
Zoning Board of Appeals Minutes 03/08/2017

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, March 8, 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, Adam Boyd, Philip Broadhurst, Carl VonDassel, Jr., alternate, Kevin Danby, alternate and Catherine Purcell, alternate

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

Absent: Robert McIntyre

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.

16/17-21- Jim & Andrea Flaherty 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/4.5' proposed) and Par 24.5.3(other line setback/15' required/1.9' proposed to the front SE/10.6' front NW/12' to deck NW/3.3' to deck SE); Par 24.6.2 (maximum building/structure coverage/20% allowed/34.5 % proposed); and Par 24.6.1 (gross floor area/40% allowed/42.8% proposed) to permit the construction of a 43 s.f. covered front porch, roofline changes and a 252 s.f. deck at 13 Gates Road, Map 1/Lot 62, Residence A District, Coastal Area Management Zone.

**** P. Broadhurst recused himself, K. Danby seated in his place**

Discussion with respect to the public hearing that closed this evening. The applicant's representative went over the various changes to be made to the structure, i.e. front porch with code compliant stairs, a change in the rear roof pitch and a deck in the rear. He also stated that the size of the lots and the setbacks that are required constitute a "hardship". There was discussion about the increase in the maximum building/structure coverage. The deck since it is above 6" in height increases the coverage percentage calculation. The side door and steps are being removed making a "reduction" in the existing nonconformities. The new front porch and steps will be only 4 ½' from the street.

A **Motion** was made by D. Alexander, seconded by R. McCall to **GRANT w/a condition Application 16/17- 21- Jim & Andrea Flaherty**. The variances are granted for the residence changes only [i.e. front porch/code compliant stairs and rear roof pitch]. The approval **does not** include the 252 s.f. deck as shown on the plans. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, A. Boyd, C. VonDassel, K. Danby Opposed: None Abstaining: None The motion passed. 5-0-0

16/17-23 - Lini Holdings, LLC seeks a variance of Par 24.6.2 (maximum building/structure coverage/20% allowed/20.9 proposed); Par 10.7.1 & 10.7.2 (nonconformity improvement enlargement/change);Par 10.6.1 & 10.6.2 (nonconformity use enlargement/change) to permit a 61.2 s.f. addition and exterior egress stair as well as modifying the May 2010 variance to increase the seat limit from 12 to 28 seats at 2 Pennywise Lane, Map 30/Lot 3, Residence A District, Coastal Area Management Zone.

Discussion with respect to the public hearing that closed this evening. In 2010 the ZBA through a Court Order granted variances for parking on site/to allow credit for offsite parking and to allow continuation of historic ice cream and soda fountain while adding deli-style food preparation and food service while also maintaining retail sales on the pharmacy side of the property located at 2 Pennywise Lane. Attorney Cassella, attorney for the applicant stated that the new owners are basically adhering to the conditions outlined in that motion. The applicants are now before the Board for a 60 s.f. addition to the rear of the property. There will be a second means of egress in the rear for public health and safety reasons. The Board felt that since there was not yet a written commitment from the State to either the Town or the applicant securing a lease for the adjacent State owned "parking lot", the Board did not want to increase the seating from 12 to 28. After further discussion the Board made the following motion:

A **Motion** was made by R. McCall, seconded by K. Danby to **GRANT w/a condition Application 16/17- 23 - Lini Holdings, LLC**. The request for variances are granted with the **condition** that the seat limit change from 12 to 28 seats is conditioned upon the applicant obtaining either written permission to use or ownership of the 10 spaces immediately in front of the pharmacy and will then provide that to the Zoning Enforcement Officer prior to the issuance of a Certificate of Zoning Compliance. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

16/17-24 - Richard C. & Stephanie M. Gallitto seek a variance of Par 10.8.2 & 10.8.3 (nonconforming lot); and Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/18' proposed) to permit the construction of a 3,231 s.f. home at 30 Sea Breeze Road, Map 3/Lot 167, Residence A District, Coastal Area Management Zone.

Discussion with respect to the public hearing that closed this evening. In 2012 the applicants went before the Board for variances on this property. The work was never done. The proposal now is to tear down and rebuild on the lot 18' from Sea Breeze Road.

R. McCall did not have an issue with the project, the lot is a corner lot. The existing garage is to be torn down. The argument is that the design meets coverage and gross floor area which is a reduction in the nonconformities that currently exist. P. Broadhurst stated that the structure would fit within the "square" available. The applicant's attorney stated that the applicants want to maintain the "streetscape". The height of the structure as shown on the plan does not exceed the 35' allowed. P. Broadhurst stated that since the coverage for what is presented today is 19.8% which is slightly below the 20% allowed that going forward there will be no further increase in the coverage to exceed the 20%, i.e. constructing a shed, a garage or a deck. The applicants maximized the coverage for the house.

A **Motion** was made by C. VonDassel, seconded by R. McCall to **GRANT Application 16/17- 24 - Richard C. & Stephanie M. Gallitto** since it reduces some of the setback issues, reduces some of the existing nonconformities and it is placement is in line with the rest of the homes on the street. 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

16/17-25 - Peter Budwitz, Trustee, seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.6.1 (gross floor area/40% allowed/50.4% proposed); Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/20.65' proposed) and Par 24.5.3 (other line setback/15' required/4.06' proposed to south/11.53' proposed to north) to permit the construction of a 636 s.f. second story addition and 144 s.f. deck at 6 West Shore Drive, Map 001/Lot 142, Residence A District, Coastal Area Management Zone.

Discussion with respect to the public hearing that closed this evening. The proposal was to add a second floor addition to the house which is not expanding outside of the existing footprint. The "bulk" of the structure would be facing the West Shore Drive side. The gross floor area will exceed what is allowed by 10.4%. It was stated that the hardship was the size of the lot and the imposition of the Residence A Zoning Regulations. P. Broadhurst felt that a 40' x 100' lot is not "unique" since there are over a 100 of that size lots in that area. The area was designed in the 1920's and 30's as a beach community for cottages. The applicant is proposing a 2,000 s.f. home on a 40' x 100' lot. D. Alexander felt that there was a serious "bulk" element to the design since it 20' or so from the road.

A **Motion** was made by P. Broadhurst, seconded by D. Alexander to **DENY Application 16/17- 25 - Peter Budwitz, Trustee**. Sufficient has not been shown. An additional nonconformity will be created by the proposed plan that does not already exist. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd Opposed: C. VonDassel Abstaining: None The motion. 4-1-0

16/17-26 - Melissa M. and John P. O'Hara, seek a variance of Par 10.8.2 & 10.8.3 (nonconforming lot); Par 24.6.2 (maximum building/structure coverage/20% allowed/40.9 % proposed); and Par 24.6.1 (gross floor area/40% allowed/67.1% proposed); Par. 24.5.1 as modified by 68.1.2B(4) (narrow street setback/30' required/6.6' proposed to steps/11.6 proposed to house); Par 24.5.3(other line setback/15' required/6' proposed to east and west) to permit the construction of a 2,816 s.f. house with attached garage at 35 Sea Breeze Road, Map 3/Lot 174, Residence A District, Coastal Area Management Zone.

Discussion ensued about the reduction of the gross floor area coverage. The builder and the applicant stated that they could work to reduce it but the Board felt it would be a better thought out plan if they took the time to work it out and have something they can live with.

A **Motion** was made by K. Danby, seconded by R. McCall to **CONTINUE THE PUBLIC HEARING on Application 16/17- 26 - Melissa M. and John P. O'Hara to the April 12, 2017 Regular Meeting at 7:00 p.m.** No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, K. Danby Opposed: None Abstaining: None The motion passed. 5-0-0

REGULAR MEETING

Minutes: A **Motion** was made by R. McCall, seconded P. Broadhurst to **approve the February 8, 2017 Regular Meeting**

Minutes as submitted. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, K. Danby

Opposed: None Abstaining: None The motion passed unanimously. 5-0-0

Adjournment: A **Motion** was made by R. McCall, seconded by D. Alexander to adjourn the March 8, 2017 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: R. McCall, D. Alexander, P. Broadhurst, A. Boyd, K. Danby Opposed: None Abstaining: None The motion passed unanimously. 5-0-0 The meeting was adjourned at 10:25 p.m.

Rexford H. McCall, Chairman

THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS
WEDNESDAY, APRIL 12, 2017 AT 7:00 P.M., FIRST FLOOR CONFERENCE ROOM