
Zoning Board of Appeals Minutes 02/14/2018

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, February 14, 2018 at 6:00 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: Philip Broadhurst, Chairman, Robert McIntyre, Vice Chairman, Dorothy Alexander, Secretary, Adam Boyd and Jacqueline Prast, alternate

Present: Kim Barrows, Clerk and Attorney Michael Cronin, counsel for the ZBA

Absent: Kevin Danby, Catherine Purcell, alternate and Mark Velardi, alternate

The meeting was then called to order at 6:00 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 four regular members and one alternate were seated.

PUBLIC HEARINGS

17/18-17- Legacy 4 HIM, LLC, appeal of the Zoning Enforcement Officer's Cease & Desist Order dated September 21, 2017 for property located at 810 Middlesex Tpke, Map 63/Lot 8, Restricted Business B-3 District & Residence AA-1 District.

A letter dated February 9, 2018 from Attorney Cassella requesting that the Public Hearing open tonight with no testimony taken and be continued to a Special Meeting on Thursday, March 22, 2018 at 7:00 p.m.

A **Motion** was made by P. Broadhurst, seconded by R. McIntyre to open the Public Hearing with no testimony taken and continue to a **Special Meeting on Thursday, March 22, 2018 at 7:00 p.m.** in the First Floor Conference Room, Town Hall for **17/18-17- Legacy 4 HIM, LLC**, appeal of the Zoning Enforcement Officer's Cease & Desist Order dated September 21, 2017 for property located at 810 Middlesex Tpke, Map 63/Lot 8, Restricted Business B-3 District & Residence AA-1. No discussion and a vote was taken. In favor: P. Broadhurst, D. Alexander, R. McIntyre, A. Boyd, J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

17/18-22 - 602 Boston Post Road, LLC/Mercury Fuel, appeal of the Zoning Enforcement Officer's Cease & Desist Order dated December 12, 2017 for property located at 602 Boston Post Road, Map 40/Lot 50, Shopping Center Business B-2 District.

A letter dated February 12, 2018 from Attorney Richard Carella requesting that the Public Hearing open tonight with no testimony taken and continued to the next Regular Meeting of the Zoning Board of Appeals on Wednesday, March 14, 2018 at 7:00 p.m.

A **Motion** was made by P. Broadhurst, seconded by R. McIntyre to open the Public Hearing with no testimony taken and continue to the next **Regular Meeting on Wednesday, March 14, 2018 at 7:00 p.m.** in the First Floor Conference Room, Town Hall for **17/18-22 - 602 Boston Post Road, LLC/Mercury Fuel**, appeal of the Zoning Enforcement Officer's Cease & Desist Order dated December 12, 2017 for property located at 602 Boston Post Road, Map 40/Lot 50, Shopping Center Business B-2 District. No discussion and a vote was taken. In favor: P. Broadhurst, D. Alexander, R. McIntyre, A. Boyd, J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

A **Motion** was made by P. Broadhurst, seconded by R. McIntyre to change the order of the meeting to hear **Application 17/18-21C - Robert F. Pulito** first and then **Application 17/18-19C - Barbara L. Belmont**. No discussion and a vote was taken. In favor: P. Broadhurst, D. Alexander, R. McIntyre, A. Boyd, J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

17/18-21C - Robert F. Pulito, seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.3 (side line setback/15' required/11.07' to the east and 2.80' to the west proposed); and Par 24.6.2 (building structure coverage/20%

allowed/23.8% proposed) of the Zoning Regulations to permit the construction of a 208 s.f. porch with 2nd story deck at 16 Pelton Avenue, Map 20/Lot 38, Residence A District, Coastal Area Management Zone.

The applicant has proposed a 208 s.f. porch with a second story deck. The neighboring property owner has an issue with the second story deck that it may impact his privacy in his backyards. He also stated that the shed that is Mr. Pulito's is on his property. He stated that if the shed needs to be replaced that the homeowner acknowledge it is on Mr. Horton's property and have it moved to conform with the current zoning regulations.

A **Motion** was made by D. Alexander, seconded by R. McIntyre to **GRANT w/condition Application 17/18 -21C - Robert F. Pulito**. The condition to the granting of these variances is that the existing shed that is far onto the neighboring property be moved onto the applicant's property to meet the current setbacks of the Zoning Regulations. 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: P. Broadhurst, D. Alexander, R. McIntyre, A. Boyd, J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

17/18-19C - Barbara L. Belmont, seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.1 (front yard setback/25' required/1.4' proposed); Par 24.5.3 (side yard setback/15' required/6.1' proposed to east and 5.3' proposed to west); Par 24.6.1 (gross floor area/40% allowed/48.32% proposed); Par 24.6.2 (building structure coverage/20% allowed/30.07% proposed) of the Zoning Regulations to permit the construction of a 36 s.f. dormer addition and 13 s.f. 2nd story deck at 25 Beach Road West, Map 12/Lot 153, Residence A District, Coastal Area Management Zone.

A **Motion** was made by R. McIntyre, seconded by D. Alexander to **GRANT Application 17/18 - 19C - Barbara L. Belmont**. The applicant has removed several nonconformities that exist today by cutting down 1.9' of an existing wall and reducing the bump-out lessening the encroachment into the setback to the property line. Those reductions in the existing nonconformities are used in lieu of a hardship. 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: P. Broadhurst, D. Alexander, R. McIntyre, A. Boyd, J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

17/18-23 - RLC Properties, LLC, seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 41.6.3 (other line setback/20' required/1.9' proposed); Par 41.7.2 (building structure coverage/70% allowed/77.1 proposed) of the Zoning Regulations to permit the relocation of dumpsters, construction of a dumpster enclosure and a 716 s.f. addition at 225 Elm Street, Map 38/Lot 3, Industrial I-1 District, Coastal Area Management Zone.

A **Motion** was made by R. McIntyre, seconded by A. Boyd to **CONTINUE Application 17/18 - 23 - RLC Properties, LLC to the next Regular Meeting, Wednesday, March 14, 2018 at 7:00 p.m.** in order to get documentation requested from the Building Inspector, Fire Marshal and DEEP. No discussion and a vote was taken. In favor: P. Broadhurst, D. Alexander, R. McIntyre, A. Boyd, J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

REGULAR MEETING

Minutes: Tabled until next month

Adjournment: A **Motion** was made by P. Broadhurst, seconded by R. McIntyre to adjourn the February 14, 2018 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: P. Broadhurst, D. Alexander, R. McIntyre, A. Boyd, J. Prast Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 7:50 p.m.

Philip Broadhurst, Chairman

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS
WEDNESDAY, MARCH 14, 2018 AT 7:00 P.M.,
FIRST FLOOR CONFERENCE ROOM**