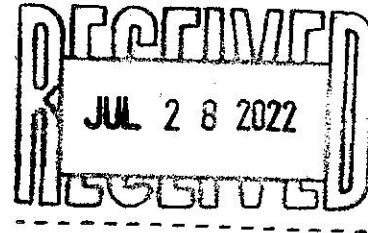


Wallingford Zoning Board of Appeals

Monday, July 18, 2022

7:00 p.m.

Robert F. Parisi Council Chambers
Town Hall – 45 South Main Street



Minutes

Present: Chairman Joseph Rusczek; Vice-Chair Ray Rys; Board Members: Bruce Conroy; Thomas Wolfer; Robert Parisi, Robert Gross; Karen Harris; and Amy Torre, Zoning Enforcement Officer.

Chairman Rusczek called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was recited.

Voting members tonight are Conroy, Wolfer, Harris, Rys, and Chairman Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, July 22, 2022. The effective date of your variance will be Friday, July 22, 2022; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, August 7, 2022. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Chairman Rusczek announced that application #22-029, Variance Request for Choate Rosemary Hall will not be heard tonight. It will be continued to the September meeting.

PUBLIC HEARINGS

1. #22-023– Variance Request/Gaetani/42 Apple Street

Ms. Harris read the staff notes dated July 12, 2022, into the record. The applicant seeks variances for a side yard of 4.6 ft. where 26.3 ft. exists and 20 ft. is required and a front yard of 35 ft. where 25 ft. exists and 40 ft. is required to construct a 440 sq. ft. attached garage and mudroom addition at 42 Apple Street in an R-18 District. This office cannot discern a hardship regarding this proposal as a compliant option for a detached garage exists located 17 ft. further toward the rear where a 5 ft. setback would apply. A side yard of 4.3 ft. is less than what is permitted for detached garages and accessory structures in the rear. Reducing a compliant side yard of 26.3 ft. (20 ft. required) to 4.3 ft. seems excessive. The proposed mudroom portion of the addition also has a compliant location(s) on the property to construct.

Frank Gaetani, contractor, 5 Bernardino Avenue, Enfield presented for owner Mario Caouette, 42 Apple Street. Mr. Gaetani distributed some handouts and explained that the hardship is that it is an odd-shaped, R-18 lot that predates zoning and that is difficult to build in. There is not much space for a compliant structure. Currently, there is a non-conforming building in the front setbacks. The possible conforming option referenced in the staff notes is not viable because it would sacrifice about 1/3 of the yard as well as the side yard for the driveway. The viable spot for the mudroom would only leave 6 ft x 10 ft. square to get an entrance to the kitchen. He showed photos of the other houses in the cul-de-sac that have attached garages within 5 ft of the property lines.

Chairman Rusczek noted that if they moved it to the rear, they won't need a variance. Mr. Gaetani replied that that would require a longer driveway and they would lose the yard. Part of the project is to

get a secondary entrance which would not be possible without another variance. Without the garage, the mudroom wouldn't be a viable option.

Mr. Conroy asked what the applicant would need to do to put the garage on that side of the house. Ms. Torre replied that by 'in the back' she meant just the face of the garage behind the house. It can be kitty-corner to the house and would not require a variance. A variance is required if they want to attach the garage.

Mr. Rys asked if there is a building to the left and if there is still a pool. Mr. Gaetani replied that the shed will be removed and there is no longer a pool. Mr. Rys noted that in his neighborhood some houses have garages and some don't. The zoning changed for a lot of reasons after they were built. His neighbors can't build an attached garage unless it is pushed back.

Mr. Gaetani agreed that they can build a garage in the back but the second part of the scenario is to get a secondary entrance to the house other than the front door.

PUBLIC COMMENT

Craig Cassella, 7 Quince Street, distributed packets with drawings and photos. He stated that he has been in his house for 44 years and his property abuts to the rear. He asked the Board to deny this application. He explained that the photos are views from his yard and an overall of the neighborhood. He stated that 90% of the garages in the neighborhood have been converted into bedrooms. He noted that if they gave up the mudroom they wouldn't be as close to the property line. He added that they already have a secondary entrance, the back door. His concern is what he will see based on how they will place the gable end of the garage. He doesn't object to the garage but the way they will build it. The 12 ft rear gable roof will be visible to him. He would prefer they keep it in line with the house. He added that he bought his house knowing that he could not have a garage. He noted that a similar request was denied by this Board last year. He also noted that he wouldn't be happy with it built in the rear but he would have no say. He was also concerned with where the dirt will go during construction and will the grade be changing. He asked if there will be windows or decks attached and if there will be windows for the attic space above it.

Chairman Rusczek asked if they would use a silt fence, etc. to protect the neighbors. Mr. Gaetani replied that they will remove the dirt. They are not changing the grade of the land so there should be no run-off and they will use a silt fence. He agreed that in the proposal the gable end would be facing the rear neighbor but it could be changed to have the roofline go the other way.

Hearing no further public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve application #22-023/Gaetani/42 Apple Street, Variance Request for front yard of 35 ft. to construct a 440 sq. ft. attached garage and mudroom addition at 42 Apple Street as shown on Zoning Location Survey, prepared for Mario Caouette and Samantha Black, 42 Apple Street dated February 1, 2022, and revised submitted plans received June 27, 2022, subject to:

1. **Comments from Erik Krueger, Water and Sewer Division dated July 7, 2022.**

Mr. Conroy: Second

Vote: Conroy – no to approve; Wolfer – no to approve; Harris – no to approve; Rys – no to approve, and Chairman Rusczek – no to approve.

Mr. Rys: Motion to approve application #22-023/Gaetani/42 Apple Street, Variance Request for side yard of 4.36 ft. to construct a 440 sq. ft. attached garage and mudroom addition at 42 Apple Street as shown on Zoning Location Survey, prepared for Mario Caouette and Samantha Black, 42 Apple Street dated February 1, 2022, and revised submitted plans received June 27, 2022, subject to:

1. **Comments from Erik Krueger, Water and Sewer Division dated July 7, 2022.**

Mr. Conroy: Second

Vote: Conroy – no to approve; Wolfer – no to approve; Harris – no to approve; Rys – no to approve, and Chairman Rusczek – no to approve.

The variances are denied.

2. #22-025 – Variance Request/Moscato/148 Quigley Road

Ms. Harris read the staff notes dated July 12, 2022, into the record. The applicant seeks a Variance for a side yard of 12.5 ft. where 30 ft. is required and 31 ft. exists to construct a 13 ft. x 26 ft. addition to the existing attached garage at 148 Quigley Road in an RU-40 District. The parcel area and dwelling location are non-conforming, predating the inception of zoning. The proposed addition is a one-story single-car garage bay to create a two-car garage on the property.

Michael A. Moscato, Jr., 148 Quigley Road presented that he needs the accessibility of a second garage because he is handicapped and can't walk. The first garage is for his wife who has bad knees. It's hard to go out when the weather is bad.

Chairman Rusczek asked about the hardship. Mr. Moscato stated that he can't park in the turnaround and walk out, especially in the winter months. Last winter he slid down the driveway in his wheelchair.

Ms. Torre stated that the lot is actually non-conforming for the zone as it's about half the size that's required. The way the house is oriented is part of the hardship. He is asking for accommodation.

Mr. Moscato noted that the house across the street has a garage that was built recently and is 5 ft. from the property line.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve application #22-205/Moscato/148 Quigley Road, a Variance Request for a side yard of 12.5 ft. to construct an addition to an attached garage at 148 Quigley Road as shown on Mortgage Survey for Janice Morin, Quigley Road, prepared by Leon Kwiatkowski received May 26, 2022, and submitted plans received May 26, 2022, subject to:

1. **Comments from Erik Krueger, Water & Sewer Division dated July 7, 2022.**

Mr. Harris: Second

Vote: Conroy – abstain; Wolfer – yes to approve; Harris – yes to approve; Rys – yes to approve, and Chairman Rusczek – yes to approve.

The variance is approved.

3. #22-026/Variance Requests/Rydzy/158 Mansion Road

Ms. Harris read the staff notes dated July 12, 2022, into the record. The applicant seeks a front yard of 38 ft. where 50 ft. is required and 53.1 ft. exists and a rear yard of 25.2 ft. where 30 ft. is required and 22.6 ft. exists to locate/construct a 768 sq. ft. detached garage at 158 Mansion Road in an RU-40 District. The parcel is unusual in shape with nearly 1/3rd of the parcel having no building envelope. The parcel also abuts wetlands and has further limiting topographic steep grade changes to the rear.

4. #22-027/Special Exception Request/Rydzy/158 Mansion Road

Ms. Harris read the staff notes dated July 12, 2022, into the record. The applicant seeks a garage area of 1,428 sq. ft. where 1,171 sq. ft. is permitted and 660 sq. ft. exists to construct a 768 sq. ft. detached garage at 158 Mansion Road in an RU-40 District. This application is a companion application with application #22-026, a Variance Application that addresses the location of the proposed garage. The Special Exception is required for the additional 257 sq. ft. of a garage area that is requested beyond the 1,171 sq. ft. allowed as of right.

Brian Nesteriak, professional engineer and surveyor with B&B Engineering, 15 Research Drive, Woodbridge, and Wayne Rydzy, 158 Mansion Road presented. Mr. Nesteriak reviewed the lot configuration and noted that it's a triangular shape. The owner would like to put a garage on the east side of the existing garage where undeveloped land exists. He noted that the north property line follows a stream in the wetlands. Between the front yard setback and the Wetlands area, it really pinches off the developable area. That is the hardship. The special exception is to add additional garage space.

Chairman Rusczek asked for confirmation that it could not be placed anywhere else. Mr. Nesteriak confirmed. Chairman Rusczek asked how many bays were in the current garage and the new garage. Mr. Rydzy replied three each.

Mr. Wolfer asked if he has received Wetlands approval. Ms. Torre replied that they will need a Wetlands Permit but will not have to go through Planning & Zoning. Mr. Wolfer asked what he will use the garage for and if repairs would be done there. Mr. Rydzy replied that it is storage for his car collection and only his cars will be repaired there. He is currently using rental space to store his cars.

Ms. Harris asked if there is a structure already there and asked for clarification of the measurements. Mr. Rydzy replied no. Ms. Torre noted that the building envelope shrinks, so there is no compliant building space in that part of the yard. She added that the backyard measurements reference the house in relation to the boundaries. Mr. Rydzy stated that during a hurricane he lost several trees. He thought he could use that space for a garage.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve application #22-026, a Variance Request for a front yard of 38 ft. where 50 ft. is required to construct and locate a 768 sq. ft. detached garage at 158 Mansion Road as shown on Proposed Garage Plan, of 158 Mansion Road, owner/applicant Wayne, and Paulette Rydzy dated June 14, 2022, and submitted plans dated June 14, 2022, received June 16, 2022, subject to:

- 1. Comments from Erik Krueger, Water & Sewer Division dated July 7, 2022.**

Mr. Wolfer: Second

Vote: Conroy – no to approve; Wolfer – yes to approve; Harris – yes to approve; Rys – yes to approve, and Chairman Rusczek – yes to approve.

Mr. Rys: Motion to approve application 22-026, a Variance Request for a rear yard of 25.2 ft. where 30 ft. is required to construct and locate a 768 sq. ft. detached garage at 158 Mansion Road as shown on Proposed Garage Plan, of 158 Mansion Road, owner/applicant Wayne and Paulette Rydzy dated June 14, 2022, and submitted plans dated June 14, 2022, received June 16, 2022, subject to:

- 1. Comments from Erik Krueger, Water & Sewer Division dated July 7, 2022.**

Mr. Wolfer: Second

Vote: Conroy – no to approve; Wolfer – yes to approve; Harris – yes to approve; Rys – yes to approve, and Chairman Rusczek – yes to approve.

Mr. Rys: Motion to approve application 22-027, a Special Exception Request for a total garage area of 1,428 sq. ft. to construct a 768 sq. ft. detached garage at 158 Mansion Road as shown on Proposed Garage Plan, of 158 Mansion Road, owner/applicant Wayne and Paulette Rydzy dated June 14, 2022, and submitted plans dated June 14, 2022, received June 16, 2022, subject to:

- 1. Comments from Erik Krueger, Water & Sewer Division dated July 7, 2022.**

Mr. Wolfer: Second

Vote: Conroy – no to approve; Wolfer – yes to approve; Harris – yes to approve; Rys – yes to approve, and Chairman Rusczek – yes to approve.

The variances are approved.

5. #22-028/Variance Request/Vorsteveld for BYK USA, Inc./526 South Cherry Street.

Ms. Harris read the staff notes dated July 12, 2022, into the record. The applicant seeks a Variance for a side yard of 19 ft. where 25 ft. is required and 20 ft. exists to construct a protective roof and overhang over a storage tank farm for servicing. The overhang is encroaching on the side yard setback and is required to cover vehicles for servicing, unloading, and for the cleaning spill containment area. The existing building currently identifies a 20 ft. side setback where 25 ft. is required, therefore the request for a 19 ft. side yard is similarly in keeping with the existing conditions regarding the same side yard of the site.

Bob Gross recused himself from this discussion.

Jeff Flynn, Site Manager, BYK USA, Inc., Anton Vorsteveld, Project Engineer, BKY USA, Inc., and Brian Phillips, Langan Engineering, 555 Long Wharf Drive, New Haven introduced themselves.

Mr. Phillips explained that the project is an expansion of the tank farms adjacent to the existing building which houses the raw material and because of the location of the existing buildings in relation to the property line and the existing loading and unloading route for trucks. He explained that they need a roof overhang within the side yard setback. This is where the trucks that load and unload the tanks will be parked. The roof overhang is to protect that area from rainwater. There is a concrete containment area beneath the roof, but that roof keeps the area dry and improves the safety of the loading and unloading. It will be cantilevered over trucks so no structures in the side yard setback. There are no tanks in this area.

Chairman Rusczek asked for clarification on the size of the roof and if it would face South Cherry Street. Mr. Phillips replied that the overhang will be approximately 14 ft. from the main structure in line with the roof. It faces north, so not facing South Cherry.

Ms. Harris asked them to point out the streets on the map. Mr. Phillips did so and noted that the proposed building will be in the middle of the property between Dudley and South Cherry Streets.

Chairman Rusczek noted that it is behind the cemetery and faces the cemetery. Mr. Phillips concurred.

Mr. Gross offered that it can be seen from Dudley Street.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve application #22-028/Vorsteveld for BYK USA, Inc./526 South Cherry Street, Variance Request for a side yard of 19 ft. where 25 ft is required to construct a roof/overhang at 526 South Cherry Street as shown on Site Development Plan, BYK Above Ground Tanks Farm Expansion, Variance Application dated and received June 17, 2022.

Mr. Wolfer: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Harris – yes to approve; – Rys – yes to approve, and Chairman Rusczek – yes to approve.

The variance is approved.

CONSIDERATION OF MINUTES

Mr. Wolfer noted a correction to the spelling of Mr. Parisi's name in the first motion.

Chairman Rusczek: Motion to approve the Zoning Board of Appeals minutes from June 10, 2022, as corrected.

Mr. Wolfer: Second

Vote: Unanimous to approve

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the June 20, 2022 meeting at approximately 7:48 pm.

Mr. Rys: Second

Vote: Unanimous to approve

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary