



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

*Robert J. McIntyre, Chairman
Kevin Danby, Vice Chairman
Dorothy T. Alexander, Secretary
Jacqueline Prast
Alfred Wilcox*

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Alternate Members
*Vacant
Charles Gadon
Brenda Dyson*

**MINUTES
REGULAR MEETING
August 12, 2020 at 6:00 p.m.**
Virtual Zoom Meeting

I. CALL TO ORDER

Chairman McIntyre called the meeting to order at 6:00 p.m.

II. ROLL CALL

Attendant Members

Robert McIntyre
Kevin Danby
Dorothy Alexander (not seated)
Jacqueline Prast
Alfred Wilcox
Charles Gadon (not seated)
Brenda Dyson (seated for D. Alexander)

Absent Members

None

Attendant Staff

Lynette Wacker, Recording Clerk

III. PUBLIC HEARING

20/21-02 Stephen and Viola Tagliatela, seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.6.2 (structure coverage/15% allowed/21.9% proposed) and Par 58.2 & 58.6 (riparian buffer setback/100' required/66' proposed) of the Zoning Regulations to permit the construction of a 257 s.f. deck extension at 10 Cove Street, Map 24/Lot 71, Residence A District, Coastal Area Management Zone, CT River Gateway Zone.

The applicants Mr. and Mrs. Tagliatela were present. They thanked the board members and explained the requested variance, which they are seeking to improve access to their outdoor space by extending their deck at the first floor level to accommodate a disability. R. McIntyre asked the board members if they had any questions for the applicants.

A. Wilcox stated that the property does not appear to present any special hardship. However, a physical disability should be reasonably accommodated. He asked how a larger deck would help accommodate the disability. He suggested tabling the application to allow the applicants to present medical proof of a unique hardship.

K. Danby stated that in addition to accommodating a disability, there are other hardships such as the need for a second means of egress from the main level and an unusually shaped lot.

B. Dyson stated she was also in favor of tabling the matter until they have pictures of the proposed deck.

A. Wilcox stated that extending the deck would not improve egress from a safety perspective since the same number of stairs would be needed to reach the ground.

B. McIntyre asked whether the new deck would tie into the landing on the side of the house. The applicant explained that it would not and the existing deck would be extended to allow a second means of egress from inside the house. The applicant also stated that providing medical documentation in a public forum could violate health privacy laws.

J. Prast asked whether anything related to the proposal would be an ADA complaint. The applicant replied that it would allow access to the deck without having to use any stairs.

A. Wilcox asked about the decking material. The applicant replied that it would be a typical wooden deck with small gaps between the boards which would make the deck permeable.

B. McIntyre stated that he would like to clarify if the applicant has a permanent disability. He suggested polling the board to see if they would be in favor of continuing the matter in order to allow the applicants to provide more information in this regard. K. Danby stated that he would prefer to move forward with a condition that the applicants produce medical evidence of a permanent disability. He further stated that there are no letters or statements of opposition, and he feels that there is enough other evidence of hardship (safety, topography, irregularly shaped lot, no additional property is available) to allow the board to grant this variance.

A. Wilcox stated that it is their primary duty to eliminate non-conforming situations, not extend them, and the only exception he can see is the issue of the applicant's disability.

R. McIntyre stated that he agrees with K. Danby but feels that the board will not approve the application without more proof of hardship.

R. McIntyre opened the public hearing.

C. Gadon, not seated, commented as a member of the public. He stated that he is not in favor of enlarging a non-conforming situation.

R. McIntyre asked the applicants if they would like to respond to any of the comments. The applicants replied that they are willing to table the application in order to provide additional support for their request, including a letter from their doctor. They further stated that three quarters of their lot is wetlands which is not included in the percent coverage, and that their lot is actually very large.

MOTION to TABLE 20/21-02 Stephen & Viola Tagliatela, variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.6.2 (structure coverage/15% allowed/21.9% proposed) and Par 58.2 & 58.6 (riparian buffer setback/100' required/66' proposed) of the Zoning Regulations to permit the construction of a 257 s.f. deck extension at 10 Cove Street, Map 24/Lot 71, Residence A District, Coastal Area Management Zone, CT River Gateway Zone, and to continue the matter to the next regularly scheduled meeting on September 9, 2020 at 6:00 p.m. in order to allow the applicants to provide evidence of a permanent disability.

MADE: A. Wilcox; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox, B. Dyson; **OPPOSED:** None; **ABSTAINING:** None; **GRANTED:** 5-0-0.

IV. REGULAR MEETING

A. New Business – None.

B. Minutes

MOTION to APPROVE the July 08, 2020 Regular Meeting Minutes as presented. **MADE BY:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox, B. Dvson; **OPPOSED:** None; **ABSTAINING:** None; **GRANTED:** 5-0-0.

C. Correspondence & Announcements – None

D. Committee, Representative & Staff Reports – None

V. ADJOURMENT

MOTION to **ADJOURN** the August 12, 2020 Regular Meeting of the Zoning Board of Appeals at 6:33 p.m.; **MADE:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox, B. Dyson; **OPPOSED:** None; **ABSTAINING:** None; **GRANTED** 5-0-0.

Respectfully submitted,
Lynette Wacker, Recording Clerk

NEXT REGULAR MEETING

Wednesday, September 9, 2020 at 6:00 P.M.

Town Hall, 1stFloor Conference Room, 302 Main Street, Old Saybrook, CT

If the COVID19/Corona Virus State of CT Public Health Emergency remains effective, a dial in public meeting may be held. Check our website one week in advance for dial in information at

Town of Old Saybrook Zoning Board of Appeals or

Subscribe to www.oldsaybrookct.org for electronic delivery of land use agendas.