

**TOWN OF WALLINGFORD
ZONING BOARD OF APPEALS
JANUARY 20, 2009
REGULAR MEETING MINUTES**

A regular meeting of the Wallingford Zoning Board of Appeals was held Tuesday, January 20, 2009 at 7:00 p.m. in Town Hall. Approximately 21 members of the public were in attendance.

CALL TO ORDER:

Chairman Knickerbocker called the meeting to order at 7:00 p.m.

Present were: Jeffrey Knickerbocker (Chairman), Andrew Barnett (Secretary), Vincent Cervoni (alternate), Alan Reed (alternate), Tom Wolfer (alternate), Kacie Costello (Asst. Town Planner) and Sonja Vining (Recording Secretary).

Absent was: Robin Hettrick and William Birney

Chairman Knickerbocker announced that tonight's decisions would be published in the Record-Journal on Friday, January 23, 2008. The effective date of your variance will be Friday, January 23, 2008; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, February 8, 2008. If you commence operations and/or construction during the appeal period, you do so at your own risk.

The next regular meeting of the Board will be February 17, 2009.

READING OF THE MEETING LEGAL NOTICE:

Chairman Knickerbocker read the beginning of the published Legal Notice.

Chairman Knickerbocker explained that first the public hearing notice for each application would be read, and then each applicant would come forward to explain his or her request. The Board would question the applicant and then receive comments for and against the application from the public. Then the public hearing would be closed and the Board would consider the application. Unless stated, all votes were roll-call votes.

**PUBLIC HEARINGS AND DECISIONS ON THE
APPLICATIONS BEFORE THE BOARD:**

Voting Members would be Mr. Wolfer, Mr. Barnett, Mr. Knickerbocker, Mr. Cervoni and Mr. Reed (voting for Mr. Birney).

09-001 – CHRISTIAN RAO variance for 55 parking spaces where a minimum of 84 spaces is required (Section 6.11), to allow a restaurant use at 350 Center Street . Zoned CA-6

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner. (Attachment 09-001A)

Presenting the application was Christian Rao.

Mr. Rao stated that he has done some research and has chosen this spot to have a positive impact on downtown. His focus for this deli is to serve the people in the downtown area not so much looking for people to come from outside locations or other towns. There are proposed to be 19 seats in the deli. It is intended to be a quick in and out type of deli. His hours would be basically from 6:30 a.m. to 4:30 p.m. Mr. Rao expects the peak times to be first thing in the morning and lunchtime.

Speaking in favor of the application was Steven Lazarus, Wallingford Center Inc. He stated that this is just the type of business he would like to see added to downtown. He stated that once better signage is installed it will make it easier for people to find parking in the area.

No one from the public spoke opposed to the application.

MOTION: MR. BARNETT, TO APPROVE.

REASON: TO AVOID THE CONSTRAINT OF TRADE.

SECOND: MR. CERVONI

VOTE: ALL VOTING MEMBERS VOTED “YES” BY A ROLE CALL VOTE AND THE VARIANCE WAS APPROVED.

09-002 – DAVID ORDWAY variance for a side yard of 5 ft. where a minimum of 20 ft. is required (Section 5-1A), to construct an accessory apartment at 72 Seiter Hill Road. Zoned R-18

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner. (Attachment 09-002A)

Presenting the application was David Ordway.

Mr. Ordway would like to add an accessory apartment to his home for his mother-in-law. The addition would need a variance if it were to go on the west side of the house. Mr. Ordway submitted a letter from Allyson Mcmanama, 68 Seiter Hill Road, indicating that she does not object to the application.

No one from the public spoke in favor of or opposed to the application.

MOTION: MR. BARNETT, TO APPROVE.

REASON: HEALTH AND WELFARE OF THE FAMILY WITHOUT ALTERING THE CHARACTER OF THE NEIGHBORHOOD.

SECOND: MR. WOLFER

VOTE: ALL VOTING MEMBERS VOTED “YES” BY A ROLL CALL VOTE AND THE VARIANCE WAS APPROVED.

09-003 – SUZANNE MAPES special exception request from Suzanne Mapes for a customary home occupation (Section 4.1.D), to allow for a home hairdressing business at 276 Parker Farms Road. Zoned R-18

Ms. Costello, Assistant Town Planner stated that this zone does allow for customary home occupations. This application does fall within the size limitations and requirements. The Applicant would be allowed to have only a 2 sq. ft. identification sign.

Presenting the application was Suzanne Mapes.

Ms. Mapes works alone and would have no employees. She would have one customer at a time two at the most.

No one from the public spoke in favor of or opposed to the application.

MOTION: MR. BARNETT, TO APPROVE.

REASON: TO AVOID THE CONSTRAINT OF TRADE.

SECOND: MR. WOLFER

VOTE: ALL VOTING MEMBERS VOTED “YES” BY A ROLL CALL VOTE AND THE VARAINCE WAS APPROVED.

09-004 – CHARLES MASCOLA variance for 59 parking spaces where a minimum of 83 spaces is required (Section 6.11), to allow a restaurant use at 428 South Cherry Street. Zoned I-40

Mr. Barnett, Secretary, read comments from Assistant Town Planner Kacie Costello. (Attachment 09-004A)

Presenting the application was Charles Mascola and architect John Ruffalo.

Mr. Mascola would like to put a restaurant in the front portion of 428 South Cherry Street. He feels that in the early evening hours there is sufficient parking in the area. The warehouse space in the rear of the building will continue to be used as such. The Auto Auction is willing to share a portion of its parking lot except on Thursdays. The hours at this time would only be for dinner service.

No one from the public spoke in favor of or opposed to the application.

MOTION: MR. BARNETT, TO APPROVE.

REASON: TO AVOID THE CONSTRAINT OF TRADE.

SECOND: MR. WOLFER

VOTE: ALL VOTING MEMBERS VOTED "YES" BY A ROLL CALL VOTE AND THE VARIANCE WAS APPROVED.

09-005 – MIDSTATE MEDICAL CENTER variance for three ground signs where a maximum of two signs is allowed, sign heights for two (2) signs of 45 ft. each where a maximum of 15 ft. is allowed and 1,177.05 sq.ft. of signage where a maximum of 800 sq.ft. is allowed (Section 6.9), to install signs at 863 North Main Street Extension (Stop and Shop Plaza). Zoned RF-40

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner. (Attachment 09-005A)

Presenting the application was Attorney Joan Molloy.

Attorney Molloy gave some background on this parcel of land that has been combined with the Stop & Shop parcel. This parcel of land has frontage on three roads and there is a mixture of uses on this site. Midstate is looking to place signage on their new building. The building is several stories and according to regulations the signs are not supposed to be higher than 15 feet. Attorney Molloy indicated that the location of the building warrants the two variances for sign height. There currently are two ground signs on this parcel, one at each entrance. Attorney Molloy is asking for an additional ground sign to be placed internally to direct people to the correct parking area for the medical building.

Attorney Molloy gave some history on the original application regarding the total area of signage allowed for this site and how it was to be distributed. As previously approved, Midstate would be added to the two existing ground signs. The applicant is proposing an internal ground sign of 52.5 sq. ft., and two wall signs on the building, one on the north side and one on the south side. It is important that the building have adequate visibility given the building will have a 7-day

walk-in type of service. The signs that are proposed for the building are 131.95 sq.ft each and there would be two of them. Attorney Molloy stated that the signs are not disproportionate to the building. She submitted to the Board a breakdown of the existing signage (Attachment 09-005B).

Speaking on the application was Bob Parisi, East Main Street. He doesn't feel there is a need for a sign on the building. Mr. Parisi believes that the building is easy to find from the major surrounding roads. He would rather not see a sign on the building; he doesn't feel it is necessary.

Attorney Molloy feels that in this case a sign on the building is the easiest way to locate the medical facility. Mr. Cervoni indicated that he is concerned about signage that high up on the building and the general volume of signage. Attorney Molloy indicated that if that is the general feeling of the Board she would be willing to continue the hearing so she can go back and discuss the issue with Staff and her client. Mr. Reed indicated that he is in favor of less signage if possible.

Mr. Barnett is concerned with the total square footage of signage on this site.

Attorney Molloy indicated that she has been trying to find out what space Midstate is entitled to on the existing two ground signs but has not been able to get that information yet. She will continue to work on that issue.

MOTION: MR. CERVONI TO CONTINUE HEARING 09-005 TO TUESDAY, FEBRUARY 17, 2009 AT 7:00 P.M.

SECOND: MR. WOLFER

VOTE: ALL VOTING MEMBERS VOTED "YES" BY A VOICE VOTE AND THE HEARING WOULD BE CONTINUED TO FEBRUARY 17, 2009 AT 7:00 P.M.

09-006 – EFRAIN NIEVES variance for 10 parking spaces where a minimum of 26 spaces is required, to allow for expansion of a restaurant at 104 Quinnipiac Street (Tata's Restaurant). Zoned CA-12

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner. (Attachment 09-006A)

Presenting the application was Efrain Nieves.

Mr. Nieves indicated that he would like to expand his restaurant. He indicated there were 10 spaces in the rear of the building and the community parking lot across the street. Mr. Nieves stated that at this time the restaurant seats 26 and it would be expanded to include another 12 or 13 people. The restaurant, after the expansion, will be approximately 1,950 sq.ft. which require approximately 26 parking spaces. Mr. Nieves indicated that dinnertime is his busiest time of the day.

Speaking in favor of the application:

Bob Parisi, 23 East Main Street. Mr. Parisi stated that Mr. Nieves has developed a nice business and that is just what downtown needs. He asked that the Board approve this variance.

Diane Garland, 71 Wrinn Street, has been a patron of Tata's since it opened. She stated it is a wonderful, family place and it is the type of place that should be encouraged to be downtown.

Margaret Egan, 4 Brentwood Drive, stated that Mr. Nieves and his wife have a wonderful business and she would like to see it expanded.

Luanne LeClerc, 216 South Whittlesey, agreed with the previous speakers. She would like to see this variance approved. Ms. McClaire feels Mr. Nieves deserves the chance to expand and grow along with Wallingford. She indicated that Mr. Nieves is always willing to give back to the community and support his neighbors and family.

Steven Lazarus, Wallingford Center Inc., is excited to see downtown merchants doing well. Mr. Nieves doesn't feel there is any issue regarding parking for this restaurant.

Trish Odermat, 186 Center Street, has a business in the downtown area and highly recommends Tata's Restaurant. She believes that it is for the good of the community and she would like to see the application approved.

No one from the public spoke opposed to the application.

MOTION: MR. CERVONI, TO APPROVE.

REASON: TO AVOID THE RESTRAINT OF TRADE.

SECOND: MR. BARNETT

VOTE: ALL VOTING MEMBERS VOTED "YES" BY A ROLL CALL VOTE AND THE VARIANCE WAS APPROVED.

DISCUSSION:

Planning & Zoning Commission Workshop/Incentive Housing Zone

Ms. Costello stated that there will be a workshop meeting of the Planning & Zoning Commission Meeting next Monday.

The Commission will likely be discussing the proposed Incentive Housing Zone sometime in February.

APPROVAL OF MINUTES:

November 17, 2008 – Regular Meeting

Mr. Cervoni made a motion to approve the Minutes of the November 17, 2008 – Regular Meeting. The motion was seconded by Mr. Wolfer and passed.

December 15, 2008

Mr. Cervoni made a motion to approve the Minutes of the December 15, 2008 – Regular Meeting. The motion was seconded by Mr. Wolfer and passed.

ADJOURNMENT:

Mr. Cervoni made a motion to adjourn the meeting.
The motion was seconded by Mr. Wolfer and passed.

The meeting adjourned at approximately 8:13 p.m.

Respectfully submitted,

Sonja Vining
Recording Secretary
Wallingford Zoning Board of Appeals

Attachments: 09-001A, 09-002A, 09-004A, 09-005A, 09-005B, and 09-006A.