

PLANNING & ZONING  
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TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**WILTON ZONING BOARD OF APPEALS MINUTES\***  
**JULY 17, 2023 MEETING**  
**(CONDUCTED ELECTRONICALLY VIA ZOOM)**

**PRESENT:** Anthony Cenatiempo, Chair, Justin Anderson, Libby Bufano, Jacklyn Coleman, Tom Gunther

Also present was Town Planner, Michael Wrinn

**REGULAR MEETING**

**A. Call to Order** – Mr. Cenatiempo called the meeting to order at 7:15 PM.

**B. PUBLIC HEARINGS**

**1. 23-06-12                      89 William Street, LLC                      8 Gaylord Drive**

Ms. Coleman read the details of the application as follows:

Request a variance of Section 29-5.D to allow for rear deck with 31.0' rear setback in lieu of the required 40'. Said property is owned by 89 William Street, LLC, and consists of 0.73+/- acres in a Residential (R-1A) Zoning District as shown on Assessor's Map #56, Lot #24.

Mr. Cenatiempo introduced Mr. William Ireland, speaking for the owner. Mr. Ireland explained that his need for the variance is two-fold: 1) 9' extra on the deck would allow for safe access to the backyard, then to the driveway; and 2) it would allow the footings to go down the required 42" frost depth. He also stated that he has removed objects on the property, including a chicken coop, car port, patio, and asphalt, to bring the property up to the exterior standards of neighboring homes.

Mr. Gunther asked if there could be another location to put the deck that didn't need a variance. Mr. Ireland said that the topography of the lot and convenience to access the garage made this location the best. No more questions from board members. The hearing was opened up to the public with no respondents. The hearing was then closed.

**2.      23-06-10                      Onthank                      20 Old Boston Road**

Ms. Coleman read the details of the application as follows:

Request a variance of Section 29-5.D to allow for second floor addition with 5.8' front setback in lieu of the required 50'. Said property is owned by Christopher Onthank, and consists of 3.406+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #111, Lot #26.

Mr. Doug Macmillan was introduced, speaking for the owner. He started off saying that looking at the home from the street on the left side he's going to rework the roof line. There's a second floor on that part of the building now which is going to be enlarged and the roof raised so they can get two bedrooms over that part of the building. The footprint will not be expanded, just going on top of what's already there.

Mr. Cenatiempo puts the architectural drawings on the screen to discuss. Mr. Macmillan walks everyone through the changes visually. Based on the age of the house, it predates zoning regulations and sits entirely within the 50' setback and 100' regulated wetlands area.

The hearing was opened to the public with no respondents. The hearing was then closed.

**3.      23-06-11                      Andrusyshyn/Senko                      175 Old Kings Highway**

Ms. Coleman read the details of the application as follows:

Request a variance of Section 29-4.C.5 to allow for a bay window with 33.3' front setback in lieu of the required 40'. Also requesting a variance of Section 29-5D for a 29.2' front setback to the eave of the roof in lieu of the required 40'. Said property is owned by Aleksandra Andrusyshyn and Pavol Senko, and consists of 0.98+/- acres in a Residential (R-1A) Zoning District as shown on Assessor's Map #141, Lot #6.

Aleksandra Andrusyshyn addressed the application. She explained that she originally applied for a variance when they bought the house in 2019 because it was built on a non-conforming lot (within the front-yard setback). The addition of a second floor (no change to footprint) was also included in the 2019 variance. This application also asked for a 29.8' variance from the road. At the end of construction, it ended up being 29.2'. Regarding the bay window, she did not know that they needed a variance.

The hearing was opened up to the public. No one wished to testify. The hearing was closed.

**4.      23-06-13                      Apple Tree Properties Corp.                      190 Range Road**

Ms. Coleman read the details of the application as follows:

Request a variance of Section 29-5.d for an addition to a garage with 10' side-yard setback to the eaves of the garage in lieu of the required 40'. Said property is owned by Apple Tree Properties Corp., and consists of 3.52+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #98, Lot #18.

Chris Nocito, and his uncle Frank (owner), spoke. Mr. Nocito said the need for the variance is to square up the garage using the existing foundation that was on site before the house was purchased. They would like to rebuild it after it was hit by a fallen tree. They need extra space in order to fit a car in the garage, and have a studio/office above.

Mr. Cenatiempo asked why a location closer to the tennis court wasn't considered for the garage. Mr. Nocito said that the location of the well was a consideration, but the main reason was the cost; he wanted to use the existing location.

Mr. Wrinn asked why work has been done despite not obtaining permits. Mr. Nocito said that they had been doing permitted work on the main house and that work started on the garage, mistakenly thinking the permits covered the garage work.

Mr. Cenatiempo asked about how the new structure will compare to the old structure. Frank said that the new structure will be about four feet higher than the original, not including the roof, which will add another 5-6 feet.

Mr. Wrinn asked if there were any pictures of when the tree fell on the garage. Mr. Nocito said no pictures were taken.

Mr. Gunther asked how an experienced builder would do work using plans that hadn't been approved by the town. Mr. Nocito absolved himself by saying that the work was initiated prior to him being involved.

The hearing was opened to the public. Ms. Alison Sanders, 172 Range Road, feels that the applicant has been careless with their approach to the building process. She stated that the original structure was one story with an attic, and the new one will be significantly taller. She also questioned why the structure can't be located elsewhere.

Mr. Cenatiempo then closed the public hearing.

**5. 23-07-14**

**Welly**

**4 Borglum Road**

Ms. Coleman read the details of the application as follows:

Request a variance of Section 29-4.D.1.a to allow for a 1,124 square foot accessory dwelling unit, in lieu of the 750 square foot maximum size allowed (the structure is pre-existing non-conforming); and of Section 29-4.D.1.g to allow for an accessory dwelling unit with a front-yard setback of 21', in lieu of 40' (on Old Kings Highway), and a front-yard setback of 12', in lieu of 40' (on Borglum Road). Said property is owned by Burton and Kinley Welly, and consists of

1.46+/- acres in a Residential (R-1A) Zoning District as shown on Assessor's Map #123, Lot #34.

Robert Sanders represented the Wellys. He described the property as a home built in approximately 1790, along with a garage/outbuilding built in the early 19<sup>th</sup> century. The goal is to legitimize an existing finished space that is dwelling unit situated in the garage (former barn and painting studio) in order for the Wellys to use it legally. Historically, an owner dormered the back of the barn. In the 1970's the tax assessor's card shows that there is finished space in the barn that is heated. In 1981, a building permit was pulled and issued to do repairs, add electricity, replace windows, and other miscellaneous work. A certificate of occupancy was given. In 1986, new owners got a zoning variance to extend the barn closer to the home, and to allow add'l parking. In 2010 the Wellys purchased the property with a finished, one-bedroom apartment.

An issue is that when a large window was installed, the timber frame structure needed to be cut through, and now there is sagging. Mr. Sanders then stated that the hardship is pre-existing, non-conforming structures that are significantly separated from each other so it is unfeasible to connect them in a single structure, which would allow for the opportunity to take advantage of existing ADU square footage requirements.

Mr. Wrinn asked about siding. Mr. Sanders said that things will be repaired on the exterior, but that the roof won't be raised, no dormers added; no change to the look for neighbors to see. Rotted siding, sills, and beams will be replaced. But Mr. Sanders emphasized that this is not a rebuild but a restoration project. And, it is not within an historical district.

The hearing was opened to the public with no one wishing to testify. The hearing was closed.

**6. 23-06-15**

**Gill**

**73 Cherry Lane**

Ms. Coleman read the details of the application as follows:

Request a variance of Section 29-5.D to allow for a 17' front-yard setback, in lieu of the required 50'; and of Section 29-5.D to allow for a 15' side-yard setback, in lieu of the required 40'; and a variance of Section 29-5.D to allow for 23.8' in the building height to the highest ridge, within the front-yard setback and side-yard setback. Said property is owned by John and Mary Ellen Welly, and consists of 1.74+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #43, Lot #35.

Mr. Joe Cugno represented the Gills. He stated that there are significant hardships on the property, such as considerable wetlands, and that they are landlocked between the septic, the wetlands setback, and the well. So, they are trying to keep everything on top of the existing footprint.

Height is the primary issue. The height of the existing ridge will increase by about four feet, which concerns the neighbors at #71. Could screening or additional trees/bushes be added to obstruct the increased height?

Mr. Gunther asked about building height regulations in an R-2A zone, which his 35'. This structure will be around 23'. He also asked if there were any other possibilities on the property where they could go. But based on the landlocked nature, there isn't.

The only public comment was from Mr. Mitchell at #71 Cherry Lane, whose home is to the east of the Gills. He thinks that more could be done on the west side of the house instead of encroaching on him to the east. He also has an issue with the building height. He feels that the proposed changes will make the house very large and he will be inconvenienced because of that.

Mr. Cenatiempo asked Mr. Mitchell if some sort of screening to obstruct his view would be acceptable to him. Mr. Mitchell doesn't think there's enough appreciation of just how high the new roof will be and how difficult it will be to screen it. He also said that if there were no additional height added, the remaining changes would be fine. He likes the feel of a woodsy property on all sides, and this project would impact that.

Mr. Gunther suggested that thuja green giants, which grow quickly and up to 35' could be planted on the property line between the properties to provide screening.

Mr. Cenatiempo closed the hearing.

### **C. APPLICATIONS READY FOR REVIEW AND ACTION:**

#### **1. 23-06-12 89 William Street, LLC 8 Gaylord Drive**

Mr. Cenatiempo reviewed the application and stated his support for the application. Mr. Gunther followed and also stated support. Mr. Cenatiempo then moved to approve the application, which was seconded by Mr. Gunther. The vote passed unanimously.

#### **2. 23-06-10 Onthank 20 Old Boston Road**

Mr. Gunther reviewed the findings during the public hearing, and based on this Mr. Cenatiempo stated his approval. Mr. Cenatiempo then made a motion to approve the application and Mr. Anderson seconded. All commissioners were in favor and application was approved unanimously.

#### **3. 23-06-11 Andrusyshyn/Senko 175 Old Kings Highway**

Mr. Cenatiempo reviewed the application in relation to conditions stated during the public hearing and said that he would approve the application. Mr. Cenatiempo then moves to approve the application. Ms. Bufano seconds. The application then passes unanimously.

**4. 23-06-13 Apple Tree Properties Corp. 190 Range Road**

Mr. Cenatiempo asked to be convinced of why this application should be approved. He stated that he thinks the structure could have been moved within the setback, maybe closer to the tennis court, and that the work was done without a permit. He will not support the application. Mr. Anderson said that it's technically a new structure. Mr. Gunther questioned if "these regulations would deprive the applicant of the reasonable use of the lot or structure"; he doesn't think this is the case. Mr. Cenatiempo concurs with Mr. Gunther, and also stated that economic hardship is not a basis for a variance to be granted.

Mr. Cenatiempo made a formal motion to deny the application which is seconded. The denial passes unanimously.

**5. 23-07-14 Welly 4 Borglum Road**

Mr. Cenatiempo likes that the work will not expand the footprint of the property, is not building up or building out, it's historic, and there were no issues with neighbors. For these reasons he would support the application. Mr. Cenatiempo makes motion for approval, seconded by Mr. Gunther. Application passes unanimously.

**6. 23-07-15 Gill 73 Cherry Lane**

Mr. Cenatiempo asked Mr. Wrinn if, for screening, thuja green giants are planted, can there be a requirement that the initial plantings are a minimum height? Mr. Wrinn said yes. Mr. Cenatiempo then mentioned the difficulty for the owners to take advantage of any other parts of the property. He then said that he would be in favor of the application with conditions, relating to the screening plantings, thinking they should be at least ten feet tall when planted, and extend from shared driveway easement to property line. Mr. Anderson suggested that they be planted eight feet on center; the farther apart the quicker the growth.

Mr. Gunther questioned if the trees need to be planted all the way to the easement, which would mean seventeen trees. Perhaps only in line of sight. His suggestion of fifteen trees is supported by Mr. Wrinn and Mr. Cenatiempo. Mr. Cenatiempo motions for approval with the following conditions: 1) at least fifteen thuja green giant trees, 8-10 feet tall at time of planting, spaced eight feet center, be planted along property line between #73 and #71, and 2) that the unlivable portion of the structure will be replaced. This was seconded by Ms. Bufano. Motion passes unanimously.

**D. APPROVAL OF MINUTES**

1. May 15, 2023 – Regular Meeting –Mr. Cenatiempo made a motion to approve, seconded by Ms. Bufano, motion passed 4-0-1

**E. ADJOURNMENT**

Mr. Gunther made a motion to adjourn, seconded by Ms. Cenatiempo and carried unanimously (5-0) to adjourn at approximately 8:30 PM.

**\*MINUTES HAVE NOT BEEN REVIEWED BY THIS COMMISSION  
AND MAY BE SUBJECT TO REVISION IN FUTURE MINUTES. FULL  
AUDIO RECORDING OF MEETING IS AVAILABLE AT:  
<https://www.wiltonct.org/node/91/minutes-agendas>**