East Haddam
Zoning Board of Appeals
March 4, 2024

1. Call to Order

The Regular Meeting of the East Haddam Zoning Board of Appeals was held on Tuesday, March 4, 2024, at 7:00 PM. The Chairperson and Secretary being present.

2. Attendance

William Smith, Laurie Alt, James Fennema, Edward Kane, James Ventres, Land Use Officer

Others Present: Attorney Andrew Morin, Balal Khan, Roger Nemergut, Cody Annino, Rebecca Annino, Elizabeth Johnson, Walter Bradway

3. Public Hearing

A. Application #1159 - 416 East Haddam Moodus Road (property location), Shahani Inc. (applicant & property owner), Map 064, Lot 064. Proposed construction of a gas pump canopy, 9.16 feet from the property line where 30 feet is required.

Attorney Morin, representative from Hinckley Allen, reviewed the project and outlined why it needs to be brought before Zoning Board of Appeals, which is to construct a gas pump canopy in an area where the setback requirements are not met. He outlined the two forms of hardship, the topography of the land and the right to continue the non-conforming use and right to rebuild a non-conforming structure. Mr. Khan provided an overview of the Shahani business.

Roger Nemergut, P.E., provided an overview of the project and the reasons why changes cannot be made to address, being the hardships outlined by Attorney Morin. He walked through the length of canopy and the spacing to the building and curbs. He walked through the existing septic system that they want to update the system as it is old. There is only one spot that will work on the property and will require a pump to get to it. He outlined the topography of the area and the reasons why the building was originally built where it is. He also walked through the property specifics and the topography that limits where the building can sit on the property.

Attorney Morin walked through the non-confirming use hardship and provided examples of case law that supports non-confirming use.

Mr. Ventres clarified that the reason this application is being presented to the Zoning Board of Appeals is for a variance for the canopy. Discussion ensued related to the canopy.

Motion by Mr. Smith to open the meeting to the public. Seconded by Mr. Kane and unanimously approved.

Mr. Cody Annino raised several concerns related to the canopy. He is concerned about public safety and site lines from the expanded canopy. He raised concern about the expansion of the non-conforming use. He also cited case law around non-conforming uses being reduced or

eliminated. He requested that the Zoning Board of Appeal application be denied the request for a larger canopy given his feedback.
Ms. Elizabeth Johnson raised concerns about the site lines and the safety of the corner. She noted that it was her understanding that the non-conforming use could only be expanded by the original owners. She also noted that the gas station has not been used for 15 years and it is in a residential area.
Ms. Rebecca Annino, who lives across the street, noted that the area has moved to become more residential over the years and an expanded gas station would be out of place there. She outlined several options for the location besides a gas station. She noted that she is in support of having businesses in that area that are supportive of a residential zone.
Mr. Ventres read into the record a letter from Kevin Staehly in opposition of the board approving the canopy variance.
Attorney Morin responded to the public comments, outlining that the request before the Zoning Board of Appeals is not a novel application. He also outlined that the canopy is going to be 16 feet high, in response to the concern about it obstructing motorist site lines. He also outlined several items that will have to be reviewed and addressed by the Planning and Zoning Commission, while the item before Zoning Board of Appeals the canopy variance.
Mr. Nemergut, P.E., responded to the public comment related to the traffic safety concerns, walking through the residential traffic safety criteria. He noted that while the property is not zoned residential, when applying the residential criteria, the canopy still would meet the criteria for site lines.
Claudia Skinner voiced her concern about the gas station impacting the rural character of the town.
Mr. Ventres outlined what topic is before the Zoning Board of Appeals for review, which is if a variance for the canopy to be approved.

Motion by Ms. Alt to close the public portion of the meeting. Seconded by Mr. Smith and unanimously approved.

Motion by Ms. Alt to approve Application #1159 - 416 East Haddam Moodus Road (property location), Shahani Inc. (applicant & property owner), Map 064, Lot 064. Proposed construction of a gas pump canopy, 9.16 feet from the property line where 30 feet is required. The hardship is the lot topography. Seconded by Mr. Smith and unanimously approved.

B. Application #1160 – Jeffery & Susan Sinnott (applicant & property owner), 54 Ballahack Road #1 (property location), Map 49, Lot 105. Proposed construction of a barn, 15 feet from the property line where 40 feet is required.

Mr. Sinnott outlined the project, which is to build a barn that is closer to the property line than regulations allow. He outlined the hardship related to why he cannot put the barn in another place. The lot is narrow and gets wet in the back. Most of the property is in the back of the lot is wetlands. The septic system is behind the house, so there are not too many options of where to place the barn. He noted that the neighbor asked him to put the barn 20 feet from the property line instead of 15, which he has agreed to do, if the variance is approved.

Motion by Mr. Smith to open the meeting to the public. Seconded by Ms. Alt and unanimously approved.

Mr. Ventres noted there were no public comments.

Motion by Mr. Smith to close the public portion of the meeting. Seconded by Ms. Alt and unanimously approved.

Motion by Mr. Kane to approve Application #1160 – Jeffery & Susan Sinnott (applicant & property owner), 54 Ballahack Road #1 (property location), Map 49, Lot 105. Proposed construction of a barn, 20 feet from the property line where 40 feet is required. Seconded by Mr. Smith and unanimously approved.

C. Application #1161 – Walter & Melinda Bradway (applicant & property owner), 101 Mott Lane (property location), Map 075, Lot 118. Proposed construction of an addition, 15.6 feet from the property line where 25 feet is required.

Mr. Bradway provided an overview of the project, which is to expand the house. He outlined why the addition must sit where it is proposed to sit. The location of the septic limits where the house can be placed. The existing garage is already out of compliance of current zoning regulations; there is no approved variance in place as the house was built in 1941 and zoning came into being in the 1960s.

Motion by Mr. Smith to open the meeting to the public. Seconded by Ms. Alt and unanimously approved.

Mr. Ventres noted he received a phone call from the neighbor who has no opposition to the project. He has not heard from any other neighbors.

Motion by Mr. Smith to close the public portion of the meeting. Seconded by Ms. Alt and unanimously approved.

Motion by Mr. Smith to approve Application #1161 – Walter & Melinda Bradway (applicant & property owner), 101 Mott Lane (property location), Map 075, Lot 118. Proposed construction of an addition, 15.6 feet from the property line where 25 feet is required. The approval is a continuation of a non-conforming line and there is not another location on the property given the well and septic placement. Seconded by Ms. Alt and unanimously approved.

4. Minutes

Motion by Mr. Smith to approve the December 5, 2023, minutes as presented. Seconded by Ma. Alt and unanimously approved.

5. Bills

No bills.

6. Adjournment

Motion by Mr. Smith to adjourn. Seconded by Ms. Alt and unanimously approved.

Meeting adjourned at 8:26pm.

Respectfully submitted,
Shannon A. Goyette
Recording Secretary