

**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: Attorney Harris, representing L & L East Lyme
Attorney McNamara, Assisting representation L & L East Lyme
Ludwig Pulaski, State of CT DOT

ABSENT: John Smith, Larry Fitzgerald, Kevin Mace

RECEIVED FOR RECORD
EAST LYME, CT
2023 JAN 17 A 10:09
Kathleen M. McNamara
TOWN CLERK

1. Call Public Hearing to Order

Chairman Carpenteri called the Public Hearing to order at 7:40 PM. The Pledge was previously observed.

2. Read Notice of Public Hearing

Mr. Carpenteri asked Mr. Clapp to read the Agenda call of Case #3-2022 of the Public Hearing.

Case No. 3-2022: Application of L & L East Lyme, LLC, c/o Readco Property Management, Owner for a variance of the East Lyme Zoning Regulations Section 24.6E(2) Landscaping and Buffers – Front Landscaping, for property located at 248 and 250 Flanders Road. Said parcel appears on East Lyme Assessor's Map 26.1, Lot 4 and Lot 6.

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.

Attorney McNamara explained that the State of CT is taking some of the area for the Rte 161 widening. Mr. Carpenteri said that they are cutting back 6 feet to 2.6 feet and asked what the hardship is. He said that they could configure the area to work and that they cannot give a variance when one is not needed.

Mr. Pulaski said that the state is taking the property and will now own it.
Attorney Harris said that his understanding was that some of the trees will be coming down.
Mr. Pulaski said that the sidewalk and also the corner will be re-engineered.

Mr. Carpenteri said that there is a way to do this without a variance and as it would not be needed they could not give one.

Mr. Pulaski said that the sidewalk would be rebuilt in the same location and that some of the trees would come down.

Mr. Blair asked about the trees.

Mr. Carpenteri said that the Town wants the trees in the buffer zone; however they feel that all of this can be done with just a bit more work involved to do it.

Mr. Clapp said that if there is a way to do it that it is not a hardship. He asked Mr. McNamara if he knew of any precedent.

Mr. McNamara said that the hardship is being created by the State taking the property.

Mr. Clapp asked Mr. Pulaski if he knew of anything.

Mr. Pulaski said that if it is a taking with regard to the frontage then the owner has to go for the variance instead of the State – this involved parking spaces and they said that they would lose six (6) spaces. So L&L is the applicant.

Mr. Harris said that there are six parking spaces that are being lost which has to do with the approval for the site from the very beginning.

Mr. Carpenteri said that he could see a way for this to work where the spaces would be okay as there are other options. Because there are options to get what is necessary, there is no reason for a variance. He suggested that they at least take a good look at it and for now they can continue the public hearing pending review for other options.

Mr. Carpenteri called for any comments from the public -

Hearing none -

He asked if the Board members had any further questions –

Hearing none -

Mr. Carpenteri said that the Public Hearing would be continued at a time to be noticed (or not) once the applicants and the State had further reviewed all the options.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

ZONING INFORMATION

LOCATION: EAST LYME, CONNECTICUT			
ZONE: CA - COMMERCIAL DISTRICT			
USE: GROCERY (RETAIL) - PERMITTED USES			
ITEM #	ITEM	REQUIREMENTS	PROPOSED
1	MINIMUM LOT AREA	7,500 S.F.	9.98 ACRES
2	MINIMUM LOT FRONTAGE	80 FEET	1,070.6 FEET
3	MINIMUM FRONT SETBACK	20 FEET	130.8 FEET
4	MINIMUM SIDE SETBACK	12 FEET	85.4 FEET
5	MINIMUM REAR SETBACK	12 FEET	90.4 FEET
6	MAXIMUM BUILDING HEIGHT	30 FEET	< 30 FEET
7	MAXIMUM BUILDING COVERAGE	35 PERCENT	18.5 PERCENT

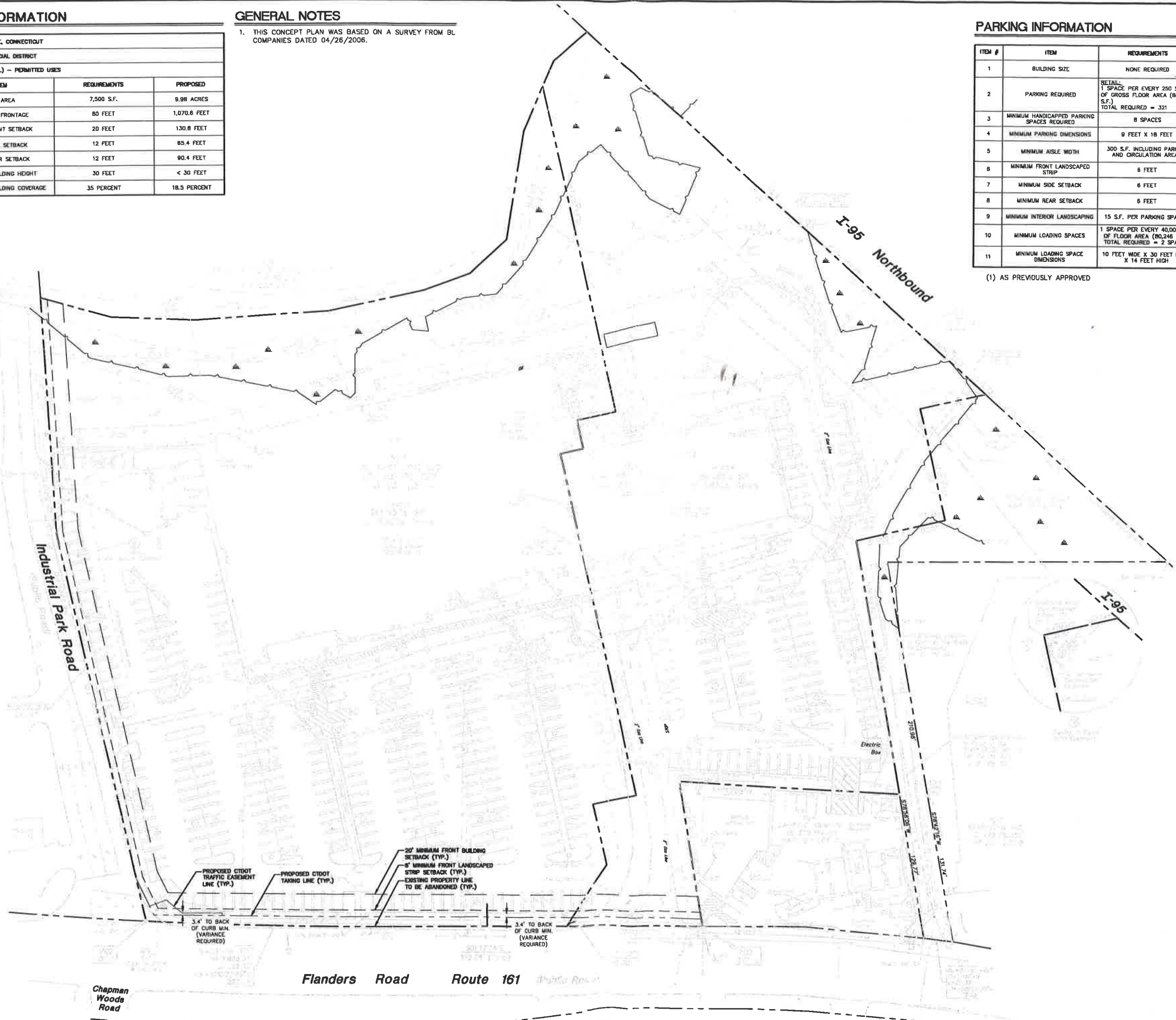
GENERAL NOTES

1. THIS CONCEPT PLAN WAS BASED ON A SURVEY FROM BL COMPANIES DATED 04/26/2006.

PARKING INFORMATION

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	BUILDING SIZE	NONE REQUIRED	80,248 S.F. TOTAL	NO
2	PARKING REQUIRED	RETAIL: 1 SPACE PER EVERY 250 S.F. OF GROSS FLOOR AREA (80,248 S.F.) TOTAL REQUIRED = 321	386 SPACES	NO
3	MINIMUM HANDICAPPED PARKING SPACES REQUIRED	8 SPACES	14 SPACES	NO
4	MINIMUM PARKING DIMENSIONS	9 FEET X 18 FEET	8 FEET X 18 FEET	NO
5	MINIMUM AISLE WIDTH	300 S.F. INCLUDING PARKING AND CIRCULATION AREAS	270 S.F. INCLUDING PARKING AND CIRCULATION AREAS	NO (1)
6	MINIMUM FRONT LANDSCAPED STRIP	8 FEET	3.4 FEET	YES
7	MINIMUM SIDE SETBACK	6 FEET	6.8 FEET	NO
8	MINIMUM REAR SETBACK	6 FEET	115.9 FEET	NO
9	MINIMUM INTERIOR LANDSCAPING	15 S.F. PER PARKING SPACES	TBD	NO
10	MINIMUM LOADING SPACES	1 SPACE PER EVERY 40,000 S.F. OF FLOOR AREA (80,248 S.F.) TOTAL REQUIRED = 2 SPACES	> 4 SPACES	NO
11	MINIMUM LOADING SPACE DIMENSIONS	10 FEET WIDE X 30 FEET LONG X 14 FEET HIGH	> 10 FEET WIDE X 30 FEET LONG X 14 FEET HIGH	NO

(1) AS PREVIOUSLY APPROVED



355 Research Parkway
Meriden, CT 06450
(203) 630-1406
(203) 630-2615 Fax



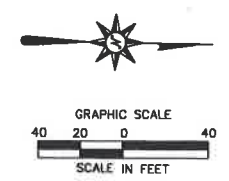
PROPOSED PROPERTY TAKING PLAN
FLANDERS ROAD (ROUTE 161)
EAST LYME, CONNECTICUT

REVISIONS
No. Date
Designed J.O.M.
Drawn B.C.M.
Reviewed
Scale 1"=40'
Project No. 01C012
Date 09/29/2022
CAD File S301C01203

Title
VARIANCE PLAN

Sheet No.

VP-1



Attachment EBA 3-2022 L&L East Lyme - State Rte 161 widening 1/9/2023

Site No. 2022-0179m - Roadway - C:\Users\bl\OneDrive\Documents\Projects\2022\0179m - Roadway\2022-0179m - Roadway.dwg
Landscape: VPL - Road 6/20

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