
Zoning Board of Appeals Minutes 01/11/2017

MINUTES/MOTIONS Town of Old Saybrook Zoning Board of Appeals

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Old Saybrook at its Regular Meeting that was held on **Wednesday, January 11, 2017 at 7:00 p.m.** at the Town Hall, First Floor Conference Room, 302 Main Street, heard and decided the following appeals:

Seated for this evenings meeting and voting were the following members: Rexford McCall, Chairman, Dorothy Alexander, Vice Chairman, Robert McIntyre, Philip Broadhurst and Carl VonDassel, Jr., alternate

Present: Kim Barrows, Clerk

Absent: Adam Boyd

The meeting was then called to order at 7:00 p.m. The following public hearings were conducted, as well as the decision making sessions. The meeting has been recorded and the following actions were taken:

The Chairman introduced the Board members who were seated for this evenings meeting. The Chairman then proceeded to read the Legal Notice into the record.

16/17-20C Sophie, Lillian & Thomas Bartkowicz seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (other property line setback/15' required/11.6' proposed to the north and 3.7' to the south) of the Zoning Regulations to permit the construction of a 607 s.f. second story addition at 143 Plum Bank Road, Map 2/Lot 30, Residence A District, Coastal Area Management Zone.

PUBLIC HEARING:

Present: David Royston, Esquire, agent for the applicants and Ms. Bartkowicz, applicant

Attorney Royston began his presentation by going over the site plan, the lot width is 40' x 105.44' in length. Plum Bank Road is considered a State Highway which is a wider width. This is a seasonal property and will remain a seasonal property. There is however, additional area in the event the septic system fails. The regulations state that the improvements can't exceed 50% of the appraised value of the structure. Currently the appraised value of the structure is \$55,500. If that happens the structure would have to be elevated to meet the FEMA Flood Regulations. Attorney Royston stated that once the variances are granted, the "contract" for the work to be done will be reviewed by Don Lucas, Building Inspector, Geoff Jacobson, Engineer and Flood Coordinator and Chris Costa, the Zoning Enforcement Officer. If they determine the work exceeds the 50%, then the structure will have to be elevated. The proposal is to remove the existing front porch which reduces the maximum building coverage from 28.8% to 24.8%. There is an existing attic area which will be renovated to increase the headroom and move two of the downstairs bedrooms upstairs. The number of bedrooms will remain the same. The only expansion of the structure is the vertical extension for the second floor. P. Broadhurst had two big concerns, one that the construction is taking place in a flood zone and based on the property appraisal, how can the work be done for half that figure. Attorney Royston stated that the "improvements" are above the flood elevation since it is the second floor. Mr. Broadhurst is also concerned about the 3.7' setback on the south side. It is too close to the other house and property line. Mr. Broahurst feels this creates an issue with light and air and health and safety. Attorney Royston disagreed, increasing the height is not an issue and on the other side fire trucks and emergency crews can access the property. Also the neighbor on the south side is in favor of the project. [Mr. Disibo] Attorney Royston also felt that keeping this house down to its existing height with other homes in the area that are higher creates a "canyon" effect. D. Alexander stated this is an improved plan, but not asking for that. R. McCall stated there is more bulk and/ or added volume. C. VonDassel was concerned that the 50% rule is for a 10 year period in which you can't exceed it. What if something were to happen to the structure during that 10 year period. Attorney Royston stated that if something happens there are things in place that take that into account.

The following letters in support were entered into the record: Janice Olson and Bruce Backman of 141 Plum Bank Road dated December 27, 2016 and Mike Disibo of 145 Plum Bank Road. The Chairman then opened the floor for either comments in favor or in opposition. There were no comments from the audience other than the applicant, Ms. Bartkowicz stating they would like to update the structure and no further comments from the Board. The public hearing closed at 7:54 p.m.

VOTING SESSION:

Discussion with respect to the public hearing that closed this evening. R. McCall stated that it is not the Board's concern whether or not the work can be done within the 50% rule. The variances are for the second floor and there will be no increase in the number of bedrooms. The increase in height will add "bulk" to the sideline but there will be a reduction in the coverage. Also the property is to remain seasonal.

A **Motion** was made by R. McIntyre, seconded by C. VonDassel to **GRANT Application 16/17-20C Sophie, Lillian & Thomas Bartkowitz**. In lieu of a hardship is a reduction of an existing nonconformity, also the reduction of maximum building coverage has been reduced by approximately 5%. There is no change in the footprint of the building, it is just being raised up from an attic to accommodate a second floor. Also the **Coastal Site Plan Review Application is approved** as well because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. No discussion and a vote was taken: In favor: R. McCall, R. McIntyre, D. Alexander, C. VonDassel Opposed: P. Broadhurst Abstaining: None The motion passed. 4-1-0

REGULAR MEETING

Minutes: A **Motion** was made by R. McCall, seconded P. Broadhurst to **approve the December 14, 2016 Regular Meeting Minutes** as submitted. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, C. VonDassel Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Correspondence:

* A letter dated January 5, 2017 from Shireen and John Aforismo of 14 Red Bird Trail asking the Board to consider if there was a "substantial change" to the application that was denied in December [Appeal No. 16/17-17] by modifying the new plan to increase the shed setback from 10.6 feet to 11.6 feet from the streetline setback. The Board discussed the matter and found that a one foot increase was not a "substantial change" and would hear a new application in six months.

A **Motion** was made D. Alexander, seconded by R. McCall to state that the matter was discussed and the Board concluded that a one foot increase was not a "substantial change" and would hear a new application in six months. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre Opposed: None Abstaining: C. VonDassel The motion passed. 4-0-1

* A letter dated January 11, 2017 from John R. Schroeder formally requesting a waiver of the A2 survey requirement for submitting a Zoning Board of Appeals application for 13 Gates Road, Jim and Andrea Flaherty. The letter states that the included photographs, site plan, and neighborhood plot plans support the contention that this is a very small, straight forward, generally flat, rectangular lot that is clearly defined. The Board members looked at the submitted site plan and ZBA application. Mr. Schroeder then proceeded to give the Board members his "presentation" as to why the documents submitted were enough so that they did not have to obtain an A-2 survey. A presentation by the applicant in this forum was inappropriate. Discussion ensued between Board members and the clerk as to an applicant giving a presentation without notice of a public hearing and conforming to ZBA guidelines.

The Board did **NOT** grant a waiver of the A2 survey at this time. The matter will be brought before the Zoning Enforcement Officer for further review.

Election of Officers: Nominations for Chairman, Vice Chairman and Secretary:

Chairman: R. McIntyre nominated R. McCall to serve as Chairman, D. Alexander seconded the nomination. R. McIntyre moved to close nominations for Chairman, D. Alexander seconded the motion. A vote was taken: In favor: D. Alexander, P. Broadhurst, R. McIntyre, C. VonDassel Opposed: None Abstaining: R. McCall The motion passed. 4-0-1 **Rexford McCall was elected Chairman.**

Vice Chairman: R. McCall nominated D. Alexander to serve as Vice Chairman, R. McIntyre seconded the nomination. R. McCall moved to close nominations for Vice Chairman, R. McIntyre seconded the motion. A vote was taken: In favor: R. McCall, P. Broadhurst, R. McIntyre, C. VonDassel Opposed: None Abstaining: D. Alexander The motion passed. 4-0-1 **Dorothy Alexander was elected Vice Chairman.**

Secretary: R. McCall nominated R. McIntyre to serve as Secretary, C. VonDassel seconded the nomination. R. McCall moved to close nominations for Secretary, C. VonDassel seconded the motion. A vote was taken: In favor: D. Alexander, R. McCall, P. Broadhurst, C. VonDassel Opposed: None Abstaining: R. McIntyre The motion passed. 4-0-1 **Robert McIntyre was elected Secretary.**

Adjournment: A **Motion** was made by R. McCall, seconded by C. VonDassel to adjourn the January 11, 2017 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, C. VonDassel Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Kim Barrows, Clerk

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS
WEDNESDAY, FEBRUARY 8, 2017 AT 7:00 P.M., FIRST FLOOR CONFERENCE ROOM**