

Wallingford Zoning Board of Appeals

May 19, 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, Rys, Raddatz, and Chairman Rusczek.*

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, May 23, 2025. The effective date of your variance will be Friday, May 23, 2025; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, June 8, 2025. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. #25-012/Variance Request/Rear Yard/MDT Realty, Lucibello/31 North Plains Highway

Ms. Raddatz read the staff notes into the record. The applicant seeks a variance approval for a rear yard of 35.5 ft. where 50 ft. is required to construct a 49 ft. x 60 ft. storage garage at 31 North Plains Highway in an I-40 District. The property owner also owns the abutting parcel (#25 North Plains Highway) to the rear and northwest side. The applicant received a Variance Approval in May 2020 to vertically expand the residential structure on the parcel. At that time, a compliant 49 ft. x 60 ft. storage garage was identified to be proposed in the future. The separation distance between the two buildings was approximately 10 ft. The applicant requests a Variance for the rear yard of 35.5 ft. in order to provide a 25 ft. separation between the two structures for the same proposed garage necessitating this rear yard Variance Request.

Mark Lucibello, 25 North Plains Highway, explained that he is building a garage on the back side of the property. With the current Variance, the two structures would only be 10 ft. apart. They have multiple buildings at 25 North Plains. 31 North Plains just has one structure. With only 10 ft. of separation, it will be farther forward than any other structure on the property. They want to balance the buildings out. The parcel behind is owned by him.

Mr. Gross asked about the fence at 31 North Plains. Mr. Lucibello replied that the one behind the house would be taken down. It's about 30 feet from the residential property. Mr. Gross asked why it would not be aesthetically pleasing. Mr. Lucibello replied that with the extra 15 ft., it will be in line with the house and the building next to the house. Mr. Gross asked how deep the property is and if there is a parking lot straight behind it. Mr. Lucibello replied yes. There is another fence at the back side of the number 31 property with parking spaces. Mr. Gross asked what the building was way in the back and if it belonged to 25 North Plains. Mr. Lucibello replied that it belonged to number 25. The brown fence behind the house will come down and the west side will come down to a certain extent and it will stay in the back.

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

Mr. Rys: Motion to approve #25-012 for MDT Realty-Lucibello for a Variance Request for a rear yard of 35.5 ft. to construct a 2,940 sq. ft. storage garage at 31 North Plains Highway as shown on Proposed Storage Warehouse, Land of MDT Realty, LLC, 31 North Plains Highway, dated April 22, 2020, revision dated June 25, 2020.

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.

2. #25-013/Special Exception Request/Customary Home Occupation – Architectural Services/Whitehouse/56 Bayberry Drive

Ms. Raddatz read the staff notes into the record. The applicant seeks a Special Exception Approval for Architectural Services at 56 Bayberry Drive in an R-15 District. The applicant has identified a location within the dwelling where the office will be located yet should designate which floor is located within, the dimensions of the space, proposed hours of operation, and access point for clients. Off-street parking is available at the site. The Board should ensure that the property owner is the sole employee and that no staff may render services from the site. Correspondence included communication received May 15, 2025.

Andrew Whitehouse, 56 Bayberry Drive, explained that he is thinking of starting an architectural firm on the lower level of his house. It would be 120 sq. ft. The hours would be variable, but primarily 9 am to 5 pm weekdays. Access would be through the main door. He doesn't anticipate having clients at the house. He understands that he cannot have staff at the house.

Chairman Rusczek asked what kind of architectural services. Mr. Whitehouse replied that he does commercial re-roofing. He stated that it's rare to have clients at his office currently. They meet at the client's location. There would be no impact on the neighbors. Chairman Rusczek asked if there was enough parking. Mr. Whitehouse replied there are four spaces.

Mr. Gross asked if this would be a full-time business. Mr. Whitehouse replied hopefully. Mr. Gross asked how staff would follow up on the applicant to ensure he doesn't have staff at the house. Ms. Torre replied that enforcement is complaint-based. She noted that as the application is presented he doesn't need the exception. This is just insurance for if a client visits.

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

Mr. Rys: Motion to approve #25-013 for Whitehouse for a Special Exception Request for Customary Home Occupation-Architectural Services at 56 Bayberry Drive as shown on Improvement Location Survey, Land of Andrew Whitehouse and Emily Whitehouse, 56 Bayberry Drive, dated December 15, 2018.

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.

3. #25-014/Special Exception Request/Child Daycare Center/The Nest School, Inc./7 Research Parkway

Ms. Raddatz read the staff notes into the record. The applicant seeks a Special Exception Approval to increase the enrollment at a Child Daycare Center at 7 Research Parkway in a WI District. The property consists of an existing Child Daycare Center with an approved enrollment of 114 full-time and 40 part-time children, granted in August 1999. The property was known as 5 Research Parkway at that time. 7 Research Parkway was created as a result of a re-subdivision approved on December 11, 2023. The applicant proposes increasing enrollment to 230 students necessitating this new Special Exception Request. Correspondence includes a letter from the Quinnipiac Chamber of Commerce, received April 24, 2025.

TJ Donohue, an attorney with Killian and Donohue, Simsbury, and Michelle Sinatra, Director of The Nest School, Inc. presented. Atty. Donohue explained that the Nest School opened on February 17th and is an approved Daycare operation and part of a national operation. They want to increase their enrollment to 230.

Chairman Rusczek noted that this is double what they are currently approved for and asked about traffic and safety. Atty. Donohue replied that the existing parking and drop-off facilities meet all their standards. There is enough parking. Ms. Sinatra stated that they have been operating since February 17th. Chairman Rusczek clarified that they still need State approval. Ms. Sinatra confirmed and added that the Fire Marshal has said that they can accommodate that number.

Mr. Gross asked if drop-offs and pick-ups are staggered and if most parents drop their children off. Ms. Sinatra replied yes. Mr. Gross asked if they share the building and if they are taking over more of the building. Ms. Sinatra replied that they were the only tenants and would be using the current space. Mr. Gross asked if they owned the property. Atty. Donohue replied that they have a long-term lease.

Ms. Raddatz asked how many children they have currently. Ms. Sinatra replied 100. Ms. Raddatz asked how long it would take them to enroll the additional students. Ms. Sinatra replied that she expects to be up to at least 150 by fall. Atty. Donohue stated that they want to continue to invest in the property. Ms. Raddatz asked if they would need additional staff. Ms. Sinatra replied yes.

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

Mr. Rys: Motion to approve #25-014 for The Nest School, Inc. for a Special Exception Request for Child Care Center with enrollment of 230 students at 7 Research Parkway as shown on Proposed Lot 2, Land of 5 Research Parkway, Wallingford, 7 Research Parkway, dated November 13, 2024.

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.

4. #25-015/Variance Request/Front Yard/Kovacs/105 Grandview Avenue

Ms. Raddatz read the staff notes into the record. The applicant requests a Variance Approval for a front yard of 4 ft. where 18.3 ft. exists and 20 ft. is required to construct a detached 288 sq. ft. garage at 105 Grandview Avenue in an R-11 District. 105 Grandview Avenue is a non-conforming corner lot predating the inception of Zoning. The front yard Variance Request is for the secondary street, Grandview Court. There is no existing garage on the property. The proposed single-bay garage is in line with the existing driveway and would not require any additional curb cut or means of access.

Rita Kovacs, 105 Grandview Avenue, explained that her property has no garage. She renovated the house after she bought it. She'd like to put the garage at the end of the existing driveway.

Chairman Rusczek asked if there was any other place on the property to put the garage. Ms. Kovacs replied that she was told she couldn't remove any trees along Grandview Court, so there is no way to get an entrance in the back.

Mr. Gross asked what her hardship was. Ms. Kovacs replied that the house was built before zoning. Mr. Gross noted that she knew there was no garage when she bought it. Ms. Kovacs replied that she assumed the prior owners couldn't afford to build one. She didn't think it would be a problem. There is a big side yard.

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

Mr. Rys: Motion to approve #25-015 for Kovacs for a Variance Request for a Front yard of 4 ft. where 20 ft. is required to construct a 288 sq. ft. detached garage at 105 Grandview Avenue as shown on Limited Property/Boundary Survey, Zoning Location Survey, Land of Rita Kovacs, 105 Grandview Avenue, dated March 13, 2024 and submitted plans received February 13, 2025.

Mr. Wolfer: Second

Vote: Gross – no 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.

5. #25-016/Variance Request/Side Yard/Scalesse/3 Hampton Trail

Ms. Raddatz read the staff notes into the record. The applicant seeks a Side Yard Variance of 12.49 ft. where 11.94 ft. exists and 20 ft. is required to construct a 2-story 46 ft. x 12. ft. addition at 3 Hampton Trail in an R-18 District. The parcel is an undersized, corner lot with an existing non-conforming side yard. The expansion of the non-conforming side yard requires Variance Approval. The proposed addition will bring the property just below the maximum building coverage level. The Board should discern the hardship. The Board should condition any approval with a provision that no more than the one existing accessory structure may be added to the property. Correspondence includes an Inter-Departmental Memo from the Health Department dated May 9, 2025.

Laura Scalesse and Brian Woodan, 3 Hampton Trail presented. They purchased the home in 2018 and since then their family has grown. They want to put on a 2-story addition. She works from home and this would provide space for the growing family.

Chairman Rusczek asked what the space will be used for. Ms. Scalesse replied two additional bedrooms, a master bath, an office, laundry, and a small storage space.

Mr. Gross asked if the side yard encroaches less, but they still need variance. Ms. Torre replied that they are not adding more to the encroachment but more of the building will encroach. The existing house doesn't need a variance. But the way the dwelling is on the property and the property lines are related, it looks less. Mr. Gross asked if the shed was staying. Mr. Woodan replied yes. Since they are close to the maximum coverage she recommended a condition against additional accessory structures.. She noted that they have a wetlands application in process as well.

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

Mr. Rys: Motion to approve #25-016 for Kovacs for a Variance Request for a Side Yard of 12.49 ft. where 20 ft. is required to construct a 2-story addition at 3 Hampton Trail as shown on Proposed Plot Plan, Land of Laura M. Sheehan aka Laura M. Scalesse Sheehan, 3 Hampton Trail, dated April 16, 2025 and submitted plans received April 17, 2025, subject to:

- 1. No additional accessory structures may be added to the property, and**
- 2. Comments from the Health Department.**

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.

CONSIDERATION OF MINUTES

6. March 17, 2025, Regular Meeting and April 21, 2025, Regular Meeting

Mr. Wolfer: Motion to accept the March 17, 2025, and April 21, 2025, Zoning Board of Appeals Minutes as submitted.

Vote: Unanimous

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the May 19, 2025, regular meeting of the Zoning Board of Appeals at 7:40 p.m.

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary