

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
Feb. 2, 2016**

The public hearing and regular meeting of the Madison Zoning Board of Appeals was conducted Tuesday, Feb. 2, 2016, at 7:30 p.m. in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Vice Chairman Jeanne W. Stevens, Kenneth Kaminsky and Ned Moore.

MEMBERS ABSENT

Chairman Ronald Cozean and Thomas Kelty

ALTERNATES PRESENT

Charon Squitiero and William H. Piggott

OTHERS PRESENT

Zoning Enforcement Officer John De Laura; members of the public; MCTV taped the meeting.

The public hearing and regular meeting of the Madison Zoning Board of Appeals was called to order at approximately 7:30 p.m.; Acting Chairman Jeanne W. Stevens introduced the board and reviewed procedures; by state statute, four votes are needed to approve applications, and a simple majority is not sufficient. Alternate Commissioner Charon Squitiero was seated for absent Chairman Ronald Cozean and Alternate Commissioner William H. Piggott was seated for absent Commissioner Thomas Kelty. The legal notice, as published, was read into the record. Agenda items were taken in the order prescribed in the minutes.

8184+CSP. 63 Middle Beach Road West. Map 15, Lot 24. R- 4 District. Owner: 63 Middle Beach, LLC, Applicant: Sam Gardner. Request to vary Sec.3.6d) and 3.9a) of the Madison Zoning Regulations to allow a 9.3ft. and a 9.2ft. west side yard setback to construct stairs and landing where 12 ft. is required. Also, to allow an average building height of 32.5 ft. to the highest pitch break of a distinct portion where 30 ft. is allowed all to elevate pre-existing non-complying single-family dwelling to comply with FEMA regulations. Coastal Site Plan review required.

Architect Sam Gardner stated the variance application is to lift an existing house on a pre-existing nonconforming lot that does not conform to the setback requirements; the house will be lifted straight up on its exact footprint to get it above the Federal Emergency Management Act (FEMA) flood line.

Acting Chairman Stevens stated the hardship is that FEMA is requesting compliance to its regulations.

Mr. Gardner stated that the other issue that is coming into play is the height of the house; plans are to lift the house two feet above the FEMA flood line, though the height of the house is still under the height limitation of the zone. The pitch break is actually a little higher, but to meet the zoning code, it would have to be a foot and a half lower, Mr. Gardner stated. All of this is to meet FEMA regulations, according to Mr. Gardner.

Acting Chairman Stevens asked if anyone wanted to speak in favor of the application, and Michael Milane, 64 Middle Beach Road, stated that he was speaking as a representative of 15 family members, all of whom support the plans for the house and are in favor of the application. He presented **EXHIBIT 1**: a photograph of what can be seen from his property. No one spoke in opposition to the application.

Commissioner Kaminsky made the motion to approve the application as presented, on the grounds that the hardship is the house has to be made compliant to FEMA regulations. Commissioner Moore seconded the motion, and it was unanimously approved.

Vote to approve the application as presented passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Moore, Kaminsky, Squitiero, and Piggott.

OPPOSED: None.

ABSTAINED: None.

Mr. Gardner stated that there is a Coastal Site Plan review required, and the application was sent to the state Department of Energy and Environmental Protection (DEEP), and a letter came back wherein the agency found no issues with the application.

Acting Chairman Stevens read the letter from DEEP into the record, in which the agency found no inconsistencies with the Connecticut Coastal Area Management Act.

Acting Chairman Stevens made the motion that the Zoning Board of Appeals finds that the application, as presented, is consistent with the goals and policies of the Connecticut Coastal Area Management Act and is to include all reasonable measures to mitigate any environmental impact; Commissioner Squitiero seconded the motion, and it was unanimously approved.

Vote to approve the Coastal Site Plan review passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Moore, Kaminsky, Squitiero, and Piggott.

OPPOSED: None.

ABSTAINED: None.

Approval of 2016 Schedule of Meetings

Vice Chairman Stevens made the motion to approve the 2016 schedule of meetings; it was seconded by Commissioner Moore and unanimously approved.

Vote to approve the 2016 schedule of meetings passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Moore, Kaminsky, Squitiero, and Piggott.

OPPOSED: None.

ABSTAINED: None.

Approval of Minutes ~ January 5, 2016

Commissioner Moore made the motion to approve the Jan. 5, 2016 minutes; it was seconded by Acting Chairman Stevens and unanimously approved.

Vote to approve Jan. 5, 2016 minutes passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Moore, Kaminsky, Squitiero, and Piggott.

OPPOSED: None.

ABSTAINED: None.

Election of Officers

Commissioner Kaminsky made the motion to reappoint Ronald Cozean chairman of the board; it was seconded by Acting Chairman Stevens and unanimously approved.

Vote to approve Ronald Cozean as chairman passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Moore, Kaminsky, Squitiero, and Piggott.

OPPOSED: None.

ABSTAINED: None.

Commissioner Moore made the motion to reappoint Jeanne Stevens as vice chairman of the board; it was seconded by Commissioner Kaminsky and unanimously approved.

Vote to approve Jeanne Stevens as vice chairman passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Moore, Kaminsky, Squitiero, and Piggott.

OPPOSED: None.

ABSTAINED: None.

Adjournment

Acting Chairman Stevens made the motion to adjourn at 7:50 p.m.; it was seconded by Commissioner Squitiero and unanimously approved.

Vote to adjourn passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Moore, Kaminsky, Squitiero, and Piggott.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy
Clerk