

Wallingford Zoning Board of Appeals

October 20, 2025

7:00 p.m.

Room 315

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, October 24, 2025. The effective date of your variance will be Friday, October 24, 2025, the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, November 9, 2025. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. #25-032/Variance Request/5 Research Parkway Wallingford, LLC/5 Research Parkway

Ms. Raddatz read the staff notes into the record. The applicant seeks Variance Approval for overhead electric utility service where underground utilities are required for new development to provide electric service to an approved warehouse building at 5 Research Parkway in a WI District. The parcel is +174 acres and received Site Plan Approval for a 450,000 sq. ft. warehouse in December of 2022, and a Site Plan modification was approved in July of 2025. The Electric Service would initiate underground from Carpenter Lane to the North and transition overhead for ~3,000 ft. to the approved building. Topography and nature of the terrain, coupled with a requirement for Electric Service to construct and occupy any structure, necessitate that this portion of the service be provided above ground. There is no comparison for a site complying with a distance anywhere in proximity of 3,000 ft. from underground utilities. Wallingford Electric Division has supported the need and plan for proposed overhead utilities as per the submitted plan. In addition, there are Inter-Departmental Communications from the Electric Division, Water and Sewer Divisions, Engineering Department, Health Department, and Inland Wetlands.

Jeffrey Checkoway, with 5 Research Parkway, Wallingford, LLC, owner of the property, and Bill Fries, engineer with BL Companies, presented. Mr. Checkoway stated that they have had multiple communications with Wallingford Electric. It became apparent that the source of their power is at the Carpenter Lane access point. That is where the infrastructure is. Wallingford has a regulation that utilities need to be underground on private property. They propose that they go overhead because the vegetation won't be visible from the street. Also, because the Muddy River flows through this property and they would need to cross that. They spoke to Inland Wetlands and will have to go back to them for approval due to the location of one pole. Going overhead will lessen the impact on the environment. It will also allow for a better lead time for the Electric Division. They have an approved plan for part of the

site, and the rest is developable. Underground electric would affect the use of the property. An overhead line can be moved, and it will be easier to manage power shutdowns due to new construction.

Chairman Rusczek asked what happened to the Bristol Myers infrastructure. Mr. Checkoway replied that there is an underground pipe that goes to a central utility plant, but Wallingford Electric thinks it's too old. A portion of it was demolished when the building was taken down. He showed photos of the property and where the electric service is on Carpenter Lane. Chairman Rusczek stated that the underground is still good to pull a cable through, but you'd have to pull a new cable.

Mr. Rys asked who owns the overhead line and poles. Mr. Checkoway replied that 5 Research Parkway would be because they are on private property. Mr. Rys asked if the owner is paying for the installation. Mr. Checkoway replied Yes, it's part of the development of the project.

Mr. Gross asked if it was only above ground at the culvert when Bristol Myers was there. Mr. Checkoway replied that he believes it was underground. Ms. Torre noted that the regulations are for underground service for any new construction. Mr. Gross asked if they would be allowed to use overhead for any future development on this property. Ms. Torre replied that it would be a separate issue.

Chairman Rusczek noted that the road was originally intended for utilities and construction. They will use the utility poles once they are set up. They can go from the pole underground. It is easier to maintain above-ground service.

Mr. Gross asked if the tubing with lines is still underground. Would the tubes be usable? Mr. Checkoway replied that both gas and electric recommended that they don't use what is there due to its age.

Chairman Rusczek stated that they will not be going to the Bristol Myers power plant location. They are going further. He noted that the General Manager of the Electric Division is okay with it.

PUBLIC COMMENT

Joan Munger, 15 Valley View Drive, stated that she agreed with Mr. Gross. She asked if the applicant did not know about the zoning regulations when they purchased the property. The tunneling exits, and it can be used. A lot of focus for underground service is on water safety and water quality. There are residents to the east with wells. The Muddy River supplies water to 80% of the town. Underground is more reliable according to the regulations. Downed wires create issues. Maintenance of poles can bring herbicides. There was a lot of interest in this property, and this was the first time anyone had asked for a variance for overhead utilities. She is against this and doesn't think it's necessary. The zoning regs are well thought out.

Mr. Checkoway stated that from the protection of water viewpoint, poles will have minimum disturbance versus digging a trench for 3000 ft.

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

Ms. Raddatz noted that the Inter-Departmental communication from Inland Wetlands stated that they would need a permit for the installation of poles in the wetlands. Ms. Torre replied that it is due to the location of one of the poles. So, yes, they still need to go to Wetlands. She also noted that the

regulations for underground utilities are not based on water protection. The purpose is to improve the appearance of the streetscape.

Mr. Rys: Motion to approve application #25-032 for 5 Research Parkway Wallingford LLC, 5 Research Parkway for a Variance Request for Above Ground Utilities where underground Utilities are required to provide electric service to 5 Research Parkway as shown on Proposed Development, Exhibit Site Utilities Plan, 5 Research Parkway dated June 12, 2025 and revised September 9, 2025, and submitted documents received September 11, 2025, subject to:

- 1. Comments from the Senior Engineer, Water and Sewer Department, received October 14, 2025**
- 2. Comments from the Wallingford Electric Division received October 6, 2025**
- 3. Comments from the Environmental Planner, Inland Wetlands received October 1, 2025**

Ms. Raddatz: Second

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

The variance request is approved.

2. #25-033/Variance Modification Request/Front Yard/Kovacs/105 Grandview Avenue

Ms. Raddatz read the staff notes into the record. The applicant received a Variance Approval in May of 2025 for a front yard of 4 ft. to locate a single bay detached garage. Upon contracting construction/delivery of the approved garage, the separation distance of 2 ft. 3 in. between the dwelling and the garage was insufficient for CT Building and Fire code requirements. The separation distance was 9 inches short of the amount required. This Modification Variance Request is for a front yard of 3 ft. vs. 4 ft. to allow for an ample code separation compliant location for the same proposed garage. This office supports the modified Variance request, as do the relevant Inter-Department Offices. As Variance Approval for the same project was previously granted, the Board may respectfully consider waiving the modification reapplication fee. In addition, there are Inter-Departmental Communications from the Electric Division, Water and Sewer Divisions, Engineering Department, Health Department, and Inland Wetlands.

Rita Kovacs, 105 Grandview Avenue, stated that she wanted to have a prefab one-bay garage. She purchased it from Klotter Farms. She received the variance for her front yard. Then she was told that it needs to be at least 3 feet from the house.

Chairman Rusczeck clarified that she is just looking for one foot closer. Ms. Torre clarified that it is a fire safety issue. If it's attached or less than three feet, it would have to be constructed of alternate materials. The pre-fab isn't.

Mr. Gross asked if it was made out of a different material, could it be less than 3 feet? Ms. Torre replied that the Board approved everything submitted originally. The variance was based on the plans and survey.

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

Mr. Wolfer: Motion to waive the fee for the application because it was collected before.

Ms. Raddatz: Second

Vote: Unanimous with one opposed

Mr. Rys: Motion to approve application #25-033 for Kovacs at 105 Grandview Avenue for a Variance Request for a Front yard of 3 ft. to locate a detached garage as shown on Limited Property/Boundary Survey, Land of Rita Kovacs, 105 Grandview Avenue, dated March 13, 2024, and submitted plans received April 11, 2025.

Mr. Wolfer: Second

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

The variance request is approved.

CONSIDERATION OF MINUTES

1. September 15, 2025, Regular Meeting

Mr. Wolfer: Motion to accept the September 15, 2025, Zoning Board of Appeals Minutes as submitted.

Mr. Rys: Second

Vote: Unanimous

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the October 20, 2025, regular meeting of the Zoning Board of Appeals at 7:30 p.m.

Ms. Raddatz: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary