



ZONING BOARD
OF APPEALS

LYME TOWN HALL
480 HAMBURG ROAD
LYME, CT 06371

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September 19, 2024

The Lyme Zoning Board of Appeals held a Public Hearing/Regular meeting on Thursday, September 19, 2024, at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT 06371.

Members Present: Fred Harger (chair), Dave Gage, Anna James, Toni Phillips, Henry Lahm, Adam Brevoort (alternate), Ross Byrne (ZEO), Lannie Mossberg (secretary).

CALL TO ORDER 7:31 p.m.

SEAT ALTERNATE MEMBERS

APPROVAL OF MINUTES FROM March 21, 2024 - The minutes were accepted.

The applicant was not present, therefore, the board decided to skip to new business to allow the applicant more time to arrive.

NEW BUSINESS—Byrne discussed the updated ZBA application with the changes he made. He asked the board to review it and give him any recommended changes.

7:45 p.m. applicant present

PUBLIC HEARING

Phillips read the public notice and application

2024-04 Opus Capital LLC; 6 Ledge Trail; Map 40.3; Lot 57: Continuation; An application for a variance to install a deck. Per sections 315-4.5, the required lot area. 315-7.1 Compliance with regulations. 315-23.2 Nonconforming building – Present was owner Alex Opuszynski. Applicant handed in mailing receipts. Opuszynski said he's heard from adjacent lot owners, who have no problem with the deck. The board reviewed the photos from the application. Opuszynski spoke about what the deck looks like now and explained

that the stairs are the same but on the opposite side of the deck. Opuszynski said Bruce from Ledge Light health department approved the deck contingent on ZBA approval, and he would supply an email or letter if need be. Opuszynski admitted he never pulled a permit for the deck because it went so fast, but he had good intentions. He has improved the home and would like to see a family there. Opuszynski explained what would happen in court if the project was denied. ZEO Byrne said he feels the application should be denied because Mr. Opuszynski is a professional who knows the permitting process isn't "after the fact." Gage questioned Byrne about what would happen if the application was denied. Byrne said it would proceed to court with an appeal unless the deck were to be removed and back to its original size. James questioned it being Affordable Housing. Harger said he can't find how hardship is met. Opuszynski told the board to review and think what hardship is and he was trying to do the right thing in "good faith." He felt Byrne misstepped by speaking. Harger explained that all decisions are different, depending on each property individually.

Regular Meeting

2024-04 - Harger asked everyone to state whether they were in favor of the application or not and why.

Gage spoke and said he was appalled. He understands it adds to the general aesthetics. It could sway opinions if marketed to the Affordable Housing level, which this town needs. Next time, don't build without permits or variance. In favor.

Lahm said it's nice but does not show hardship. Not in favor.

James agrees with Gage about the importance of affordable housing. In favor.

Phillips also agrees with Gage on positive aspects. In favor.

Harger said no hardship was met and agreed that affordable housing could be an option, but that does not mean it needs a deck. The decision to continue without a permit was not a good idea. Not in favor.

Harger said that with four votes needed for approval and two of the votes not in favor, the appeal does not pass. Harger explained the 15-day period for others to appeal. Opuszynski explained he would not remove the deck unless the state told him to, felt the decision was not in the best interest of the town, and is prepared to sue.

ADJOURNMENT 8:23 p.m.