

**TOWN OF EAST WINDSOR
ZONING BOARD OF APPEALS
11 RYE STREET
BROAD BROOK, CT 06016**

MINUTES OF REGULAR MEETING

Monday, February 5, 2024
7:00 p.m.

These minutes are not official until approved at a subsequent meeting

Zoning Board of Appeals

Nolan Davis
Steve Smith
Mystica Davis
Dan Noble
Elizabeth McGuire

Alternates

David Swaim
Scott Morgan

Join Zoom Meeting <https://us06web.zoom.us/j/7148971799>

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ATTENDANCE: Director of Planning & Zoning Enforcement Officer Ruthanne Calabrese, Vice Chairman Elizabeth McGuire, Regular Members: Mystica Davis, Dan Noble; Alternate Members David Swaim and Scott Morgan were present at the Call to Order.

ABSENT: Chairman Nolan Davis, Secretary Steve Smith.

GUEST: Glenn Moule applicant, Victor and Susan DeCapua, neighbors.

I. TIME AND PLACE OF MEETING:

Vice Chairman Elizabeth McGuire called the February 5, 2024 Special Meeting of the East Windsor Zoning Board of Appeals to Order at 7:00 p.m. in person and via Zoom.

II. ESTABLISH QUORUM:

Vice Chairman Elizabeth McGuire noted the Board has established a quorum with three Members present in-person and two Alternate Members at the Call to Order. Alternate Members David Swaim and Scott Morgan were appointed as a Regular Members for this meeting.

III. PLEDGE OF ALLEGIANCE:

Vice Chairman Elizabeth McGuire led the Board in the Pledge of Allegiance.

IV. NEW HEARING:

ZBA# 2024-01 Variance Request—requesting a side yard setback variance of 6-foot where 10ft. is required per sections 301.7 and 401 of the East Windsor Zoning Regulations. Owner/Applicant: Glenn Moule. Address: 29 Tromley Road, East Windsor. M: 62 B:19 L:070. Zone R-3.

Vice Chairman McGuire explained the process for this hearing.

Mr. Glenn Moule, owner, presented his application to the Board. He submitted plans for a 26 ft. by 24 ft garage with a side yard setback of 4 ft. The garage would be located at the end of a proposed extension of an already existing driveway. Mr. Moule expressed difficulty meeting the 10-foot set back due to the difficulty he would have maneuvering into the garage.

Commissioner Noble asked if the property could be moved over to the west of the property.

Mr. Moule responded that due to narrowness of the lot it would not be conducive to move it to the west of the property and moving it to the far end would entail walking to far to his garage. It could be hard in the bad weather. In addition, it would also entail paving his yard for the garage.

Commissioner Noble asked if there was a drainage at the location for water run-off.

Mr. Moule responded that there were gutters and water run off installed.

Commissioner Swaim asked about the shed on the property and the distance of the garage to the neighbor's property.

Mr. Moule responded that it was 4-foot distance.

Commissioner Morgan asked about the shed and the location of the garage and if there would be enough clearance.

Mr. Moule responded that it would be possible.

Vice Chairman McGuire question if the garage could be moved further back on the property or turning the garage.

Mr. Moule said similar restraints would exist along the opposite property line given the lot was 63 feet wide.

It would also conform to the neighbors' location of the garages and uniformity of the neighborhood with houses built in 1960's.

Vice Chairman McGuire emphasized the hardship of requesting this variance and how it would qualify?

Mr. Moule explained that due the lot shape the location of the garage imposes hardship as it would not meet the regular requirements for the variance.

Vice Chairman McGuire asked the audience and online if there were any questions or comments supporting this application.

Victor and Susan DeCapua, neighbors across from Glenn Moule expressed positive support of him building the garage. They said that it would be an asset to the neighborhood. They agree with his plan and support his efforts. The hardship in his case would be that it would make it easier for Glenn Moule and his wife as they are heading towards retiring age.

Town Planner Ruthanne Calabrese read emails from the neighbors of Glenn Moule - Gary Perkins at 27 Tromley Road and Victor and Susan DeCapua at 29 Tromley Road approving and supporting his application.

Vice Chairman McGuire asked the audience and online if there were any questions or comments opposing this application.

Town Planner Ruthanne Calabrese stated that the email was received from Christopher Wilkes opposing Glenn Moule's application. The email expressed concerns with the view shed, trees along the property line and emergency access to the property. They are Glenn Moule's neighbors and asked his application to be denied.

MOTION To **CLOSE** Public Hearing
Noble moved/Swaim seconded/**DISCUSSION:** None
VOTE: by a show of hands:
In Favor: Davis/McGuire/Noble/ Morgan/Swaim
(No one opposed/No abstentions)

The Board members deliberated the case and looked into the hardship of this application. It was noted that the property was nonconforming as it was a narrow lot. Dan Noble asserted that Mr. Glenn Moule must consider the run-off as he builds his garage. Scott Morgan supported Dan Noble’s view. One of the concerns was setting a precedent but it was agreed that the lot was a non-conforming structure with the parcel indicating the shape of the lot.

The staff of the Planning Office provided the following finding that:

1. The non-conforming constraints that exist on the parcel, specifically the lot width
2. of 63 feet, pose a hardship to the property owner.
3. This hardship was not created by the property owner.
4. That granting the variance will be in harmony with the neighborhood.
5. That granting of the variance will not confer special privilege on the applicant, as
6. a precedence has been established for the neighborhood.

The Board members considered supporting and opposing appeals for this variance. The opposing appeal did not have any impact on the applicant’s request for variance as the trees from the neighbor had no grounds for denial of building the garage on the owner’s property.

MOTION: To **Grant a 6-foot Variance** to the 10-foot side yard setback requirement for accessory structures of Section 401 Bulk Area Requirements of the East Windsor Zoning Regulations.

Noble moved/Swaim seconded/**DISCUSSION:** None
VOTE: by a show of hands:
In Favor: Davis/McGuire/Noble/ Morgan/Swaim
(No one opposed/No abstentions)

V. OTHER BUSINESS:

A. 2024 Revisions to Bylaws (continued from 2/1/2024)

The Rules of Procedures of the Town of East Windsor Zoning Board of Appeals were reviewed. Vice Chairman McGuire reminded the Board that the document had been revised to make it gender neutral. The Board discussed the requirement to vote on changes to the Rules of Procedure during regular meetings and chose to keep the existing language.

MOTION: To **APPROVE** the BYLAWS of the Town of East Windsor Zoning Board of Appeals as amended.

Noble moved/Davis seconded/***DISCUSSION:*** None

VOTE: by a show of hands:

In Favor: Davis/McGuire/Noble/Swaim/Scott
(No one opposed/No abstentions)

VI. APPROVAL OF MINUTES:

A. January 17, 2024, Special Meeting.

The following corrections were suggested:

- *Steve Smith was not present at the meeting.*
- *David Swaim was not seated as a Regular Member as the Board had all Regular Members present.*
- *Page 2, David Swaim seconded a motion not Smith.*
- *Scott Morgan who was seated as a Regular Member.*
- *Page 1 states that Nolan Davis was still a Vice Chairman as the election of officers did not occur at that time.*

MOTION: To **APPROVE** the meeting minutes as amended.

Swaim moved/ Davis seconded/ ***DISCUSSION:*** None

VOTE by a show of hands:

In Favor: Davis/Noble/McGuire/Swaim/Morgan
(No one opposed/ No abstentions)

VII. ADJOURN:

MOTION: To **ADJOURN** the meeting at 8:03 p.m.

Noble moved/McGuire seconded/***DISCUSSION:*** None

VOTE by a show of hands:

In Favor: Noble/Davis/McGuire/Swaim/Morgan
(No one opposed/ No abstentions)

Respectfully submitted,
Sabo Khalilova, Recording Secretary, East Windsor Zoning Board of Appeals

