

ZONING BOARD
OF
APPEALS
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 18, 2010
7:15 P.M.
TOWN HALL ANNEX - MEETING ROOM A**

PRESENT: Barbara Frees, Vice-Chairwoman; Lori Bufano, Secretary; John Comiskey; John Gardiner; Peter Shiue, Alternate; Steven Davidson, Alternate

ABSENT: Miriam Sayegh (notified intended absence)

A. CALL TO ORDER

Ms. Frees, acting as Chair in the absence of Chairwoman Ms. Sayegh, called the meeting to order at 7:15 P.M. She briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

B. PUBLIC HEARINGS

1. #10-10-15 HALAN 295 NEWTOWN TPKE

Ms. Frees called the Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, Frees, Gardiner, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Ms. Bufano read the legal notice dated October 4, 2010 and details of the application and the hardship as described on the application.

Present was J. Halan, applicant/owner.

Mr. Halan referenced two posted plans, noting that the original plan was much more expansive, involving a two-story garage structure with dormers and associated septic system, whereas the plan currently proposed (and the subject of this application) involves only a single-story garage without any associated plumbing. He cited numerous constraints associated with the subject parcel including an irregularly shaped lot, a significant amount of wetlands due to the western branch of the Saugatuck River which

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runs along the entire length of the parcel, and the existence of a flood way on the property on which no development activity is permitted.

Mr. Halan explained that four alternative sites were studied by the applicant's land consultants (including a surveyor, an engineer and a soil scientist) and all concluded that the proposed location is preferred because it is farthest away from wetland soils; it will provide a flat surface; it will have the least amount of environmental impact; and it will provide sufficient distance from neighboring properties. He noted that a variance would be required almost anywhere on the parcel.

In response to questions from the Board, he acknowledged that he currently has a 2-car garage, but explained that he is seeking permission to build the proposed 3-car garage because he has a number of vehicles, including a motorcycle, as well as yard equipment/tools, requiring inside storage. He noted for the record that his parcel actually had a 40-foot front yard setback when it was originally subdivided. He also noted that he had spoken to some, but not all, of his neighbors and they had no objections.

Ms. Frees asked if anyone wished to speak for or against the application.

Diego Tamayo, 288 Newtown Turnpike, stated that he lives across the street and has no problem with the garage location as proposed. He noted that he would have a problem if it were constructed in an area that would impact his view from the front of his residence.

There being no further comments, the public hearing was closed at 7:39 P.M.

2. #10-10-16 DE STEFANO 42 HUNTING RIDGE LA

Ms. Frees called the Hearing to order at 7:39 P.M. Ms. Bufano read the legal notice dated October 4, 2010, and a letter dated October 18, 2010 from Robert Sanders to Miriam H. Sayegh, Chairwoman, and Barbara Frees, Vice Chairwoman, requesting a continuance of the application until the next available meeting time.

Ms. Frees asked if anyone wished to speak for or against the application.

There being no further comments, at approximately 7:43 P.M. the public hearing was continued until November 15, 2010.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Ms. Frees called the Regular Meeting to order at approximately 7:44 P.M., seated members Bufano, Comiskey, Frees, Gardiner, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

1. #10-10-15 HALAN 295 NEWTOWN TPKE

The Board briefly discussed the application.

It was the consensus of the Board that proof of hardship had been adequately demonstrated by the applicant, given the very challenging topography of the site and the considerable amount of wetlands on the parcel. The Board also noted and appreciated the applicant's efforts to consider all possible alternatives and to minimize site impacts from the proposed addition.

MOTION was made by Mr. Comiskey, seconded by Ms. Bufano, and carried unanimously (5-0) to **grant** the variance on grounds that sufficient hardship was demonstrated due to the considerable topographical limitations and hardships throughout the entire length of the property, contingent upon submission of updated plans/specifications in accordance with plan design G257, as provided by Home Planners of Tucson, AZ.

2. #10-10-16 DE STEFANO 42 HUNTING RIDGE LA

Tabled.

D. OTHER BUSINESS

1. Minutes – September 20, 2010

MOTION was made by Mr. Gardiner, seconded by Mr. Comiskey, and carried (5-0-1) to approve the minutes of September 20, 2010. Ms. Bufano abstained.

2. Approval of 2011 Meeting Schedule

Tabled.

Mr. Nerney stated that he is waiting to hear back from Attorney Dwight Merriam, a nationally known, premier land use attorney, regarding the possibility of speaking to the Board sometime in the next couple of months regarding land use issues. Mr. Nerney noted that he would keep the Board informed regarding Attorney Merriam's availability and schedule.

E. ADJOURNMENT

MOTION was made by Mr. Gardiner, seconded by Ms. Frees, and carried unanimously (6-0) to adjourn at 7:55 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary