The Regular Meeting of the Madison Zoning Board of Appeals was conducted Tuesday, August 9, 2022, at 7 p.m. by way of an online Zoom Webinar, with public participation available through a Zoom Webinar link and password, as well as through a telephone call in number, with a Zoom Webinar identification number, all publicly posted.

MEMBERS PRESENT
Chairman Ned Moore and Commissioners William Piggott and Richard Gilbert

MEMBERS ABSENT
Jason Brown and Dennis Crowe

ALTERNATES PRESENT
Dylan Stella and Steve Bischoff

ALTERNATES ABSENT
None

OTHERS PRESENT
Zoning Enforcement Officer John De Laura; Maria Pettola, land use staff.

Chairman Ned Moore called the meeting to order at 7:02 p.m.
Alternate Dylan Stella and Steve Bischoff were seated for members Jason Brown and Dennis Crowe.

APPLICATIONS:

8263. 283 Warpas Road. Map 82, Lot 5. Owners/Applicants: Brian & Joanna Bodner. Request to vary Section 5.5(f) of the Madison Zoning Regulations to allow a 20 ft. side yard where 25 ft. is required for pool equipment.

Present for the application- Owners Brian & Joanna Bodner. Mr. Bodner reviewed his application – he states mechanicals for the newly installed pool were placed alongside the garage believing to be compliant with the original variance. He further states this was also approved by an inspector in May 2021. They later learned in September 2021, that the inspector was not from zoning and when Hocon Gas did not deliver the contracted propane tanks, Mr. Bodner learned that the town had shared with Hocon that the location was not where it was supposed to be. The mechanicals were placed alongside the garage, where patio, fencing and electrical were completed believing the work was compliant.

Chairman Moore states there seems to be another issue –as the pool was built and the mechanicals were placed along side of the garage which requires a variance, and he believes they are also seeking a variance for the two propane tanks. He continues to say there’s nothing preventing the Bodners from establishing their mechanicals (filter, heater) and propane within the proper guidelines.
Commissioner Stella asked what would it take to move the mechanicals behind the garage? Mr. Bodner states it would be extensive to move all and he is not sure of the full details as trenching is involved and a retaining wall was built on the other side of the pool.

Chairman Moore asked Mr. DeLaura if the board should treat this as two separate requests or variance. Mr. DeLaura states the filter, heater, and two propane tanks were not apart of the legal notice – so there’s two separate items and his recommendation is that the propane tanks could be compliant if placed in the correct location as there’s plenty of room behind the garage.

Commissioner Gilbert asked who did the inspection? Mr. DeLaura states he is not sure and possibly the building department. He further states there is some sort of miscommunication and the pool company should’ve also checked with zoning for compliance.

After discussions, it was noted that this application is only for variance of the pool equipment.

**Being there were no public comments, Chairman Moore made a motion to close the Public Hearing and moved to deliberations. Seconded by Commissioner Piggott.**

IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert, Dylan Stella and Steve Bischoff.
OPPOSED: None.
ABSTAINED: None.

**DELIBERATIONS**

Chairman Moore stated this was a miscommunication / misunderstanding between the owners and pool installer / inspector.

Commissioner Gilbert states he believes the Bodner’s testimonies are credible and that it was a genuine misunderstanding. Although he does not see any legal hardship, he thinks the board could use a little discretion and grant the variance, being there’s extenuating circumstances. He further states it’s an honest mistake and would agree to let them maintain where the mechanicals are now. All other commissioners agreed.

**Commissioner Gilbert made a motion to reopen the public hearing; seconded by Commissioner Piggott.**

IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert, Dylan Stella and Steve Bischoff.
OPPOSED: None.
ABSTAINED: None.

**Commissioner Gilbert made the motion to grant the variance for 283 Warpas Road. Map 82, Lot 5. For owners: Brian & Joanna Bodner. Request to vary Section 5.5(f) of the Madison Zoning Regulations to allow a 20 ft. side yard where 25 ft. is required for pool equipment in absence of a legal hardship. This is based on discretion and what is appropriate. Seconded by Commissioner Piggott.**
IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert, Dylan Stella and Steve Bischoff.
OPPOSED: None.
ABSTAINED: None.

**APPROVAL OF MINUTES:** July 12, 2022, Regular Meeting

Commissioner Piggott made the motion to approve the minutes of July 12 2022 as submitted, seconded by Commissioner Gilbert.

IN FAVOR: Chairman Ned Moore, Commissioners William Piggott, Richard Gilbert, Dylan Stella and Steve Bischoff.
OPPOSED: None.
ABSTAINED: None.

**ADJOURNMENT:**

Commissioner Piggott made the motion to adjourn at 7:48pm; seconded by Chairman Moore and unanimously approved.

Respectfully submitted,
Racquel Stubbs