

**TOWN OF WALLINGFORD
ZONING BOARD OF APPEALS
SEPTEMBER 21, 2009
REGULAR MEETING MINUTES**

A regular meeting of the Wallingford Zoning Board of Appeals was held Monday September 21, 2009 at 7:00 p.m. in Town Hall. Approximately 12 members of the public were in attendance.

CALL TO ORDER:

Chairman Knickerbocker called the meeting to order at 7:01 p.m.

Present were: Jeffrey Knickerbocker (Chairman), Robin Hettrick (Vice Chairperson), Andrew Barnett (Secretary), William Birney, Tom Wolfer (alternate), Ron Souza (alternate), Alan Reed (alternate), Assistant Town Planner Kacie Costello and Recording Secretary Sonja Vining.

Absent:

Chairman Knickerbocker announced that tonight's decisions would be published in the Record-Journal on Friday, September 25, 2009. The effective date of your variance will be Friday, September 25, 2009; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, October 11, 2009. If you commence operations and/or construction during the appeal period, you do so at your own risk.

The next regular meeting of the Board will be October 19, 2009.

READING OF THE MEETING LEGAL NOTICE:

Chairman Knickerbocker read the beginning of the published Legal Notice.

Chairman Knickerbocker explained that first the public hearing notice for each application would be read, and then each applicant would come forward to explain his or her request. The Board would question the applicant and then receive comments for and against the application from the public. Then the public hearing would be closed and the Board would consider the application. Unless stated, all votes were roll-call votes.

Voting Members were Mr. Barnett, Ms. Hettrick, Mr. Knickerbocker, Mr. Birney and Mr. Reed.

Chairman Knickerbocker announced that Application 09-048 – Variance request from Dill for a sideyard of 8.9 ft. where a minimum of 20 ft. is required to construct an attached garage at 71 North Airline Road, would not be heard until the November meeting. (Att. 09-048A)

#09-036 BRACALE - variance for a height of 18 ft. 6 in. where a maximum of 10 ft. is allowed and a gross floor area of 660 sq.ft. where a maximum of 300 sq.ft. is allowed (Section 6.2.A.2), to construct a pool house at 13 Wayne Road. Zoned R-18

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner dated September 18, 2009 (Att. 09-036A), letter from Bill Bonocchi to the Town of Wallingford dated June 12, 2009 (Att. 09-036B), letter from Guy Beach to the Wallingford Zoning Board of Appeals dated July 13, 2009 (Att. 09-036C), a plan date stamped Received September 17, 2009 (Att. 09-036D), comments from the Department of Engineering Town of Wallingford dated September 21, 2009 (Att. 09-036E).

Presenting the application was Anthony Bracale.

Mr. Bracale explained that the building would be cut into a hill and the square footage underneath counts as well as the height so it would basically double what is permitted. There is no other way to build it other than into the hill.

No one from the public spoke in favor of or opposed to the application.

MOTION: MR. BARNETT, TO APPROVE.

REASON: GIVEN THE UNIQUE TOPOGRAPHY OF THE LAND.

SECOND: MS. HETTRICK

VOTE: UNANIMOUS

#09-040 BATTIPARANO – variance for a sideyard of 12 ft. where a minimum of 20 ft. is required and a rear yard of 22 ft. where a minimum of 30 ft. is required, to construct an attached garage at 882 East Center Street. Zoned R-18

Mr. Birney abstained from voting on Application 09-040, Mr. Wolfer voted in his place.

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner dated September 18, 2009 (Att. 09-040A), comments from the Department of Engineering Town of Wallingford dated September 21, 2009(Att. 09-040B), letter from Dorothy Hopkins to Wallingford Zoning Board of Appeals dated September 26, 2009 (Att. 09-040C).

Presenting the application Dennis Battiparano.

Mr. Battiparano would like to build an attached garage. He gave some history on a tree incident that occurred with his neighbor years ago. Mr. Battiparano indicated that there is a drainage ditch installed behind his neighbor's house on the west. He plans on digging a small trench

connecting to that trench. The garage will have gutters that will direct the water into Mr. Battiparano's yard. No water will be directed toward his neighbors or toward the rear of his house. Mr. Battiparano has been cutting trees in preparation for the garage. The property is small and has limited spots where a garage could be built. Mrs. Battiparano works night and for safety reasons she would like to park in a garage and enter the house rather than being outside.

No one from the public spoke in favor of or opposed to the application.

MOTION: **MR. WOLFER, TO APPROVE.**

REASON: **BASED ON THE CONFIGURATION OF THE PROPERTY. BETTER USE OF THE PROPERTY WITHOUT ALTERING THE CHARACTER OF THE NEIGHBORHOOD.**

SECOND: **MR. BARNETT**

VOTE: **UNANIMOUS**

#09-044 **RIGOULOT** – variance for a sideyard of 8 ft. 10 in. where a minimum of 12 ft. is required (Section 5.1A), to replace a stoop with a deck at 113 High Street. Zoned R-11

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner dated September 18, 2009 (Att. 09-044A), comments from the Department of Engineering Town of Wallingford dated September 21, 2009 (Att. 09-044B).

Presenting the application was Phyllis Rigoulot.

Ms. Rigoulot would like to remove some damaged concrete stairs and install a small deck for safety reasons.

No one from the public spoke in favor of or opposed to the application.

MOTION: **MS. HETTRICK, TO APPROVE.**

REASON: **GIVEN THE NATURE OF THE LAND AND HEALTH AND SAFETY OF THE OCCUPANTS.**

SECOND: **MR. BARNETT**

VOTE: **UNANIMOUS**

#09-045 **REGAN** – variance for a sideyard of 13 ft. where a minimum of 20 ft. is required (Section 5.1A), to construct a deck at 89 Pond Hill Road. Zoned R-18

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner dated September 18, 2009 (Att. 09-045A), comments from the Department of Engineering Town of Wallingford dated September 21, 2009 (Att. 09-045B).

Presenting the application was Michelle Regan and Terry Birch.

Ms. Regan would like to construct a deck on to her house. Mr. Birch apologized to the Board for construction being done before the permit was granted. There were existing precast concrete stairs that were damaged and caused some injury to family members. Those stairs were removed. Mr. Birch indicated that there was no construction after the Applicant was made aware of the building permit issues. He assured the Board that he would not go onto the neighbor's property during construction.

No one from the public spoke in favor of or opposed to the application.

MOTION: **MR. BARNETT, TO APPROVE.**

REASON: **GIVEN THE NARROWNESS OF THE LOT AND BETTER USE OF PROPERTY WITHOUT ALTERING THE CHARACTER OF THE NEIGHBORHOOD.**

SECOND: **MS. HETTRICK**

VOTE: **UNANIMOUS**

#09-046 **FIRST UNITED METHODIST CHURCH** – variance for a sign setback of 0 ft. where a minimum of 10 ft. is required, 2 ground signs where a maximum of 1 is allowed, and total signage of 37 sq.ft. where a maximum of 12 sq.ft. is allowed (Sections 6.9.D.4.3, 6.9.D.4.f, and 6.9.C.1.a), to install an additional sign at 941 Old Rock Hill Road. Zoned R-18

Mr. Barnett abstained from voting on Application 09-046, Mr. Souza voted in his place.

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner dated September 18, 2009 (Att. 09-046A).

Presenting the application was Wilford Golding and Mark Rolan, First United Methodist Church.

Mr. Rolan stated that there is an existing sign that is not visible when approaching the property from the east because of the topography of the land. They would like to put up a sign at the east entrance. Mr. Rolan would like to put the sign at the front property line, which is 49 feet back from the curb.

No one from the public spoke in favor of or opposed to the application.

MOTION: MR. KNICKERBOCKER, TO APPROVE.

REASON: GIVEN THE TOPOGRAPHY OF THE LAND.

SECOND: MS. HETTRICK

VOTE: UNANIMOUS

#09-047 CAPPIELLO – variance for a front yard of 57.6 ft. where a minimum of 75 ft. is required (Section 5.1A), to construct an attached garage at 1086 Clintonville Road. Zoned RU-80

Mr. Barnett, Secretary, read comments from Kacie Costello, Assistant Town Planner dated September 18, 2009 (Att. 09-047A), comments from the Department of Engineering Town of Wallingford dated September 21, 2009 (Att. 09-047B), comments from the Department of Health Town of Wallingford dated September 9, 1009 (Att. 09-047C).

Presenting the application was Attorney Dennis Ceneviva and the Applicants David and Andrea Cappiello.

Attorney Ceneviva indicated that the property is approximately 9.6 acres in size. The present house was built in 1920. The Applicant would like to build an attached garage to their existing house. The garage would be 33 feet by 28 feet, 924 sq. ft. and would attach to the rear of the house. The house is currently non-conforming because it sits entirely in the front yard setback. The property has an elevation of 142 in the front yard and 156 in the back yard.

No one from the public spoke in favor of or opposed to the application.

MOTION: MS. HETTRICK, TO APPROVE.

REASON: THE HOUSE PREDATES ZONING

SECOND: MR. BARNETT

VOTE: UNANIMOUS

CORRESPONDENCE:**Drainage issues regarding sideyard variances / J. Thompson****a. Response to above-noted issues / K. Costello**

Kacie Costello, Assistant Town Planner stated that there is a current regulation that states that no one can do any type of construction or activity on their property that would increase storm water runoff onto anyone else's property. She indicated that in the past several months it has become an increasing concern. The Department of Engineering enforces this regulation and they have expressed concern with side yard variances in general and their potential of increasing storm water runoff on to other properties. Ms. Costello and the Planning Office have had discussions with Engineering and it has been agreed upon that all of the information that comes with a variance application will be forwarded to the Department of Engineering. If there is a particular concern with a particular application then options to deal with a potential increase runoff can be discussed. The Planning Office will be working with the Engineering Department to handle these applications that come up on a case-by-case basis.

APPROVAL OF MINUTES:

August 17, 2009 – Regular Meeting

Mr. Barnett made a motion to approve the Minutes of the August 17, 2009 – Regular Meeting as submitted. The motion was seconded by Ms. Hettrick and passed unanimously

ADJOURNMENT:

Ms. Hettrick made a motion to adjourn the meeting. The motion was seconded by Mr. Barnett and passed unanimously.

The meeting adjourned at approximately 7:40 p.m.

Respectfully submitted,

Sonja Vining
Recording Secretary
Wallingford Zoning Board of Appeals

Attachments: 09-036A through 09-036E, 09-040A through 09-040C, 09-044A, 09-044B, 09-045A, 09-045B, 09-046A, 09-047A through 09-047C , and 09-048A.