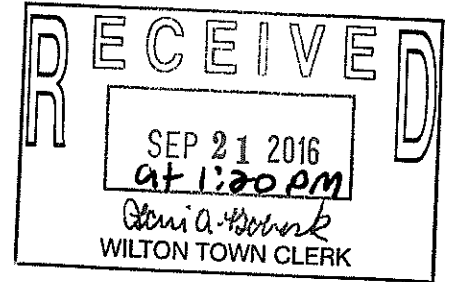


ZONING BOARD
OF
APPEALS
Telephone (203) 563-0185
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**DRAFT
ZONING BOARD OF APPEALS
REGULAR MEETING
September 19, 2016
7:15 P.M.**



TOWN HALL ANNEX - MEETING ROOM A

PRESENT: Gary Battaglia, Chairman; Joshua Cole, Vice-Chairman; Brian Lilly, Secretary; Libby Bufano; Ray Tobiassen; Tracey Serpa, Alternate; Kenny Rhodes, Alternate

ABSENT: Andrew McNee, Alternate

A. CALL TO ORDER

Chairman Battaglia 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. #16-09-10 1039 DANBURY RD. LLC 1039 DANBURY RD.

Mr. Battaglia called the Hearing to order at approximately 7:16 P.M., seated members Battaglia, Bufano, Tobiassen, Lilly, Cole and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. There was then a discussion about whether Mr. Tobiassen or Ms. Serpa was the alternate. Mr. Battaglia said that there had been a lengthy discussion with the Town Clerk who had explained that Mr. Tobiassen was the regular member because he had replaced a regular member. Mr. Battaglia then had Mr. Cole explain the application because it was different than the applications they normally would see. This application was for a Certificate of Approval and they were acting as an agent for the State of Connecticut, rather than the Town of Wilton. They did not have to find for hardship. He then explained that the application was under Section 1452, under the Connecticut General Statutes. Then he explained that the application fell under Section 1454 of the Statutes and some guidance under Section 1455, which was repealed in 2003. He explained how it previously read. Mr. Rhodes confirmed with Mr. Cole that this was actually a point of reference for the commissioners.

Present were Edward Schenkel, attorney; and Mr. Venus, owner of the property.

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Mr. Schenkel began the presentation by introducing Mr. Venus and then giving a brief overview of the application for property at 1039 Danbury Rd. He explained that the property has belonged to his client's family since the building was built in 1940 on over 2 acres of land. The automotive dealership was opened in 1946 by his grandfather, Mr. DeFranco. When he retired in 1992, the business split into 2 separate businesses. One of the owners, Mr. Garaval re-located his part of the business to Norwalk, in 2012 and Mr. Venus re-located the auto body shop to Ridgefield. The property has been closed since 2012 when Mr. DeFranco passed away and the property was in probate. Mr. Schenkel then explained the applicable statutes to this application. He explained that the Certificate of Approval is warranted in this instance.

Mr. Lilly asked if the property needed remediation but Mr. Schenkel said that it was ready to go.

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

Derrick Fisher, 49 Wilridge Road, asked several questions about Mr. Venus' intentions for the property. He was concerned about the type of business, the hours, excessive noise, the lighting and how it would affect the surrounding neighbors. Mr. Venus said that he would be happy to share his cell phone number with Mr. Fisher. He also explained that the business would be open during regular business hours and not 24 hrs. a day. Mr. Fisher also asked if there would be tow trucks. Mr. Venus noted that when the business had been open, prior to 2012, there had been tow trucks. If Mr. Fisher had not heard them at that time, he would not hear them when the business re-opened. Mr. Fisher explained that the prior lights shined directly up, onto his property. Mr. Lilly explained that the Zoning Board of Appeals was only deciding whether the use that the applicant was requesting for the property was a viable one. Mr. Fisher also expressed concern about not remediating the site since it was so close to the Norwalk River. There was a discussion as to the next steps for the applicant before opening his business which included applying for permits with the Planning and Zoning Commission.

There being no further comments, the public hearing was closed at 7:38 p.m.

C. APPLICATIONS READY FOR REVIEW AND ACTION

Mr. Battaglia called the Regular Meeting to order at 7:38 p.m. seated members Battaglia, Bufano, Tobiassen, Lilly, Cole and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

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| 1. | #16-09-10 | 1039 DANBURY RD. LLC | 1039 DANBURY RD. |
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Mr. Lilly reminded the commissioners that this property had been a car dealership for a long time so it would be difficult for them to deny the application because it was not a good use for the property.

Mr. Cole said that traffic had not been a problem in the past and there were other dealerships nearby.

MOTION was made by Mr. Battaglia, seconded by Mr. Tobiasson and carried unanimously (5-0) to approve the Certificate of Approval.

D. OTHER BUSINESS

1. Minutes – June 20, 2016

MOTION was made by Mr. Battaglia, seconded by Mr. Rhodes and carried unanimously (5-0) to approve the minutes of June 20, 2016.

E. ADJOURNMENT

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

Respectfully submitted,

Diana Palmentiero
Recording Secretary