

**East Hampton Zoning Board of Appeals  
Regular Meeting  
February 9, 2009  
Town Hall Meeting Room  
7:00 P.M.**

**Unapproved Minutes**

1. **Call to Order:** Chairman Nichols called the ZBA Meeting of February 9, 2009 to order at 7:00PM.  
**Members Present:** Chairman Charles Nichols, Willie Fuqua, Vincent Jacobson, , Linda Dart.  
**Alternate Members Present:** Brian Spack.  
**Absent:** Kevin Reed, Brendan Flannery  
**Staff Present:** James Carey, Planning, Zoning & Building, Administrator.
2. **Seating of the Alternates:** Brian Spack was seated for the meeting.
3. **Legal Notice:** Mr. Carey read the legal notice.
4. **Approval of Minutes.**
  - **January 12, 2008 Regular Meeting:**  
*Mr. Fuqua moved and Ms. Dart seconded, to approve the minutes of January 12, 2008 regular meeting. The motion carried unanimously.*

**5. Communications:**

- CBA Education & Training Planning & Zoning – March 28, 2009  
Mr. Carey reminded the members of the agency of the upcoming CBA Education & Training Planning & Zoning course. If any of the members of the agency are interested in attending, please call the building office to register.
- Presentation of Lake Pocotopaug – John Ciriello  
Mr. Ciriello asked for this presentation to be rescheduled.

**6. Appeal of Zoning Enforcement Officer allowing a commercial business in a Residential Zone M06/ B12 / L11-33**

Mr. Carey reported on an inquiry that was received by the appellant, Mr. Rand, of a violation of our zoning regulations occurring at 56 William Drive with regard to an home based business. As a result of the complaint Mr. Carey visited the area a number of times at different times during the day and once in the evening finding no evidence of an occupation occurring or any violations of the zoning regulations. Mr. Carey stated prior to 1989 the town of East Hampton had a Home Occupation Regulation that required applicants to appear before the Planning and Zoning Commission annually or bi-annually to update their home occupation permits that showed no exterior evidence of the business. As a result of the regulation the P&Z and the ZBA became bogged down from the tremendous amount of applications that were driving in negligence in renewals. Mr. Carey is prepared to provide the ZBA and the P&Z with a draft of a Home Occupation Permit procedure.

Attorney Timothy Furry representing Mr. Rand discussed the judicial obligations of the agency in this matter and the interpretation of the Zoning Regulation. Mr. Furry stated they think there is a need to have appropriate regulations within in the community that regulation home business and eventually think it is a thing that home

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businesses be encouraged to get out into the community which would be a part of the development of the town center, one of the highlight points of the plan and development.

Attorney Paul Guggina, of Hinckley & Allen was present representing Mr. and Mrs. Dostaler. Attorney Guggina reminded the agency the purpose of this meeting is an appeal, and in order for there to be an appeal there needs to be a grievance of some kind and the appellant is not grieved by this matter. Section 87 of the status states and appeal may only be taken by a person who is grieved by an order requirement or decision of in this case Mr. Carey, the enforcement officer.

Christopher Edge, Connected to Connecticut, hired firm of the EDC, referred to a letter he sent in addition stated there are a number of home based businesses and we would like to work with Mr. Carey to help home based businesses to grow.

Julie Chuchis, 67 Viola Drive, stated she is an owner of a small business and works out of her home and feels vulnerable without having a regulation and having this process of an appeal to allow a home based business before you. Ms. Chuchis is unsure of how this came about since the town has set precedence for sanctioning and allowing home based business. When Ms. Chuchis went to the building department to open her home based business she was directed to take action three ways: 1. Register with the town clerk. 2. To have no external signage or excessive traffic. 3. To pay taxes. This being said there has already been a precedence set for allowing Home Based Businesses, even though the zoning regulations are permissive.

Sue Weintraub, Knolls Road, Middle Haddam reported she has a home based business that was issued in 1989 that was grandfathered in. Ms. Weintraub is allowed to have one full time employee however not permitted to have any signs and if any of the neighbors complained she would need to cease and desist. In the 20 years she doesn't know of any complaints.

Mr. Fuqua drove by the residence a couple of times and commented on it appearing to be a regular home like the rest in the neighborhood.

Ms. Dart asked if Mrs. Dostaler had any employees. Mrs. Dostaler responded she does not.

***Brian Spack moved to decline the application of the appeal of Zoning Enforcement Officer allowing a commercial business in a Residential Zone M06/ B12 / L11-33 and uphold the Enforcement Officers decision as it would be detrimental to other home based businesses in the town. Motion was seconded by Mr. Fuqua. The motion passed unanimously.***

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**7. New Business:**

Linda Dart suggested this being placed on the agenda for further discussion. Mr. Carey stated this would be an issue before the Planning and Zoning Commission. Mr. Carey is sending that Commission a draft. Upon their review Mr. Carey will report back to the ZBA.

**8. Old Business: None:**

**9. Adjournment:**

*Ms. Dart moved to adjourn the Zoning Board of Appeals. The motion was seconded by Mr. Nichols. The meeting was adjourned at 8:00 P.M.*

**Respectfully Submitted  
Kamey Peterson  
Recording Secretary**