

**MINUTES OF THE WOODBRIDGE ZONING BOARD OF APPEALS
WEBEX MEETING ON FEBRUARY 8, 2021**

A regular meeting of the Zoning Board of Appeals (ZBA) for the Town of Woodbridge was held via WebEx on Monday, February 8, 2021.

ROLL CALL

PRESENT: Henry Nusbaum – Chairman, Cynthia Gibbons, Shawn Flynn, Jeffrey Atwood, and Aldon Hynes
ALTERNATES: Celia Walters and Joi Prud'homme
EXCUSED: Frank Ciarleglio (alternate)

The WebEx meeting was called to order at 7:31 pm by Chairman Nusbaum. Also present was Zoning Enforcement Office Kristine Sullivan.

PUBLIC HEARING

Warren and Alicia Luciani: 21 Lawrence Street

Application for variance of Section 4.1 Table of General Bulk Regulations regarding a proposed inground swimming pool where a rear yard setback of 25' is required, a setback of 10' for a variance of 15'

Warren and Alicia Luciani were present for the WebEx Meeting.

Board member Cynthia Gibbons spoke noting that she had reviewed the application prior to the meeting and found that the only specific reference to swimming pools was in section 5.9 of the Zoning Regulations, on page 89, where swimming pools are regulated as a site amenity. In that section the location of pools and other site amenities are limited only in relation to setbacks from side and front yards, not rear yards, and so she did not believe that a variance for the pool was required at all since the variance being requested was for the rear yard.

ZEO Sullivan added that Board Member Gibbons had contacted her that morning to discuss the issue of whether a variance was needed or not after which ZEO Sullivan also reviewed the regulations and offered the following comments:

- Prior to the current Zoning Regulations which were adopted in July 2019, there had been a specific section in the Zoning Regulations (3.2.3) addressing swimming pools that had required that all swimming pools not intrude into front, rear or side setback lines.
- Under the current regulations the only specific reference to swimming pools is in Section 5.9.
- She had contacted legal counsel and the omission of “rear setback” from the regulations could not be considered a scrivener’s error. The regulations are what they are as adopted, and corrections or changes would have to be made by the Town Plan and Zoning Commission.
- Inground swimming pools do not meet the definition of “structure” in the Zoning Regulations (page 16) since structures are: “Anything constructed or erected above ground”.
- Inground swimming pools do not come under the definition of “accessory building” on page 5 of the Zoning Regulations because that only relates to “structures”
- The Building Official said that under the building code, a swimming pool is a “structure”, but relative to zoning, the definitions in the zoning regulations themselves must be used.

- In conclusion swimming pools, under the current regulations are exempt from rear yard setbacks, and therefore no variance is required for the proposed swimming pool since it would be compliant with front and rear yard setbacks.

At the conclusion of discussion, it was the consensus of the Board that no variance was required for the proposed inground swimming pool.

APPROVAL OF MINUTES

- *** Ms. Gibbons moved to approve the Minutes of the ZBA's regular meeting on January 11, 2021 as submitted.
- *** Mr. Flynn seconded
- *** In favor: Nusbaum, Gibbons, Flynn, Hynes, and Flynn
- *** Opposed: No One
- *** Recused: No One
- *** Abstained: Hynes

Approved 5-0 vote

ADJOURNMENT OF MEETING

- *** Mr. Flynn moved to adjourn the meeting at 7:37 pm.
- *** Ms. Nusbaum seconded
- *** In favor: Nusbaum, Gibbons, Walters, Flynn, and Hynes
- *** Opposed: No One
- *** Recused: No One
- *** Abstained: No One

Approved 5-0 vote

Accordingly, the meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Kristine Sullivan, Staff