

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



TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**WILTON ZONING BOARD OF APPEALS MINUTES \*  
OCTOBER 17, 2022 – REGULAR ELECTRONIC MEETING (VIA ZOOM)**

**PRESENT:** Anthony Cenatiempo, Chairman; Tom Gunther, Vice-Chairman; Libby Bufano;  
Tara Pagano

**ABSENT:** Justin Anderson; Jaclyn Coleman (notified intended absence)

**A. CALL TO ORDER**

Mr. Cenatiempo called the meeting to order at approximately 7:23 P.M. He briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

**B. PUBLIC HEARINGS**

**1. 22-10-17 HELGESEN 26 CAVALRY HILL RD**

Request variances of Section 29-5.D to allow construction of a front porch with a side yard setback of 33 feet, and a deck with a 39.3-foot side yard setback; in lieu of the required 40 feet for both. Said property is owned by Eric & Alissa Helgesen and consists of 2.016+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #1, Lot #24.

Hearing was called to order at approximately 7:24 P.M.  
Members seated were Bufano, Cenatiempo, Gunther and Pagano.

Present was Eric Helgesen, applicant/owner.

Hardships were cited, including the pre-existing nonconforming nature of the property, with its residence constructed outside of the required setbacks in 1969, resulting in requests for an additional 11.75" and 9" beyond the existing side yard encroachments.

No public comment was received.  
Hearing closed at approximately 7:32 P.M.

**2.            22-10-18                    CT DOT/FOLTZ                    80 RIDGEFIELD RD**

Request a variance of Section 29-5.D to allow acquisition of 3,751+/- sq. ft from the subject property, resulting in the reduction of a nonconforming lot from the existing 58,370+/- sq. ft. to 54,619+/- sq. ft in lieu of the required 2 acres (=87,120 sq. ft); in connection with State Project 161-142, replacement of Bridge No. 04975 Lovers Lane over Comstock Brook. Said property is owned by Jonathan & Isabel Foltz and consists of 1.34+/- acre in a Residential (R-2A) Zoning District as shown on Assessor's Map #74, Lot #5.

Hearing was called to order at approximately 7:32 P.M.

Members seated were Bufano, Cenatiempo, Gunther and Pagano.

Present was Zachary Guarino, CT DOT, on behalf of owners Jonathan and Isabel Foltz.

Mr. Guarino explained the State's proposed acquisition of 3,751 s.f. from the subject parcel in connection with replacement of Bridge No. 04975, resulting in a need for the lot size variance as requested. He explained the hardship, noting a safety/structural requirement as well as a maintenance access issue, in addition to the fact that the State's failure to obtain a variance for the property would result in the total acquisition of the property by the State. He further noted that the amount requested is the minimum needed to accomplish the State's needs.

No public comment was received and hearing closed at approximately 7:40 PM.

**3.            22-10-19                    SMITH                    6 EVERGREEN AVE**

Request variances of Section 29-5.D to allow a building addition 6.2 feet at the eave line/7.2 feet at foundation side yard setback, a bilco door with a 22.5 foot side yard setback, and shed with an 8.5 foot side yard setback in lieu of the required 40 feet on the south side; and to allow 15.2% building coverage where 10% maximum is permitted; and to allow an asphalt driveway resulting in site coverage of 22.2% where 15% maximum is permitted. Said property is owned by Jeffrey & Ngan Smith and consists of 0.3+/- acres in a Residential (R-1A) Zoning District as shown on Assessor's Map #57, Lot #52.

Hearing was called to order at approximately 7:40 P.M.

Members seated were Bufano, Cenatiempo, Gunther and Pagano.

Present were Jeff Smith, owner; and Kathleen Poirier, architect.

Hardships were cited, including the pre-existing, nonconforming nature of the under-sized 0.34-acre, 1940-built property, including its constraining property width of only 91.34 feet where 150 feet are required, as well as the constraining location of the septic clean-out. It was noted that the property has no existing garage and its current basement access, via an access door built into the deck, is almost impossible to utilize.

No public comment was received and hearing closed at approximately 7:53 PM.

**4. 22-10-20 FERNANDEZ 167 SHARP HILL RD**

Request variances of Section 29-5.D to allow a patio with a 1-foot side yard setback in lieu of the required 20 feet; and a gazebo with a side yard setback of 2 feet from the roof in lieu of the required 40 feet. Said property is owned by Noelia Fernandez & Andy Aleksiejczyk and consists of 1.38+/- acres in a Residential (R-2A) Zoning District as shown on Assessor's Map #44, Lot #7.

Hearing was called to order at approximately 7:53 P.M.  
Members seated were Bufano, Cenatiempo, Gunther and Pagano.

Present was Noelia Fernandez & Andy Aleksiejczyk, applicant/owner.

Hardships were cited, including the pre-existing nonconforming nature of the structure and the oddly-shaped lot, which is due to prior conveyance of a portion of the lot to the State of CT in 1969. Alternate locations are constrained by the septic system, leaching fields, underground well pipes, and existing mature trees/wild life considerations.

Hearing closed at approximately 8:04 P.M.

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

**1. 22-10-17 HELGESEN 26 CAVALRY HILL RD**

A brief discussion ensued, with the application ultimately being approved as follows:

MOTION was made by Mr. Cenatiempo, seconded by Mr. Gunther, and carried unanimously (4-0) 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.

**2. 22-10-18 CT DOT/FOLTZ 80 RIDGEFIELD RD**

A brief discussion ensued, with particular note given to the need for the bridge project from a safety perspective as well as its compliance with the Town's Plan of Conservation and Development. The application was ultimately approved as follows:

MOTION was made by Mr. Cenatiempo, seconded by Ms. Bufano, and carried unanimously (4-0) 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.

**3.      22-10-19                      SMITH                      6 EVERGREEN AVE**

A brief discussion ensued, with the application ultimately being approved as follows:

MOTION      was made by Mr. Cenatiempo, seconded and amended by Mr. Gunther to note the relative impact coverage-wise of the proposed asphalt driveway to the property coverage overall, thus resulting in a lesser impact to the neighborhood overall. The motion carried unanimously (4-0) 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.

**4.      22-10-20                      FERNANDEZ                      167 SHARP HILL RD**

A brief discussion ensued, with the application ultimately being approved as follows:

MOTION      was made by Mr. Cenatiempo, seconded by Ms. Bufano, and carried unanimously (4-0) to **grant** the variances as requested, on grounds that sufficient hardship was demonstrated per hearing testimony. A neighbor's submission of a letter in favor of the application was also noted. 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.      Minutes – September 19, 2022**

Tabled.

**E.      ADJOURNMENT**

MOTION      was made by Ms. Bufano, seconded by Mr. Cenatiempo, and carried unanimously (4-0) to adjourn at approximately 8:20 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary