

Wallingford Zoning Board of Appeals

February 17, 2026

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: Bruce Conroy; Thomas Wolfer; Robert Gross; Robert Prentice; Tracy Becker; Chris Laroque; 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, Gross, Rys, and Chairman Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, February 20, 2026. The effective date of your variance will be Friday, February 20, 2026, the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, March 8, 2026. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Chairman Rusczek announced that application #26-004 – Variance Request for McInvale has been withdrawn.

Chairman Rusczek welcomed Chris Laroque as a new alternate.

PUBLIC HEARINGS

1. #26-001/Variance Request/Bear Industries, LLC/3 Fairfield Boulevard

Mr. Rys read the staff notes into the record. The applicant requests Variance Approval for a lot area of 165,046 sq. ft., where 217,800 sq. ft. is required, and 725,577 sq. ft. exists to divide the lot at 3 Fairfield Boulevard in an IX District. The proposed lot division would return the lot size and configuration per the revised Subdivision approved July 1988. The original Subdivision approved in September 1984 proposed an alternate lot configuration and enumeration and complied with regulations for lot size in the IX zone (130,000 sq. ft. requirement in 1984). The Subdivision was revised within 5 years of expiration in 1988 with adjustments to lot size and lot enumeration. Bulk Standard Regulations (including lot size) for the IX Zone were amended in 1985 to require 217,800 sq. ft. The Revised Subdivision was approved in September 1988, allowing the minimum lot size to remain as per the 1984 Approval (130,000 sq. ft. minimum). The Board should condition any Approval on the 165,046 sq. ft. lot that it may not be made non-conforming by maintaining an accessory parking use without a permitted primary use, or may not transfer the property for the same, until and unless a Use Variance is sought and received. Correspondence included a memo from the Water & Sewer Divisions dated February 3, 2026.

Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, and Rachel Gavin representing Bear Industries, LLC, presented.

Atty. Ceneviva explained that this was an industrial subdivision approved in 1984 for Centrac Business Park. In 1988, it was re-divided from 10 lots to 9 lots due to the detention basin being built on the lot eventually owned by Bear Industries. In the interim, the IX regulations changed to require more lot area. The pre-zoning change lot sizes were allowed for the subdivision to be developed. All the lots are similar in size. A few years later, Bear Industries bought the second lot and paid taxes on both lots. Around 2006, the then Town Planner decided that the two lots should be merged into one. There is no merger map or deed filed with this change. The mortgage only referred to the one lot. There is no evidence of intent to merge the lots other than the assessor's records. The applicant's position is that they should be allowed to move forward with the smaller 1988 lot size. The second lot has a parking lot that was built and leased to a tenant. There is no activity on that lot now. The applicant would like to separate the lots into what they were in 1988 so they can sell the second lot for development.

Chairman Rusczek asked if the lots were approximately the same size as the other lots in the subdivision before they were merged. Atty. Ceneviva replied that they are all around the same size but less than the 215,000 sq. ft. that was set in 1988.

Mr. Gross asked if this was granted back to before the rules changed, we would be setting a precedent. Ms. Torre replied that subdivision regulations are slightly different from zoning based on the map filing. It is called a revision instead of a re-subdivision, so they are entitled to the regulations in place at the original subdivision. Anything that legally existed at the time is entitled to keep the regulations that were in place. Whatever variance is granted, someone can claim that they want the same, but there are never two exact same situations. The subdivision was granted in 1984, and subdivisions have a 5-year expiration. In 1988, it was considered revised, and the numbering of the lots changed. They were allowed to revise the subdivision according to the regulations in place in 1984. The regulations changed in 1985. It doesn't matter who owned the land or when they owned it. It is based on the subdivision approval. Whatever was in place at the Site Plan approval, she couldn't speak to, but that is when things changed.

Atty. Ceneviva stated that the hardship is these were two independent lots in the subdivision. It was only later that the Town Planner decided to merge them. The regulations changed, but the approval didn't change.

Mr. Gross clarified that when Bear Industries bought the second lot, there was no intent to merge them.

Chairman Rusczek noted that this is similar to applications for lots that predate zoning.

Ms. Becker clarified that the lot in question is still larger than it was in 1984 due to the changes made in 1988. She stated that she can see the separate unused parcel on the satellite view.

Mr. Rys stated that he is happy to see the parcel being dealt with. New development will mean more tax revenue for the Town.

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

Mr. Rys: Motion to approve #26-001, Bear Industries, LLC at Fairfield Boulevard for a Variance Request for a lot area of 165,046 sq. ft. where 217,800 sq. ft. minimum is required to divide

the lot at 3 Fairfield Boulevard as show on Request for Zoning Variance, Property Survey Map, Bear Industries, LLC, 3 Fairfield Boulevard dated 10/21/2025, subject to:

1. The 165,046 sq. ft. lot may not be made non-conforming by maintaining an accessory parking use without a permitted primary use, or may not transfer the property for the same, until and unless a Use Variance is sought and received.
2. Comments from Fire Marshal, dated 1/28/2026.
3. Comments from the Water and Sewer Division, dated 2/3/2026.

Mr. Gross: Second

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

The application is approved.

1. #26-005 – Special Exception Request/DiGenova/41 Northford Road

Mr. Rys read the staff notes into the record. The applicant seeks a Special Exception Approval for Customary Home Occupation – Hair Salon at 41 Northford Road in an RU-120 District. The proposed hair salon is compliant with required regulations: 300 sq. ft. in the lower level of the dwelling with access at grade from the rear, ample off-street parking, and no employees other than the property owner. The applicant owns a well-established business with regular clientele and is simply proposing limiting services by moving into a personal residence. No signage or retail services are proposed or permitted. Correspondence included two letters from neighbors.

Cheryl DiGenova, 41 Northford Road, explained that she would like to operate a home-based salon. She noted that she requested the same in 2004, and it was granted. She operated the business there until 2019, with no issues. If granted, she would continue to follow the same standards with no signage, no retail sales, and no social media presence. She will work by appointment only. She explained the access and parking. She stated that she has been in business for 35 years and is not looking to grow or expand the business. This will allow her to continue in her trade. She will be respectful of her neighbors and maintain the residential character of the neighborhood.

Chairman Rusczek asked where her business was before. Ms. DiGenova replied that she was on South Orchard Street from 2004 to 2019. She is currently working out of 185 Center Street. In response to a question, she replied that her hours would be Tuesday to Friday from 9 am to 6:30 pm at the latest. Chairman Rusczek asked how many clients she would have at a time. Ms. DiGenova replied one.

Mr. Gross asked if it was in the basement or on the first floor. She replied that the entrance has two steps down, but is basically level with the ground. Ms. Torre replied that it is at street level as the house opens to grade in the back. Ms. Torre clarified that the applicant will have to work through the normal building process and health approvals for the nature of the business.

Ms. Becker noted that the applicant is familiar with the process and rules of the Town. She has followed the rules for many years. Ms. Becker thanked her for that.

Ms. Torre noted that she distributed a copy of the regulation to clarify the Special Exception process. This is different from the variance process. The present applicant meets the criteria for approval, so unless there is something that prevents it from being a good location, she can have the business there

as of right. Ms. Torre noted that since 1986, 122 Customary Home Occupation applications have been filed, and 35 of those are salons. Only 6 of them were denied

Mr. Rys: Motion to approve #26-005, DiGenova at Northford Road for a Special Exception Request for Customary Home Occupation – Hair Salon as shown on submitted plans received 1/12/2026, subject to:

- 1. Comments from the Health Department received 2/4/2026**
- 2. Comments from the Fire Marshal dated 2/3/2026.**

Mr. Conroy Second

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

The application is approved.

CONSIDERATION OF MINUTES

- 1. January 20, 2026, Regular Meeting**

Mr. Wolfer: Motion to accept the January 20, 2026, Zoning Board of Appeals Minutes as submitted.

Mr. Conroy: Second

Vote: Unanimous

ELECTION OF OFFICERS

Mr. Conroy: Motion to nominate Tom Wolfer for Chair. He has been a great help to other Board members and helps the Board work together despite outside affiliations.

Mr. Gross: Second

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

Chairman Wolfer thanked the Board and promised to keep the Board moving forward. He thanked Ms. Torre for her support.

Mr. Gross: Motion to nominate Bruce Conroy for Vice Chair.

Chairman Wolfer: Second

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

Mr. Conroy: Motion to nominate Bob Gross as Secretary.

Chairman Wolfer: Second

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

Chairman Rusczek thanked everyone for their efforts. He appreciates that Board members do their job despite their outside affiliations. He noted that Tom Wolfer has been on the Board for 19 years.

ADJOURNMENT

Mr. Rusczek: Motion to adjourn the February 17, 2026, regular meeting of the Zoning Board of Appeals at 7:40 p.m.

**Mr. Conroy: Second
Vote: Unanimous**

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary