

ZONING BOARD OF APPEALS
APRIL 27, 2006

The public hearing and meeting of the Zoning Board of Appeals of the Town of East Haddam was called to order by the Chairman, Stuart Wood. Board members present were: Stuart Wood, Greg Daigle, Norman Gobelle, Diane Quinn, Dan Schies. Alternate present was: Jack Agosta. Alternates absent were: Richard Fiala and Guy Gibb. Greg Daigle stated that he did not feel well and would like to step down as a regular member. The Chairman designated Jack Agosta to sit as a regular member for this meeting in place of Greg Daigle.

The legal notice was read and hearing recorded on tape.

Appeal No. 955 - CONTINUED FROM MARCH 23, 2006

Tom and Rebecca Hayes, 123 River Road, East Haddam, CT.

Tom and Rebecca Hayes were present and presented their case to the Board. They submitted a site plan, which is a copy of the assessor's map indicating the perimeter of their lot, location of their house and garage/workshop. They would like to convert the garage/workshop into an in-law apartment. This is an interior lot in a R-2 District. Therefore, double the acreage is required for the primary dwelling and double the acreage is required to convert the garage into an accessory apartment on an interior lot. Therefore, eight acres is required. The structure currently has a septic system and electricity in it. The garage structure consists of about 1700 sq. ft.

Mr. Van Dyke, an adjoining property owner, was present and stated he has no objections to the Hayes converting the garage to an in-law apartment.

He submitted the certified mail receipts indicating he mailed the letters to the adjoining property owners and the letters were received.

Norman Gobelle made a motion to close the public hearing of Appeal No. 955-Tom & Rebecca Hayes. Motion seconded by Dan Schies and carried unanimously.

Norman Gobelle made a motion the Board approve Appeal No. 955 Tom & Rebecca Hayes of 123 River Road, request for a Variance of Section 10.2.3.2 of the Zoning Regulations pertaining to the acreage requirements for an accessory apartment on an interior lot based upon the Board's findings that it will not be detrimental to zoning and none of the adjoining property owners objected to this. Motion seconded by Dan Schies and carried unanimously.

Said property is located on River Road in the R-2 District. Assessor's Map 9 Lot 15.

Appeal No. 957 - Mary M Pemick of 64 Sullivan Farm, New Milford, CT. (Property Owner) and Gary Stopera of 11 Grandview Road, Moodus, CT. (Appellant/Agent)

Mary Pemick was not present but was represented by her son, Gary Stopera, appellant/agent, who presented the case to the Board. He submitted a site plan indicating the perimeter of his property, location of his dwelling, pool, septic system, well and location of the proposed garage. He would like to construct a 24x32' garage 6' from the front property line where 25' is required. Therefore, he is requesting a 19' front yard setback variance.

There were some concerns discussed about the garage being so close to the road when the lot is so large. It could be moved more to the west part of the yard. The Board felt there was room to move the garage and get it further away from the corner of the road. It will be a two-story garage but no larger than the house which is two stories also. He wants to connect the garage to the dwelling.

He submitted his certified mail receipts indicating the letters were sent to the adjoining property owners and the letters were received. There were no comments from the floor.

Diane Quinn made a motion the Board hold an on-site inspection on Saturday, May 6, 2006 at 10:00 A.M. Norman Gobelle seconded the motion and carried unanimously.

Diane Quinn made a motion for the Board continue this appeal to the next meeting scheduled for May 25, 2006. Jack Agosta seconded the motion and carried unanimously.

Appeal No. 958 -Donna Marie of 9 Briarwood Road, Moodus, CT

Donna Marie was present and presented her case to the Board. She submitted an A-2 survey indicating the perimeter of her parcel, location of her dwelling, deck, septic system, well and proposed garage. The garage is to be located 6' from the rear property line where 25' is required therefore a 19' Rear Yard Variance is requested. The garage is to be 16' x24'. If she built it in the rear yard within the zoning requirements, the garage would take up the whole rear yard and lawn. She presented pictures of the property and indicated where the garage will be located. Where she wants to put the garage, there is a steep hill to the rear of where she wants to put the garage and intends to use the garage as a retaining wall for the hill.

The secretary stated she received a telephone call from the neighbor to the west side of this property, Mrs. Panciera, and she stated she has no objections to the Board granting the variance provided if they ever want to come in and do something with their property, that by granting the variance it will not restrict them from doing on their property what they want. The Panciera's were not able to come to the meeting themselves because they are in Florida.

Deborah Prater, adjoining property owner, who owns property to the rear where the garage is coming, stated she has no objections to the granting of the variance. Donna Marie takes very good care of her property, she has improved it and when done, it will look fantastic.

She is also requesting a lot coverage variance of 2.5%. With the garage, the lot coverage comes to 12.50%.

Diane Quinn made a motion the Board close the public hearing of Appeal No. 958, Donna Marie. Dan Schies seconded the motion and carried unanimously.

Diane Quinn made a motion the Board approve Appeal No. 958, Donna Marie of 9 Briarwood Road, Moodus, request for a 19' Rear Yard Setback Variance of Section 10.1 of the Zoning Regulations in order to construct a garage 6' from the rear property line and a 2.5% Lot Coverage Variance. With said garage the lot coverage will be 12.5%. Said Variances are granted based upon the Board's findings due to the terrain of the property which leaves her limited to where she can place the garage, she will be improving the

situation of the steep hill to the rear of the property and because neither of the adjoining property object to the granting of the Variance. Motion seconded by Jack Agosta and carried unanimously.

Said property is located on Briarwood road, Moodus Estates, in the L&R district. Assessor's Map 66 Lot 184.

Appeal No. 959 - George Daniels of 30 Wildwood Road, Lake Hayward (Property Owner) and Jennifer Lent of 12 Randazzo Road, Columbia, CT. (Appellant)

Jennifer Lent was present and presented the case to the Board. She stated George Daniels, her Father, is in Florida. She submitted a site plan she drew herself indicating the perimeter of the lot, location of the existing cottage, existing deck and the addition to the rear of the existing deck. The extension to the deck will not increase the non-conformity, which already exists.

There were no comments from the floor. She submitted the certified mail receipts indicating the letters were sent to adjoining property owners and the letters were received.

Norman Gobelle made a motion to close the public hearing of Appeal No. 959, George Daniels and Jennifer Lent. Motion seconded by Diane Quinn and carried unanimously.

Norman Gobelle made a motion the Board approve Appeal No. 959, George Daniels of 30 Wildwood Road, Lake Hayward and Jennifer Lent of 12 Randazzo Rd., Columbia, request for a Variance of the Minimum Width of Narrowest Side Yard of approximately 2' and a Variance of the Combined Width of Side Yards of approximately 5' of Section 10.3.1 of the Zoning Regulations in order to put an addition onto an existing deck closer to the side property lines than the Zoning Regulations allow based upon the Board's findings that the existing non-conformity that already exists will not be increased Motion seconded by Dan Schies and carried unanimously.

Said property is located on Wildwood Road, Lake Hayward, in the L&R District. Assessor's Map 80 Lot 232.

Appeal No. 960 - David Tutera & Ryan Jurica of 176 Tater Hill Road, East Haddam, CT.

David Tutera was not present but Ryan Jurica was present and presented their case to the Board. He presented a site plan indicating the immediate area where they want to place the garage. It also indicated the location of the existing dwelling, driveway they are installing, location of the existing guesthouse and its septic system, which is located immediately behind the proposed garage and driveway. They would like to build the 3-car garage 25' back from the front property line to match the existing dwelling. The Zoning Regulations require a 40' setback, therefore, they are requesting a 15' Front Yard Setback Variance. It was determined that the site plan submitted for the record was not drawn to scale. They want to build the garage the same distance from the road as the dwelling. The lot consists of 9 acres. They plan on using the second floor as an artists loft. The garage doors open to the rear. There are two ponds behind the guesthouse.

The Chairman read a letter dated 4/11/06 from William Mackey of Georgetown, MA., and Kathryn Hopper Mackey of New York City, NY., stating their objections to the Board granting the Variance. Letter on file. They own property across the street.

There were no comments from the floor. He submitted the certified mail receipts indicating they mailed the letters to the adjoining property owners and they were received.

Diane Quinn made a motion the Board hold an on-site inspection of Saturday, May 6, 2006 at 11:00 A.M. Norman Gobelle seconded the motion and carried unanimously.

Norman Gobelle made a motion the Board continue the public hearing of Appeal No. 960, David Tutera & Ryan Jurica to the next public hearing scheduled for May 25, 2006. Motion seconded by Dan Schies and carried unanimously.

Said property is located on Tater Hill Road in the R-2 District. Assessor's Map 22 Lot 31.

Appeal No. 961 - John & Cynthia Matthew of 150 Creek Row, East Haddam, CT.

John & Cynthia Matthew were present and presented their case to the Board. They submitted a site plan they drew themselves indicating the perimeter of their property, location of their dwelling, garage, septic system, driveway and proposed horse barn. The barn is to be 63' from the side property line where 75' is required by zoning. Therefore, they are requesting a side yard variance of approximately 12'. The barn will be 18'x24'.

The Chairman read a letter dated 4/14/06 from Donald & Dawn Roman, who are the adjoining property owners on the south side where the barn is encroaching. They stated they have no objections to the Board granting the Variance allowing the Matthew's to build the horse barn less then the 75' setback as required by zoning.

There were no comments from the floor. They submitted their certified mail receipts indicating the letters were sent to the adjoining property owners and the letters were received.

Dan Schies made a motion the Board close the public hearing of Appeal No. 961, John & Cynthia Matthew. Motion seconded by Diane Quinn and carried unanimously.

Dan Schies made a motion the Board approve Appeal No. John & Cynthia Matthew of 150 Creek Row, request for a Side Yard Setback Variance of approximately 12' of Section 10.1 of the Zoning Regulations in order to construct a barn approximately 63' from the side property line where 75' is required based upon the Board's findings that based upon the size of the barn and its location on the lot, there really is no other feasible place to put the barn to meet the side line measurements. Motion seconded by Norman Gobelle and carried unanimously.

Said property is located on Creek Row in the in the R-1 District. Assessor's Map 36 Lot 18.

Minutes

Diane Quinn made a motion the Board approve the minutes of the March 23, 2006 meeting as printed. Motion seconded by Dan Schies and carried unanimously.

Correspondence-Bills

Attorney Broder, the Board's attorney, submitted bills as follows:

Representation at the March 23, 2006 ZBA PH for Trella & Fletcher \$225.00

Parady Appeals-Sept. 15, 2005 through Jan 12, 2006 \$663.00

Detailed statement enclosed with bill

Deveau v. East Haddam ZBA (Final Bill) (Hart case) \$175.50

His retainer bill from 7/1/05 through 12/31/05-has been paid.

Norman Gobelle made a motion the Board pay the bills as submitted. Motion seconded by Dan Schies. Motion carried unanimously.

Attorney Broder requested an increase in his semi-retainer for the budget year 2006-2007 from \$750.00 to \$900.00. The last increase in his retainer was in 2000 from \$660.00 to \$750.00. After discussing the matter, Norman Gobelle made a motion, seconded by Dan Schies, the board increase Attorney Broder's semi-annual retainer from \$750.00 to \$900.00. Motion carried unanimously.

Norman Gobelle made a motion, seconded by Diane Quinn, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:35 P.M.

Respectfully submitted,

Stuart Wood, Chairman

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