

Giants Neck Beach Association Zoning Commission Special Meeting
December 7, 2020

Present: Gerry van Noordennen
Jeff Scull
Jim Lafond
Jim Horton

Also Present: Peter Gaurino
Tony Jacozzi
Page Heslin

1. **Call to Order.** Chairman van Noordennen called the Giants Neck Beach Association Zoning Commission Special Meeting of December 7, 2020 to order at 6:01 p.m.
2. **Seat alternates, if needed.** A quorum was established.
3. **Approval of previous minutes.** Chairman van Noordennen asked for a review and vote on the October 9, 2020 meeting minutes.

**MOTION (1): Mr. Scull moved to approve the October 9, 2020 Giants Neck Beach Association Zoning Special Meeting Minutes, as presented.
Seconded by Mr. Horton. (4-0) Unanimous.**

4. **Review, discuss and take action on the following application:**

- a.) **Jacozzi Residence – 5 South Lee Road – Add second floor outside deck to rear of house.**
Mr. van Noordennen added they are also enclosing the back-door porch because of leakage. Mr. Jacozzi reported they are requesting to construct a deck on the second floor above the existing structure. At the present time we have no egress out of the rear bedrooms. We will be replacing windows in the house because the present ones are leaking. Mr. van Noordennen noted you are also turning the rear bedroom windows into doors.

Mr. Lafond asked if there is any change to the footprint of the house. Mr. Jacozzi replied we are going over the existing pantry and mudroom. Mr. Scull noted the proposed deck area is bigger than what is over the house. Mr. Jacozzi agreed it is about six feet over. Mr. Scull felt that would change the lot coverage. Mr. van Noordennen noted the drawing shows your house on the lot and it is an existing non-conformance to the side yard setback. He asked how much of the proposed deck is going over it. Mr. Jacozzi replied it is going over the grass approximately 6x6 feet or 36 square feet. Mr. van Noordennen stated it is a permanent structure, and we count it as space as far as lot coverage. In the application you are increasing the lot coverage by 36'. You are allowed 2400'. You have 1,678 square feet. Mr. Jacozzi reported the property was surveyed. Mr. Lafond asked if there is any affect to the setback? Mr. van Noordennen noted the existing house is 2.7 feet from the side yard lot line per the survey. Mr. Jacozzi stated it is 3 feet from the corner of the house. Mr. van Noordennen stated the lot is 80 feet wide. The side yard setback needs to be 12 feet from the side lot line. Mr. Jacozzi stated he thought it was 6 feet off the side. Mr. van Noordennen stated it is 6 feet from the rear lot line. It does not conform. Mr. van

Noordennen stated you cannot create a new structure that increases the existing non-conformity. If you have a second-floor structure you still have to meet the side yard setback. Mr. Lafond asked is this section in a non-conforming area? Mr. van Noordennen noted if it was over the roof it would be ok. It is partially over an existing building and partially over grass. Mr. Jacozzi stated is not above the existing structure but over the top of the Bilco door. The door is under that section that does not have a house under it. Mr. Lafond stated I believe it is a new structure and it has to conform to the setbacks. Mr. Jacozzi stated we are trying to add these doors to the back of the bedrooms to give us egress out to the deck so that people can leave in case of a fire. Mr. Scull added the Bilco door is considered a structure within the existing non-conformity. Mr. van Noordennen stated the second drawing shows a patio out back where the Bilco door is and where the patio ends. If this proposed structure was shorter it would be over the existing structure being the roof and the Bilco basement door. Mr. Jacozzi stated that would be too short and we couldn't get the door in for the southern bedroom. Mr. van Noordennen asked if you could move the location of the door. Mr. Jacozzi stated he could not move the door over the dividing wall between the two bedrooms. Mr. van Noordennen asked if you can have the door open up in the opposite direction. Mr. Jacozzi felt we can try to see if it can be altered. Mr. van Noordennen felt if the deck was shortened to be over the existing non-conforming bulkhead than it would take care of the non-conforming issue. Mr. Lafond agreed. Mr. Horton stated we need a 12-foot setback. Unless it could be drawn so the second deck would be twelve feet, we can't approve it. Mr. Scull added we understand you need egress. He suggested that Mr. Jacozzi meet with the Zoning Board of Appeals. We are unable to approve it because of the twelve-foot setback. Mr. Horton agreed. Mr. van Noordennen stated if the East Lyme Building Department is telling you it is a safety issue; this is an issue to bring to the Zoning Board of Appeals (ZBA). Mr. Jacozzi stated as far as shortening it, it makes the Bilco door inoperative. Mr. Jacozzi stated he would like to meet with the ZBA. Mr. van Noordennen agreed to inform the Chairman of the Zoning Board of Appeals that Mr. Jacozzi would like to meet with them.

b) Preliminary Discussion - Heslin/ Hartigan Residence – 3 Point Road – Add an accessory building

Mr. van Noordennen received a late application and asked the Commission to have a preliminary discussion on adding an accessory building for a Wellness and Meditation Center. Mr. Gaurino stated we would like to build a Wellness Center in the front corner of the property. The lot is 14,165 square feet. Out of that there is 2,914 square feet of existing lot coverage of the property which is 20.7%. The new structure will be placed opposite of the garage and twenty feet off the roadway. Mr. Lafond asked how wide is the lot? Mr. Gaurino stated it is 75' wide. Ms. Heslin added it is shown on the Site Plan as meeting the 15% side yard setback. Mr. van Noordennen noted it meets the front and side yard setbacks and lot coverage.

Mr. Horton asked how big is the structure? Ms. Heslin replied 10'X14'. The height is 12 'X 8". Mr. Horton stated an accessory building can be 10'X12'. Mr. van Noordennen stated it can be 120 square feet for a shed or Children's Playhouse and a Greenhouse may be 250'. It doesn't have the dimensions on other accessory buildings. Ms. Heslin was asked if it had light and heat. Ms. Heslin stated it will have light. Mr. Lafond referred to the Zoning Regulations' Sec. 2002 Accessories. Ms. Heslin gave the definition of Accessories. Mr. van Noordennen stated we have only had sheds and garages to date. Mr. Lafond asked do you have a separate garage? Ms. Heslin replied she does. Ms. Heslin read Sec. 1305 of the Zoning Regulations giving the definition of an accessory building. Mr. Scull stated it would be easier if it were 10 X12. Ms. Heslin stated it would not allow us to do what we want to do inside

Mr. Horton felt this Commission has not had sufficient time to review this application. Mr. van Noordennen stated we need to give five days notification of an application. He suggested having a Special Meeting next week. Mr. Horton stated we have not had this situation before and asked how many accessory buildings are allowed? Mr. van Noordennen stated there is no limit specified in our regulations. Mr. Horton felt it was important to research to be sure we are making the right decision. Ms. Heslin stated we do not have any other accessory buildings other than the detached garage. Ms. Heslin stated this is clearly for personal use. Mr. Lafond felt it is important to determine how many buildings are allowed. Mr. van Noordennen felt the Commission should schedule a meeting next week. Mr. Horton agreed. The Commission agreed to meet on December 16 at 6 p.m. to allow them to research accessory buildings and provide for the 5 day notice.

5. **Report from Zoning Enforcement Officer.**

- a.) Current construction activities. Mr. van Noordennen informed the Commission work is being done on various projects in the association.
- b.) Complaints. Mr. van Noordennen reported he received one complaint about the Beebe house that hammering was being done too early. He will call Mr. Beebe to take care of the matter.

6. **Report of any correspondence.** Mr. van Noordennen agreed to send a letter regarding this Commission's 2021 meeting dates. It was agreed they will be held on the first Friday of each month at 6:45 p.m. There was a general consensus to meet on those dates at that time.

7. **Other items which may come before the Commission.** None.

8. **Adjournment.**

MOTION (2): **Mr. Horton moved to adjourn the Giants Neck Beach Association Zoning Commission Meeting of December 7, 2020 at 6:50 p.m.**
Seconded by Mr. Scull. (4-0) Unanimous

Respectfully submitted,

Frances Ghersi, Recording Secretary