



TOWN OF OLD SAYBROOK  
**Zoning Board of Appeals**

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

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**Alternate Members**  
*Vacant  
Charles Gadon  
Brenda Dyson*

**MINUTES  
REGULAR MEETING  
Wednesday May 12, 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. CONTINUED PUBLIC HEARINGS**

- A. **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.

Application 20/21-31 will be continued to the June 9, 2021 meeting.

- B. **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.

Attorney Tim Furey presented the application for the owner stating that the proposed dormer was constructed to accommodate the height of the front door. The current door is shorter and narrower than a standard sized door. The front stoop was repositioned to decrease the front street setback by 5.5”.

R. McIntyre opened the public hearing.

Two letters of support were presented to the board.

R. McIntyre closed the public hearing.

D. Alexander noted that the project was already underway when the board was presented with this application and it should be made aware that the applicant is bending the rules by applying for a variance after the project has been started. R. McIntyre agreed with Ms. Alexander.

**MOTION to APPROVE. 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. On the grounds that the dormer will allow for a safer egress/ingress and the change of the front steps will lessen the nonconformity by 5.5” with no change to the overall footprint. **MADE:** K. Danby; **SECONDED:** D.Alexander; **VOTING IN FAVOR:** A. Wilcox, R. McIntyre, J. Prast, K. Danby, D.Alexander; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

**C. 20/21-30 Jhonny & Jefferson Rivera** seek a variance of Par 10.6.1 & 10.6.2 (non-conforming use/change); Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 34.6.3 (other line setback/20’ required/12/2’ proposed) of the Zoning Regulations to permit the construction of a 100 s.f. second story dormer addition at 2 Thompson Road, Map 17/Lot 5, Gateway Business B-4 District, Coastal Area Management Zone.

Attorney Ed Cassella presented the application for the owner. In response to the questions at the last meeting, Mr. Cassella noted that the Board has authority to grant a variance that is non-conforming in use, section 8-6 states that the ZBA is the enabling authority that can grant a variance to a nonconforming dwelling use. The structure was built in 1918 and has always been used as a residence. Now because the structure is in a commercial district there are regulations that are having impact on this historically residentially used structure.

Mr. Cassella noted that the owners were willing to make some concessions to the application. One being the removal of the window of the proposed dormer. Two the removal of the 11’x18’ deck which would be a reduction of nonconformity.

R. McIntyre opened the public hearing.

Martha Conway and Rick Keel of 6 Thompson Rd reiterated their opposition of the project as documented in the previous meetings minutes.

R. McIntyre closed the public hearing.

**MOTION to DENY. 20/21-30 Jhonny & Jefferson Rivera** seek a variance of Par 10.6.1 & 10.6.2 (non-conforming use/change); Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 34.6.3 (other line setback/20' required/12/2' proposed) of the Zoning Regulations to permit the construction of a 100 s.f. second story dormer addition at 2 Thompson Road, Map 17/Lot 5, Gateway Business B-4 District, Coastal Area Management Zone. On the grounds that there is no hardship. **MADE:** A. Wilcox; **SECONDED:** J. Prast ; **VOTING IN FAVOR:** K. Danby, R. McIntyre, D.Alexander, A. Wilcox, J. Prast ; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

#### IV. PUBLIC HEARINGS

- A. **20/21-34 Besim Thaci** seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 (street line setback/25' required/16.4' proposed) and Par 24.5.3 (other line setback/15' required/9.2' proposed) of the Zoning Regulations to permit the construction of a 1,262 s.f. 2nd story addition and 169.2 s.f. front porch at 64 Knollwood Drive, Map 4/Lot 140, Residence A Zoning District, Coastal Area Management Zone.

Architect Peter Springsteel presented the application for the owner. The applicant is seeking a variance on the grounds of a hardship that the septic tank is in the middle of the yard where an addition could be placed. The applicant is proposing a second-floor addition on top of the existing nonconforming structure with an addition of a front porch instead of the current front stairs. A nonconforming shed would also be removed from the property.

Board members inquired about the age and possibly moving the septic system.

R. McIntyre opened the public hearing.

One letter of support and one letter of opposition were presented to the board.

R. McIntyre closed the public hearing.

A.Wilcox commented that the removal of a small shed does not offset the enlargement of the existing nonconforming structure.

D.Alexander also agreed stating that the proposed addition would double the non-conformity.

**MOTION to APPROVE** with the exclusion of the front porch. **20/21-34 Besim Thaci** seeks a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change); Par 24.5.1 (street line setback/25' required/16.4' proposed) and Par 24.5.3 (other line setback/15' required/9.2' proposed) of the Zoning Regulations to permit the construction of a 1,262 s.f. 2nd story addition

and 169.2 s.f. front porch at 64 Knollwood Drive, Map 4/Lot 140, Residence A Zoning District, Coastal Area Management Zone. On the grounds that the majority of the existing structure is within the required setbacks. The nonconformity is being decreased by the removal of an existing shed. Asking the owners to move septic is unreasonable. **MADE:** K. Danby; **SECONDED:** J. Prast; **VOTING IN FAVOR:** R. McIntyre, K. Danby, J. Prast; **OPPOSED:** A. Wilcox, D. Alexander; **ABSTAINING:** NONE; **Motion Fails: 3-2-0. Application is denied.**

## V. NEW BUSINESS

**A. Minutes** – Meeting Minutes for March 10, 2021, April 14, 2021, and April 27, 2021 have been amended as suggested by the board.

**MOTION to APPROVE March 10, 2021, Regular Meeting Minutes as amended. MADE:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** D. Alexander, J. Prast, A. Wilcox, R. McIntyre; **OPPOSED:** K. Danby; **ABSTAINING:** NONE; **Motion Passes: 4-0-1.**

**MOTION to APPROVE April 14, 2021, Regular Meeting Minutes as amended. MADE:** R. McIntyre; **SECONDED:** J. Prast; **VOTING IN FAVOR:** D. Alexander, J. Prast, A. Wilcox, R. McIntyre; **OPPOSED:** K. Danby; **ABSTAINING:** NONE; **Motion Passes: 4-0-1.**

**MOTION to APPROVE April 27, 2021, Special Meeting Minutes as amended. MADE:** R. McIntyre; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** J. Prast, A. Wilcox, R. McIntyre; **OPPOSED:** K. Danby; **ABSTAINING:** D. Alexander; **Motion Passes: 3-1-1.**

- B. Correspondence & Announcements** – None
- C. Committee, Representative & Staff Reports** – None

## VI. ADJOURMENT

**MOTION to ADJOURN May 12, 2021 Regular Meeting of the Zoning Board of Appeals at 8:34 p.m.; MADE:** A. Wilcox; **SECONDED:** A. Wilcox; **VOTING IN FAVOR:** K. Danby, D. Alexander, J. Prast, A. Wilcox, A. Wilcox; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

Respectfully submitted,

Sarah Makowicki, Recording Clerk

### NEXT REGULAR MEETING

**June 9, 2021 at 6:00 P.M.**

Town Hall, 1st Floor 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

[www.oldsaybrookct.org](http://www.oldsaybrookct.org) or

Subscribe to [www.oldsaybrookct.org](http://www.oldsaybrookct.org) for electronic delivery of land use agendas.