

**TOWN OF WALLINGFORD
ZONING BOARD OF APPEALS
NOVEMBER 15, 2010
REGULAR MEETING MINUTES**

A regular meeting of the Wallingford Zoning Board of Appeals was held Monday November 15, 2010 at 7:00 p.m. in Council Chambers at Town Hall. Approximately 15 members of the public were in attendance.

CALL TO ORDER:

Chairman Glidden called the meeting to order at approximately 7:00 p.m.

Present were: Michael Glidden (Chairman), William Birney (Vice Chairman), Alan Reed (Secretary), Tom Wolfer, Jeffrey Knickerbocker, Dennis Murphy (alternate), Joe Rusczek, (alternate), Assistant Town Planner Kacie Costello and Recording Secretary Sonja Vining.

Absent: Ron Souza (alternate)

Chairman Glidden announced that tonight's decisions would be published in the Record-Journal on Friday, November 19, 2010. The effective date of your variance will be Friday, November 19, 2010; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, December 5, 2010. 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 December 20, 2010.

READING OF THE MEETING LEGAL NOTICE:

Chairman Glidden read the beginning of the published Legal Notice.

Voting Members were Mr. Wolfer, Mr. Knickerbocker, Mr. Birney, Mr. Reed, and Mr. Glidden.

Chairman Glidden announced that application **#10-027 FESTA**– variances for an accessory apartment of 759 sq.ft. where a maximum of 649.25 sq.ft. is permitted to allow an existing apartment at 215 Cheshire Road would be heard at the December meeting.

The first application to be heard was:

#10-050 ASSETS UNLIMITED LLC (HOLMES) ON BEHALF OF GRAY
– variance for a sideyard setback of 8.3 ft. where a minimum of 20 ft. is required, a front yard setback of 18.5 ft. where a minimum of 40 ft. is required, and building coverage of 20.1% where a maximum of 15% is permitted, to construct a detached garage at 27 Cooper Avenue. Zoned R-18

Mr. Reed, Secretary, read comments from Kacie Costello, Assistant Town Planner dated November 12, 2010 (Att. 10-050A).

Presenting the application was Philip Holmes.

Mr. Holmes stated that he plans on purchasing this house with his brother-in-law who will be living in the house. One of the conditions of purchasing the home is to be able to build a detached garage. Mr. Holmes presented a photo of the proposed garage (Att. 10-050B). The garage would be placed at the end of the existing driveway. Because of the placement and shape of the house on the lot it does not allow for the required setbacks for the garage. The garage would be a one-story structure.

No one from the public spoke in favor of the application.

Speaking opposed to the application was:

Stephen Russo, 19 Cheryl Avenue, stated that this proposed garage would block the view of the neighborhood from his house. He is opposed to this garage. Mr. Russo indicated that the first he heard of it was when he received the notice in the mail. He would like to see the plans for the garage.

Ms. Costello clarified that the purpose of the notification is so that the neighbors are made aware of the proposed activity. The Applicant went through the required process. Ms. Costello pointed out that the Applicant is not the owner of the property yet. Mr. Holmes stated that the property is under contract but he does not own it at this point. It was his intent to follow the process that he was directed to by the Planning office. If everything goes according to plan the garage would be constructed in the spring. Mr. Holmes has no issues with showing Mr. Russo the plans and the photo. Ms. Costello showed Mr. Russo a copy of the map and the photo of the proposed garage.

Mr. Holmes stated that the side of the property along Cooper Avenue is too narrow to locate a garage. This property has a very small backyard that would not allow for the placement of a garage. Mr. Holmes presented photos of other garages in the neighborhood.

Mr. Birney feels that in this case the garage would change the character of the neighborhood somewhat. Mr. Holmes stated that the house is a colonial style and the garage would be similar.

Speaking opposed to the application was:

Stephen Russo, 19 Cheryl Avenue, stated that after reviewing the plan he has no doubt that this structure will obstruct his house and property from the rest of the neighborhood.

Bob Fitzgerald, 29 Cooper Avenue, supports the view of Mr. Russo.

MOTION: MR. KNICKERBOCKER, TO APPROVE.

REASON: THIS PROPERTY IS SMALL AND HAS TWO SIDEYARDS AND TWO FRONTYARDS AND NO BACKYARD. BETTER USE OF THE PROPERTY WITHOUT ALTERING THE CHARACTER OF THE NEIGHBORHOOD.

SECOND: MR. GLIDDEN

VOTE: MR. WOLFER – YES, MR. KNICKERBOCKER – YES, MR. BIRNEY – NO, MR. REED – YES AND MR. GLIDDEN – YES AND THE VARIANCE WAS APPROVED.

#10-051 ADAMS LANDING PROPERTY DEVELOPMENT LLC – variance for a building height of 36 ft. where a maximum of 30 ft. is permitted, to construct a three-story building as part of a proposed development at 76-90 South Turnpike Road. Zoned CA-40

Mr. Reed, Secretary, read comments from Kacie Costello, Assistant Town Planner dated November 12, 2010 (Att. 10-051A); and noted receipt of building elevations and floor plans (Att. 10-051B).

Presenting the application was Attorney John Parisi, the Applicant Matt Milisi, and Engineer Richard Couch.

Attorney Parisi stated that all of the proper notice was given and he is ready to proceed this evening. Ms. Costello stated that the Electric Division owns a neighboring strip of property and she has spoken with them and they have no concerns with this application. The Electric Division did request that at any time there is any clearing done near their property they be notified. The Applicant has agreed to notify the Electric Division at such a time.

Attorney Parisi stated that the CA-40 zone allows for a mixed use of commercial and residential uses and that is what is proposed. The site of the former motel will have a three-story building with commercial use on the first floor and residential on the second and third. There will be three other buildings on the property with commercial use on the first floor and residential use on the second. Attorney Parisi stated that the proposed development of this site would be in conformity with the surrounding neighborhood. He stated that there are three factors that prohibit the development of this property to its full potential. The topography of the land restricts development. The site is dominated by a large piece of wetlands and along with that goes the 50-foot upland review area. There is also a flood zone line that bisects the property. All of these factors combined limit the location on which the proposed buildings can be located on the property.

Attorney Parisi stated that the height variance is not being asked for to add leasable area, it is to place the mechanics underneath and attic roof and to have a pitched roof that will be more in conformity with traditional architecture.

Mr. Couch reviewed the site plan. He pointed out the area of the wetlands, the 50-foot upland review area and the stream that runs through the property. Mr. Couch indicated that there is also a floodway and a flood zone line that runs through the property. The three-story building will sit against the existing setback of the property. There will be a two directional driveway to gain access to this property. The existing bridge would remain.

Attorney Parisi stated that the proposed three-story building would provide a transition between the properties to the south and the three proposed two-story buildings to the north.

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

Ms. Costello gave the breakdown for the parking requirements for the proposed three-story building. She stated that the parking requirements are currently met on site. She believes that the Applicant intends to create a parking easement from the adjacent property to allow some parking for this building.

Attorney Parisi stated that the retail and commercial uses would require parking at different times of the day than the residential uses. The Applicant will be providing a parking easement from the property to the south.

MOTION: MR. GLIDDEN, TO APPROVE.

REASON: THE RESTRICTION FROM THE FLOODZONE, WETLANDS AND THE FLOODWAY ON THE PROPERTY.

SECOND: MR. BIRNEY

VOTE: MR. WOLFER – YES, MR. KNICKERBOCKER – NO, MR. BIRNEY – YES, MR. REED – YES, AND MR. GLIDDEN – YES AND THE VARIANCE WAS APPROVED.

#10-052 FENNEY – variance to allow private stables for the keeping of up to two horses/ponies for the exclusive use of the occupant of the principal building, on a lot having an area of 79,749 sq.ft. where a minimum of 80,000 sq.ft. is required at 7 Old Gate Road. Zoned RU-40

Chairman Glidden stated that he was just handed a note from Mr. Fenney, dated November 15, 2010, who would like to withdraw his application at this time.

#10-053 FEDA – variance to allow a dumpster to be located in the front yard at 174 South Cherry Street. Zoned R-6

Mr. Reed, Secretary, read comments from Kacie Costello, Assistant Town Planner dated November 12, 2010 (Att. 10-053A).

Presenting the application was Mr. Feda.

Mr. Feda clarified that the Engineering Department surveyed the property and the dumpster is not on town property. He stated that this is a corner lot with two front yards. The dumpster is placed on the Marshall Street side of the property. Right above the perimeter of the corner lot there are electrical wires. The dumpster company must go in, pick up the dumpster, back out,

dump the dumpster and then return it to where it was. If that activity took place on the South Cherry Street side it would interrupt traffic and be a hazard and that is the reason Mr. Fedra decided to place the dumpster where it is. The dumpster has been in the same location since 1996 without complaint. The dumpster is screened by some hedges and it is 12 feet off of the street line. Mr. Fedra would like to continue to keep the dumpster in this location.

Chairman Glidden asked if the Applicant would be agreeable to a condition that the dumpster be screened from the street view. Mr. Fedra stated that if fencing is installed it would be directly on the town line and it would be very tight for the trucks to get in and dump the dumpster. He suggested installing a piece of fence directly to the side of the dumpster. Mr. Fedra stated that the dumpster is actually hard to see from the street. He feels that where the dumpster is now is the best location for it.

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

MOTION: MR. KNICKERBOCKER, TO APPROVE.

REASON: TO PREVENT A CONSTRAINT OF TRADE.

SECOND: MR. BIRNEY

VOTE: MR. WOLFER – YES, MR. KNICKERBOCKER – YES, MR. BIRNEY – YES, MR. REED – YES, AND MR. GLIDDEN – NO AND THE VARIANCE WAS APPROVED.

CORRESPONDENCE:

Child Daycare SAFER Program pamphlet/CT Department of Public Health

Received by the Commissioners.

APPROVAL OF MINUTES:

October 18, 2010 – Regular Meeting

MOTION: MR. KNICKERBOCKER TO APPROVE AS SUBMITTED.

SECOND: MR. GLIDDEN

VOTE: ALL VOTING MEMBERS VOTED “YES” BY A VOICE VOTE AND THE OCTOBER 18, 2010 MINUTES WERE APPROVED.

MEETING SCHEDULE – 2011

ZBA Meeting Schedule for 2011

MOTION: MR. KNICKERBOCKER TO APPROVE THE 2011 MEETING SCHEDULE

SECOND: MR. GLIDDEN

VOTE: UNANIMOUS

ADJOURNMENT:

MOTION: MR. WOLFER, MOTION TO ADJOURN

SECOND: MR. GLIDDEN

VOTE: ALL VOTING MEMBERS VOTED “YES” BY A VOICE VOTE.

The meeting adjourned at approximately 8:08 p.m.

Respectfully submitted,

Sonja Vining
Recording Secretary
Wallingford Zoning Board of Appeals

Attachments: 10-050A, 10-050B, 10-051A, 10-051B, and 10-053A