

ZONING BOARD
OF
APPEALS
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 20, 2014
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: L. Michael Rudolph, Chairman; Brian Lilly, Secretary; Libby Bufano; Joshua Cole; Scott Lawrence; Gary Battaglia, Alternate; Andrea Preston, Alternate

ABSENT: Andrew McNee (notified intended absence)

A. CALL TO ORDER

Mr. Rudolph called the meeting to order at 7:15 P.M. He briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #14-10-12 SHULMAN 109 SIGNAL HILL ROAD

Mr. Rudolph called the Hearing to order at 7:15 P.M., seated members Battaglia, Bufano, Lawrence, Lilly, and Rudolph, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

Mr. Lawrence noted for the record that he is acquainted with the builder but his relationship is just casual/neighborly, and he did not feel it would represent a conflict of interest for him.

Mr. Lilly read the legal notice dated October 7, 2014 pertaining to the appeal of the Zoning Enforcement Officer's decision to issue a zoning permit to allow development of a single family residence at 109 Signal Hill Road and a driveway over a portion of property at 115 Signal Hill Road.

Mr. Lilly also read an email correspondence from Amy Shulman dated October 20, 2014 requesting a continuance of the hearing until November 17, 2014. Mr. Nerney noted for the record that a signed fax was also received by the Planning and Zoning Department requesting same.

ZBA Minutes – October 20, 2014 - Page 2

It was the consensus of the Board to continue the hearing, per the request of the applicant, until November 17, 2014.

There being no further comments, at approximately 7:20 P.M. the public hearing was continued until November 17, 2014.

2. #14-10-13 KERNER 358 BELDEN HILL ROAD

Mr. Rudolph called the Hearing to order at approximately 7:20 P.M., seated members Battaglia, Bufano, Lawrence, Lilly, and Rudolph, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated October 7, 2014 and details of the application and the hardship as described on the application.

Present were Wendy Kerner, applicant; and Kevin O'Brien, land use professional, on behalf of the applicant.

Mr. O'Brien distributed copies of a photo of the existing house and an aerial view of Belden Hill Road in the vicinity of the subject property. He explained that the applicant wishes to construct a small addition to the south side of the property. He cited land hardships including substantial wetlands in the rear and a well located immediately behind the residence. He explained that a wetlands permit will be required since the proposed work will be within 63 feet of inland wetland soils, noting that a less intrusive zoning setback would place the proposed work even closer to wetlands. He noted that most homes in the area are within 20 feet of Belden Hill Road and thus even closer to the road than the subject residence. He explained further that the property is well within building/site coverages allowed for the 2-acre zoning district, at 3.5%/3.7%, respectively, where 7%/12% are allowed.

Mr. O'Brien confirmed that the proposed addition would be no closer to the street than the existing structure, although he noted that variance applications require eaves/overhangs to be taken into consideration as well. He also confirmed that all neighbors were notified and plans provided to them, and no issues were raised.

In response to a question from Mr. Lawrence regarding the feasibility of moving the addition back a few feet further from the road, Ms. Kerner explained that such a relocation would require more fill due to a drop-off in the back, which would further impact wetlands in the area. It was also noted by the applicant that although the existing well has not been officially abandoned (in spite of the property being on city water), a minimum separation to the well was still considered advisable by the health department.

Mr. Rudolph asked if anyone wished to speak for or against the application.

There being no further comments, the public hearing was closed at 7:34 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Rudolph called the Regular Meeting to order at 7:34 P.M., seated members Battaglia, Bufano, Cole, Lawrence, Lilly, Preston and Rudolph, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #14-10-12 SHULMAN 109 SIGNAL HILL ROAD

Tabled until November 17, 2014.

2. 14-10-13 KERNER 358 BELDEN HILL ROAD

The Board briefly discussed the application. It was the consensus of the Board that the proposed site modifications would represent an improvement to the property, with the understanding that the addition would not encroach any farther into the setback than the pre-existing nonconforming house does. Wetland constraints and an already existing variance on the site were also noted.

MOTION was made by Mr. Lawrence, seconded by Mr. Battaglia, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow a two-story building addition with a 42.1 foot front yard setback (44.1 feet to building façade) in lieu of the required 50 feet; as per submitted “Map of Property” dated September 23, 2014, prepared by Roland H. Gardner, and “Front Elevation – Alternate 3, Kerner-Rintoul Residence, Terra Studio”, dated July 30, 2014, received September 25, 2014; on grounds that sufficient hardship was demonstrated due to the pre-existing nonconforming nature of the structure and the fact that the proposed addition would continue the existing building frontage line and would reduce the impact on wetlands in the rear of the site.

D. OTHER BUSINESS

1. Approval of Minutes – September 15, 2014

MOTION was made by Mr. Battaglia, seconded by Mr. Lilly and carried (4-0-3) to approve the minutes of September 15, 2014. Board members Bufano, Cole and Preston abstained.

2. Election of Chairman & Vice-Chairman

Mr. Rudolph advised members of the Board that he would be moving out of Town mid-November and thus would be resigning his ZBA Chairmanship.

MOTION was made by Mr. Rudolph, seconded by Ms. Bufano to nominate and elect Scott Lawrence as his successor/Chairman to the Board. In the absence of other nominations for Chairman, the motion carried unanimously to elect Mr. Lawrence as ZBA Chairman.

Mr. Rudolph also advised members that Vice-Chairman Al Nickel had recently resigned both his Vice-Chairmanship and his membership on the Zoning Board of Appeals.

MOTION was made by Mr. Rudolph, seconded by Mr. Lawrence to nominate and elect Gary Battaglia as Vice-Chairman. In the absence of other nominations for Vice-Chairman, the motion carried unanimously to elect Mr. Battaglia as ZBA Vice-Chairman.

E. ADJOURNMENT

MOTION was made by Ms. Bufano, seconded by Mr. Lilly and carried unanimously (7-0) to adjourn at 7:42 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary