Chairman Borea confirmed with Mr. O'Connor that the addition is ok; it is just the fact that it is an accessory

apartment. Mr. O'Connor explained that accessory and in-law apartments are basically the same thing. He added that an accessory apartment has to go before a Board whether it is before Planning and Zoning or Zoning Board of Appeals, if it meets the regulations then it goes before P & Z, if it does not then it goes before ZBA. This application does not meet the regulations therefore it is here for the variance.

Chairman Borea questioned that if they were just putting an addition on without the accessory apartment they would not need a variance. Mr. O'Connor stated that this was correct for everything except the stairs.

Commissioner Cholewa questioned the lot size; under the existing regulations the lot size must be a certain greater percentage than the home. Mr. O'Connor stated that this was correct; they have to be 10% over the minimum square footage, which they probably do not meet.

Commissioner Cholewa questioned if under the new regulations would this application be alright. Mr. O'Connor stated no, because they are doing an addition; if they were using an existing space then yes.

Mrs. Morales stated that the present home has 3 bedrooms which is not big enough. She added that it is important for her mother to have her privacy and her family to have their privacy also. She added that her mother would like to be able to make her own meals in her own apartment with a kitchen.

Commissioner Bockstael stated that historically with in-law apartment applications, if they are granted, there are usually stipulations that state that if the in-law apartment is no longer needed for the family member then the kitchen has to be removed. Mr. & Mrs. Morales stated that this would be fine.

Chairman Borea questioned how much of a variance is needed for the stairs. Mr. O'Connor stated that a 3' variance is needed.

Mrs. Morales stated that she did speak with her neighbors on both sides of her and they do not have a problem with 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 or in opposition to this application.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN BOREA

Bruce T. Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC MEETING  
September 27, 2004**

The Wethersfield Zoning Board of Appeals held a public meeting, immediately following the public hearing, on September 27, 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  
Matt Cholewa, Alternate

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

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

Voting Members of tonight's meeting are: Chairman Borea, Vice Chairman Vaughan, Jr., Commissioner Bockstael, Commissioner Clarke, and Commissioner DeAngelo.

### **DECISIONS FROM PUBLIC HEARING**

**APPLICATION NO. 5879-2004 Stephen Budaj** seeking a variance to erect an addition causing the existing accessory building to be in the side yard at 64 Griswold Road, east side, A-1 Residence Zone (§167-75 & §167-114).

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** as submitted.

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**APPLICATION NO. 5880-2004 Atlas Tile, Inc.** seeking a variance to display a banner approximately 4' x 10' not permitted (renewal) at 1862 Berlin Turnpike, east side business No. 2 Zone (§167-136).

Upon motion made by Chairman Borea, seconded by Commissioner Vaughan, Jr., 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 stipulations:

1. Banner is to be up no more than six (6) times per year and no one occasion is to be greater than two (2) weeks.
2. Must give Town 48 hour notice prior to putting banner up.

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**APPLICATION NO. 5881-2004 Judy Malley** seeking a variance to erect a fence higher than permitted over the building line at 538 Maple Street, west side, A Residence Zone (§167-83).

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** as presented with the following stipulations:

1. Member of the Police Department to make sure there is no site line obstructions.
2. Approval is contingent on the fence not being on Town property; if the fence is on Town property than Application is denied without prejudice.

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**APPLICATION NO. 5882-2004 Wethersfield Board of Education** seeking a variance to place a storage container in the southwest side yard at 186 Nott Street, north side, C Residence Zone (§167-83).

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** with the following stipulation:

1. Container is to be painted to match the building trim.

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**APPLICATION NO. 5883-2004 William N. Aronne** seeking a variance to erect a detached two-car garage having less than the required side yard at 41 Carson Avenue, west side, B Residence Zone (§167-114).

Upon motion made by Commissioner Bockstael seconded by Commissioner DeAngelo and a poll of the Board it was unanimously voted that the above application **BE APPROVED** for a 2' variance.

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**APPLICATION NO. 5884-2004 Renee & Michael Morales** seeking a variance 1) to build an addition for an accessory apartment and 2) to erect stairs a portion of which will extend into the required side yard setback at 675 Ridge Road, west side, A-1 Residence Zone (§167-111 & §167-75).

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** with the following stipulations:

1. Use is for family member only.
2. Kitchen is to be removed if no longer needed as presented in this application.

### **APPROVAL OF MINUTES**

Upon motion made by Commissioner Bockstael seconded by Commissioner Vaughan, Jr. and a poll of the Board it was unanimously voted that [the minutes of August 23, 2004](#) **BE APPROVED** as amended (statement about which members would be voting).

### **ADJOURNMENT**

The meeting was adjourned at 8:00 PM.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN BOREA

Bruce T. Bockstael, Clerk