

# Zoning Board of Appeals

Public Hearing & Regular Meeting  
Wednesday, April 10, 2013  
Wolcott Town Hall, Council Chambers  
7:00 P.M.  
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## **MINUTES**

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**Note: These are summary minutes.** A tape recording of this meeting and full application are on file in the Wolcott Town Hall, Commission Secretary's Office.

Chairman Grant called the Public Hearing to order at 7:00 p.m.

**MEMBERS PRESENT:** Chairman Steven J. Grant, Brett Muccino, Kenneth Barnes and Paul Mazurek

**MEMBERS ABSENT:** Frances Mae Flynn

**ALTERNATES PRESENT:** Theodore Storlazzi, Anthony Lombardi and James Treanor

### **PUBLIC HEARING:**

- **APPEAL #1961- Appellant/Owner: Pasquale Disapio: 816 Wolcott Road, Wolcott, CT Property Location: same: MAP 113/LOT 145. Requesting a variance to construct a 46 '6" x 24' x 10 masonry structure built on a concrete slab to house storage coolers and freezers. Per Schedule B of the Wolcott Zoning Regulations which requires a 20 ft. side yard setback. Appellant has 15'.6" he is proposing a 4.6 ft. left side yard setback.**

**Application was denied per Wolcott Zoning Regulations Section 25 schedule B, stating that it does not meet setback requirements.**

Chairman Grant asked the applicant if he could come forward and sign in.

Robert Disapio of 816 Wolcott road, Wolcott, CT , 06716 came forward and signed in.

Chairman Grant inquired what Mr. Disapio is proposing to do at 816 Wolcott Road.

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Mr. Disapio indicated what he is looking for is a variance so they can build a masonry structure along the Center street side of their building. He added that they will house freezers, and some refrigerated coolers that will allow them adequately to service his store. He noted that there is a little bit that he needs to develop as to why he is doing this. He added that they are addressing some issues on that side of the building, also safety issues. Over the years they have purchased from Bozzuto's who is their wholesaler and they had the luxury of taking delivers 5 times a week and those delivers are groceries, frozen dairy meat, deli, and produce. As Bozzuto's has grown they are down to three deliveries a week. He noted that he has abided by the health codes and health regulations that govern our area. He added that he cannot do it effectively. It's not possible for him to store what he needs to store. He noted that when he receives his delivery he gets 22 pallets. They have to maximize a tracker trailer and they cubic it out, so he has to take the full load that is what is taken him from 5 to 3 deliveries.

At which time he handed out paperwork that stated that he has 600 square feet of coolers and freezers, and he is looking to move that to almost 1,100 square feet (**on file**).

At which time he pointed out to the commission the layout of his store. The first issue is for him is to house his perishables and keep them within health requirements and the second issue is that it allows them to address the safety issues. They will be moving the compactor because they have to cut over Center Street which blocks 322 and he noted that they cannot come into the parking lot completely. He added that they are eliminating 7 parking spots, so that area is for deliveries only. He noted that they are addressing the safety issues and health issues which are huge.

Chairman Grant inquired if the back entrance was going to be closed off at which time Mr. Disapio replied it will be abananded.

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Chairman Grant inquired who is the gentlemen standing next to Mr. Disapio and he replied his brother which he stated for the record (Carmine Disapio).

Chairman Grant inquired when Bozzutos make their deliveries are they jutting out on 322 at which time Mr. Disapio said yes.

Mr. Barnes inquired what is the structure going to look like at which time Mr. Disapio said it is a masonry structure with a decorative finish *block*.

Mr. Barnes said his application says there adding 3 spaces along 69 at which time Mr. Disapio said yes, he said there was a great deal of room at the bottom.

Mr. Muccino pointed out the 7 parking spots he is losing. He added that he has never seen anyone park there and Mr. Disapio agreed.

Chairman Grant inquired how much of a variance is he looking for, at which time Mr. Disapio said a 5 foot variance.

Mr. Muccino corrected him and said he is looking for 4.6.

At which time Chairman Grant said that it would be a side yard setback variance and Mr. Disapio said yes. If the variance were approved it would be ok with him if it was limited to the width of this proposed structure.

Mr. Disapio said he would still want to place the hydraulic lift alongside of it but again it can be moved, it's portable.

Chairman Grant next inquired what's the hardship is that he is claiming with the respect to the property.

Mr. Disapio said the constraint of the land, it inhibit him from adhering to safety and health code.

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Mr. Barnes pointed that this is the only place he can receive deliveries at which time Mr. Disapio said correct.

Chairman Grant said he see the green cards that were sent to the abutters property owners, at which time Mr. Disapio submitted the green receipts cards (**one file**). He noted that not all of the letters that he had sent were sent back.

Chairman Grant inquired if he used the standard letter or the form letter that we provided to him at which time Mr. Disapio said yes.

Mr. Muccino pointed out that he visited the site and they are pretty busy in the back room.

Mr. Carmine Disapio added that they search every possibility of doing it differently and they had an engineer there and they had Bozzuto come down. He pointed out the place where they are proposing is the only place they can grow.

There were no further questions.

### **PUBLIC COMMENT FROM THE PUBLIC:**

Chairman Grant inquired if there was anyone that would like to comment on this appeal, at which time no one came forward.

### **CLOSE/CONT. PUBLIC HEARING:**

Chairman Grant closed the Public Hearing on Appeal #1961 - at 7:20 p.m.

### **REGULAR MEETING:**

Chairman Grant called the regular meeting to order.

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### **MOTION TO SEAT ALTERNATE MEMBERS:**

Upon **MOTION** by Kenneth Barnes, seconded by Paul Mazurek, it was unanimously voted to **seat** James Treanor as regular member.

### **APPROVAL OF MINUTES:**

- **Public Hearing and Regular Meeting – September 12, 2012**
- **Organizational Meeting – September 12, 2012**

Upon **MOTION** by Paul Mazurek, seconded by Kenneth Barnes, it was unanimously voted, **to Accept** the minutes of the Public Hearing and Regular Meeting September 12, 2012 and Organizational Meeting September 12, 2012

Chairman Grant indicated the next item on the Agenda is Correspondence.

### **CORRESPONDENCE:**

There were none.

### **OLD BUSINESS:**

There were none.

### **NEW APPLICATIONS:**

- DISCUSSION & POSSIBLE ACTION ON APPEAL #1961  
**APPELLANT/Owner: Pasquale Disapio: 816 Wolcott Road,  
Wolcott, CT Property Location: same: MAP 113/LOT 145.**

Chairman Grant said this is the appeal that they heard tonight. He opened up the floor to comments.

Mr. Muccino said he seen the site looking at the proposed work that Mr. Disapio plans on doing. He thinks the hardship shows itself, the

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property, the building, 4.6 variance for that side and the safety itself and that one aspect. He added that he is not saying that safety is a hardship but it is a hardship per half the town of Wolcott trying to drive down that road when they are receiving deliveries. He thinks that they have research it as best as they can. He thinks it is the best possible alternative.

Chairman Grant inquired if Mr. Muccino had an opportunity to be in traffic as a result of traffic being there at which time Mr. Muccino said many of times.

Chairman Grant said base on the testimony tonight that would be eliminated by this variance if it is granted. He also inquired what would be his hardship.

At which time Mr. Muccino said the hardship by the building and the land that is there. He added that he walked to entire building to see if and he is not an engineer. There is no other possible way to situate a delivery and I think he is doing as he presented. He is satisfying two things: one is safety with the truck not being in the road is eliminated. He noted that it is the property itself and there is nowhere else for the structure.

A **MOTION** was offered by Ken Barnes, seconded by Brett Muccino to **APPROVE** a 4'6" right side yard setback for this application based on demonstration of the need for expanding the building in addition to a hardship represented by the topographical issues of this particular site.

Chairman Grant requested an amended to the above Motion.

An amended Motion was offered Ken Barnes, seconded by Brett Muccino to state that the variance would be for a 46'6" x 24' structure only for that size structure not for the length of the building.

Mr. Mazurek added that they deny things all the time due to the fact that itself induce or financially driven. He has a unique market

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change that happen and it's not self-induce it happen by taking the orders in. Looking at the unique topographically of the land, looking at the building itself there really there is nowhere else to place that structure. The fact that their abating with the traffic situation is so, bonus that should not be part of something that they come up with but it the unique of the constraint of the building, that is the only place to put a 46'6"x24' structure at that point.

Chairman Grant requested an amended to the above Motion.

(An Amended Motion was offered by Paul Mazurek, seconded by Ken Barnes is that the hardship is due to topography of the land. The location of the addition will further assist with public safety and traffic flow on Center Street as well as keeping the applicants perishable food products in compliance with the Chesprocott Health codes).

A roll call vote was taken and the above appeal was **APPROVED** as Indicated below:

	<u>Grant</u>	<u>Deny</u>	<u>Abstain</u>
<b>Brett Muccino</b>	X		
<b>James Treanor</b>	X		
<b>Paul Mazurek</b>	X		
<b>Kenneth Barnes</b>	X		
<b>Steven J. Grant</b>	X		

### EXECUTIVE SESSION:

No Executive Session was held.

Chairman Grant indicated the next item on the Agenda is Adjournment.

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### ADJOURNMENT:

Upon **MOTION** made by Brett Muccino, seconded by Paul Mazurek, it was unanimously voted to **adjourn** the meeting at 7:35 p.m.

### APPROVED:

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Dolores Distiso

Commission Secretary

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Steven J. Grant

Chairman

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