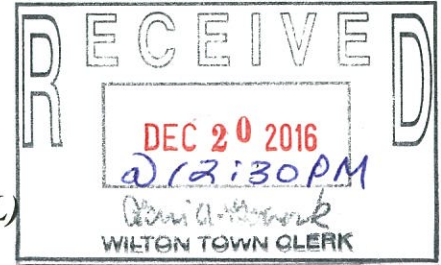


ZONING BOARD  
OF  
APPEALS  
Telephone (203) 563-0185  
Fax (203) 563-0284



TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897



**DRAFT \***  
**(SUBJECT TO BOARD APPROVAL)**

**WILTON ZONING BOARD OF APPEALS MINUTES  
DECEMBER 19, 2016 – REGULAR MEETING**

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

**ABSENT:** Tracey Serpa

**A. NOMINATION & ELECTION OF OFFICERS**

**Chairman:**

**MOTION** was made by Mr. Battaglia, seconded by Ms. Bufano, to nominate Josh Cole for the position of Chairman, Zoning Board of Appeals.

There were no further nominations from regular members.

The motion carried (5-0).

**Vice-Chairman:**

**MOTION** was made by Mr. Cole, seconded by Ms. Bufano, to nominate Gary Battaglia for the position of Vice-Chairman, Zoning Board of Appeals.

There were no further nominations.

The motion carried (5-0).

**Secretary:**

**MOTION** was made by Mr. Battaglia, seconded by Ms. Bufano, to nominate Brian Lilly for the position of Secretary, Zoning Board of Appeals.

There were no further nominations.

The motion carried (5-0).

**B. CALL TO ORDER**

Mr. Cole called the meeting to order at approximately 7:20 P.M.

**C. PUBLIC HEARINGS**

**1. #16-12-15 SCHOOL SISTERS OF NOTRE DAME 331 BELDEN HILL ROAD**

Mr. Cole called the Hearing to order at approximately 7:20 P.M., seated members Battaglia, Bufano, Cole, Lilly, and Tobiassen, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Mr. Lilly read the legal notice dated December 6, 2016 and details of the application and the hardship as described on the application.

Mr. Rhodes left the meeting.

Present was Ed Schenkel, Gregory and Adams, attorney on behalf of the applicant.

Mr. Schenkel explained that the applicant owns three parcels, as depicted on the submitted survey - 331, 329 and 345 Belden Hill Road - and he noted that the Lourdes Healthcare facility spans all three parcels. He explained further that the facility is currently served by a 500-gallon underground fuel storage tank, but has been advised by CT Departments of Public Health and Social Services that this is not sufficient size for the premises. He noted that in order to meet the current State mandate of 72 consecutive hours of emergency generator operation, Northeast Generators is advising that a 1300-gallon tank is required. He explained that an underground tank (which would not require a setback variance) is discouraged due to watershed issues with the property. He stated that due to the configuration of the parcels and the fact that the 40-foot side yard setbacks almost overlap each other, it would be impossible to install this size tank without a setback variance. He noted again that the hardship is the State mandate which is requiring the larger-sized tank.

In response to questions from the Board, Mr. Schenkel stated that no alternative location exists in the immediate vicinity where the setbacks would not overlap. He explained that the generator company advises locating the tank right next to the generator for optimal performance and fewer maintenance issues.

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

There being no further comments, at approximately 7:30 P.M. the public hearing was closed.

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

Mr. Cole called the Regular Meeting to order at 7:30 P.M., seated members Battaglia, Bufano, Cole, Lilly, and Tobiassen, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

**1. #16-12-15 SCHOOL SISTERS OF NOTRE DAME 331 BELDEN HILL ROAD**

The Board briefly discussed the application.

Mr. Cole observed that the hardship is the State mandate that is requiring the larger-sized tank, and the fact that overlapping setbacks provide no opportunity for an alternative tank location without the need for a variance. He noted further, in keeping with the requirements necessary to grant a variance, that the School Sisters would not be able to operate the facility without said variance and thus would be deprived reasonable use of their property; granting of the variance would be in harmony with the regulations; and would not be injurious to the neighbors, given that the applicant also owns the adjacent property.

MOTION was made by Mr. Cole, seconded by Mr. Battaglia, and carried unanimously (5-0) to **grant** the variance of Section 29-5.D to allow a new above-ground fuel tank (that will serve an existing emergency generator) with a 32-foot side yard setback in lieu of the required 40 feet; as per location noted on submitted "Zoning Location Survey" dated November 14, 2016, prepared by Ryan and Faulds; on grounds that sufficient hardship was demonstrated due to overlapping side yard setbacks which prohibit the tank being located anywhere else in that vicinity, coupled with the State mandate requiring the larger-sized tank in order for the facility to continue its operations.

**E. OTHER BUSINESS**

**1. Minutes – November 21, 2016**

MOTION was made by Ms. Bufano, seconded by Mr. Tobiassen, and carried (5-0) to approve the minutes of November 21, 2016.

**F. ADJOURNMENT**

MOTION was made by Mr. Tobiassen, seconded by Mr. Lilly, and carried unanimously (5-0) to adjourn at approximately 7:34 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary