

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, JANUARY 9th, 2023
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, January 9, 2023 at 7 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT

PRESENT: Steve Carpenteri, Chairman, Wayne Blair, Michael Strube, Alternate,
Spencer Clapp, Alternate, Acting Secretary

ALSO PRESENT: David Preka, Advanced Group LLC representing the applicant

ABSENT: John Smith, Larry Fitzgerald, Kevin Mace

RECEIVED FOR RECORD
EAST LYME, CT
2023 JAN 17 A 10:08
KAREN ZMITRUK
TOWN CLERK

1. Call Meeting to Order

Mr. Carpenteri called the Meeting to order and led the assembly in the Pledge of Allegiance. He welcomed everyone and noted that as this was the first meeting of the New Year that they would need to conduct the business of the election of officers (Chairman and Secretary) and that he would like to move this item to the start of the meeting and asked for a motion to do so.

****MOTION (1)**

Mr. Clapp moved that the New Business Item – Election of Officers be moved to the beginning of the meeting.

Mr. Blair seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

1. A. Election of Officers

▪ Chairman

Karen Zmitruk, Recording Secretary called for nominations for the position of Chairman of the ZBA for 2023.

Mr. Clapp nominated Mr. Carpenteri for the position of Chairman of the ZBA for 2023.

Mr. Blair seconded the nomination.

Ms. Zmitruk called two more times for any other nominations for the position of Chairman of the ZBA – Hearing none – Nominations for Chairman were closed and a vote was called on the nomination of Mr. Carpenteri –

Vote: 4 – 0 – 0. Passed.

Ms. Zmitruk congratulated Mr. Carpenteri and turned the chairing of the meeting over to him.

▪ Secretary

Mr. Carpenteri called for nominations for the position of Secretary of the ZBA for 2023.

Mr. Blair nominated Mr. Clapp for the position of Secretary of the ZBA –

Mr. Strube seconded the nomination of Mr. Clapp.

Mr. Carpenteri was about to call for other nominations when it was realized that Mr. Clapp is an alternate and his nomination was invalid. Mr. Blair and Mr. Strube rescinded their nomination and second of Mr. Clapp.

Mr. Clapp nominated Mr. Smith for the position of Secretary of the ZBA for 2023.

Mr. Blair seconded the nomination of Mr. Smith.

Mr. Carpenteri called two more times for any other nominations for Secretary of the ZBA –

Hearing none – Nominations for secretary were closed and a vote was called on the nomination of Mr. Smith

Vote: 4 – 0 – 0. Passed.

Mr. Carpenteri said that he would notify Mr. Smith and appointed Mr. Clapp as the Acting Secretary for this evenings Agenda.

1. B. Call Public Hearing to Order

Chairman Carpenteri called the Pubic Hearing to order at 7:10 PM.

2. Read Notice of Public Hearing

Mr. Carpenteri asked Mr. Clapp to read the Agenda call of Case #2-2022 of the Public Hearing.

Case No. 2-2022: Application of Advanced Group, LLC for Emily Corona, Owner for a variance of the East Lyme Zoning Regulations Section 5.3.3 Setback for property located at 50 Stoney Wood Drive. Said parcel appears on the East Lyme Assessor's Map 16.3, Lot 52.

The Public Hearing notice was sent to the New London Day for publication on 12/28/2022 and 1/5/2023.

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, and noted that notices had been sent to the abutters.

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

David Preka, Advanced Group LLC, 61 W. Main Street, Mystic, CT said that he was speaking on behalf of the applicant. They are looking for a 4.75 foot variance on the right side of the garage and to add an addition above the garage. They are already over a bit and they want to expand so that they can have an addition and another bay garage.

Mr. Carpenteri asked what the area would be from the proposed garage to the property line.
Mr. Preka said that it would be a bit over 15 feet as they are looking for a variance of 4.75 feet.

Mr. Clapp asked what the existing setback is.
Mr. Preka said that it was 26.3 feet but would be 15.25 feet with the variance of 4.75 feet.

Mr. Carpenteri explained that the regulation calls for a 20 foot setback as the house gets to go to 20 feet (from 30 feet) instead of the new regulation which is 50 feet from the road and 30 feet from the other sides as the house was built prior to the change so they already have that 10 foot advantage.

Mr. Clapp said that under the regulations that a variance is based on an unusual hardship and not for economics, space etc. He asked Mr. Preka explain the hardship.
Mr. Preka said that when they built the house in 1973 that the cars were smaller then; they are larger now and the owners are looking to invest in their property so that they have the room for their family. The larger garage would allow for the today's larger vehicles and for more room in the area above the garage.

Mr. Blair said that with the 26.3 feet that they could extend the garage by the 6.3'.
Mr. Preka said that it would not give them enough area to extend it for a two-bay garage.

Mr. Carpenteri said that they could still have a larger area above and one very large garage.
Mr. Preka said that the family likes a larger addition for the space.
Mr. Carpenteri said that it is a matter of following the regulations and that they could still have a large area garage and addition without the 4.75 feet.

Mr. Clapp asked if the elevation of the house is higher and then explained where the pool house can fit in without a variance.
Mr. Wren noted the separation needed between the propane tanks and the pool equipment.
Mr. Clapp noted that it is only about 5 feet.

Mr. Carpenteri explained that request for a variance does not refer to the owners' inability to fulfill a purely personal wish and that the Board is not permitted to approve variances which would constitute a personal license to violate the zoning ordinance. That being said, there are other means to achieve what they want without a variance.

Mr. Preka said that it would not make for a functional bedroom as they are looking for more living space because as it stands it is a raised ranch.
Mr. Carpenteri asked about the other side of the house –

Mr. Preka said that they have a bulkhead there and a slope and the kitchen is located in that area.

Mr. Strube asked about the left side.

Mr. Preka said no, they have a wall and that the only way this makes sense is on the right side.

Mr. Carpenteri said that historically they have NOT given variances for garages and that it is their job to protect the regulations in Town and that they have always tried to find a way to stay within the regulations.

Mr. Clapp said that in looking over the plan submitted that the 22.5' x 13' master bedroom looks to be more than 13'. If they were to reconfigure that by the 4.75 feet that they would have a large bedroom and a larger garage that would fit a larger car. He explained that the need for a larger car/vehicle/garage is a personal choice and not a hardship and that the area could be reconfigured.

Mr. Preka said that for the record that he has been working with the family for around five years and he understands the garage but the drawings that they have are just a rendering – a rough drawing. This is not just about a garage but also the living space.

Mr. Carpenteri called for any comments from the public -

Carol Saikowski, 52 Stoney Wood Drive said that she is next door to this family and that her house is built on a much lower lot and that she gets run-off from the neighboring properties. Drainage is of great concern to her as their house is upward and with a retaining wall. The disturbance would disrupt the flow of water and may jeopardize the integrity of the bank. She is also not sure of what the impact would be with the extra weight of the structure they are proposing. She said that she would be looking to the Town for assurance of no issues as the water currently goes down their driveway and to the road and she would not want it coming to her property.

Mr. Carpenteri called for any other comments – hearing none –

He asked if the Board members had any further questions –

Hearing none -

Mr. Carpenteri closed this Public Hearing at 7:28 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 7:29 PM.

Case No. 2-2022: Application of Advanced Group, LLC for Emily Corona, Owner for a variance of the East Lyme Zoning Regulations Section 5.3.3 Setback for property located at 50 Stoney Wood Drive. Said parcel appears on the East Lyme Assessor's Map 16.3, Lot 52.

Mr. Carpenteri called for discussion on the application.

Mr. Clapp made a suggestion on the re-configuration so that the 4.75 feet was not necessary.

Mr. Blair said that he does not see any demonstrated hardship.

Mr. Carpenteri and Mr. Clapp said that historically over the years a garage is NOT a hardship. Further, for the 4.75 feet that they are seeking a good architect would design them what they want and that they could get one large garage door that would fit the cars plus the area above.

He asked if there were other comments or if they were ready to make a motion.

****MOTION (1)**

Mr. Clapp moved to DENY the Application of Advanced Group, LLC for Emily Corona, Owner for a variance of the East Lyme Zoning Regulations Section 5.3.3 Setback for property located at 50 Stoney Wood Drive. Said parcel appears on the East Lyme Assessor's Map 16.3, Lot 52.

**Mr. Blair seconded the motion.
Reason for denial – No demonstrated hardship.
Vote: 4 – 0 – 0. Motion passed.**

ADJOURNMENT

Mr. Carpenteri called for a motion to adjourn.

****MOTION (2)**

**Mr. Blair moved to adjourn Case #2-2022 of the East Lyme Zoning Board of Appeals.
Mr. Clapp seconded the motion.
Vote: 4 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,
Recording Secretary