

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

**WILTON ZONING BOARD OF APPEALS MINUTES *
NOVEMBER 16, 2020 – REGULAR (ELECTRONIC) MEETING**

PRESENT: Anthony Cenatiempo, Chairman; Monty Du, Vice-Chairman; Tom Gunther, Secretary; Libby Bufano; Jaclyn Coleman, Alternate; Gerald Holdridge, Alternate

ABSENT: Sunila Kapur

A. CALL TO ORDER

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

B. PUBLIC HEARINGS

1. 20-10-11 WILSON 157 CHEESE SPRING ROAD

Mr. Cenatiempo recused himself and left the Zoom meeting due to a conflict of interest.

Hearing was called to order at approximately 7:15 P.M. Members seated were Bufano, Coleman, Du, Gunther and Holdridge.

Present was Edward Lerner, attorney for the appellants, Edward and Mary Jayne Wilson. Also present was Wilton Zoning Enforcement Officer (ZEO) Timothy Bunting.

Attorney Lerner reviewed details of the appeal, citing state-imposed/COVID-related legal prohibitions preventing the homeowners from evicting the current tenant. He acknowledged that the tenant's dog daycare/kennel operation is a violation of zoning regulations, but stated that the Wilsons should not be penalized as they are unable to remedy the current situation due to the aforementioned legal limitations.

ZEO Bunting reviewed the history/details of the violation, noting that the existing home occupation permit does not permit the operation of this type of business on the residentially-zoned premises. He noted that penalties against the homeowners would be a

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last resort, given the owners' lack of legal recourses at this time, but emphasized that the cease and desist order should be upheld.

No public comment was received.

Hearing was closed at approximately 7:45 P.M.

2. 20-11-14 ASTACIO 148 MATHER STREET

Mr. Cenatiempo returned to the meeting.

Hearing was called to order at approximately 7:45 P.M. Members seated were Bufano, Cenatiempo, Du, Gunther and Holdridge.

Present was Richard Astacio, applicant/homeowner.

Hardships were cited, including location of septic and well on the property, topographical limitations, extensive ledge, and wetlands location. Upon further inquiry/discussion, it was determined that alternate locations/configurations, not requiring a variance, were available on the site.

No public comment was received.

Hearing closed at approximately 8:00 P.M.

3. 20-11-15 GALANTE 93 W. MEADOW ROAD

Hearing was called to order at approximately 8:00 P.M. Members seated were Bufano, Cenatiempo, Coleman, Du, and Gunther.

Present were Jennifer Huestis, architect; and homeowner, Sarah Galante.

Hardships were cited, including the pre-existing nonconforming nature of the property, the siting of the structure within the front yard setback, significant wetlands on the south and east sides of the house, the curved frontage of the house, location of the septic, and a significant grade change from front to rear; as well as the homeowners' current inability to utilize the undersized garage for the storage of 2 cars.

No public comment was received.

Hearing closed at approximately 8:15 P.M.

C. APPLICATIONS READY FOR REVIEW AND ACTION

1. 20-10-11 WILSON 157 CHEESE SPRING ROAD

Mr. Cenatiempo again left the Zoom meeting due to his recusal on the matter.

Discussion briefly ensued, with the Board ultimately deciding to uphold the Zoning Enforcement Officer's cease and desist order, as follows:

MOTION was made by Mr. Gunther, seconded by Ms. Coleman, and carried unanimously (5-0) to **uphold** the Zoning Enforcement Officer's cease and desist order, per evidence and testimony provided during the public hearing.

2. 20-11-14 ASTACIO 148 MATHER STREET

Mr. Cenatiempo returned to the meeting.

Discussion ensued, with the application ultimately being denied as follows:

MOTION was made by Mr. Cenatiempo, seconded by Mr. Gunther, and carried (4-1) to **deny** the variance as requested, on grounds that sufficient hardship was not demonstrated; alternate locations/configurations not requiring a variance are available on the property; and the application did not satisfy the four required findings per Section 29-13.B.6 of zoning regulations. Mr. Holdridge opposed the motion to deny.

3. 20-11-15 GALANTE 93 W. MEADOW ROAD

Discussion ensued, with the application ultimately being approved as follows:

MOTION was made by Mr. Gunther, seconded by Ms. Bufano, and carried unanimously (5-0) to **grant** the variances as requested, on grounds that sufficient hardship was demonstrated per hearing testimony. The Board specifically noted the application's compliance with all four required findings per Section 29-13.B.6 of zoning regulations.

D. OTHER BUSINESS

1. Approval of Minutes – October 19, 2020

MOTION was made by Mr. Gunther, seconded by Mr. Du, and carried unanimously (6-0) to approve the minutes of October 19, 2020.

2. Approval of 2021 Meeting Schedule

MOTION was made by Mr. Cenatiempo, seconded by Mr. Holdridge, and carried unanimously (6-0) to approve the 2021 ZBA Meeting Schedule as proposed.

E. ADJOURNMENT

MOTION was made by Mr. Cenatiempo, seconded by Mr. Du and carried unanimously (6-0) to adjourn at approximately 8:35 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary