

GLASTONBURY ZONING BOARD OF APPEALS  
*Meeting Minutes of Monday, February 5, 2024*

The Glastonbury Zoning Board of Appeals, with Lincoln White, Building Official, and Seon Altius, Zoning and Planning Technician, held a Regular Meeting on Monday, February 5, 2024 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairman  
Susan Dzialo, Vice-Chair  
Nicholas Kornis, Secretary  
Jaye Winkler  
Douglas Bowman, Alternate (seated as voting member)  
Aaron White, Alternate  
Elizabeth Cafarella, Alternate

**Board Members- Excused**

David Hoopes

Chairman Smith called the meeting to order at 7:04 pm and explained the public hearing process to the audience. Mr. Smith also noted that 4/5 votes are needed for an application to pass and there is a 15-day appeal period. Mr. Smith seated Mr. Bowman as a voting member.

Secretary Kornis read the three agenda items.

***PUBLIC HEARING***

- 1. Carlos Mejias of 94 Buttonball Lane zone AA is requesting a variance from section 4.4.6 for the purpose of adding a front porch to the structure that will have a depth of 5 feet and extend 46 feet across the front of the dwelling. The variance is requested because the alteration will decrease the front yard setback from 50 feet to 47 feet.**

Mr. White read the application.

Mr. Mike Wilson introduced himself for the record and stated that he will represent the property owners. Mr. Wilson explained that his clients are looking to build a brand-new porch measuring 45 feet long by 5 feet wide. He explained that the property is prone to water issues and added that the down spout cannot extend further. Mr. Wilson stated that water drops down to the base of the house. He noted that the new porch project will allow the water to drip further away from the house and would also improve the aesthetic. Mr. Wilson stated that the project would require a variance of about 3 feet. He explained that a 50-foot front yard setback is required and added that the porch with roof would be a 47-foot setback. He thanked the Board for considering the application. The presentation was concluded.

Mr. Bowman asked if the 47 feet includes any overhang. Mr. Wilson stated that an additional 6 inches would allow for the gutter. Mr. Bowman suggested changing the variance to 4 feet instead of 3 feet. Mr. Wilson agreed and offered to adjust any documents. Mr. Smith asked if the porch materials would be wood and asked for details on the plan. Mr. Wilson stated that a wood cedar porch is proposed with beams and added that the property owners are excited. Mr. White asked if there is a peak over the door. Mr. Wilson replied yes. Chairman Smith asked Secretary Kornis to read the letters into the record. Mr. Wilson stated that they informed the neighbors about the project and outlined the construction process. He stated that they wanted to make sure the neighbors are comfortable with the project. Secretary Kornis read the letter of support that was dated January 10, 2024. It was signed by six neighbors residing at the following: 105 Buttonball Lane, Mr. Mark Mascheck of 114 Buttonball Lane, Mr. Peter Gambardella of 86 Buttonball Lane, and 87 Buttonball Lane. Two of the support letters did not include an address. Most of the signatures were not legible and did not include a printed name. Chairman Smith moved on to public comment.

*The hearing was opened for public comment, either for or against the application, and seeing as no one came forward to speak, Chairman Smith closed public comment on the application.*

Mr. Smith noted that the presentation was concise and well done. He thanked the applicants and explained that the vote will take place later in the meeting.

**2. Brian Stepule representing Olivia Humphrey & Jason Kriedel of 28 Thompson St, Zone RR is requesting a variance from section 8.2.b for the purpose of replacing a one and a half existing garage with a two-car garage with a bonus room above. The existing structure is non-conforming due to the side yard setback reduced from 25ft to 22ft and the proposed addition will encroach into the side yard setback further than the existing house.**

Mr. White read the application.

Mr. Brian Stepule introduced himself for the record and stated that he will represent the property owners. Mr. Stepule noted that the ZBA approved the plans in 2022 and stated that the approval expired. He noted that the applicants are looking to replace the garage. Mr. Stepule asked the Board members if they received the plans. Mr. Smith confirmed that the Board received the plans. Mr. Stepule explained that his clients initially worked with Cheryl Newton. He noted that the property is non-conforming and added that a full set of plans may not have been submitted. Mr. Smith explained that a variance does not normally expire and asked if there was another issue. The Chairman asked the Board to treat this application as a brand-new application. Mr. White explained that the regulations give a 2-year window for construction. Mr. Stepule explained that the property owners had difficulty securing a contractor. The Board discussed the side yard and front yard of the property. Ms. Winkler asked Mr. White how the distance is measured. Mr. White explained that it would be perpendicular at the closest point of the structure. Vice-Chair Dzialo wanted to confirm that there is a side yard question and asked

about the new encroachment after construction. Mr. Smith asked about the differences from this application and the past application. Mr. Stepule replied that he will ask the property owners. Mr. Stepule noted that only the side yard was referenced in the previous application. Mr. Bowman remarked that he recognized the house and added that he was there before. Mr. Stepule noted that the house was moved there and remarked that there is a story behind it. Ms. Winkler asked if the Board could reference the previous approval, allowing the applicants to have a new construction date. Mr. Smith explained that they do not have the previous application in front of them. Mr. White explained that it would not be prudent to reference an expired approval. He noted that the front yard portion of the application was overlooked at the time and did not get referenced. Mr. Smith explained that it is best to proceed with this application as a new application. He remarked that he hopes construction is completed within the 2-year period. Mr. Stepule stated that the applicants would like to start as soon as possible.

Vice-Chair Dzialo asked if the front yard encroachment is 16 feet. Mr. White confirmed that it is 16 feet and explained that he calculated it based on a full-size plan which had to be scaled. Ms. Dzialo asked about the side yard after construction. Mr. White calculated that it would be 11 feet with the overhang. He reiterated that the previous application did not mention the front-line encroachment. Mr. Smith asked the Board if there were any additional questions. The Chairman noted that alternates can ask questions. Ms. Winkler wanted to confirm that the height of the garage does not have to adhere to the 15-foot maximum height requirement. Mr. White replied correct and explained that it is not an accessory structure. Mr. White wanted to confirm that the applicants stated the hardship. Mr. Smith explained that the hardship statement was included in the documentation and addresses the irregular shape and non-conforming lot. The Chairman thanked Mr. Stepule for including the information.

*The hearing was opened for public comment, either for or against the application, and seeing as no one came forward to speak, Chairman Smith closed public comment on the application.*

**3. Corrine Crocker-Luby of 83 Naubuc Ave. Zone TCMU is requesting a variance to section 14.18.4(i)1 (Regulation error, should be 4.18.4(i)1) to allow 900 Sq.Ft of developed floor area which exceeds the allowed 5000 Sq.Ft. to complete the designed planned redevelopment.**

Mr. Gary Haynes, Planner, Community Development, logged into the meeting. Mr. White read the application. Mr. Smith asked Mr. Haynes to provide a summary of the application. Mr. Haynes explained that the best course of action is for the applicant to go before the TPZ and apply for a special exception to consolidate the parking. He explained that the applicant is attempting to put the cart before the horse by obtaining a variance without getting approval from the ASDRC, the TPZ, and the Engineering Department. Mr. Haynes explained that full plans must be submitted and approved before proceeding to the ZBA.

Ms. Crocker-Luby introduced herself for the record. She noted that, in the past, the ZBA granted her a use variance. Ms. Crocker-Luby stated that she has been to ASDRC once and will have to go back a second time. She noted that she listened to the comments. Ms. Crocker-Luby stated

that she has been to the TPZ subcommittee and was advised to enlist the services of a land use attorney. Ms. Crocker-Luby stated that she is requesting a variance from Section 4.18.4(i)1) to allow 900 square feet of developed floor area which exceeds the allowed 5,000 square feet to complete the designed planned redevelopment. She explained that the hardship is due to the current regulations and the required two means of egress to comply with ADA accessibility. Ms. Crocker-Luby remarked that she is not supposed to talk about the parking and added that she puts the cart before the horse because she is a planner. She noted thinking ahead is part of her job. Ms. Crocker-Luby reiterated that she went before other Commissions.

Ms. Dzialo asked for the current square footage and the proposed square footage. Ms. Crocker-Luby stated that she will have to look for it. Mr. Smith noted that the Board will proceed with other questions and come back to the total square footage later. Ms. Crocker-Luby agreed. Mr. Bowman remarked that the proposal is a complicated, multi-faceted project that overlaps with many Boards. He noted that the consensus was to postpone in February and asked if the applicant was supposed to meet the requirements that TPZ outlined. Ms. Crocker-Luby stated that there was an advertising issue and added that she was away for a month. Mr. Smith noted that the application was open for a while and asked how much time the applicant has left. Mr. White replied that time is up after tonight's meeting. Mr. Haynes explained that the applicant has only been to ASDRC once for a preliminary review. He noted that ASDRC only meets once a month and added that it is not uncommon for applicants to go to ASDRC 3 to 4 times. Mr. Haynes noted that the applicant's proposal is a great idea and added that it needs to go through the design review process and engineering review process. He explained that other Boards and Commissions must approve the plans before granting a permanent variance that will appear on the land records. Mr. Haynes noted that the project is still at the conceptual level. Mr. Smith noted that, if the Board approves the variance, parking is still a concern.

Ms. Crocker-Luby noted that she feels confident that the regulations are in her favor. She noted that she has three different properties and the overflow parking system has been planned out. Ms. Crocker-Luby stated that she found the numbers regarding square footage and provided the breakdown of square footage number by floor. Ms. Crocker-Luby stated that the existing square footage is 2,140. She stated that the existing barn measuring about 2,000 square feet was removed. Ms. Crocker-Luby noted that the unfinished square footage in the attic is not part of the calculations. She stated that the addition will come out to 2,774 square feet. Mr. Smith asked to see the ADA compliant areas on the plans. Ms. Crocker-Luby displayed a plan detailing the ADA compliant areas. The highlighted areas in brown depict proposed corridors. The highlighted areas in blue depict stairwells and landings. Ms. Dzialo remarked that it appears that the proposal is double the size of the building. Ms. Crocker-Luby explained that she has to comply with the ADA regulations and wants to move forward with the plans. She reiterated that the brown and blue areas on the plan are required, leaving her with less space. Ms. Crocker-Luby noted that she scaled back on the architectural design based on the comments from the ASDRC. She remarked that she takes care of her customers and wants to help all of her guests take part and access the business.

Mr. White explained that a variance cannot be granted based on a hypothetical plan. He explained that the applicant's hardship is self-imposed and added that the applicant circumvented the TPZ approval process. There was a brief discussion on the plans and whether it was within the regulations to approve the extra 900-square foot addition separate from the 5,000-square foot allowance. Mr. Haynes reiterated that the applicant has gone to one preliminary ASDRC meeting. He explained that the stormwater management system has not been approved by the Engineering Department and the parking plan has not been approved. He explained that changes in the plans are routinely requested by Commissions and Departments and added that the design that is presented is not the final design. Mr. Haynes reiterated his point about the cart before the horse and explained that the procedure is to get definitive approval from the TPZ and the ASDRC before getting a permanent variance from ZBA. Mr. Smith noted that the proposal is for a whole set of plans and not just 900 square feet. The Chairman explained that variances run with the land and recalled a vineyard application that was denied by the ZBA for not being specific enough. Mr. Smith explained that this Board cannot approve stormwater plans, parking plans, or architectural plans. He explained that other Boards have to approve the full plans. Ms. Crocker-Luby remarked that she has done her homework and has followed the rules. She noted that the proposal will benefit the community. Mr. White stated that the ZBA is not a planning Board. He explained that it is up to TPZ to approve the plan and provide applications with a positive recommendation to the ZBA. Mr. White noted that it does not work the other way.

Mr. Bowman noted that a lot of work and financial commitment were put into the project. He recommended for the applicant to work with a land use attorney and added that the process is complicated. Ms. Crocker-Luby stated that she has a land use attorney who will help with the parking at the TPZ meeting. She reiterated that she has received past approvals from the ZBA. Mr. Haynes noted that there are different staff in place and explained that a variance is the final step in the process. He advised the applicant to meet the requirements of the ASDRC and TPZ process first. Mr. Haynes noted that TPZ grants a favorable recommendation to the ZBA. The Board continued to discuss the variance and reiterated that other departments must approve the plans first. Ms. Crocker-Luby reiterated that the hardship is due to the ADA regulations requiring access and two exits.

Mr. Haynes suggested two courses of action for the applicant to pursue. He explained that the applicant can withdraw the application and proceed to the TPZ and ASDRC for approval of the plans. Mr. Haynes explained that if the applicant moves forward, there is a risk that the application will be denied. Denied applications have a one-year wait. He asked the Board to consider adding the wording "without prejudice" if the Board votes to deny the application. Mr. Haynes explained that an application that is denied without prejudice can allow an applicant to go before the ZBA without having to wait a year. Ms. Crocker-Luby asked if withdrawing the application would allow her to come back to the ZBA. Mr. Smith explained that, if the application is denied, it is within the ZBA's right not to see the application for one year. Ms. Crocker-Luby stated that she will withdraw her application. Mr. Smith explained that the applicant can come back before the ZBA once everything is in order. The Chairman noted that it is up to the applicant and no one can force the applicant to withdraw. Ms. Crocker-Luby stated that she will withdraw the application and go before the other Boards first. Mr. Haynes noted

that he outlined the options to ensure the applicant understands the process. Ms. Crocker-Luby thanked Mr. Haynes and added that the drainage plans are almost finalized. Mr. Bowman remarked that he thinks the applicant made a wise choice. Ms. Crocker-Luby apologized for wasting the Board's time. Mr. Smith noted that it was not a waste of time. Mr. Haynes asked the applicant to send a formal withdrawal letter to include in the records. Ms. Crocker-Luby agreed to email a letter. Ms. Winkler asked if the applicant will have to reapply. Mr. White replied yes. Ms. Crocker-Luby remarked that she has to pay again and added that it is better than waiting a year.

Mr. Smith noted the Board has accepted the withdrawal and added that there is no need to proceed any further. He asked the applicant if this is acceptable. Ms. Crocker-Luby replied yes. Mr. Smith stated that no further action is required and reiterated that application is withdrawn. The Chairman wished the applicant luck and said the Board will see her soon. Ms. Crocker-Luby thanked the Board for their time. Mr. Smith noted that there is no need to move on to public comment.

*Chairman Smith stated that a brief recess would be taken before the Board moves on to deliberations.*

### ***Action on Public Hearing***

- 1. Carlos Mejias of 94 Buttonball Lane zone AA is requesting a variance from section 4.4.6 for the purpose of adding a front porch to the structure that will have a depth of 5 feet and extend 46 feet across the front of the dwelling. The variance is requested because the alteration will decrease the front yard setback from 50 feet to 47 feet.**

***Motion by:*** Secretary Kornis

***Seconded by:*** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Carlos Mejias of 94 Buttonball Lane, residence zone AA, for a variance from section 4.4.6 for the purpose of adding a front porch to the structure that will have a depth of 5 feet and extend 46 feet across the front of the dwelling. The variance is requested because the alteration will decrease the front yard setback from 50 feet to 46 feet (extra to account for overhang). The hardship relates to a current problem with water runoff pooling at the front foundation resulting in basement flooding. The proposed addition of the front porch will keep the water away from that area. The requirements of section 13.9 have been met.

### **Discussion:**

Secretary Kornis noted that property has a major water problem and added that the proposal will help. Ms. Winkler stated that it is a well thought-out plan that will improve the safety of property. She noted that she has met the neighbors who were supportive of the applicant. Ms. Winkler reiterated the safety concerns of the property and added that she will vote in favor. Mr.

Bowman noted that the proposal is aesthetically pleasing and practical. He remarked that he is impressed by the neighborhood involvement. There was a brief discussion on the neighborhood.

**Result:** Motion passes unanimously. (5-0-0)

- 2. Brian Stepule representing Olivia Humphrey & Jason Kriedel of 28 Thompson St, Zone RR is requesting a variance from section 8.2.b for the purpose of replacing a one and a half existing garage with a two-car garage with a bonus room above. The existing structure is non-conforming due to the side yard setback reduced from 25ft to 22ft and the proposed addition will encroach into the side yard setback further than the existing house.**

**Motion by:** Ms. Winkler

**Seconded by:** Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Olivia Humphrey & Jason Kriedel of 28 Thompson St, zone RR, for a variance from section 8.2.b to allow a garage addition no closer than 34 feet from the front yard and no closer than 11 feet from the side yard on the grounds that the existing building is non-conforming on a lot that prohibits construction any other way. The requirements of section 13.9 have been met.

#### **Discussion:**

Secretary Korns noted that the front yard setback has been left out of the agenda. Mr. Bowman remarked that it is a weird property. Ms. Winkler noted that it is a good plan and will vote in favor. Chairman Smith remarked that this application is an example of a classic oddball site that is not a square lot. He noted that applications like this is why the ZBA exists. Ms. Dzialo noted that it is a reasonable addition and nice improvement. Ms. Winkler remarked that the project will improve the neighborhood. There was a brief discussion on the previous variance application. Mr. White noted that the previous request did not include the front yard. Mr. Smith agreed with Ms. Winkler's comment about the project improving the neighborhood.

**Result:** Motion passes unanimously. (5-0-0)

- 3. Corrine Crocker-Luby of 83 Naubuc Ave. Zone TCMU is requesting a variance to section 14.18.4(i)1 (Regulation error, should be 4.18.4(i)1) to allow 900 Sq.Ft. of developed floor area which exceeds the allowed 5000 Sq.Ft. to complete the designed planned redevelopment. (Withdrawn by Applicant.)**

#### **REGULAR MEETING**

- 1. Acceptance of Minutes from January 17, 2024 meeting**

**Motion by:** Secretary Korns

**Seconded by:** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the January 17, 2024 minutes as presented.

**Result:** Motion passes. (5-0-0)

## **2. Discuss In-Person vs. Zoom Meetings**

Ms. Winkler noted that there is much less public participation in the Zoom meeting format. Several Board members agreed and there was a brief conversation about past applications that generated public interest. Mr. White noted that the majority of the Boards and Commissions have a hybrid meeting format. Ms. Winkler brought up the issue of the Zoom log in difficulty that ZBA Board members experienced and added that the public has also experienced technical issues. Ms. Winkler spoke briefly about the hybrid format and suggested for Mr. White and Mr. Altius to Zoom in with the option given to Board members to Zoom in or attend in-person at Town Hall. She noted that some of the Board members find Zoom convenient when traveling on business trips. Mr. Kornis noted that he appreciates that the plans and designs are much easier to view and follow on Zoom; Mr. Smith agreed. The Chairman asked the alternates to weigh in on their preference. Ms. Cafarella noted that she has three kids and the Zoom format works during times her husband has a business trip. She noted that she is flexible. Mr. Aaron White noted that he is traveling right now and added that Zoom is very convenient. He remarked that the Zoom option allows him to attend the meeting. Ms. Dzialo stated that she would like to second what Mr. Kornis said. She noted that she would like to continue to have access to a screen and added that there is also the benefit of screen share with Zoom; Mr. Smith agreed.

Mr. White noted that Ms. Winkler brought up a good point about some members of the public experiencing technical difficulties with Zoom and added that some of them lack familiarity with Zoom. He noted that the Town can improve the access aspect of the Zoom meeting. Ms. Winkler spoke about the ZBA being an elected Board and added that there is a benefit to go back to in-person meetings. She remarked that the public feels that they are heard and are not just talking to a screen. There was a brief discussion on the Town Charter and it was reiterated that the ZBA is one of only two Boards/ Commissions that is in a Zoom format. Mr. Kornis brought up the point that the ZBA was frequently bumped to Conference Room A, an uncomfortable room; Mr. Smith agreed. Ms. Winkler asked if the technology to allow hybrid meetings was set up in Conference Room A. Mr. Davis explained that there is equipment in Conference Room A and added that the room works best for small meetings. He stated that there is no camera feed. Mr. White spoke about the Town Manager's plans to have Council Meetings in the Academy Auditorium. He explained that the space would need to be cleared out and added that the auditorium frees up more meeting space. Mr. Smith stated that he would like to adjourn the meeting soon and suggested continuing the discussion at the next meeting. The Chairman noted that the next meeting would be held via Zoom format.

Ms. Winkler suggested setting a deadline to make a decision about the in-person meeting format. She noted that, in the next months, the agenda will be busy with swimming pools and deck applications. Ms. Winkler explained that the in-person meeting format would allow new Board



members to better understand the process and reiterated that the ZBA is one of only two Boards/Commissions that holds Zoom meetings. Mr. Smith noted that he understands Ms. Winkler's point and the Board discussed whether to vote before adjournment. No decision was made on the meeting format and the Board agreed to continue the discussion at the next meeting.

***Adjournment***

***Motion by:*** Mr. Bowman

***Seconded by:*** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their Regular Meeting of February 5, 2024 at 9:00 pm.

***Result:*** Motion passes unanimously. (7-0-0)

Respectfully Submitted,

***Nadya Yuskaev***

Nadya Yuskaev  
Recording Secretary