

DRAFT

Wallingford Zoning Board of Appeals

Monday, March 15, 2021

7:00 p.m.

Meeting Conducted Remotely through GoToMeetings

Minutes

**Present:** Chairman Joseph Rusczek; Vice-Chair Raymond Rys; Secretary Louis Czerwinski; Commissioners Thomas Wolfer; Samuel Carmody; Alternate: Karen Harris; and Amy Torre, Zoning Enforcement Officer.

Chairman Rusczek called the meeting to order at 7:10 p.m. The Pledge of Allegiance was recited. Chairman Rusczek explained how the meeting was to be run.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, March 19, 2021. The effective date of your variance will be Friday, March 19, 2021; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, April 4, 2021. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Voting members are Carmody, Czerwinski, Wolfer, Rys, and Chairman Rusczek.

**PUBLIC HEARINGS**

**1. #20-034 – Special Exception Request (child daycare center), Pumpkin Patch Properties, LLC at 4 Circle Drive**

Mr. Czerwinski read the staff notes into the record for application. The applicant is requesting a Child daycare center with an enrollment of 117 and an area of 7,825 sq. ft. to allow a 2<sup>nd</sup>-floor single residential dwelling unit at 4 Circle Drive in an R-18 District. The property has an existing Special Exception approval for enrollment of 100 at the same site for the entire two-story building of 9,572 sq. ft. The added residential unit requires detailed building and potential site plan elements as residential use require alternate building and fire code compliance. The applicant still has not provided detailed floor plans for both floors and the total of available space. The access to/from (entrance/egress) for each space and between floors is not clearly represented. The Board should consider the logistics of parking, access, use of grounds, and daycare operations at the ground level of a residential unit. The applicant should clearly demonstrate the use of all space within the building and access to a residential unit other than via the daycare operation/space. The proposal does not accurately or clearly define the interconnection of the two uses and spaces. In addition, there is a revised application dated January 25, 2021; Interoffice Memorandum dated February 8, 2021, from Erik Krueger, Water & Sewer to Amy Torre, Zoning Enforcement Officer; correspondence from the Fire Marshal dated February 2, 2021; correspondence from the Building Department dated February 2, 2021; a note from Sairam Simhadry dated January 19, 2021; maps dated November 18, 2020; drawing dated January 28, 2021; correspondence from PGR General Contracting LLC dated January 25, 2021; Information packet from PGR dated February 3, 2021; another information packet from PGR dated February 3, 2021, and a drawing revised February 25, 2021, from Juliano Associates.

Matthew Niski, professional engineer, Juliano Associates, 405 Main Street, and Peter Ranciato, PGR General Contractor, LLC, 109 Montowese Trail presented for the applicant.

Mr. Niski explained that there are no proposed changes on the outside of the building. The site currently has 28 parking spaces and since they are reducing the square footage of the daycare, the parking requirement is 23 spaces. They need two for the housing unit and have planned for 25. They have allowed for more daycare parking on site.

Mr. Ranciato explained that the second floor already has a kitchen and bathroom. The only thing changing is the fire rating and exit signs because they can't go from the residential to the commercial. They will have to go outside the building using an existing staircase. They will be putting walls up to turn it into a residential dwelling. Currently is used as extra space for the daycare. He confirmed that there is a staircase on the outside to access the second floor.

Chairman Rusczek asked about the operation of the daycare. How will they handle the pick-up and drop-off with the tenants upstairs? Mr. Niski stated that he didn't believe it would impact the timing but would need to go back to the owner to ask. Chairman Rusczek verified that no one was present to speak on behalf of the daycare owner or the person running the daycare. Mr. Ranciato noted that the entrance to the residence will be on the right of the building and the daycare entrance on the left, so it shouldn't affect picking up or dropping off children. Chairman Rusczek stated that the Board needs a representative from the daycare to explain how it will affect the daycare hours, drop-off times, etc. There is a playground on the property. What property does the tenant have access to?

Mr. Carmody agreed that he would like to hear about the operations. He proposed postponing the vote.

Mr. Wolfer agreed and asked if the parents using the daycare were aware that people would be coming and going while their children were there.

Ms. Harris asked whether these changes are being requested solely to facilitate the sale of the property. She noticed that it is listed for sale with an approved two-bedroom apartment upstairs and that the daycare space would accommodate 117 children. Mr. Ranciato stated that he didn't know it was listed for sale.

Mr. Czerwinski agreed that parents would need to know about the tenant's access to the property. He questioned whether background checks for the tenants would be required.

Mr. Rys asked why they need the apartment. It doesn't seem reasonable for a daycare.

Mrs. Torre stated that it was generous of the Board to allow the continuation from last month when they weren't ready. She noted that the property owner refused to provide information on the operation of the daycare. She stated the application is about the operation of the daycare, and how the two uses will be intertwined, not the construction of the apartment on the second floor. The Board has the discretion to make sure this is an appropriate added use. She noted that they were increasing the number of children from 100 to 117 using less space. She questioned how that would affect traffic and hours of operation. She stated that the property owner was notified several times that they needed to be present to speak to these items. The application is for an exception to the daycare use, not just the construction. She stated that this is an insufficient application. She noted that the applicant originally attempted to get 4 apartment units approved before coming to zoning. She suggested conditions that only a single-family dwelling be allowed on the second floor and that they get appropriate licensing coinciding with the reduced area and increased enrollment capacity.

Hearing no other public comment, Chairman Rusczek closed the public hearing and noted that this is an incomplete application with no one to represent it and recommended going to a vote.

**Mr. Rys: Motion to approve application #20-034 – Special Exception Request, Child Day Care for enrollment of 117 and area of 7825 Sq. Ft. as shown on Limited Property/Boundary Survey, Land of Pumpkin Patch Properties, LLC, dated 10/12/2020, revised and received 1/25/2021 and conceptual plans received January 25, 2021, January 27, 2021, and February 3, 2021, subject to:**

**Condition(s):**

- 1. Comments from Fire Marshal received February 2, 2021;**
- 2. Comments from the Building Department received February 2, 2021; and**
- 3. Comments of Water & Sewer Department dated February 8, 2021.**

**Mr. Czerwinski: Second**

**Vote: Carmody – no to approve; Wolfer – no to approve; Czerwinski – no to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The application is denied.

**2. #21-001 Variance Requests Andrade at 26 Beechwood Drive**

Mr. Czerwinski read the staff notes into the record for application. The applicant requests a side yard setback of 8 ft. where 8 ft. and 19.8 ft. exist and 20 ft. is required and a front yard of 28.5 ft. where 33.5 ft. exists and 40 ft. is required to construct an addition, full vertical addition, and 5 ft. x.10 ft. covered front porch/entryway. The new two-story addition proposed for the southeast side of the dwelling is compliant with regard to the Southeast side setback. The addition to the southeast will eliminate the existing non-conformity with regard to that setback. Dwelling is currently non-conforming with regard to northwest side setback (8 ft.) and front setback (33.5 ft.). Variances are required to expand the existing dwelling vertically. The proposal to add a 5 x 10 ft. single-story front porch/entryway expands the existing non-conformity by 5 ft., reducing the front yard from 33.5 ft. to 28.5 ft. Despite the undersized lot, the proposal is compliant with respect to the building coverage requirement of 15% maximum. In addition, there is a drawing from Dario Andrade dated February 11, 2021, and an Interoffice Memorandum from Water & Sewer Departments dated March 11, 2021.

Daniel Lyon, architect, 4 Simpson Avenue, presented for Dario Andrade. Mr. Lyon explained the variance is to build a two-story addition on the side and then raise the roof of the cape and add a 1-foot second-story garrison overhang on the front. This is in keeping with the nearby residences. The difference from the prior application is the elimination of the front and side porch. This eliminated the request for a variance to the percentage of coverage and changed the variance for the front yard. The current request is only for the front and side yard variances.

Chairman Rusczek noted that the porch is smaller and they eliminated one variance on the side.

Robert Biancur, 24 Beechwood Drive stated that he has no objection to the application and he lives next door.

Hearing no other public comment, Chairman Rusczek closed the public hearing and called for motions for the two variances.

**Mr. Rys: Motion to approve application #21-001 Variance request for side yard setback of 8 ft. to construct a two-story addition as shown on Plot Plan Proposed addition Dario Andrade dated 10/8/2020 revised to 2/9/2021 and rendering received 2/11/2021, subject to:  
Condition(s):**

1. Comments from Water & Sewer Departments, dated March 1, 2021.

**Mr. Czerwinski: Second**

**Vote: Carmody – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance is approved.

**Mr. Rys: Motion to approve application #21-001 Variance request for front yard setback of 28.5 ft. to construct a two-story addition and 5 ft. x 10 ft. single-story covered front entry as shown on Plot Plan Proposed addition Dario Andrade dated 10/8/2020 revised to 2/9/2021 and rendering received 2/11/2021, subject to:**

1. Comments from Water & Sewer Departments, dated March 1, 2021.

**Mr. Czerwinski: Second**

**Vote: Carmody – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance is approved.

#### **CONSIDERATION OF MINUTES**

**Mr. Wolfer: Motion to accept the minutes of the Tuesday, February 16, 2021, regular meeting as submitted.**

**Mr. Carmody: Second**

**Vote: Unanimous to approve**

#### **ADJOURNMENT**

**Mr. Czerwinski: Motion to adjourn the March 15, 2021 meeting of the Zoning Board of Appeals at 7:45 pm.**

**Mr. Rys: Second**

**Vote: Unanimous to approve.**

Respectfully Submitted,  
Cheryl-Ann Tubby  
Recording Secretary