



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

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

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216
www.oldsaybrookct.org

Alternate Members
*Vacant
Charles Gadon
Brenda Dyson*

**MINUTES
REGULAR MEETING
April 14, 2021 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

Members

Robert McIntyre
Kevin Danby
Dorothy Alexander
Jacqueline Prast
Alfred Wilcox
Charles Gadon
Brenda Dyson

Attendant Staff

Sarah Makowicki, Recording Clerk

III. OLD BUSINESS

A. A review of the application of Joseph E. Tobin to determine whether or not, under the provisions of General Statutes Section 8-6 (a) (3), that there is a substantial change in their request for a variance from their earlier appeal 20/21-21C that was denied on March 10, 2021. The Board will make a determination as to whether or not the proposed plan modification is or is not the same or substantially the same as the earlier application so that it may be heard by the Board within six months after the earlier decision by the Board. Denied Appeal 20/21-21C requested a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 (street line setback/25' required (Atlantic)/13.5' proposed); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required (Club House)/30.3' proposed); and Par 24.5.3 (other yard setback/15' required/11.9' proposed) of the Zoning Regulations to permit the construction of a 806 s.f. second story addition, an unroofed second story deck and a 112 s.f. shed at 17 Club House Lane, Map 4/Lot 159, Residence A District, Coastal Area Management Zone.

Ed Cassella, Joe Wren, and Denise Von Dassel presented for the applicant. The application was updated to include new site and front entry plans. The existing shed will be removed, there is no longer a replacement shed proposed. There will be no lateral increase to the eaves leaving the existing profile. The proposed portico has been removed and the entry way will be set into the structure. An existing chimney will be removed. There was still concern from the Board that the applicant does not show a hardship.

A review of the application of Joseph E. Tobin to determine whether or not, under the provisions of General Statutes Section 8-6 (a) (3), that there is a substantial change in their request for a variance from their earlier appeal 20/21-21C that was denied on March 10, 2021. The Board will make a determination as to whether or not the proposed plan modification is or is not the same or substantially the same as the earlier application so that it may be heard by the Board within six months after the earlier decision by the Board. Denied Appeal 20/21-21C requested a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 (street line setback/25' required (Atlantic)/13.5' proposed); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required (Club House)/30.3' proposed); and Par 24.5.3 (other yard setback/15' required/11.9' proposed) of the Zoning Regulations to permit the construction of a 806 s.f. second story addition, an unroofed second story deck and a 112 s.f. shed at 17 Club House Lane, Map 4/Lot 159, Residence A District, Coastal Area Management Zone. The Board felt that there was a significant change in the application to warrant another hearing. Robert McIntyre stated that it's a substantial change to allow the applicant to resubmit within six months and brought it to a vote before the Board. Kevin Danby and Jacqueline Prast voted yes. Dorothy Alexander abstained. Alfred Wilcox voted no. Majority has the vote. Only majority in needed to allow review.

B. Application 20/21-31 Derick Gibbs seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /40' required /11.7' proposed); and Par 24.5.3 (other property line setback/15' required/10.9 proposed to east and 6.2' proposed to west) of the Zoning Regulations to permit the construction of a 376 s.f. second story addition at 6 Tucker Road, Map 18/Lot 80, Residence A District, Coastal Area Management Zone, AE-12 Flood Zone has been rescheduled until the May 12, 2021 meeting.

A reminder that all correspondence needs to go through the land use department.

IV. PUBLIC HEARINGS

A. 20/21-26 Jeff Roy seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required /14.3' proposed) of the Zoning Regulations to permit the construction of a new roofline/dormer at 69 Middletown Avenue, Map 19/Lot 190, Residence A District, Coastal Area Management Zone.

Mr. Roy presented his application to the Board. Mr. Roy is not adding any coverage and is keeping to the same square footage. The Board felt that it would be prudent for Mr. Roy to seek legal counsel or guidance from the zoning officer. The application will be continued until the May 12, 2021 meeting.

R. McIntyre opened the public hearing.

Roy McDougal of 67 Middlesex Ave spoke in support of the application stating that the improvements made to the house are welcome and improve the neighborhoods aesthetic.

R. McIntyre closed the public hearing.

MOTION to Continue until May 12, 2021 meeting. 20/21-26 Jeff Roy seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required /14.3' proposed) of the Zoning Regulations to permit the construction of a new roofline/dormer at 69 Middletown Avenue, Map 19/Lot 190, Residence A District, Coastal Area Management Zone. **MADE:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** R. McIntyre, A. Wilcox, K. Danby, D.Alexander, J. Prast; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

B. 20/21-28C Philip Delldonna seeks a variance of Par 24.5.3 (other yard setback/15' required/5.5' proposed) of the zoning regulations to permit the construction of a 720 s.f. detached garage with unfinished 2nd floor at 16 Old Sea Lane, Map 19/Lot 102, Residence A Zoning District, Coastal Area Management Zone.

Mr. Delldonna presented the application to the Board. The proposed garage would be an increase in coverage from 15.25% to 18.8% keeping under the 20% restrictions. Mr. Delldonna stated that the hardship is that he cannot place the proposed 24ft x 30ft garage in a different location on the property because of the restrictions of his septic system. There is also a 10ft right of way next to the property line which acts as a buffer to the neighboring property that is 15 ft from the 16 Old Sea Lane property line. There will be no elevation change to the property. The Board stated that they did not feel that the proposed garage needed to be as large as proposed and if a smaller building was proposed, that would eliminate the need for a variance. The Board also stated that they did not feel that there was a strong enough hardship to warrant creating a non-conformity on the property.

R. McIntyre opened the public hearing.

Mr. and Mrs. Virag 98 Old Sea Ln spoke in favor of the application stating that the proposed structure would not be noticeable from the street and would overall enhance the neighborhood.

Margie Hudson 17 Evans Ln an abutting neighbor and owner of the right of way next to the property was concerned that the garage would cause runoff and drainage issues on her property.

R. McIntyre closed the public hearing.

MOTION to DENY. 20/21-28C Philip Delldonna seeks a variance of Par 24.5.3 (other yard setback/15' required/5.5' proposed) of the zoning regulations to permit the construction of a 720 s.f. detached garage with unfinished 2nd floor at 16 Old Sea Lane, Map 19/Lot 102, Residence A Zoning District, Coastal Area Management Zone. On the grounds that there is no hardship. **MADE:** A. Wilcox; **SECONDED:** J. Prast; **VOTING IN FAVOR** A. Wilcox, J. Prast K. Danby

C. 20/21-33 Flounder Partners, LLC seek a variance of Par 10.6.1(non-conforming use/change); Par 24.5.1 (street line setback/25' required/3' proposed to Essex Rd); Par 24.5.1 as modified by Par 68.1.2.b.4 (narrow street line setback/30' required/11.2' proposed to Sunrise Ave) and Par 24.6.2 (Gateway Zone structure coverage/15% allowed/16.9% proposed) to permit the construction of a 1059.3 s.f. roofed pavilion at 99 Essex Road, Map 58/Lot 134, Residence A Zoning District, Coastal Area Management Zone, Gateway Conservation Zone.

Joe Wren presented the application to the Board. The applicant proposed an open pavilion over the existing patio. The hardship stated that as a corner lot the applicant is subject to two street setbacks and because of driveway access and septic system there is no other logical place for the proposed structure. The owner of the property Scott Champagne spoke to how the Covid-19 pandemic has affected his business and how beneficial a permanent structure compared to the temporary tent that was used in the same location as proposed structure last summer. There would not be an increase to the lighting, owner would be using existing lights. The site lines from Sunrise Ave would not be affected, the proposed structure does not expand or impede on any existing site lines.

Joe Wren read four letters of support into the record. The letters stated that many regulars have chosen to only eat outdoors, and this proposed structure would allow them to eat at the restaurant under safe conditions.

R. McIntyre opened the public hearing.

Sally Wilkes 1 Sunrise Ave. spoke in favor of the application stating that she has lived in this location for 24 years, her bedroom is on the street side and next to the restaurant's patio, she stated that she has never felt that the restaurant was a nuisance in any way.

Alan Fog 14 Fordham Tr. spoke in favor of the application stating that the restaurant has found ways to accommodate their customers and this proposed structure would continue to do so.

Denise VonDassel 863 Middlesex Ave. spoke in favor of the application stating that as a regular customer she was not ready to eat indoors but felt that the proposed structure would be advantageous for business.

Kevin Danby read two letters into the record.

James Rodriguez 5 Sunrise Ave. was not in favor of the application stating that the proposed structure would be a significant detriment to the residential character of the neighborhood.

Virginia and Wayne Trowbridge 10 Sunrise Ave. was not in favor of the application Ms. Trowbridge stated her concerns about the property, but none were related to the proposed structure.

A letter from the Gateway Commission stated that because the restaurant and proposed structure could not be seen from the river that they would not be opposed to the application.

R. McIntyre closed the public hearing.

A. Wilcox felt that the application is an expansion on a non-conforming lot in a residential district. The proposed structure is not justified by the expense of the temporary tent that was used last summer. Mr. Wilcox felt that the permanent proposed solution to a temporary problem was going too far.

D. Alexander felt that the proposed structure was not a significant expansion to a non-conformity.

R. McIntyre felt that the motion that K. Danby made was correct and because we are not living in a normal world the approval of this application would be beneficial to the applicant.

MOTION to APPROVE 20/21-33 Flounder Partners, LLC seek a variance of Par 10.6.1(non-conforming use/change); Par 24.5.1 (street line setback/25' required/3' proposed to Essex Rd); Par 24.5.1 as modified by Par 68.1.2.b.4 (narrow street line setback/30' required/11.2' proposed to Sunrise Ave) and Par 24.6.2 (Gateway Zone structure coverage/15% allowed/16.9% proposed) to permit the construction of a 1059.3 s.f. roofed pavilion at 99 Essex Road, Map 58/Lot 134, Residence A Zoning District, Coastal Area Management Zone, Gateway Conservation Zone. On the grounds of the hardship of a corner lot being very restrictive. The proposed structure would: not reduce site lines on Sunrise Ave, not add to ambient lighting as the owner will be keeping existing lighting, provide a healthy and safe environment for guests and staff, be in harmony with the recently improved restaurant building. **MADE:** K. Danby; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** D.Alexander, J. Prast, K. Danby, R. McIntyre; **OPPOSED:** A. Wilcox; **ABSTAINING:** NONE; **Motion Passes: 4-1-0.**

V. NEW BUSINESS

B. Minutes

R. McIntyre MOTIONED to Table March 10, 2021 Regular Meeting Minutes as presented until the May 12, 2021 meeting. Board members suggested amendments and amended minutes will be presented at the May 12, 2021 Regular Minutes.

C. Correspondence & Announcements – None

D. Committee, Representative & Staff Reports – None

VI. ADJOURNMENT

MOTION to ADJOURN April 14, 2021 Regular Meeting of the Zoning Board of Appeals at 8:48 p.m.; **MADE:** A. Wilcox; **SECONDED:** R. McIntyre; **VOTING IN FAVOR:** K. Danby, D. Alexander, J. Prast, A. Wilcox, R. McIntyre; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

Respectfully submitted,

Sarah Makowicki, Recording Clerk

SPECIAL MEETING

Tuesday, April 27, 2021 at 6:00 P.M.

NEXT REGULAR MEETING

Wednesday, May 12, 2021 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