



**TOWN OF STONINGTON**  
**Zoning Board of Appeals**  
**Stonington Police Station Meeting Room**  
**173 South Broad Street**  
**Pawcatuck, Connecticut 06379**

**REGULAR MEETING MINUTES**  
**January 13, 2009**

**FINAL**

In attendance were members Ben Tamsky, Neil Canavan, Jack Guyol, John Prue., and David Rezendes. Present also was Zoning Official Joseph Larkin. Lynn Conway arrived at 8:10 P.M

Acting Chairman David Rezendes called the meeting to order at 7:07 p.m.

**AAP #08-16 Mason Island, LLC** - Appealing ZEO letter which stated the garage under a building is included as GFA and a deck constructed partially above another open deck, the space underneath the upper most deck is included as part of GFA. Property located at 29-30 Dubois Dr., Mystic. Assessor's Map 175 Block 94 Lot 10 Zone RM-15 / RC-120

Mr. Larkin read his report and stated that the hearing on this item was opened last month and continued without taking any testimony. He introduced Town Attorney Londregan's letter of December 23, 2008 that contained the opinion that the ZBA has no jurisdiction over this appeal. The Board discussed whether the appeal should be heard.

Robert Ferrara requested that the hearing be continued until next month.  
Builder Michael O'Neill spoke about the need to enclose the garage space.

Prue moved to continue the Hearing until February 10, 2009, Rezendes seconded the motion, and it was unanimously approved.

**ZBA #08-18 Laurice Richards** – Seeking a variance to reduce the rear yard setback from 100' to 72' and increase the F.A.R. from .04 to .12 and ZR 3.1.4.2 to reduce the non infringement area from 100' to 76'. Property located at 92 Hewitt Rd. Assessor's Map 152 Block 2 Lot 16. Zone RC-120.

Steven Cardinal of Home Comfort Contracting presented the appeal to enclose the deck and answered questions from the Board.

No one else spoke in favor, against, or with general comments on this application.  
Rezendes closed the Public Hearing on this item.

*Prue moved to approve and Guyol seconded. During deliberations, the Board questioned the accuracy of the requested Floor Area Ratio. Prue and Guyol withdrew their motion. Tamsky moved to table the deliberations on this application, Prue seconded and the motion to table was unanimously approved. The Board asked ZEO Larkin to review the numbers and report to them next month.*

**ZBA #08-19 Mark Kepple** – Seeking a variance from ZR 5.1.1 to reduce side yard setback from 15' to 5'; reduce the front yard setback from 40' to 25' and increase the maximum height from 30' to 35'. Property located at Island Rd. Assessor's Map 76 Block 1 Lot 3B Zone RA-40.

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Attorney Kepple described the original 4 parcel subdivision and the building lot which he intends to build on. He cited three issues which are causing hardship; 1. Restrictive covenants, 2. Bulk requirements, and 3. The steep slope of the property and significant outcropping.

George Avery spoke against the application and argued that with a property with ledge it is really an economic hardship and the proposed building would give an unjust enrichment.

Dr. Leonelli spoke against the appeal. He cited that the house could be 5 feet from his property line and believed that the spirit of the original development was to stagger the houses spaciouly.

Dr. Ware, Bill Dorman and Bob Langworthy also spoke in opposition.

No one spoke with general comments.

Rebuttal: Mr. Kepple, respectfully withdrew his application.

**ZBA #08-20 Ocean Community YMCA** – Seeking a variance from ZR 7.3.2 CAM Boundary for dimensional relief for construction of new parking area within 100' non-infringement area. Property located at 1 Harry Austin Dr. Assessor's Map 160, Block 6, Lot 14. Zone RC-120.

Attorney Cody described the addition of 12 parking spaces in the island in the front parking area. Ray Cherenzia, engineer, spoke of the proposal of 93 parking spots bringing them closer to their required 129 number. He also stated for the CAM Review that there would be minimum environmental impact.

Nathan Lauder, surveyor, stated the overall increase in water runoff off is minimal due to the existing large asphalt area.

Also speaking in favor were:

Jonathan Holstein, head of the property committee, spoke of receiving the grant from the State to undertake this project.

Maureen Fitzgerald President of the YMCA ,

Rob Valenti head of the YMCA Board,

Tim Babcock.

No one spoke in opposition to the proposal or with general comments.

Rezendes closed the Public Hearing on this item.

*Prue moved to approve and Canavan seconded. After deliberations, the motion was unanimously approved.*

*Prue moved to approve the CAM application and Canavan seconded. After discussion, the motion was unanimously approved.*

**ZBA #08-21 Sebastian Larrea** - Seeking a variance from ZR 5.1.1 bulk requirements to reduce front yard setback from 20' to 16 ' for the construction of front steps & landing. Property located at 5 Cherry Street, Pawcatuck. Assessor's Map 3, Block 10, Lot 4. Zone RH-10.

Mr. Larrea described the newly constructed steps which required an extra two steps and it now encroaches into the required front yard setback.

No one else spoke in favor, in opposition, or with general comments on this application.

Rezendes closed the Public Hearing on this item.

*Tamsky moved to approve, Canavan seconded. After discussion, the motion was unanimously*

*approved.*

**Old Business:**

**ZBA #08-17 EOF Realty LLC** – Seeking a variance from ZR 3.4.4.3 to reduce the buffer requirement for Special Use Permits from the 35’ buffer to a minimum of a 15’ buffer adjacent to a proposed parking area. Property located at 595 Greenhaven Rd. Assessor’s Map 8 Block 2 Lot 1 & Map 8 Block 1 Lot 1. Zone RA-20.

*Since Mr. Rathbun was absent, the deliberations on this item were tabled.*

**Kleinknecht Decision:**

*Since Mr. Rathbun was absent, the deliberations on this item were tabled.*

**New Business:**

**ZBA #08-22 – Dale & Pamela Tourville**

**ZBA #09-01 - Steve Grover & Cathy Klein**

*Prue moved to schedule these two items for public hearing on February, 10, 2009, Tamsky seconded, and the motion was unanimously approved.*

**Approval of Outstanding Minutes:**

*This item was tabled.*

The meeting adjourned at 10:30 p.m.

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Neil Canavan, Secretary