

**DRAFT**

**Wallingford Zoning Board of Appeals**

**Monday, September 21, 2020**

**7:00 p.m.**

**Robert F. Parisi Council Chambers**

**45 South Main Street**

**Minutes**

**Present:** Vice Chairman Raymond Rys; Secretary Louis Czerwinski; Commissioners Samuel Carmody; Alternates: Bruce Conroy, Karen Harris; Robert Parisi; and Amy Torre, Zoning Enforcement Officer.

Vice-Chairman Rys called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited.

Vice-Chairman Rys noted that tonight's decisions will be published in the Record-Journal on Friday, September 25, 2020. The effective date of your variance will be Friday, September 25, 2020; the date a certified copy is recorded on the land records. The statutory 15 -day appeal period will expire on Sunday, October 11, 2020. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Voting members are Conroy (for Wolfer), Carmody, Czerwinski, Parisi (for Rusczek), and Vice-Chairman Rys.

Vice-Chairman Rys noted that item #2, application #20-021 requested no action at this meeting. It will be heard next month.

**PUBLIC HEARINGS**

**1. #20-020- Variance Requests/Lawrence/353 South Main Street**

Mr. Czerwinski read the staff notes into the record. The applicant proposes converting the first-floor dental office to a residential dwelling unit where dwelling unit exits on the second floor creating a 2 family dwelling in an R-11, single-family residential zone. Property ownership has remained the same since prior to the inception of zoning. Original Zoning Regulations permitted a customary home occupation without regulated area, number of employees or clients, and without requiring Special Exception Approval. Current regulations limit the area to a maximum of 500 Sq. Ft., employee(s) must be residential occupants, no more than 2 clients at one time, no signage is permitted and Special Exception Approval from the ZBA is required. The property owner operated a Dental Office on the entire first floor while converting the second floor to the owner-occupied dwelling unit. The applicant proposes converting the first-floor dental office to a residential dwelling unit. The proposal is conforming as to use (residential) however the number of units (2) is not permitted in an R-11 zone. Also, there is one Interoffice Memorandum dated September 1, 2020, from Erik Krueger, Senior Engineer, Water, and Sewer Divisions to Amy Torre, Zoning Enforcement Officer.

James Lawrence of Newbern, North Carolina, and also owns 353 South Main Street, previously owned by Dr. Robert John Lawrence and Anne Lawrence. He explained that he is looking to convert it to a two-family home. The property was purchased by his parents in the 1950s and they got a variance to put a second-floor kitchen. The building would conform to a two-family house. It currently has separate entrances, three full bathrooms, and separate kitchens. There are multiple areas to park including a three-car garage, space beside the garage, and street parking on Pine Street. Mr. Lawrence responded

to Erik Krueger's question about plumbing that there is no additional plumbing needed. They will need less than the dental office did. He is just updating the fixtures. He reported that he has had the roof replaced and is doing energy-efficient windows and siding. He is doing updates to make it more efficient. The required electric updates are done. He brought the central air up to code and make it more efficient. He stated that the electrical service for the first and second floor is already separate.

Mr. Conroy asked what his hardship is. Mr. Lawrence replied that his parents passed away. He and his brothers own other property and are not going to use the house or run the business. The expectation is that, that far down on Main, the Town wants families there versus business.

Mrs. Torre stated that this is an unusual case where the property was a dental office which in the 1950s was permitted by right without any restrictions. It was never anything but a residential zone. The property has been vacant for a while. Someone could claim that non-conforming use as another dentist but it would have to be someone who lived upstairs. Mrs. Torre noted that the property is moving toward conformity by changing the use to residential. The number of units is the question.

Mr. Czerwinski asked about the availability of the garage for parking. Mr. Lawrence confirmed the three-car garage plus two spaces beside it would be available. Mr. Czerwinski noted his concern about enough parking for two families. Mr. Lawrence noted that it is a heated garage and the residents would be able to use it. He stated that there is sufficient parking to avoid parking on the street.

Mr. Carmody asked if there were any other commercial offices in the neighborhood. Mr. Lawrence replied that between Ward and Pine there used to be 9 apartment buildings. There are none anymore. He noted that there used to be a law office on the corner of Parson and Main that isn't there now. He stated that after Ward Street, there is no commercial. Mr. Carmody noted that this property would be conforming with the residential neighborhood. Mr. Lawrence replied that there are lots of big houses in the neighborhood. Mr. Carmody asked how long the property was in his family. Mr. Lawrence replied since 1958.

Ms. Harris asked if he plans to rent or sell the property. Mr. Lawrence replied that long term he will probably sell. It depends on the market when he completes the renovations. Ms. Harris asked when he expects to finish with the renovations. Mr. Lawrence replied probably within 6 months, but he is doing most of the work himself while working full time.

**Public Comment – none**

Vice-Chairman Rys closed the public hearing and opened it up for discussion and possible action by the Board.

**Mr. Czerwinski: Motion to approve the variance request #20-020/Lawrence/353 South Main Street. Variance request to convert first floor customary home occupation (dental office) to the second residential unit where two-family dwellings are not permitted at 353 South Main Street as shown on submitted plans received August 14, 2020, subject to the following condition:**

- 1. Comments from Erik Krueger, Senior Engineer, Water, and Sewer Divisions dated September 10, 2020.**

**Mr. Parisi: Second**

**Vote: Conroy – no to approve; Carmody – yes to approve; Czerwinski – yes to approve; Parisi – yes to approve; Vice-Chairman Rys – yes to approve.**

The variance has passed.

#### **CONSIDERATION OF MINUTES**

**Mr. Parisi: Motion to accept the minutes of the Monday, July 20, 2020, regular meeting.**

**Mr. Carmody: Second**

**Vote: Unanimous to approve**

#### **NEW BUSINESS**

Mr. Carmody stated his disappointment that the meeting was not virtual. He noted recommendations provided by Att. Small in a memorandum dated September 1, 2020, that goes against the CDC guidelines. Specifically, "Although it is recommended for Board members to keep six feet of social distancing, please keep in mind that by wearing masks the six feet distance not mandatory." He continued, CDC guidelines state that wearing a mask does not replace the need to practice social distancing particularly in shared spaces like we are in tonight. He also noted that keeping a distance from others is especially important for people who are elderly and are at increased risk for severe illness. Enclosed indoor facilities, like this one, provide poor ventilation and a greater opportunity for COVID-19 to spread. He noted that the town's building's ventilation systems were not state of the art. There is not a temperature screening of people entering the building. It is as if the Town doesn't believe COVID exists. HE commended the school system for the planning they put in place. He stated that this is a pattern, one that we see tonight with the decision to put the public at risk by having a meeting here in the Council Chambers. Tonight's meeting should have been virtual.

Mr. Conroy commented that he has no choice but to work in the public and his presence endangers others. He agrees that this is a public acknowledgment that this is wrong that this meeting is in person while others are virtual. He stated that it is unacceptable that we had to come here.

Mrs. Harris asked if there is a training available for new members of the Board. Mrs. Torre replied that she has resources that she will present to the Board.

#### **ADJOURNMENT**

**Mr. Conroy: Motion to adjourn at 7:30 pm.**

**Mr. Parisi: Second**

**Vote: Unanimous to approve.**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary