
Zoning Board of Appeals Minutes 07/12/2017

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, July 12, 2017 at 6:30 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, Philip Broadhurst, Robert McIntyre, Adam Boyd, Carl VonDassel, Jr., alternate and Catherine Purcell, alternate

Present: Christina Costa, Zoning Enforcement Officer, Kim Barrows, Clerk

Absent: Kevin Danby, alternate

The meeting was then called to order at 6:45 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.

OLD BUSINESS

Smith v. OS ZBA & Beach 05, LLC, Discussion and potential resolution of pending litigation relating to the 11/9/2016 approval with conditions of Appeal 16/17-12 to permit interior changes to remove the 288 s.f. 2nd floor, 1 bedroom residential dwelling unit which uses store kitchen and bathroom facilities from the 2nd floor and to create a 754 s.f. 1 bedroom residential dwelling unit on the first floor of the building and relocate 754 s.f. 1st floor storage area to the 288 s.f. 2nd floor. 102/104 Chalker Beach Road, Map 18, Lots 88 & 89, Residence A District, Coastal Area Management Zone.

Attorney Cassella stated that at this time he was not ready to discuss this matter with the Board but it will be on the August 9, 2017 Regular Meeting Agenda for 6:30 p.m.

NEW BUSINESS

Peter Budwitz, Trustee, seeks a determination if proposed plans to permit the construction of additions are substantially different so a new appeal can be filed and heard in less than six months of the March 8, 2017 denial of appeal 16/17-25. 6 West Shore Drive, Map, 1 Lot 142, Residence. A District, Coastal Area Management Zone.

Attorney Cassella who represents the applicant went over the proposed application to see if the Board felt that there was a substantial change from the application presented in March (Attorney Cassella refers to it as the February application). The gross floor area for the first floor is existing 1,018 and has not changed. The gross floor area for the second floor was existing 414 s.f., February plan 1,050 s.f. and new plan 798 s.f. The gross floor area is slightly less than the 51.70% presented in February, the proposed is 45.40% whereas existing was 35.80%. The proposed addition in February was 636 s.f., the proposal now is 384 s.f. The setbacks in the front on the south and north side go from 4.06 ft to 6.06 ft on the south and 11.53 ft to 13.53 ft on the north. The second floor is a full second story so the deck is not on a half story. R. McCall and P. Broadhurst felt there was enough to label it a "substantial" change so that it could be heard in August.

A **Motion** was made by R. McCall, seconded by R. McIntyre to accept the application for Peter Budwitz as substantially changed from the "February"/March 8, 2017 denial and can be heard at the August 9, 2017 Regular Meeting. No discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, A. Boyd Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

At 7:00 p.m. the Chairman then proceeded to read the Legal Notice for the remainder of the meeting into the record.

For this application R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell were seated

16/17-39 - Stephen C. & Laurie E. Correll, seek a variance of Par. 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/8.3' proposed to Hartlands Dr. and 19.3' proposed to Clearwater Dr.) and Par. 9 (half story/no balcony allowed/ 135.2 s.f. 3rd story deck proposed) of the Zoning Regulations to permit the construction of a 427.5 s.f. third floor dormer addition with 135.2 s.f. third story deck at 16 Hartlands Drive, Map 3/Lot 58, Residence A District, Coastal Area Management Zone.

The Public Hearing was continued from last month to see if the builder could try and rework the plan taking in all of the comments so that the cohesive plan clearly shows a half story so that the Board could vote on it. Attorney Cassella presented new plans this evening. The deck on the previous plan was removed and the square footage on the half story is 416 s.f., the first floor square footage is 856 s.f. The roofline has been decreased from 34.6' to 32.6'. There are now only two variances needed for this application and they are for the front yard setbacks since the lot is a corner lot.

A **Motion** was made by P. Broadhurst, seconded by R. McCall to **GRANT Application 16/17-39 - Stephen C. & Laurie E. Correll**. The hardship is the existing nonconformity of the structure and all of the work is being done within the confines of the existing footprint. There is not an increase in the variances and in all other respects it meets the requirements. No discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, C. Purcell Opposed: None Abstaining: None
The motion passed unanimously. 5-0-0

D. Alexander recused herself from this application, C. VonDassel was seated in her place

17/18-01 - Daniel R. & Linda H. Hatch seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.3 (other yard setback/15' required/4.7' proposed to the east); and Par 24.6.2A (building structure coverage Gateway Conservation Zone/15% allowed/17.9% proposed) of the Zoning Regulations to permit the construction of a 134 s.f. 2nd story deck at 9 Cove Street, Map 24/Lot 68, Residence A District, Coastal Area Management Zone, Gateway Conservation Zone.

Discussion with respect to the Public Hearing that closed this evening. The applicants want to replace an existing deck that was damaged by a tree falling on it. While trying to repair the damage was structural so they redesigned the deck and added an additional 2' so that it will be 6'7" x 20'. The deck will also add another means of egress to the property.

A **Motion** was made by C. VonDassel, seconded by A. Boyd to **GRANT Application 17/18-01 - Daniel R. & Linda H. Hatch**. Due to the narrow lot size which predates the existing Zoning Regulations this proposal makes the structure safer and more sound for egress. And it would address a safety hazard. No discussion and a vote was taken. In favor: R. McCall, P. Broadhurst, R. McIntyre, A. Boyd, C. VonDassel Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

17/18-03 - Carlos M. & Andrea L. Vargas seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.3 (other yard setback/15' required/5.25' proposed); and Par 24.6.2 (building structure coverage/20% allowed/33.6% proposed) of the Zoning Regulations to permit the construction of a front door landing & stairs and an expanded 231 s.f. deck at 17 Pratt Road, Map 1/Lot 87, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. It was noted that the house did not have house numbers on the front, this is a Town Ordinance. The applicants property abuts the Cornfield Point tennis courts. The applicants are proposing to reduce the front yard (Pratt Road) nonconformity by eliminating a substantial portion of the deck which is located entirely within the front yard setback and moving the deck area into a more compliant portion of the lot on the south side of the house within the side yard setbacks. There is a reduction in some nonconformities and the hardship is this is a lot with two front yard setbacks.

A **Motion** was made by D. Alexander, seconded by R. McCall to **GRANT Application 17/18-03 - Carlos M. & Andrea L. Vargas**. The changes discussed here will make a much more hospitable and pleasant outdoor living arrangement. And in as much as the area that is affected abuts the neighborhood tennis court it affects no property owner. Discussion: P. Broadhurst stated that this particular property is surrounded on three and a half sides or may four sides by public or quasi-public property. No further discussion and a vote was taken. In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, A. Boyd Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

D. Alexander recused herself from this matter due to the fact that there was not a house number on the structure. There is a Town Ordinance mandating house numbers for safety reasons. D. Alexander stated that this happens all the time and that her recusing herself does matter this time since there are enough members to have 5 voting but it will happen at some point.

C. Purcell was seated for D. Alexander

17/18-04 - James J. & Sally G. Fritsche seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/35' required/25.1' proposed) and Par 24.5.3 (side yard setback/15' required/8.4'

proposed) of the Zoning Regulations to permit the removal of portions of 1st and 2nd floor to reconstruct and add 645 s.f. of 1st floor and ½ story additions at 14 Brooke Street, Map 12/Lot 153, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. The applicants proposal is to renovate the front portion of the house to create a half story with a total gross floor area of 3,084 s.f. A portion of the existing wood deck and two of the sheds will be removed to bring the coverage into compliance. The variances requested are related to the reconstruction of the house. There is a reduction in some of the existing nonconformities.

A **Motion** was made by R. McCall, seconded by R. McIntyre to **GRANT Application 17/18-04 - James J. & Sally G. Fritsche**. Some of the existing nonconformities are being reduced i.e. ground coverage and the two misplaced sheds that are removed, also the weakened and sagging portion of the structure is being made safer by rebuilding it. No discussion and a vote was taken. In favor: R. McCall, P. Broadhurst, R. McIntyre, A. Boyd, C. Purcell Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

C. VonDassel recused himself, D. Alexander is seated for the remainder of the meeting

17/18-05C - Nicolette Petros seeks a variance of Par 10.8.2 & 10.8.3 (non-conforming lot size/12,500 s.f. required/6,334 s.f. proposed); Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/34.5' required/27.8' proposed) and Par 24.5.3 (side yard setback/15' required/8.5' proposed to the deck and 8.8' to the house); and Par 24.6.2 (building structure coverage/20% allowed/22.7% proposed) of the Zoning Regulations to permit the construction of a 2,030 s.f. house and 299.7 s.f. deck at 104 Sea Lane #2, Map 13/Lot 74, Residence A District, Coastal Area Management Zone.

Discussion with respect to the Public Hearing that closed this evening. The existing structure is to be demolished and the proposal is to construct a new 2 story, 3 bedroom year round dwelling and remove the existing garage to the east (rear). The structure will be elevated to meet the FEMA requirements. The new structure will decrease the building/structure coverage from 30.1% to 22.7% and will be slightly over the 20% allowed. The applicants did a great job in keeping the coverages low while constructing a liveable home on a narrow property.

A **Motion** was made by R. McCall, seconded by R. McIntyre to **GRANT Application 17/18-05C - Nicolette Petros**. They have done their best considering the narrowness of the lot and by keeping the home as narrow as possible and meet most of the Zoning requirements. 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, D. Alexander, P. Broadhurst, R. McIntyre, A. Boyd Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

REGULAR MEETING

Minutes: A **Motion** was made R. McCall, seconded P. Broadhurst to **approve the June 14, 2017 Regular Meeting Minutes** as submitted. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, R. McIntyre, A. Boyd Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Adjournment: A **Motion** was made by R. McCall, seconded by R. McIntyre to adjourn the July 12, 2017 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, R. McIntyre, P. Broadhurst, A. Boyd Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 9:04 p.m.

Rexford H. McCall, Chairman

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS
WEDNESDAY, AUGUST 9, 2017 AT 6:30 P.M., FIRST FLOOR CONFERENCE ROOM**