

Zoning Board of Appeals
Regular Meeting Minutes
June 8, 2010

Final

Chairman Rathbun called the meeting to order at 7:00 P.M. In attendance were David Rezendes, Neil Canavan, Jack Guyol, Frederick Deichmann and Matthew Berger. Lynn Conway was absent

Public Hearings:

a. **ZBA #10-02 Sammy Piotrkowski** – Seeking a variance from ZR 5.1.1 bulk requirements to reduce front yard setback from 20' to 9' for expansion of an existing front deck. Property located at 9 Bay St., Mystic, CT. Assessor's Map 173 block 14 Lot 1. Zone RH-10.

Owner John Arruda spoke on behalf of the plan to increase the length of the front deck. Chairman Rathbun asked about the hardship Mr. Arruda answered it is pre-existing non conforming. Owner Sammy Piotrkowski added more details about the project. Two letters of support from neighbors were referenced.

b. **ZBA #10-03 John J. & Janell M. Perry** – Seeking a variance from ZR 3.1.4.2 Non-infringement area to allow existing residence and new addition to be located within the 100' non-infringement area. Property located at 19 Joy Ave., Stonington. Assessor's Map 127 Block 7 Lots 2 & 3. Zone RC-120.

Attorney Eric Janney spoke on behalf of the applicant. Nate Lauder from Cerenzia described the addition project.

A letter from the Avalonia Land Trust Conservancy voiced concern for the preservation of natural resources for the non infringement area buffer.

Public Comment: There was none.

c. **ZBA #10-04 Hugo A. Simonelli VFW Post #3263** – Seeking a variance from ZR 5.1.1 bulk requirements to reduce side yard setback from 20' min./50' combined to 12' for construction of a 1150 sf. open wood frame pavilion picnic structure with roof. Property located at 60 Stonington Rd., Mystic. Assessor's Map 160 Block 2 Lot 1. Zone GC-60. CAM Review Required. Secretary for the VFW Post Michael Adams briefly spoke about the plan to build a pavilion in the back of the building.

The Avalonia Land Trust Conservancy also wrote a letter of concern for the preservation of the natural resources.

Public Comment: There was none

d. **ZBA #10-05 Ammar & Dristen Anbari** – Seeking a variance from ZR 3.1.4.2 buffer requirements to reduce the 100' non-infringement area from 100' to 12' for installation of a pool and deck. Property located at 63 Wilbur Rd., Stonington. Assessor's Map 131 Block 3 Lot 3A. Zone RC-120.

Land Surveyor Peter Gardner described the project to install a pool and build a deck. Chairman Rathbun asked about another site for the pool that did not require a hardship, Gardner said that the impact would be less.

The Avalonia Land Trust Conservancy also wrote a letter of concern for the preservation of the natural resources.

Mr. Anbari spoke claiming too many trees in his front yard makes the site difficult.

Public Comment Against: Ann Norwalk of the Avalonia Land Trust Conservancy spoke against the potential of chemical hazard from the pool to the cove.

e. **ZBA #10-06 Ann Wilkie** – Seeking a variance from ZR 3.1.4.2 non-infringement area to construct a stone retaining wall within the 100' non-infringement area. Property located at Latimer Point Rd., Stonington. Assessor's Map 154 Block 1 Lot 2. Zone RC-120.

The applicant was not present. Chairman Rathbun tabled the application to the July 13 meeting.

f. **ZBA #10-07 Tracey & Adam Strelczuk** – Seeking a variance from ZR 5.1.1 bulk requirements to reduce side yard setback from 20' to 17.5' and to increase F.A.R. from .35 existing (1,875 s.f) to .43 (2,288s.f.). Property located at 44 Holmes St., Mystic. Assessor's Map 173 Block 12 Lot 13. Zone RH-10

Mr. Strelczuk discussed the pre-existing non conforming 1890 house which they would like to expand.

Public Comment For: Mr. Niedbal father of Tracey Strelczuk.

3. Deliberations & Decisions:

ZBA #10-02: Mr. Deichmann made the motion to approve. Mr. Canavan seconded. The motion was unanimously approved. Roll Call: Rezendes-approve; Canavan approve; Rathbun-approve- Guyol-approve; Deichmann-approve.

ZBA #10-03: Mr. Rezendes made the motion to approve. Mr. Canavan seconded. The motion was unanimously approved. Roll Call: Rezendes-approve; Canavan approve; Rathbun-approve- Guyol-approve; Deichmann-approve.

ZBA #10-04: Mr. Rezendes made the motion to approve. Mr. Deichmann seconded. Deliberations centered on whether it was a self imposed hardship. The motion was denied. Roll Call: Mr. Berger-deny; Mr. Deichmann-deny; Mr. Rathbun-deny; Mr. Canavan-deny; Mr. Rezendes approve.

ZBA #10-05: Chairman Rathbun recused himself. Mr. Deichmann made the motion to deny. Mr. Berger seconded. The motion was unanimously denied. Roll Call: Mr. Berger-deny; Mr. Deichmann-deny, Mr. Guyol-deny; Mr. Canavan –deny; Mr. Rezendes-deny.

ZBA# 10-07; Mr. Guyol made the motion to approve. Mr. Rezendes seconded. Discussion centered on the hardship issue and FAR. The motion was denied. Roll Call Mr. Rezendes-deny; Mr. Canavan-deny; Mr. Rathbun-deny; Mr. Guyol-approve; Mr. Deichmann-deny.

Administrative Review: Previously approved deck; Mr. Bellet- 36 Bruggeman Place. The members believed a new application should come before the Commission.

New Business:

Review of meeting minutes: March, 2010; Mr. Rezendes made the motion to approve. Mr. Canavan seconded. The minutes were unanimously approved.

Adjournment: Mr. Deichmann made the motion to adjourn. Mr. Canavan seconded. The motion to adjourn was unanimously approved. Chairman Rathbun adjourned the meeting at 8:46 P.M.



Neil Canavan, Secretary