

EAST HAMPTON ZONING BOARD OF APPEALS
Regular Meeting
July 10, 2017
Town Hall Meeting Room

| |
|-------------------------|
| APPROVED MINUTES |
|-------------------------|

- 1. Call to Order:** Mr. Walton called the meeting to order at 7:00pm.

Mr. Nucifora made a motion to appoint Mr. Jacobson as Chairman Pro Tem. The motion was seconded by Mr. Walton. Vote: 5-0.

- 2. Seating of Alternates**

Present: Chairman Pro Tem Vincent Jacobson, Regular Members Mathew Walton, and Robert Hines; Alternates Sal Nucifora and Margaret Jacobson

Absent: Charles Nichols, Melinda Powell, Brian Spack

Mr. Jacobson seated Ms. Jacobson and Mr. Nucifora at this time.

- 3. Election of Officers**

Tabled until the next regularly scheduled meeting due to lack of regular members.

- 4. Legal Notice**

Staff read the Legal Notice into the record.

- 5. Approval of Minutes:**

A. June 12, 2017 Regular Meeting

Mr. Nucifora made a motion to approve the minutes of the June 12, 2017 Zoning Board of Appeals minutes. The motion was seconded by Mr. Nucifora. Voted 5-0

At this time, Mr. Nuciforma made a motion to move the Application of Ralph Landino under item 6 on the agenda to the last item under item number 6, following the Town of East Hampton Application. The motion was seconded by Mr. Walton. Voted 5-0. Minutes Approved.

- 6. Applications:**

Application of Cary & Sharon Rollins of 18 West Point Rd., to increase the square footage from 1500 sq. ft. to 1632 sq. ft. to utilize the second floor. Map 05A/Block 83/Lot 12.

Sharon Rollins, owner of 18 West Point Road explained to the members that several variances had been granted in the past for the construction of a new home at this location. Due to the fact that the house had not been fully designed at that time, a variance was not sought for the overall size of the house in accordance with Section 8.2 of the regulations dictating overall house size on non-conforming lots. The house is limited to an overall maximum size of 1500 square feet. The variance being requested is to increase the overall size of the house from 1500 to 1632 square feet. Mr. DeCarli explained that the size of the house on the lot was not changing. Due to Building Code requirements and the fact that the proposed attic space on the second floor turned out not to be attic space, the variance was needed to allow the second floor to be the same size as the first floor.

Mr. Nucifora made a motion to approve the increased square footage from 1500 to 1632 square feet in order to allow the second floor to be the same size as the first. The Motion was seconded by Mr. Hines. Voted 5-0. Variance Approved.

Application of The Town of East Hampton, 5 Gildersleeve Dr., for a site location approval for a municipal fueling station. Map 06/Block 6/Lot 1.

Mr. Walton recused himself from this portion of the meeting as he is an abutting property owner.

Matt Brown, Anchor Engineering on behalf of the Town of East Hampton, presented the Plan. The location proposed is on the west side of Gildersleeve Drive. The current fueling station is at the end of its useful life, and Connecticut State Statutes require that the current tanks must be removed from the ground by July 2018. This is to be a fueling station for municipal vehicles. The location was chosen due to its proximity to the Public Works Garage, Water Pollution Control plant, along an existing town road, and on land already owned by the Town. In addition, the Public Works garage gate will be able to be locked when the office is closed since this will be outside those gates.

Ms. Jacobson made a motion to approve the Site Location for the municipal fueling station. The motion was seconded by Mr. Nucifora. Voted 4-0. Site Location Approved.

Application of Town of East Hampton/Department of Public Works 5 Gildersleeve Dr, to allow construction of a town vehicle fueling station with a canopy that straddles the ROW line along the front of the property. Map 06/Block 6/Lot 1

Mr. Walton recused himself from this portion of the meeting as he is an abutting property owner.

Matt Brown, Anchor Engineering on behalf of the Town of East Hampton, explained that a variance is being requested to change the front setback from 50' to 0' for the construction of two canopies over the top of the above ground tanks and dispensaries. Two tanks are planned, one for gasoline, the other for diesel. The fuel tanks will be located close to the edge of the road to eliminate the need to install more pavement and keep the fueling station away from the wetland area. The design will allow town vehicles to turn around at the existing cul-de-sac and pull up to the fueling area. The canopies are requested as a way to protect the equipment and any employees during inclement weather. The area will be fenced off and necessary security will be installed. The location will allow for the installation of utilities to connect to the existing generator at the Public Works garage. The Board discussed vegetated buffer areas, security, and wetlands. It was explained that there will be no buffer along Gildersleeve Road, but existing vegetation will be left in place. This plan keeps the location as far from the wetland as possible on the site and an oil and water separator catch basin will be installed to control for spills.

Sharon Rollins, 18 West Point Road asked about minimum distance requirements from the WPCA plant. Mr. Brown explained that a catch basin is being installed which is specially designed to separate any spills and there are no requirements in terms of distance from the sewer plant.

Jessie Bracken, 21 Brook Trail, asked about pavement, spills, security and fire suppression.

Ms. Jacobson made a motion to approve the Site Location. The motion was seconded by Mr. Nucifora. Voted 4-0. Application Approved.

Continued Application of Ralph Landino 32 Pine Trail, to reduce the side setback to 8' to construct a 7.05' x 31.96' addition. Map 10A/Block 79A/Lot 14

Ralph Landino, 32 Pine Trail explained that a variance is being sought to change the left (west) side yard setback from 15 feet to 8 feet in order to construct an addition to the existing house to add a laundry facility and more space at the bottom of the stairs. Mr. Landino explained that his application was for a 7' x 36' addition and distributed two alternative plans, one for a 7' x 22' addition and one for a 7' x 14' addition. He also distributed a series of pictures showing the proposed location. He is willing to build a smaller addition.

Mr. Nucifora asked Mr. Landino about the various easements that cross his property, one for a foot path, one for a driveway, and one for a view shed. Mr. Landino explained that the easements were granted during negotiations when selling a neighboring property.

Mr. Landino explained that the area at the bottom of the stairs is very small and unsafe in the event of a fire. This addition would address that problem. Mr. Landino also explained that his application was for a 252 square foot addition which would bring his house from 432 square feet to 684 square feet, but is willing to add only 98 square feet which would increase the total size of the first floor to 530 square feet.

Dean Landino, 32 Pine Trail and the son of the applicant, spoke in favor of the application. He stated that the house currently has no area for laundry and the area at the bottom of the stairs is very small. This would allow for a safer situation in the event of an emergency.

Jessica Kerpin, 4 Laurel Trail, spoke against the need for a variance based on the fact that a similar application was submitted in 2013 and denied. She felt there was no valid hardship due to the easements limiting the area for construction being a self-created hardship.

Jessie Bracken, 21 Brook Trail, President, Lake Pocotopaug Terrace Association spoke against the variance for the reasons set forth on a letter submitted. This letter is attached to these minutes as "Attachment A."

Louis Pear, 24 Mountain Trail, asked what the required setback is versus what is being requested. Staff explained the requirements.

Mary Pear, 24 Mountain Trail, questioned the validity of the hardship.

Charles Dutch, Professional Land Surveyor spoke in defense of the application and clarified several points and answered questions. Mr. Dutch spoke to the point that a variance had been requested in the past and that Statute allows applicants to request a similar variance after six months. He also spoke to the validity of the hardship.

Mr. Walton made a motion to close the Public Hearing. Ms. Jacobson seconded the motion. No vote was called.

Discussion continued about the validity of the hardship, former requests and the easements on the property granted by Mr. Landino.

Mr. Walton made a motion to deny the application. The motion was seconded by Ms. Jacobson. Voted 3-2. Application Denied.

7. New Business:

Staff distributed three items:

1. Current ZBA Bylaws.
2. A handout that the Land Use Department distributes with applications for variances describing the State Statutes, hardship and other requirements associated with variance applications.
3. A section of the book "Connecticut Land Use Law" published by the Connecticut Bar Association with information on the charge of the ZBA, current court cases and other information.

8. Old Business: None

9. Adjournment

Ms. Jacobson made a motion to adjourn the meeting. The Motion was seconded by Mr. Walton. Voted 5-0. Meeting closed at 8:22pm.

Respectfully Submitted,

Jeremy DeCarli, Recording Clerk

Attachment A

TO: East Hampton Zoning Board of Appeals

FROM: Lake Pocotopaug Terrace Association Jesse Bracken, President

DATE: July 10, 2017

SUBJECT: Variance for 32 Pine Trail, Ralph Landino

-
- 1 – Applicant applied and petitioned for a building permit with a variance in 2015 for building lot now known as 32 Pine Trail.
 - 2 – Applicant was given a public hearing for said variance and was represented by his attorney in 2015.
 - 3 – The Zoning Board Commission heard and acted upon the Applicant's petition for a variance whereby, it was denied in 2015.
 - 4 – Applicant waived his right/failed to submit an Appeal for the decision rendered by the Board in 2015 as stated in the East Hampton Zoning Regulations Appeals: Section 9.5, page 178.
 - 5 – Applicant obtained a building permit and thereby, built a house within the variance he was approved for.
 - 6 – Applicant built a house that he now deems needs more space (an addition). Claims of hardship or personal or self-created circumstances are not sufficient cause for the granting of a variance. (Section 3.5, (J) Variance Procedures: 4 page 44.)
 - 7 – Applicant was granted a maximum width of (10) feet by the Zoning Board due to the denial of his variance petition. Width exceeds the (10) feet approved.
 - 8 – Applicant's petition for a variance is for the same building lot /house that was brought forth and heard by the Zoning Board in 2015. Variance was denied.
 - 9 – **Applicant has no legal standing to request that the Zoning Board of Appeals hears or render's a decision on his petition for a variance on an existing house that he knowingly, willfully and intentionally built without first seeking the appropriate remedy which was to file a petition for an appeal in 2015, within the (15) days of decision. Applicant did so without the approval of the variance he now seeks.**

Please NOTE DATE correction to the ABOVE statements.
The variance was applied for and denied in 2013 not
2015.

Jesse Bracken President LPTA
Jesse BR