

MINUTES
Wednesday, October 10, 2018
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, October 10, 2018 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: Philip Broadhurst, Chairman, Robert McIntyre, Vice Chairman, Dorothy Alexander, Secretary, Adam Boyd, Jacqueline Prast, Alternate, and Charles Gadon, Alternate

Present: Meryl Moskowitz, Recording Clerk; Attorney Michael Cronin

Absent: Catherine Purcell, Kevin Danby

The Chairman introduced the Board members who were seated for this evenings meeting. The four regular members (Broadhurst, Alexander, Boyd, and Danby) and two alternates (Prast, Gadon) were seated.

The following public hearings were conducted, as well as the decision making sessions.

The meeting has been recorded and the following actions were taken:

CONTINUED PUBLIC HEARING (Voting Session after each Public Hearing)

18/19-05 Bobi Molchan, seeks a variance of Par 10.8.2 & 10.8.3 (non-conforming lot size/12,500 s.f. required/6,868 s.f. of upland proposed); Par 24.5.3 (other line setback/15' required/3.8' to north and 8.8' to the south proposed); Par. 24.6.2 (building structure coverage/20% allowed/ 23% proposed); and Par 68.1.2B9 (tidal wetland setback/50' required/46' proposed) of the Zoning Regulations to allow the construction of a 2,603 s.f. residence with front and rear balconies at 41 Indianola Dr., Map 2/Lot 62, Residence A District, Coastal Area Management Zone.

Seated were P. Broadhurst, R. McIntyre, D. Alexander, J. Prast, C. Gadon.

Attorney John Bennett, representing the Applicant, explained proposal is to raze the structure and rebuild a three-bedroom home, which was formerly five bedrooms. House to be moved back three feet from the wetlands, the stairway and front deck have been removed in an effort to reduce structural coverage closer to the required 20%. The new structure will be thinner, resulting in increased side setbacks north and south from what was in original plan. No chimney.

The proposal is more conforming with respect to: the wetlands setback, the north and south side setbacks. Height is conforming. Structural coverage is at 20.25%, slightly over the 20% by 17.7 sq ft. Attorney Bennet submitted a photo showing the side yard view as seen from the neighbor's house.

Discussion: members commented on eaves, and reduction of non-conformities. A letter from neighbor Richard Epifanio, 43 Indianola Drive, dated Sept. 20, 2018 was reviewed by Attorney Bennet.

The Chairman opened the floor to comments. There were no comments either in favor or in opposition. P. Broadhurst read letters from the following neighbors: Robert Buchas, dated Sept. 5, 2018, of 39 Indianola Drive; Thomas Johnson, dated Sept. 14, 2018; and acknowledged receipt of letter from Richard D. Epifanio, 43 Indianola Drive, dated Sept. 20, 2018.

The public hearing was closed at 7:27pm.

Discussion: Attorney Cronin reviewed the definition of 'building height'.

A **MOTION** was made by C. Gadon and seconded by D. Alexander, to GRANT Application 18/19-05, Bobi Molchan, 41 Indianola Drive, Map 2/Lot 62. The hardship is the size and shape of the lot, as well as a reduction in a number of pre-existing non-conformities; the Commission requests an as-built upon completion. The variances requested are for non-conforming lot size, other line setback of 4.8 ft to the north, building structure coverage 20.25 ft, inland wetlands setback of 46 ft, and construction of a 2,346 s.f. residence with front and rear balconies, per revised Site Development Plan of October 2, 2018. Discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, J. Prast, C. Gadon. Opposed: None. Abstaining: None. The motion passed 5-0-0. The Coastal Site Plan application was unanimously approved because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

PUBLIC HEARING (Voting Session after each Public Hearing)

18/19-09 Carolyn Armstrong, seeks a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); and Par 24.5.3 (other line setback/15' required/7.5' proposed) of the zoning regulations to permit the construction of a pitched roof over an existing porch at 8 Birch Street, Map 37/Lot 40, Residence A District, Coastal Area Management Zone.

Seated were P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, J. Prast.

Attorney Alex Tighe, representing the Applicant, Carolyn Armstrong, explained the proposal is a simple roof line change, wanting to slightly change the overhangs, from 4" to 10," and a reduction to another overhang to 10," resulting in net reduction of 46 sq ft of overhang area. They wish to continue the height of the existing roof over the three-season porch, to match the existing roof line.

The Chairman opened the floor to public comment. There were no comments either in favor or in opposition. P. Broadhurst read letters of support from: Nadine Richardson, 75 Coulter Street; Joyce Haines, 3 Birch Street, 5/22/18; and Donna Jones, 5/22/18.

The public hearing closed at 7:44pm.

A **MOTION** was made by R. McIntyre and seconded by A. Boyd, to GRANT Application 18/19-09, Carolyn Armstrong, 8 Birch Street, Map 37/Lot 40. The applicant proposes to put a roof over the existing porch, there will be no increase in coverage and there was a reduction in the overhang; the non-conformities are 24.5.3 side yard setback 15 ft required, 7.5 ft requested; the hardship being the size and non-conformity of the lot, and existing Zoning regulations when the house was built. No discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, J. Prast, A. Boyd; Opposed:

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

18/19-06C Nikolaos & Christina Revenikas seek a variance of Par 10.8.2 & 10.8.3 (non-conforming lot size/12,500 s.f. required/ 5,935 s.f. proposed); Par. 24.5.1 as modified by Par. 68.1.2B4 (narrow street setback/36.5' required/18.5' proposed); Par 24.5.2 (rear yard setback/15' required/ 4.3' proposed to deck and 6.2' proposed to house) and Par 24.6.2 (building structure coverage/20% allowed/21.8% proposed) of the Zoning Regulations to permit the construction of a 2,236 s.f. house at 73 Town Beach Road, Map 2/Lot 2, Residence A District, Coastal Area Management Zone.

Seated were P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, C. Gadon

Attorney Ed Cassella, representing the Applicants, explained the proposal to tear down and rebuild a FEMA-compliant 2-story structure. The 5,900 sq ft lot is unique, occupying a corner that is pie-shaped. Town Beach road is narrow at only 27 ft wide, with a front yard setback of 36.5 ft. E. Cassella read twenty-two letters of support from neighbors. He stated the hardship is the irregular shape lot, and the implementation of Residence A District Regulations on the narrow street. Asking for 100 sq ft over the 20%. E. Cassella read into the record the names and addresses of twenty-two letters of support from neighbors.

Discussion: P. Broadhurst asked about building height of 34.8 ft. Mike Satmary, 6 Fox Lane, explained the figure is derived from the driveway grade, which is existing. E. Cassella stated the height is within the Zoning regulations. Height calculations were made using 8.14 ft as the baseline. Concern among Commission members about increase in non-conformities, and the height of the house, increasing from 18 ft to almost doubled at 35 ft, and close to the setback at 6.2 ft.

The Chairman opened the floor to public comment. In favor: Ken Andersen, 60 Town Beach Road. Neither in favor nor in opposition: Brenda Dyson, 13 Uncas Road, inquired if house is staying within the existing footprint. There were no comments in opposition.

E. Cassella presented a second plan which brings the structure coverage into conformity, with a reduction from 21.8% to 19.9%. The front steps are removed. The rear yard setback is reduced from 4.3 to 8.5; the front yard setback is reduced from 18.5 to 18.7.

The public hearing closed at 8:46 p.m.

Discussion: Members have no problems with the revised site plans.

A **MOTION** was made by P. Broadhurst and seconded by R. McIntyre, to GRANT Application 18/19-06C, Nikolaos and Christina Revenikas, 73 Town Beach Road, Map 2/Lot 2. The hardship being the pre-existing non-conforming lot size and shape, the variances requested are 24.5.1 / 6.1.2.B.4 Front Yard setback 36.5 ft required going to 18.7; 24.5.2 Rear Yard setback 15 ft required going to 8.5 ft, and the non-conforming lot remains the same. Approval of application is based on site development plans dated July 23, 2018 and revised October 2, 2018.

Discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, C. Gadon; Opposed: None. Abstaining: None. The motion passed 5-0-0. The Coastal Site Plan application was unanimously approved because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts.

18/19-07 Peter T. Gallagher, seeks a variance of Par 10.8.3 (non-conforming lot/12,500 s.f. required/7,434 s.f. proposed) of the Zoning Regulations to permit the construction of a 1,740 s.f. single family residence at 17 Fenwick Street, Map 24/Lot 82-1, Residence A Zoning District, Coastal Area Management Zone, CT River Gateway Conservation Zone.

Seated were P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, J. Prast

Attorney Ed Cassella, representing the Applicant, requests a variance for a non-conforming lot size, as the existing lot does not meet the 12,500 s.f required.

The Chairman opened the floor to public comment. Speaking in favor: John Pavlos, 15 Fenwick Street. There were no comments in opposition.

A **MOTION** was made by R. McIntyre and seconded by A. Boyd, to GRANT Application 18/19-07, Peter T. Gallagher, 17 Fenwick Street, Map 24/Lot 82-1, to approve the requested variance, 10.8.3 non-conforming lot size, the hardship being the lot size. No discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, J. Prast; Opposed: None. Abstaining: None. The motion passed 5-0-0.

18/19-10 Mark Lech, seeks a variance of Par. 10.8.3 (non-conforming lot size/12,500 s.f. required/9,600 s.f. proposed) of the Zoning Regulations to permit the construction of a 3,000 s.f. single family residence which includes an attached two bay garage at 17 Fenwood Grove Road, Map 5/Lot 36, Residence A District, Coastal Area Management Zone.

Seated were P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, C. Gadon.

The Applicant, Mark Lech, proposes to tear down the dwelling and build a single family home, bringing the building coverage back into compliance at 19.8%. The 9,600 sq ft lot is non-conforming. There was a discussion as to whether the chimney counts in the projection. Attorney Cronin clarified that the chimney is to be included in the setback projection. There is no variance request for the chimney in the setback, which projects 1 foot into the setback. Applicant agreed to shift the house 1 ft to the south, thereby eliminating the need for a variance for the chimney. Applicant is to submit an updated survey.

The Chairman opened the floor to public comment. There were no comments.
The public hearing closed at 9:17p.m.

A **MOTION** was made by P. Broadhurst and seconded by R. McIntyre, to GRANT Application 18/19-10, Mark Lech, 17 Fenwood Grove Road, Map 5/Lot 36, to approve the requested variance, 10.8.3 non-conforming lot size, the hardship being the lot size with stipulation that location of the house is shifted 1 ft to the south. No discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, C. Gadon; Opposed: None. Abstaining: None. The motion passed 5-0-0.

Matter of Beach 05 LLC, Marvin R. Smith Trustee for M & R Smith Living Trust et.al v. OS ZBA et.al.

Attorney Cronin explained the agreement, with one stipulation being an 8 ft fence dividing the properties. He recommends the Commission accept the stipulation, that the variance be upheld and thus the fence can be constructed as shown on the plans, to be installed by July 15, 2019.

A **MOTION** was made by R. McIntyre and seconded by P. Broadhurst, to approve the Stipulation for Judgement for Docket No: MMX-CV17-6016836-S as presented for the variance of a 8 ft high fence. Discussion: recommendation to accept the stipulation thus ending the matter. A vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, J. Prast; Opposed: None. Abstaining: None. The motion passed 5-0-0.

Meeting Calendar: A **MOTION** was made by P. Broadhurst and seconded by R. McIntyre, to approve the 2019 Meeting Calendar. No discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0

Minutes: A **MOTION** was made by P. Broadhurst and seconded by D. Alexander, to approve the September 12, 2018 Regular Meeting minutes of the Zoning Board of Appeals, amended to include Jacqueline Prast as present. No discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0

Adjournment: A **MOTION** was made by P. Broadhurst and seconded by R. McIntyre, to adjourn the October 10, 2018 Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: P. Broadhurst, R. McIntyre, D. Alexander, A. Boyd, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0. The meeting was adjourned at 9:36 p.m.

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