

Wallingford Zoning Board of Appeals

April 21, 2025

7:00 p.m.

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

Minutes

Present: Joseph Rusczek, Chairman; Raymond Rys, Vice Chair; Board Members: Thomas Wolfer; Karen Raddatz; 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 Gross, Wolfer, Raddatz, Rys, and Chairman Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, April 25, 2025. The effective date of your variance will be Friday, April 25, 2025; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, May 11, 2025. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Chairman Rusczek noted that application #25-012 – Variance Request for MDT Realty, Lucibello/31 North Plains Highway will not be heard tonight.

PUBLIC HEARINGS

1. ***#25-009/Special Exception Request/Ruggiero/55 Hill Avenue***
2. ***#25-010/Variance Requests/Side yard and Front yard/Ruggiero/55 Hill Avenue***

Ms. Raddatz read the staff notes into the record. The applicant seeks a garage area of 989 sq. ft. where a 936 sq. ft. maximum is permitted and 364 sq. ft. exists to construct a 625 sq. ft. detached garage at 55 Hill Avenue in an R-18 District. The applicant also seeks a Side Yard Variance Request of 10.4 ft. where 20 ft is required and a Front Yard Variance of 15 ft. where 40 ft. is required to locate the proposed detached garage on the parcel. The property is an undersized corner lot with 2 front yards and 2 side yards and therefore no means of claiming a minimum setback of 5 ft. for a detached garage located in the rear of a parcel. There is an existing 240 sq. ft. shed in the location proposed for the detached garage. The applicant proposes to relocate the shed to a compliant location on the property as depicted on the submitted property survey. Correspondence from Billy and Daniel O'Malley, dated April 17, 2025, and correspondence from Mr. Tyler Gilagy dated April 15, 2025.

Thomas Ruggiero, 5 Hill Avenue explained the application. He proposes to build a 25 x 25 ft garage behind his home. The proposal is 53 sq. ft over the maximum permitted for the zone. He explained that he needs more garage space for his vehicles and equipment. He performs all the maintenance on his vehicles and is a handyman. He plans to install a car lift and is restoring a 1986 Monte Carlo. He explained how the space would be used. This will not alter the character of the neighborhood. Anything smaller would be cramped. His neighbors have no issue with his plans.

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Chairman Rusczek asked if the garage would be used for personal use only. Mr. Ruggiero replied 100% personal use.

Mr. Gross asked where the shed would be moved. Mr. Ruggiero showed the location on the survey. Mr. Gross asked if a car could be driven into the shed. Mr. Ruggiero replied that it has a garage door, so he supposed a car could drive into it. Ms. Torre noted that the height and dimensions determine whether it's a shed or a garage. Mr. Gross asked how high the ceiling of the garage would be. Mr. Ruggiero replied 11 ft. He will conform with the height restriction.

Ms. Raddatz asked how he would be driving into the garage. Mr. Ruggiero replied from the side and eventually a driveway will go to it. Ms. Torre noted that if he was getting a curb cut off of Merwin, he would need to get a permit from the Engineering Department. That is not part of this application. She suggested that approval be conditioned on there being no commercial activity.

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

Mr. Rys: Motion to approve #25-009 Special Exception Request for Ruggiero for a total garage area of 989 sq. ft. to construct a 625 sq. ft. detached garage at 55 Hill Avenue as shown on Proposed Plot Plan, Land of Thomas M. Ruggiero, 55 Hill Avenue dated February 21, 2025, and submitted plans and specs received March 10, 2025, subject to:

- 1. No commercial activity in the garage**

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

The Special Exception is approved.

Mr. Rys: Motion to approve #25-010 Variance Request for Ruggiero for a Front Yard Variance Request for 15 ft. where 40 ft. is required to locate a 625 sq. ft. detached garage at 55 Hill Avenue as shown on Proposed Plot Plan, Land of Thomas M. Ruggiero, 55 Hill Avenue dated February 21, 2025, and submitted plans and specs received March 10, 2025.

Mr. Wolfer: Second

Vote: Gross– yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

The Variance Request is approved.

Mr. Rys: Motion to approve #25-010 Variance Request for Ruggiero at for a Side Yard Variance Request for 10.4 ft. where 20 ft. is required to locate a 625 sq. ft. detached garage at 55 Hill Avenue as shown on Proposed Plot Plan, Land of Thomas M. Ruggiero, 55 Hill Avenue dated February 21, 2025 and submitted plans and specs received March 10, 2025.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.
The Variance Request is approved.

3. #25-011/Variance Requests/Side yard, Rear yard and Building Coverage/Wooding/10 Colonial Lane

Ms. Raddatz read the staff notes into the record. The applicant requests a Side Yard of 5 ft. where 20 ft. is required, a Rear yard of 5 ft where 30 ft. is required, and a Building Coverage of 28% where a 15% maximum is permitted and 18% exists to construct and locate a detached garage at 10 Colonial Lane in an R-18 District. This parcel pre-dates the inception of zoning and is nonconforming in area (only 41% of the minimum lot size (18,000 sq. ft.) for the Zone at 7,518 sq. ft. Building Coverage exceeds the maximum permitted and the dwelling is non-compliant regarding Front and Side setback requirements. There is currently no garage on the site. The proposed detached garage is located in the rear, which if located entirely behind the dwelling would be permitted with a minimum 5 ft. setback to the side and rear boundaries. 10 Colonial Lane has only 23.2 ft. between the dwelling and the rear boundary. 23 ft. is less than either dimension of the proposed garage, rendering it impossible to comply with setbacks (30 ft. to the rear) or avail the as-of-right option to be 5 ft. from either side or rear boundary without the setback variance requests. Likewise, if the lot was of minimum area for the zone and not only 41% of the minimum, Building Coverage would be compliant WITH the proposed garage.

Keith Wooding, 10 Colonial Lane explained that his parents recently moved in with all their stuff. They want to use the garage for storage and cars. There is no compliant place to put it due to the lot size.

Chairman Rusczek confirmed that it is for personal use only. Mr. Wooding confirmed.

Mr. Gross asked about the size of the garage. Mr. Wooding replied they were looking at 24 ft. x 30 ft. Mr. Gross asked about the existing shed. Mr. Wooding said the shed would go away. Mr. Gross noted that the area is small but most other houses in that neighborhood have garages on similar-sized lots.

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

Mr. Rys: Motion to approve #25-011 Variance Request for Wooding for a Side Yard Variance of 5 ft. where 20 ft. is required to construct/locate a detached garage at 10 Colonial Lane as shown on Limited Property/Boundary Survey, Zoning Location Survey, Proposed Detached Garage, Land of Sean & Christina Gustavson, 10 Colonial Lane, dated 6/4/2024 and submitted plans received 3/14/2025.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.
The application is approved.

Mr. Rys: Motion to approve #25-011 Variance Request for Wooding for a Rear Yard Variance of 5 ft. where 30 ft. is required to construct/locate a detached garage at 10 Colonial Lane as shown on Limited Property/Boundary Survey, Zoning Location Survey, Proposed Detached

Garage, Land of Sean & Christina Gustavson, 10 Colonial Lane, dated 6/4/2024 and submitted plans received 3/14/2025.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczeck – yes to approve.

The Variance Request is approved.

Mr. Rys: Motion to approve #25-011 Variance Request for Wooding for a Building Coverage Variance of 28% where 15% max is permitted and 18% exists to construct/locate a detached garage at 10 Colonial Lane as shown on Limited Property/Boundary Survey, Zoning Location Survey, Proposed Detached Garage, Land of Sean & Christina Gustavson, 10 Colonial Lane, dated 6/4/2024 and submitted plans received 3/14/2025.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczeck – yes to approve.

The Variance Request is approved.

4. #25-006/Variance Requests/Tello/360 Woodhouse Avenue

Ms. Raddatz read the staff notes into the record. The applicant seeks Variance Approval for an Accessory Structure area of 400 sq. ft. where 300 sq. ft. max is permitted and an Accessory Structure height of 12.3 ft. where 10 ft. max is permitted to allow a pool house/accessory building at 360 Woodhouse Avenue in an RU-80 District. The applicant has erected an oversized Accessory Structure with no Zoning Approval and no Building/Plumbing/Electrical Permits. The in-ground pool was permitted and installed with plumbing, electrical, and gas permitted for the pool, but not permitted to any accessory building. The applicant applied to the Inland Wetlands and Watercourses Commission for a 200 sq. ft. accessory structure which would not require a building permit or zoning location survey yet erected a structure twice the size and exceeding height allowances. The applicant sought after-the-fact Zoning and Wetlands approval in January 2025 to obtain building permits. On January 31, 2025, the applicant was advised that the property was in violation and could not receive zoning approval to permit as the structure was erected in violation of Section 6.2 regarding accessory structures. This ZBA application is required in order to allow the structure to remain as constructed and remedy the aforementioned violations. Should the ZBA approve such variance requests, a condition should be made that the structure may not include the facilities/amenities/or mechanicals creating/defining a detached dwelling unit. Correspondence was received from Steven Satonic and Debra Milano Satonic dated April 21, 2025.

Nerio Tello and Ariselli Tello, 360 Woodhouse Avenue presented. Mr. Tello explained that he built the pool house too big. He stated that the pool company was supposed to pull the permit. He acknowledged that he should have checked. He found out the problem when he called the building department for an inspection. He said he didn't know the limit on the size.

Ms. Torre clarified that the pool company would have pulled a permit for the pool only, which they did. It was noted that there was to be a 200 sq. ft. accessory structure on the Wetlands permit. That would not have required a building permit or zoning approval. She noted that there was a Building

Department inspection in January 2024 that noted that there was a pool shed erected that was not permitted.

Chairman Ruscsek asked about the drainage and what is on the inside of the pool house. Mr. Tello replied that he'd like to put a shower in the pool house. He stated that all the drainage was there before. He just fixed it because it was going over the driveway. Chairman Ruscsek asked if there was any way to make it smaller so he didn't need all the variances and correct the problems. Mr. Tello replied that it was already built. He would like to keep it if he can.

Mr. Prentice asked where the drainage for the shower would go. Mr. Tello replied to the sewer inside the house. Mr. Prentice asked if he had a permit for that. Mr. Tello replied, no. The Building department sent him to the zoning office to do the paperwork.

Mr. Rys asked if the interior was completed. Mr. Tello replied no, just the frame. Mr. Rys clarified that there is currently no running water or electricity. Mr. Tello confirmed. Ms. Tello noted that everything stopped when he found out that he needed permits. Mr. Rys referred to a photo provided by the neighbor. Mr. Tello explained that it is of the drainage by the patio. Mr. Tello explained that he extended it a little.

Mr. Gross asked if this drainage was behind the house. Mr. Tello confirmed. Mr. Gross asked if any of the water from the front of the house was being diverted. Mr. Tello replied that he hasn't connected the downspouts from the back of the house and the patio yet. That's what will be going in that drain. Mr. Gross asked if it goes all the way to the neighbor's property line. Mr. Tello replied it goes close, but the neighbor's house is a ways away. Mr. Gross asked if the plumbing and electrical had been roughed in. Mr. Tello said he has not started except for the drain for the shower. He added that he's putting a toilet in as well.

Ms. Torre noted that the definition of a dwelling unit, no matter how it is used, is full sanitary, cooking, and sleeping facilities. She suggested conditioning that no plumbing be installed. She noted that they would need separate permits for that because it would impact the water and sewer systems. She noted that the drainage issue is being handled in Wetlands. She clarified that the topic for tonight is the height and size of the accessory structure and that it not become a detached dwelling unit.

Mr. Gross asked how the building inspector came to the property. Mr. Tello replied that he called them because thought the pool company had pulled the permit. The building department told him that he didn't have a permit. Mr. Tello explained that he told the pool company that he wanted the building to be 20 x 20 but they put it on the plans as 200 sq. ft. He stated that it is not for living space. Mr. Gross asked what the hardship is requiring the building to be bigger than is allowed. Ms. Tello replied that he didn't know when he constructed it. It was a genuine mistake.

Ms. Torre noted that there is correspondence in the packet from Erin O'Hare giving the timeline. This all came about in September of 2024 when the applicant had to go to Wetlands to get approval for the in-ground pool and pool house. It was identified as a 200 sq. ft. structure because it impacts wetlands on that property. It got permitted. The pool company pulled the permit for the pool. A pool house was constructed other than what was depicted in September of 2024. It is customary for the Building Department to wait for an inspection to be requested. When they went out, they found no permits for the structure. Wetlands had approved the location and size of the structure based on Wetlands criteria.

The building is twice the size of what was proposed for Wetlands. The drainage and piping issues are being dealt with in Wetlands.

Ms. Raddatz asked if Wetlands approved the 200 sq. ft. structure. Ms. Torre replied yes. Ms. Raddatz asked if they have to approve the building if it's bigger. Ms. Torre replied that she doesn't know if the increase in size has a further impact on Wetlands, but it does impact that approval. Wetlands is aware that the result is more than was initially approved. The drainage is also different from what was approved. Ms. Raddatz asked if the Board could approve something twice the size. Ms. Torre stated that the ZBA decision is regardless of Wetlands. The Board is to decide whether to allow it to remain or not because it is not allowed by our zoning regulations.

Mr. Gross asked if the original proposal for the structure included water and electricity. Ms. Torre replied that Wetlands will deal with any impact on the Wetlands. She added that it can't meet the definition of a dwelling unit. You can have a half bath a laundry sink or a wet bar but not all of them. Mr. Gross asked what sanitary facilities were planned for the pool house. Ms. Tello replied that there would be a shower but the toilet and sink is negotiable. Ms. Torre noted that plumbing is limited to a half bath so they need to eliminate the shower. Ms. Tello asked if they could do the half bath and an outdoor shower. Ms. Torre replied that it is up to the Board if an outdoor shower is acceptable.

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

Mr. Rys: Motion to approve #25-006 Variance Request for Tello for an Accessory Structure of 400 Sq. Ft. where max 300 sq. ft. is permitted to allow a 400 sq. ft. pool house at 360 Woodhouse Avenue as shown on Improvement Location Survey, As-built House, Lot 2B Woodhouse Avenue dated April 12, 1997 and submitted plans received February 13, 2025, subject to:

- 1. The accessory structure may not be constructed with amenities defining a dwelling unit (full restroom and/or kitchen) or be used as an accessory dwelling unit.**

Mr. Wolfer: Second

Vote: Gross – no to approve; Wolfer – no to approve; Rys – no to approve; Raddatz - no to approve; and Chairman Rusczek – no to approve.

The application is denied.

Mr. Rys: Motion to approve #25-006 Variance Request for Tello for an Accessory Structure height of 12.3 ft. where 10 ft. max is permitted to allow a pool house at 360 Woodhouse Avenue as shown on Improvement Location Survey, As-built House, Lot 2B Woodhouse Avenue dated April 12, 1997 and submitted plans received February 13, 2025, subject to:

- 1. The accessory structure may not be constructed with amenities defining a dwelling unit (full restroom and/or kitchen) or be used as an accessory dwelling unit.**

Mr. Wolfer: Second

Vote: Gross – no to approve; Wolfer – no to approve; Rys – no to approve; Raddatz - no to approve; and Chairman Rusczek – no to approve.

The application is denied.

6. #25-004/Variance Request/Pietrunti/4 Field Drive

Ms. Raddatz read the staff notes into the record. The applicant seeks a Variance Approval for a front yard of 31.7 ft. where 31.7 ft exists and 40 ft. is required to allow a detached garage at 4 Field Drive in an R-18 District. The applicant submitted a building permit application with an accompanying Zoning Location Survey and building plans and received zoning sign-off to proceed with a compliant detached garage. The applicant was granted the permit in June of 2022 and proceeded with construction. In October 2023, the property was cited by the Building Official for Building Code violations (constructed other than as presented in the front setback and exceeding allowable height due to full dormer not depicted on plans) as well as no permits for utility hookups (Water/Sewer and Gas). A Violation was issued from Zoning in December 2023 following the Building Department referral for the location and height of the accessory structure. The property owner applied for Variance Approval in July 2024 and was denied both front setback and height variance requests. A Cease and Desist Order was issued in December of 2024 after 5 months with no further attempt for compliance. This application is for the front setback only as the applicant proposes to remove the dormer. The Board must condition any approval on the dormer being fully removed and the height restored to less than 15 ft. (compliant level). This office also suggests that the proposed garage may not be used as a dwelling unit. Water, sewer, and gas lines that are not properly permitted, yet connected to a detached garage, necessitate this additional condition of any approval.

Anthony Mastriani, 4 Field Drive explained that there is no water or gas to the building. There is a sewer connection that he has a permit for and a final inspection on. The dormer has been removed and the roof has been filled in. So that violation is gone. We just have the front yard setback.

Chairman Ruscsek asked where the sewer was hooked up. Mr. Mastriani replied that it was not hooked up. It just comes through the slab in the garage. He moved it to the other side of the garage wall. Chairman Ruscsek asked when the dormer was removed. Mr. Mastriani replied about a month ago. Chairman Ruscsek asked about finishing the roofing. Mr. Mastriani replied that the color was obsolete and he was looking for it. He confirmed that there will be no amenities on the second floor. It will not be an apartment.

Mr. Gross asked if the size and height meet regulations. Ms. Torre replied the size was fine. It's where it was located. She noted that the building official says there were no final inspections. There will be no CO without the Board's approval. There was a building permit pulled for this structure and a survey was provided. It was built in the wrong place and larger than anticipated. The building department does not consider the issue resolved. Mr. Mastriani stated has the final inspection on the sewer line. No water or gas is going to the building. Eventually, he would like gas from the street put into the building for heat in the garage. There may be a water connection for a spigot. He stated that he is trying to make it right. He acknowledged that it was built in the wrong location. He says he has records of everything being inspected. Ms. Torre reviewed the timeline of violations from the building department. Mr. Mastriani stated that as soon as this is approved he will work with the building department to get this fixed. Mr. Mastriani stated that he took out the water and gas because he was told it couldn't be there. He offered to bring the final inspection from Water & Sewer to the office tomorrow.

Mr. Rys asked about the electric meter in the garage. Mr. Mastriani stated that he didn't know he was in violation when he called for an inspection of that meter. He was going to have separate electricity for the building. Mr. Mastriani concluded that he would correct anything outstanding.

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

Mr. Rys: Motion to approve #25-004 Variance Request for Pietruni for a front yard of 31.7 ft. where 40 ft. is required to locate a detached garage at 4 Field Drive as shown on Plot Plan, prepared for Janet Pietruni, 4 Field Drive dated November 2, 1017, and revision dated March 22, 2024, and submitted plan received January 17, 2025, subject to:

- 1. The dormer must be completely removed and height restored to a compliant 15 ft. maximum.**
- 2. No portion or entirety of the garage may be constructed with amenities defining a dwelling unit (full restroom and/or kitchen) or used as an accessory dwelling unit.**

Mr. Wolfer: Second

Vote: Gross – no to approve; Wolfer – no to approve; Rys – no to approve; Raddatz - no to approve; and Chairman Rusczek – no to approve.

The application is denied.

ADJOURNMENT

Mr. Rys: Motion to adjourn the April 21, 2025, regular meeting of the Zoning Board of Appeals at 7:15 p.m.

Mr. Wolfer: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary