

Wallingford Zoning Board of Appeals

Monday, March 20, 2023

7:00 p.m.

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

Minutes

Present: Chairman, Joseph Rusczek; Board Members: Bruce Conroy; Thomas Wolfer; Karen Harris; Alternates: Robert Gross; Robert Prentice; 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, Prentice, and Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, March 24, 2023. The effective date of your variance will be Friday, March 24, 2023; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, April 9, 2023. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. #23-005– Special Exception Request/Capasso/28 Cooke Road

Ms. Harris read the staff notes into the record. This application is a Special Exception Request for a total garage area of 2,328 sq. ft. where a maximum of 1,800 sq. ft. is permitted as of right and 888 sq. ft. exists, in order to add a 1,440 sq. ft. detached garage at 28 Cooke Hill Road in an RU-120 District. The Special Exception Request is for a net increase of 528 sq. ft. beyond that which is allowed. 28 Cooke Road is a rear lot with the proposed location of a detached garage further to the rear than the existing dwelling on a 176,906 sq ft. lot. The proposed garage will have limited visibility from the street and/or abutting neighbors.

Vincenzo Capasso, 28 Cooke Road explained that he has a three-car garage now of which one bay is for supplies and equipment. He needs storage space for a bobcat with a snow blower and lawn mower as well as other yard equipment. He will be putting up a pole barn, though it's called a garage, and will be set back in the woods. He has cleared the wetlands area.

Chairman Rusczek clarified that it will be used for storage and not commercial use. Mr. Capasso confirmed it will be storage for personal items and gardening supplies.

Ms. Torre clarified that it is functioning as a garage but is aesthetically presented as a barn. It is totally compliant with height. So the fact that it looks like a barn does not change the application.

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

Mr. Wolfer: Motion to approve application #23-005/Capasso/28 Cooke Road for a Special Exception Request for 2,328 sq. ft. of garage area to construct a 1,440 sq. ft. detached garage at 28 Cooke Road as shown on the Zoning Location Survey, Proposed Pole Barn, Land of Lucia Capasso dated 8/15/2022, revision date 11/15/2022 and submitted plans received 2/8/2023.

Ms. Harris: Second

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

The application is approved.

2. #23-006 – Special Exception Request/Szymanski/957 Durham Road

Ms. Harris read the staff notes into the record. The applicant seeks a Special Exception for 2,328 sq. ft. of garage area where 828 sq. ft. exists and 1,500 sq. ft. is proposed at 957 Durham Road in an RU-40 District to construct a detached garage. The Special Exception Request is for 828 sq. ft. of additional area beyond 1,450 sq. ft. permitted as of right. The Parcel is over 6 acres and is an interior, rear lot. The applicant is amply locating the detached garage within the required setbacks as there is no need to avail of an allowed 5 ft. rear and side yard setback allowance. The proposed design specifications/plans submitted detail two options for wall height (12 ft. vs. 14 ft.) and roof ridge height (16 ft. 6 in. vs. 18 ft. 6 in.). The Board should condition any approval based on a 15 ft. height max. The option for 14 ft. walls and 18 ft. 6 in. roof ridge would exceed the allowed 15 ft. height.

Joseph Szymanski, 957 Durham Road explained that he has a lot of stuff and needs extra room. He has a small tractor with a backhoe and plow, a 26 ft. camper, and a couple of antique cars that he needs to store in a dry area.

Chairman Rusczek clarified that he will be storing only cars and equipment and will not be doing any commercial work there. Mr. Szymanski confirmed. Chairman Rusczek asked if he will be able to meet the 15 ft. ridge measurement from the building code. Mr. Szymanski replied that he will do the 12 ft. walls in case he wants to put in a small lift. Chairman Rusczek explained that the 15 ft height is the midpoint between the ridges. He instructed Mr. Szymanski to check with the building department to get the regulations. Mr. Szymanski explained that it is a steel building that they will build for him.

Mr. Conroy stated that the applicant needs to understand the 15 ft. thing. Ms. Torre stated that she explained it to him. His option for 12 ft walls and 16-and-a-half foot peak meets the requirements.

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

Mr. Wolfer: Motion to approve application #23-006/Szymanski/957 Durham Road for a Special Exception Request for 2,328 sq. ft. of garage area to construct a 1,500 sq. ft. detached garage at 957 Durham Road as shown on the As-Built Plot Plan for Lot #3, "Horseland", Durham Road, dated November 17, 1998, and submitted plans received 2/9/23, subject to:

- 1. Garage Height maximum 15 ft. (as per spec. sheet option of ridge height 16 ft. 6 in. and wall height 12 ft. received 2/9/23).**

Ms. Harris: Second

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

The application is approved.

3. #23-007 – Variance Request/950 North Main Street Wallingford, LLC/86 Barnes Road

Ms. Harris read the staff notes into the record. The applicant requests front landscaping of 25 ft. where 50 ft. is required to develop a parcel at 86 Barnes Road in an RF-40 District. The proposal is for a self-storage facility which will be seeking site plan approval for the remaining site elements from PZC following the ZBA determination for front landscaping. RF-40 Regulations require that the required front yards (50 ft.) are 100% landscaped. The parcel is a “corner lot” with two front yards to comply with the landscaping requirement (Barnes Road and North Main Street Extension). Barnes Road at #86 serves as a dead-end driveway/access from North Main Street Extension to several sites and does not function as a thru street though it is classified as a road. The Fire Marshal has commented that the proposed access to the site does not provide ample radius for emergency circulation. The Board should condition any approval on comments from the Fire Marshal. If the applicant can amend the entrance point design to maintain the 25 ft. front setback then the application would proceed to PZC. If amending the access to alter in favor of the Fire Marshal’s comments results in a further reduction of the 25 ft. front yard that is proposed, then the applicant will need to reapply to ZBA before proceeding to PZC.

Christopher Juliano, licensed land surveyor and professional engineer with Juliano Associates, 405 Main Street, Yalesville, presented the application. They are seeking a reduction in the front yard landscaping for 86 Barnes Road. He showed a map of the property. The road is also known as Old Barnes Road and is a driveway entrance to the movie theatre and the shopping plaza. There is an hourglass figure in the lot with a pinch point where the RF-40 zone is. We also have wetlands on the north side of the property. The request for 25 ft. of landscaping is consistent with a lot of the other commercial zones. He will be working with the Fire Marshal to ensure adequate circulation. He expects this will reduce the drive aisles and possibly reduce some building square footage. But it doesn’t impact this request for the reduction of the landscape buffer on Barnes Road.

Chairman Rusczek stated that the big hang-up is that he will need to be able to maintain the 25 ft. as well as meet the Fire Marshal’s needs. Mr. Juliano replied that he also has to go to Wetlands, which might reduce some of the square footage of the building. He stated that he will hold to the 25 ft. along Barnes Road. Chairman Rusczek stated that he sees the hardship in the two front yards.

Ms. Torre stated that should any modifications to the plan to accommodate the Fire Marshal’s request impact the landscaping, it would be an issue.

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

Mr. Wolfer: Motion to approve application #23-007/950 North Main Street Wallingford, LLC/86 Barnes Road for a Variance Request for front yard landscaping of 25 ft. where 50 ft. is required to construct a self-storage facility at 86 Barnes Road as shown on Layout Plan and Property and Topographic Survey, Proposed Self-Storage Facility, Land of Mezei Family Revocable Trust dated 2/10/2023 and submitted plans received 1/12/23, subject to:

1. Comments of the Fire Marshal dated 3/3/23 and received 3/6/23.

Mr. Harris: Second

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

The application is approved.

4. #23-008 – Variance Request/Bliss/94 Jobs Road

Ms. Harris read the staff notes into the record. The applicant seeks a side yard of 14.33 ft. where 20 ft. is required and 14.33 ft. exists to construct an approximately 440 sq. ft. vertical addition over an existing attached garage at 94 Jobs Road in an R-18 District. The existing attached garage is 14.33 ft. from the side yard since at the time the home was constructed; attached garages were permitted to be 5 ft. from the side yard boundary as only detached garages are permitted to be currently. Living space must comply with required setbacks. Thus a vertical addition to the attached garage requires this variance approval.

Jeffrey Bliss, 94 Jobs Road explained that they recently welcomed their second set of twins and need more living space. They moved in a couple of years ago, but there are only three bedrooms and one has no window. The most practical way to add more bedrooms is to build over the garage.

Mr. Conroy asked what the hardship is. Chairman Rusczek replied that it is a vertical addition and when the house was built they were able to have a 14 ft. setback. He's not asking for any more setback than is already there. The Zoning changed since it was built.

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

Mr. Wolfer: Motion to approve application #23-008/Bliss/94 Jobs Road for a Variance Request for a side yard of 14.33 ft. where 14.33 ft. exists and 20 ft. is required to construct a vertical addition over an attached garage at 94 Jobs Road as shown on Zoning Location Survey, Proposed Addition, Prepared for Jeffrey W. Bliss & Rebecca L. Simpson, 94 Jobs Road, dated January 30, 2023, and submitted plans received 2/15/23.

Mr. Conroy: Second

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

The application is approved.

NEW BUSINESS

Chairman Rusczek stated that effective January 1, 2022, and starting January 1, 2023, we all have to do four hours of training a year. He has asked Ms. Torre to help identify training. He noted that these state regulations make it harder to get on these boards. The training is for process and procedural matters including the conduct of effective meetings and public hearings and the Freedom of Information Act as defined in Section 1-200 of the General Statutes, interpretation of Site Plan Survey maps and architectural conventions, and the impact of zoning on the environment and agriculture. They also want us to learn about affordable and fair housing. The training has to be done by the first of 2024. Ms. Torre added that the CT Federation of Planning and Zoning Agencies has a newsletter with a wealth of information and their attorney can provide training. Chairman Rusczek asked if Ms. Torre could look into setting that up soon. She clarified that after 2024 the training requirement is for every other year.

CONSIDERATION OF MINUTES

5. February 22, 2023

Mr. Wolfer: Motion to approve February 22, 2023, Zoning Board of Appeals Minutes as submitted.

Ms. Harris: Second

Vote: Unanimous to approve

ADJOURNMENT

Mr. Wolfer: Motion to adjourn at 7:30 pm.

Ms. Harris: Second

Vote: Unanimous to approve

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary