

Wallingford Zoning Board of Appeals**Monday, December 17, 2018****7:00 p.m.****DRAFT****Town Hall – 45 South Main Street****Room 315****MINUTES**

PRESENT: Chair Joseph Rusczek; Vice-Chair Ray Rys; Secretary Christina Tatta; Commissioners Thomas Wolfer; Sam Carmody; Lou Czerwinski, Alternate; Amy Torre, Zoning Enforcement Officer; Corporation Counsel Janis Small.

Chair Rusczek called the Meeting to order at 7:02 p.m. and the Pledge of Allegiance was recited.

Chair Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, December 21, 2018. The effective date of the variance will be Friday, December 21, 2018; the date a Certified Copy is recorded on the Land Records. The Statutory 15-day appeal period will expire on Sunday, January 6, 2019. If one commences operations and /or construction during the appeal period, one does so at one's own risk.

PUBLIC HEARINGS

1. **#18-033** – Variance Request from Monocchi for side yard of 6 ft. to construct an addition at 15 Green Street. – Chair Rusczek noted the Applicant was not present at the Meeting at this time and entertained a motion to move into Executive Session and take up Item **#18-033** later on in the agenda.

EXECUTIVE SESSION

2. Executive Session pursuant to Connecticut General Statutes 1-225(f) and 1-200(6)(B) to discuss:
 1. *Wallingford Center Plaza, LLC v. Zoning Board of Appeals, et al.*
 2. Discussion and possible action on *Wallingford Center Plaza, LLC v. Zoning Board of Appeals, et al.*

Mr. Wolfer made a motion to go into Executive Session at 7:05 p.m.

Ms. Tatta: Second

Vote: Unanimous

Mr. Rys: Motion to come out of Executive Session at 7:25 p.m.

Ms. Tatta: Second

Vote: Unanimous

Chair Rusczek asked for a motion regarding *Wallingford Center Plaza LLC v. Zoning Board of Appeals, et al.*

Ms. Tatta: Motion to approve the settlement of Wallingford Center Plaza, LLC v. Zoning Board of Appeals, et al. as follows:

- 1. The ZBA agrees without any admission, that the variance shall be voided by agreement and by the sustaining of the appeal by the Court;**
- 2. The Applicant and the Property owner have not appeared in the appeal and upon inquiry by fact, have not pursued the variance further; both have been advised of tonight's agenda;**
- 3. The ZBA acknowledges that the law regarding the expansion of non-conforming uses supports the Plaintiff's argument in this case. Under the circumstances of this case, the ZBA agrees to the voidance of the variance.**

Mr. Rys: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Tatta – yes to approve; Chair Rusczek – yes to approve

Motion passes

MEETING SCHEDULE

3.Consideration of the ZBA 2019 Meeting Schedule.

Ms. Tatta: Motion to approve the 2019 Meeting Schedule

Mr. Rys: Second

Vote: Unanimous

CONSIDERATION OF MINUTES

4. Meeting of November 19, 2018

Mr. Rys: Motion to approve the November 19, 2018 ZBA Meeting Minutes as presented.

Ms. Tatta: Second

Vote: Unanimous

PUBLIC HEARINGS

1. **#18-033** – Variance Request from Monocchi for side yard of 6 ft. to construct an addition at 15 Green Street.

Chair Rusczek noted it was approximately 7:30 p.m. and the Applicant had not shown up to the meeting. He asked for a motion to continue **#18-033**.

Mr. Rys: Motion to continue #18-033 to the January 22, 2019 ZBA meeting

Ms. Tatta: Second

Vote: Unanimous

ADJOURNMENT

Mr. Czerwinski made a motion to adjourn the Meeting at 7:35 p.m. Ms. Tatta seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary