

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING II AND REGULAR MEETING
MONDAY, OCTOBER 5th, 2020
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, October 5, 2020 at 6:30 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. The Hearing was opened at 6:56 PM immediately following the previous Public Hearing and Regular Meeting for Case #4-2020.

PRESENT: Steve Carpenteri, Chairman, John Smith, Secretary, Wayne Blair, Alternate, Debbie Jett Harris, David Schmidt, Alternate

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant
Petrit Marku, Applicant

ABSENT: Mike Foley, Kevin Mace

FILED

OCT 14 2020 AT 3:55 AM/PM

Wm. Miller
EAST LYME TOWN CLERK

1. Call Regular Meeting to Order

Chairman Carpenteri called the Regular Meeting to order at: 6:56 PM.

2. Read Notice of Public Hearing

Mr. Carpenteri asked Mr. Smith, Secretary, to read the Agenda call of Case #5-2020 of the Public Hearing.

Mr. Smith, Secretary read the following:

Case No. 5-2020: Application of Petrit Marku for a variance to Section 8.3.3 Setback, for property identified as 159 Boston Post road, East Lyme, Connecticut for the construction of a new mixed-use building. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 32.

The Public Hearing notice was sent to the New London Day for publication on 9/24/2020 and 10/1/2020.

Mr. Carpenteri 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, noted that notices had been sent to abutters and asked that anyone speaking please stick to the subject matter of the application.

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

Attorney Theodore Harris, place of business 251 Main Street, representing the applicant said that this was an application for an eight (8) foot side yard variance to allow the construction of a new mixed use building on a rectangular site. The maximum allowable coverage in the zone is 35% and they are proposing 25%. This parcel also predates zoning. The site is bordered on two (2) sides by some of the ELHS parking lot. The lot is nearly 200' deep but only 71' wide for its frontage on Boston Post Road which makes it difficult to design a building allowing for adequate parking given how narrow it is. Given this, it is difficult to accommodate traffic movement and parking if the building is centered on the lot, absent a variance. The frontage is on a diagonal at 71.3' with the rear also perpendicular to the lot line at 74.7'. In the CA zone the frontage is 80'. They are proposing a mixed use building within the CA zone. The building would be two stories and 30' in width. The residential on the second story would consist of four (4) one-bedroom apartments and one (1) two bedroom apartment. They can meet all zoning parameters except for this setback. The need for the variance is due to the direct nature of the lot. He noted that they do meet the side yard setbacks except for this one due to the shape of the lot. The hardship is the lot itself. Had the lot had the requisite frontage there would have been no need for this request. Additionally in looking at the general neighborhood there would be no negative impact on the adjoining parking area or the adjoining property to the east which contains a building that is in fact on its easterly property line. This proposal leaves 4' in which to provide additional landscaping between this lot and the parking lot to the west of it.

He additionally noted that Engineering had reviewed this and that this would also require a Special Permit from zoning which requires a Public Hearing prior to any final approvals. This application is in its primary phase. It meets all other criteria except for the west side which borders on the ELHS parking lot. With regard to other

properties in the area – the easterly side has a building right on the property line so there exist inconsistencies within the very 'fabric' of the area. This will not disturb the High School parking nor would it be precedent for others as each case has to be decided on its individual merit.

Mr. Carpenteri asked if the side yard is increasing.

Attorney Harris said no, it would remain the same.

Mr. Carpenteri noted that the house there was used as a commercial business at one time – he asked how large the building would be at 25% lot coverage.

The architect (not identified) stated that the building is only 3500 sq. ft. – as it is two stories.

Mr. Blair asked if parking would be in front of the building.

Attorney Harris said that there would be some in front; some along the side and in back. He added that this has been discussed with zoning only on a very preliminary basis at this time.

Mr. Carpenteri asked if there were any comments from the public –

Mr. Marku and his architect thanked them.

He asked if the Board members had any further questions.

Hearing none – Mr. Carpenteri closed this Public Hearing at 7:15 PM.

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

Mr. Carpenteri 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. Carpenteri opened the Regular Meeting at 7:15 PM.

Case No. 5-2020: Application of Petrit Marku for a variance to Section 8.3.3 Setback, for property identified as 159 Boston Post Road, East Lyme, Connecticut for the construction of a new mixed-use building. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 32.

Mr. Carpenteri called for discussion on the application.

Mr. Schmidt said that he is comfortable with this proposal and it still has to go through zoning.

Mr. Carpenteri said that it would certainly improve the area and the property has been used commercially prior to this time. It also predates zoning.

Ms. Jett-Harris said that she agrees that it would improve the area plus allow for commercial plus living space. It is in keeping with the updates taking place in this area.

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

****MOTION (1)**

Ms. Jett-Harris moved to APPROVE the Application of Petrit Marku for a variance to Section 8.3.3 Setback, for property identified as 159 Boston Post Road, East Lyme, Connecticut for the construction of a new mixed-use building. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 32.

Mr. Schmidt seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

ADJOURNMENT

Mr. Carpenteri called for a motion to adjourn.

****MOTION (2)**

Mr. Smith moved to adjourn Case #5-2020 of the East Lyme Zoning Board of Appeals at 7:20 PM.

Ms. Jett-Harris seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,

Recording Secretary

PETRIT MARKU
ZONING BLOCK

| | <u>REQUIRED</u> | <u>ACTUAL/PROPOSED</u> |
|-------------------|---|------------------------|
| Frontage | 80' | 75' * |
| Front yard | 20' | 20' |
| Side, rear yard | | |
| East Side | 12' | 29.5' |
| West Side | 12' | 4' ** |
| Rear | 12' | 71' |
| Coverage | 35% Max | 25% |
| Lot Size | 5,000 sf, Plus 1,200 sf/1 BR APT (4) 2,000 sf/2 BR (1) APT Total: 6,800 sf | |
| Lot size required | 11, 800 sf | 14, 975 sq ft |
| Parking spaces | 19 | 19 |

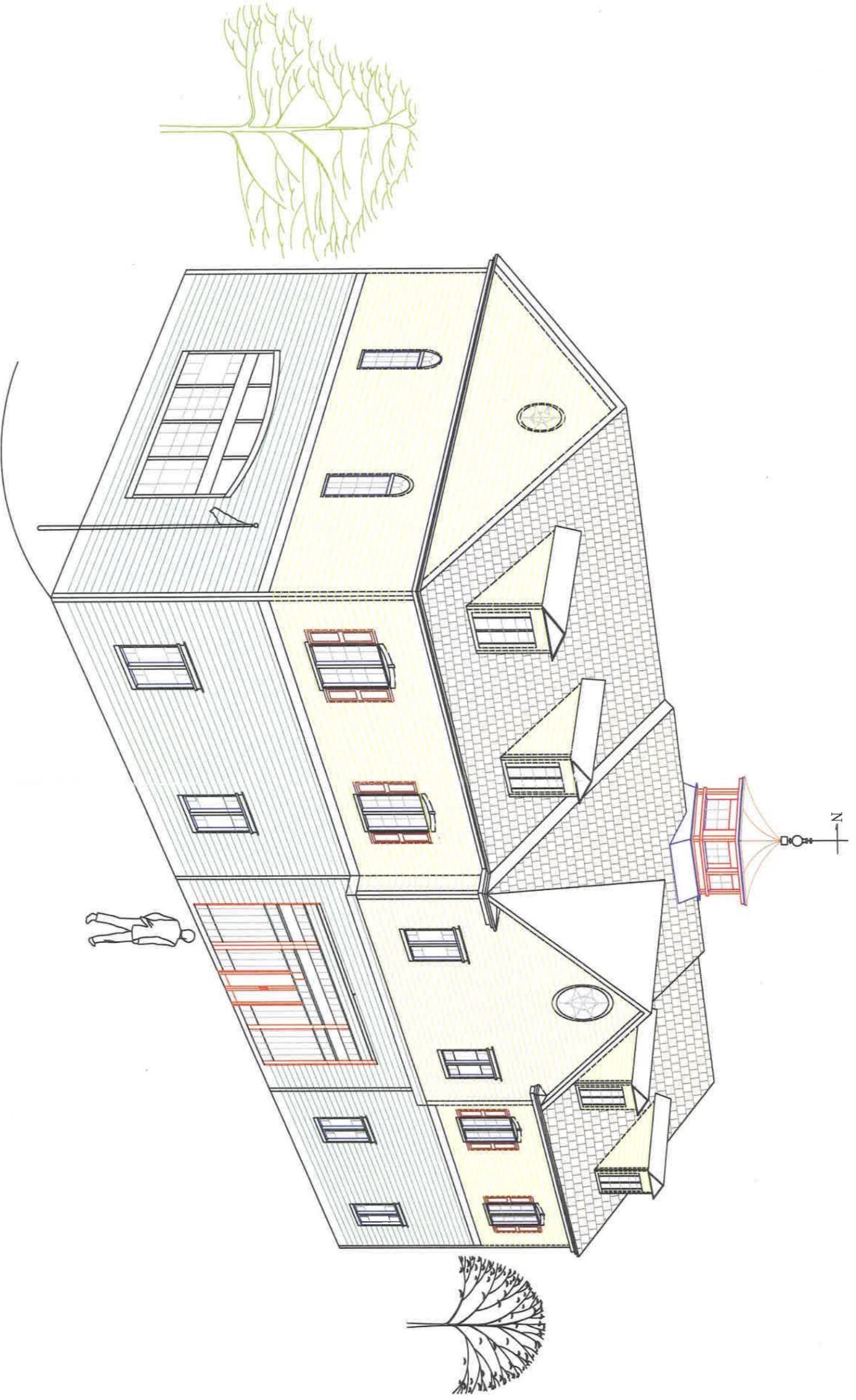
* - Pre-existing Non-Conforming

** - Variance Requested

Also note that the front and rear lot lines of 75' are on an angle with the side lot lines. Actual lot width is 71.3' at the front, and 74.7" at the rear.

Case 5-2020 EPA 10/15/2020

CONCEPT RENDERING
SCALE: NTS



ZBA
Case 5-2020
10/5/2020

| | | | | | | | | | |
|--------------|---|--|--|--|--|--|---|-----------------------------------|--|
| <p>C-1.0</p> | <p>PROJECT 159 BOSTON POST ROAD CONCEPT RENDERING</p> | <p>REVISIONS</p> <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table> | | | | | <p>CLIENT PETRIT MARKU 159 Boston Post Road East Lyme, CT</p> | <p>SCALE AS SHOWN 06/2020</p> | <p>ARTIS ASSOCIATES, LLC ARCHITECTURAL ENGINEERS PO Box 5372 Grafton, CT 06349 AMEN@ARTIS.AO.COM</p>  |
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