



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

Robert J. McIntyre, Chairman
Kevin Danby, Vice Chairman
Dorothy T. Alexander, Secretary
Vacant
Jacqueline Prast

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Alternate Members
Catherine J. Purcell
Charles Gadon
Brenda Dyson

MINUTES
REGULAR MEETING
November 13, 2019 at 6:00 p.m.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. **CALL TO ORDER** 6:00pm

II. **ROLL CALL**

Attendant Members

Robert McIntyre
Kevin Danby
Dorothy Alexander
Jacqueline Prast
Catherine Purcell – seated for 2
Chuck Gadon – seated for 2

Absent Members

Brenda Dyson

Staff & Representatives

Bridget Riordan, Recording Clerk

There were 2 members of the public in attendance. R. McIntyre began by reading through the agenda and announced that application 19/20-18 would not be heard.

III. **PUBLIC HEARINGS**

19/20-18 George J. Emmanuel & Kristen Ardolino seek a variance of Par 10.8.1/10.8.3 (non-conforming lot/12,500 s.f. required/8,025 s.f. & 8,023 s.f. proposed) of the Zoning Regulations to permit a second building lot for the construction of a 2,979 s.f. home on the two vacant parcels of land and existing house to remain on the third parcel. 33 & 35 Saltaire Drive, Map 3/Lots 38 & 39, Residence A Zone, CAM Zone.

Continued by Atty. E. Cassella

19/20-19C Lauri S. Sirabella seeks a variance of Par 10.8.2 & 10.8.3 (non-conforming lot size/12,500 s.f. required/11,255 s.f. proposed) and Par 24.5.3 (other yard setback/15' required/11.4' proposed to house and 9.2' proposed to eave overhang) of the Zoning Regulations to permit the construction of a 4,048 s.f. house at 4 Old Fenwick Road, Map 5/Lot 111, Residence A District, CAM Zone.

Alternate seated: C. Gadon

Joe Wren presented the proposed site plan, describing the plan to tear down and reconstruct a new 100% FEMA compliant house on approximately the same footprint with overall coverage being brought into compliance (zoning table) and explained existing setbacks including including a right away/driveway easement. He referred to the DEEP letter of support that erroneously stated the new house would be “further East and closer to the flood zone” when it will actually be further West situating it out of the flood plain. The hardship is the existing non-conforming irregularly shaped lot.

C. Gadon asked for clarification on whether or not the overhangs/eaves were properly accounted for in overall dimensions based on the regulation pertaining to lots being less than 12,500 square ft. an J. Wren elaborated on the topic and confirmed that calculations on the zoning table take the regulation into account and are correct. He submitted an updated survey including the driveway easement.

Chairman invited Public Opinion - None

Chairman closed the Public Hearing.

Chairman closed Public Hearing and there were no other questions from Board.

A **MOTION** was made by K. Danby, **SECONDED** by J. Prast to **APPROVE** appeal #19/20-19C and CAM application based on the hardship of the non-conforming lot size and irregular shaped lot. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast and C.Gadon. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

19/20-15 Ronald D. & Sheila L. Powers seek a variance of Par. 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.5.3 (side yard setback/15' required/6.7' proposed to landing and 12' proposed to dormer) of the Zoning Regulations to permit the construction of a 146 s.f. 2nd story addition to garage with rear stairs and landing at 39 Maple Avenue, Map 22/Lot 174, Residence A District, CAM Zone.
Alternate seated: C. Purcell

Denise Von Dassel presented the revised plan to add an interior, code compliant staircase to access existing storage space above the detached garage which includes making the garage FEMA compliant. She explained that the hardship is the non-conforming location of the garage in the South West corner of the lot.

Chairman invited questions from the Board.

C. Purcell- asked if the existing shed would be removed.

R. MacIntyre - suggested that the shed be relocated to the back of the garage off the property line.

D. Von Dassel – asked to amend the application to include relocating the shed in order to reduce non-conformities.

Chairman invited Public Opinion - None

Chairman closed Public Hearing and there were no other questions from Board.

A **MOTION** was made by K. Danby, **SECONDED** by C. Purcell to **APPROVE** appeal #19/20-15 with **conditions**, based on the hardship of the non-conforming location of garage and there being no additional property. The existing structure will be brought into FEMA compliance, it is in harmony with the neighborhood and non-conformities will be reduced by moving the existing shed from the property line to the rear of the garage. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast and C. Purcell. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

19/20-16C Rosemarie Spinelli seeks a variance of Par 10.8.3 (non-conforming lot/12,500 s.f. required/8,883.56 s.f. proposed) of the Zoning Regulations to permit the construction of a 1,195 s.f. house with three sets of stair, landings and AC platform at 23 Vincent Avenue, Map 20/Lot 80, Residence A District, CAM Zone, AE 11 Flood Zone.
Alternate seated: C. Gadon

Kevin Harkin, Harkin Engineering and Julie and Jeff Klausen, Klausen Construction presented the application to tear down the existing (2/3 non-compliant) house and construct a new FEMA compliant home situated within the setbacks. The hardship is the size of the lot.

C. Gadon asked whether or not the eaves were properly accounted for in the calculations. There was discussion and Julie Klausen confirmed that the eaves were included in the calculations when they did not need to be and K. Harkin said he would revise the coverage calculations.

Chairman invited Public Opinion –

Robin Staplins – 22 Vincent voiced her concerns about 2 sheds that sit on the property line and the size of the proposed home.

There was discussion about the plan for the sheds resulting in Jeff Klausen requesting to amend his application to include updating the aesthetics of the existing sheds to that of the proposed home.

Chairman closed Public Hearing.

Chairman invited additional questions from the Board.

D. Alexander commented that the size of the lot is not a hardship and the proposed house is over built for the lot.

A **MOTION** was made by C. Gadon, **SECONDED** by K. Danby to **APPROVE** appeal #19/20-16C, the request to amend the application to include updating two outbuilding and CAM application, based on the hardship of the non-conforming lot size, FEMA compliant proposed house which will reduce non-conformities, **with the condition** that the existing outbuildings be updated to the aesthetics of the proposed house by the time the project is completed. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, J. Prast and C. Gadon. **OPPOSED:** None **ABSTAINING:** D. Alexander, the motion passed, 4-0-1.

19/20-17 Spencer 95, LLC. seeks a variance of Par 34.7.2 (gross floor area/60% allowed/98.5% proposed) of the Zoning Regulations. Relief of max. gfa is requested to demonstrate to the ZEO in a separate application for Zoning Compliance that the variance & compliance with all other regulations will allow for the parcel to be split into two lots, Lot 1 (1.46 acres containing storage facility) and Lot 2 (4.32 acres for contractor's storage buildings /bulky waste dump). 47 Spencer Plain Road, Map 25/Lot 25, Gateway Business B-4 District.

Alternate seated: C. Purcell

Atty. Ed Cassella and Pat Benjamin, P. E., Bascom & Benjamin presented the application and explained the variety of reasons the site is unique including ongoing DEEP monitoring (3-5 years) as they work towards properly closing the former bulky waste dump site. Atty. Cassella submitted 2 deeds, 611 – 95 and 642 – 488, stated that the lot was once two lots and is eligible for one free split and proposed a solution to restrict the maximum GFA for lot 2 to 80,000 s.f. which is 42.6 % where 60% is allowed.

There was lengthy discussion about the DEEP process of monitoring and properly closing a bulky dump waste site, allowed use in the Gateway Business B-4 District and the proper GFA of Lot 2.

D. Alexander suggested additional restrictions on GFA of Lot 2.

J. Prast suggested a permanent restriction of 30% GFA (vs 42.6%)

Atty. Cassella and P. Benjamin agreed.

A **MOTION** was made by K. Danby, **SECONDED** by J. Prast to **APPROVE** appeal #19/20-17, the hardship of the various unique conditions of the site and the condition that the Applicant agrees to restrict the maximum gross floor area (GFA) for Lot 2 to 30% which is approximately 56,515 s.f. where the total combined GFA for Lot 1 and Lot 2 would be 47.3% which is approximately 120,000 s.f. The restriction will be filed on the Land Records, included in the deeds for both lots and is subject to the Town of Old Saybrook Attorney review expenses for which will be paid by the Applicant. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, J. Prast and C. Purcell. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

IV. **REGULAR MEETING**

A. **New Business** – None

B. **Minutes**

A **MOTION** was made by R. McIntyre, **SECONDED** by D. Alexander to **APPROVE** the October 9th, 2019 Regular Meeting Minutes. A vote was taken: **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast, C. Purcell, **OPPOSED:** None **ABSTAINING:** None. The motion passed unanimously. 5-0-0

C. **Correspondence & Announcements** – None

D. **Committee, Representative & Staff Reports** - None

V. **ADJORNMENT**

A **MOTION** was made by K. Danby, **SECONDED** by C. Purcell to **Adjourn** the November 13th, 2019 Regular Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: **In favor:** R. McIntyre, K. Danby, D. Alexander, J. Prast, C. Purcell and C. Gadon. **OPPOSED:** None. **ABSTAINING:** None. The motion passed unanimously. 6-0-0 The meeting was adjourned at 8:15p.m.

Bridget Riordan, Recording Clerk

NEXT REGULAR MEETING
**Wednesday, December 11, 2019 at 6:00
P.M.**
Town Hall, 1st Floor Conference Room
302 Main Street
Old Saybrook, CT
Subscribe to www.oldsaybrookct.org for electronic

