

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, JULY 9th, 2018
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, July 9, 2018 at 6 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: William Mountzoures, Chairman, Charles Ambulos, Acting Secretary,
Steve Carpenteri, John Schweizer, John Smith

ALSO PRESENT: James Bernardo, Land Surveyor for the Applicant
Joshua Chapps, Alternate

ABSENT: No One

FILED IN EAST LYME
CONNECTICUT
July 12, 2018 AT 10:36 AM/PM
Brando
EAST LYME TOWN CLERK

1. Call Regular Meeting to Order

Chairman Mountzoures called the Regular Meeting to order at: 6 PM. He asked that they move the Election of Officers to Item 2 under Regular Meeting.

****MOTION (1)**

Mr. Ambulos moved that the Election of Officers be moved to Item 2 under Regular Meeting.

Mr. Schweizer seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

2. Read Notice of Public Hearing

Mr. Mountzoures asked Mr. Ambulos, Acting Secretary, to read the agenda call of Case #3-2018 into the record.

Mr. Ambulos, Acting Secretary read the following:

Case No. 3-2018: Application of Habitat of Humanity of Eastern Connecticut for a variance of Section 5.3.3 setbacks, for property identified in the application as Flanders Road (aka 109 Flanders Road), East Lyme, Connecticut to allow the construction of a single family dwelling. Said parcel appears on the East Lyme Assessor's Map 21.1, Lot 45.

The Public Hearing notice was sent to the New London Day for publication on 6/27/18 and 7/6/18.

Mr. Mountzoures introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest from the members, he explained the rules of the meeting and asked that anyone speaking please stick to the subject matter of the application.

Mr. Mountzoures then called for the applicant or their representative to make their presentation.

James Bernardo, 102A Spithead Road, Waterford, CT; Land Surveyor for the applicant said that the lot is a pre-existing non-conforming lot of record. The required front yard setback for the RU 40/20 zone is 40'; strict enforcement of the front and rear yard setbacks would render the lot unbuildable. The owner is requesting a variance of 30' from the front yard setback to provide for a 10' front yard setback. This will permit the construction of one single family home (24' x 34') on the property and enable them to meet the side and rear setbacks of 20'. The site topography is one hardship issue. They have pulled the house forward as much as they could to allow for an 800 sq. ft. home. He presented Exhibit 1 – a mapping showing that the proposed home would be in line with others in the area – two houses to the north are fairly close to the road as well as two homes across the street. He also presented Exhibit 2 – a copy of the 2006 variance granted to Ben Orvedal for the Habitat house next door to this proposed Habitat home.

Mr. Bernardo continued that the lot is served by municipal water and sewer and that there is a sewer stub-out. The front porch will be 40' off the road. The State ROW is nearly 30' off the pavement and the depth of the lot is only 70' to 75'.

Mr. Mountzoures asked if there is ledge in the rear of the lot.

Mr. Bernardo said yes, there is and that they would have a structural wall to hold the slope back. The house itself suits the minimum allowed size.

Mr. Mountzoures asked the size of the proposed home.

Mr. Bernardo said that it is 816 sq. ft. – which meets the minimum.

Mr. Ambulos asked if there will be a water dispersing mechanism around the house.

Mr. Bernardo said yes and added that there is a catch basin in the street.

Mr. Ambulos asked how many feet between the house and the retaining wall.

Mr. Bernardo said that the 8' foundation is the retaining wall.

Mr. Mountzoures asked how far from the house to the rear of the lot.

Mr. Bernardo said that it is about 30'; approximately 22' to ledge.

Mr. Schweizer asked about the angle of the driveway and the tight turn.

Mr. Bernardo said that the State looks for 90° to the street; he added that the turnaround will be paved.

Mr. Chapps asked about the configuration of the deck – there is 22' in the back of the house to the ledge – why not put the deck there instead of the front porch.

Mr. Bernardo said that the small porch wraps around to allow entrance into the home as there is no entrance from the garage. He submitted Exhibit 3 – a sample floor plan of something that may potentially be built there.

Mr. Mountzoures called for any other comments from the public or questions from the Board - Hearing none –

Mr. Mountzoures closed this Public Hearing at 6:21 PM.

Mr. Mountzoures said that they would now deliberate and possibly make a decision on the application.

Mr. Mountzoures explained that the only comments that they can take now are from the applicant and only if they have technical questions that they need answered. He also informed the applicant that in the event that they wish to contest the decision that they have 15 days in which to appeal it to the Superior Court.

REGULAR MEETING

Mr. Mountzoures opened the Regular Meeting at 6:22 PM.

Case No. 3-2018: Application of Habitat of Humanity of Eastern Connecticut for a variance of Section 5.3.3 setbacks, for property identified in the application as Flanders Road (aka 109 Flanders Road), East Lyme, Connecticut to allow the construction of a single family dwelling. Said parcel appears on the East Lyme Assessor's Map 21.1, Lot 45.

Mr. Mountzoures called for discussion on the application.

Mr. Ambulos said that there isn't much to say as they approved the lot next door and the proposed home suits the minimum requirement with the retaining wall and the ledge behind. It is a pre-approved lot of record with the ledge causing hardship on the use.

Mr. Schweizer concurred.

Mr. Smith and Mr. Carpenteri said that while they are not in favor of this, that they saw that it would be allowed due to the hardships of the lot.

****MOTION (2)**

Mr. Schweizer moved to APPROVE the Application of Habitat for Humanity of Eastern Connecticut for a variance of Section 5.3.3 setbacks to reduce the front yard setback by 30' from 40' as required to 10' for property identified in the application as Flanders Road (aka 109 Flanders Road), East Lyme,

**Connecticut to allow the construction of a single family dwelling. Said parcel appears on the East Lyme Assessor's Map 21.1, Lot 45.
Mr. Ambulos seconded the motion.
Vote: 5 – 0 – 0. Motion passed.**

Election of Officers

▪ **Chairman**

Mr. Ambulos asked Mr. Mountzoures how long he has been on this Board.
Mr. Mountzoures said that he has served for 27 years. He noted that he is not resigning from the Board, but just as the Chairman so that someone else can do it.

Mr. Mountzoures called for nominations for the Chairman of the ZBA.

Mr. Smith noted that he had served on the ZBA in another Town and that he has found that things are handled somewhat differently depending upon the Town you are in.

Mr. Carpenteri noted that he has served on the Zoning and Planning Commissions in this Town as well as the Board of Finance.

****MOTION (3)**

Mr. Mountzoures nominated Mr. Carpenteri for the position of Chairman of the Zoning Board of Appeals.

Mr. Ambulos seconded the motion.

Mr. Mountzoures asked if there were any other nominations; hearing none he closed nominations and called for a vote on Mr. Carpenteri for Chairman.

Vote: 5 – 0 – 0. Motion passed.

▪ **Secretary**

Mr. Mountzoures called for nominations for the Secretary of the ZBA.

****MOTION (4)**

Mr. Carpenteri nominated Mr. Smith for the position of Secretary of the Zoning Board of Appeals.

Mr. Ambulos seconded the motion.

Mr. Mountzoures asked if there were any other nominations; hearing none he closed nominations and called for a vote on Mr. Smith for Secretary.

Vote: 5 – 0 – 0. Motion passed.

Mr. Mountzoures noted that he has enjoyed being the Chairman and looked forward to working with Mr. Carpenteri and Mr. Smith going forward.

Mr. Carpenteri and Mr. Smith said that they would be leaning on Mr. Mountzoures for his expertise.

ADJOURNMENT

Mr. Mountzoures called for a motion to adjourn.

****MOTION (5)**

Mr. Ambulos moved to adjourn Case #3-2018 of the East Lyme Zoning Board of Appeals at 6:35 PM.

Mr. Carpenteri seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary



Exhibit 1

to match others in the neighborhood and be of a reasonable size. The proposed building needs to be shown and the variance is specific.

Mr. Hunt said that he was concerned with granting a front setback variance to permit dwelling construction so that it will conform to the side yards.

Mr. Boguszewski said that the size of the proposed house is in line with the neighborhood and if a larger one is wanted then he can sustain the hardship of blasting the ledge.

Mr. Mountzoures asked if they were ready to make a motion.

****MOTION (1)**

Mr. Boguszewski moved in the Application of Benjamin Orvedal to APPROVE a 10* front yard setback request for variance of Section 5.3.3 of the East Lyme Zoning Regulations to construct a new single family dwelling no larger than 28' x 40' as shown on the property/boundary survey plan dated 7/8/06, revised through 8/16/06 submitted with the application (and attached) at property identified in the Application as Flanders Road, Niantic, Connecticut, East Lyme Assessor's Map 21.1, Lot 44.

Mr. McLaughlin seconded the motion.

Vote in Favor: 4 - 0 - 0. Motion passed.

Mr. Mountzoures said that they had other business to attend to and asked that the meeting continue.

◆ Further Business to come before the ZBA if agreed to by a majority of the members present. Mr. Mountzoures called for a motion to discuss two other issues – the letter of resignation that he received and a letter of interest that he received from the First Selectman from someone interested in serving on the Board.

****MOTION (2)**

Mr. Hunt moved to add two items to this agenda for discussion/action – a letter of resignation that was received and a letter of interest that was also received.

Mr. Boguszewski seconded the motion.

Vote in favor: 4 - 0 - 0. Motion passed.

◆ Letter of resignation

Mr. Mountzoures read a letter of resignation dated 10/16/06 that was received from George Petetin stating that he must resign due to medical reasons.

It was with great regret that the Board accepted the letter of resignation. A letter of thanks for his many years of service would be sent to Mr. Petetin along with good wishes for his recovery.

◆ Letter of interest

Mr. Mountzoures said that he had also received a letter that had been sent to the First Selectman from Arthur 'Skip' Saunders III indicating that he was interested in serving on the Zoning Board of Appeals.

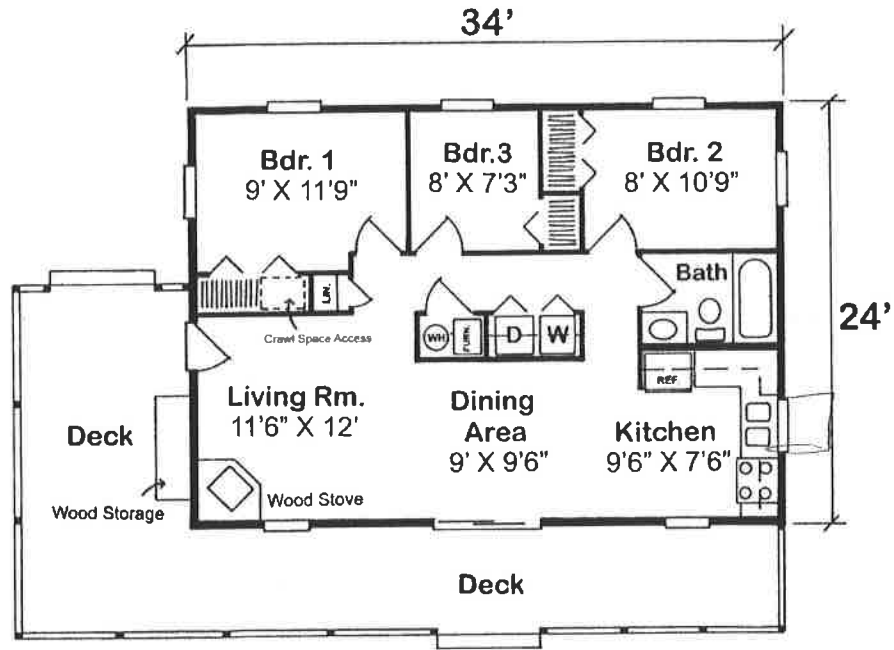
Mr. Mountzoures said that Mr. Saunders had previously served on the Zoning Commission for 10 years and on this Board for eight (8) years. He said that if they agreed that he would send a letter to Ms. Hogan to ask her to please put Mr. Saunders appointment to this Board on the next Selectmen's Meeting Agenda. This would enable them to have enough people to cover when there is a conflict of interest and someone cannot sit. He said that he would also check with Mr. Mason who is currently an Alternate and ask if he would like to move up to being a Regular Member. Mr. Saunders would be an Alternate member.

The Board members were in agreement that this should be done and suggested that it be done in time to be put on the November 1, 2006 meeting agenda of the Board of Selectmen.

ADJOURNMENT

****MOTION (3)**

Exhibit 2



Plan Number 20003 | Order Code 05WEB | First Floor Plan
FamilyHomePlans.com
U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526
Click Here to Mirror Reverse Image

*Sample only
of possible
home*

Exhibit 3