



TOWN OF OLD SAYBROOK  
**Zoning Board of Appeals**

*Robert J. McIntyre, Chairman  
Kevin Danby, Vice Chairman  
Dorothy T. Alexander, Secretary  
Jacqueline Prast  
Alfred Wilcox*

302 Main Street • Old Saybrook, Connecticut 06475-1741  
Telephone (860) 395-3131 • FAX (860) 395-1216  
www.oldsaybrookct.org

**Alternate Members**  
*Vacant  
Charles Gadon  
Brenda Dyson*

**MINUTES  
REGULAR MEETING  
December 11, 2019 at 6:00 p.m.**  
Town Hall, 1<sup>st</sup> 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  
Brenda Dyson  
Chuck Gadon

**Absent Members**

None

**Staff & Representatives**

Bridget Riordan, Recording Clerk  
Mike Cronin, ZBA Attorney

There were 10 members of the public in attendance. R. McIntyre began by reading through the agenda.

**III. CONTINUED 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.

Atty. Ed Cassella gave a brief overview of the history of ownership of the three parcels beginning in 1954/1957 and submitted a survey of neighboring lots including sizes and values to show that the two proposed lots would be consistent with the neighborhood. He restated that the purpose of the application was to confirm and establish that there are 2 separate parcels of land. He reminded the Board that the ZBA has legal authority to grant the requested variances. He stated that there would be no negative impact on public health or safety if granted and that if denied the value would be diminished.

Chairman invited questions from the Board.

A. Wilcox – asked Atty. Cassella what happened to lot #31. Atty. Cassella clarified that lots #29, 33 & 35 are contiguous with no #31 on the tax map which most likely dated back to the original 1922 subdivision of the land.

Chairman invited Public Opinion – None

Chairman closed Public Hearing.

Chairman read into the record letters of support from #25, #26, #28, #34 and #37 Saltaire Dr. neighbors.

Chairman invited questions from the Board.

A. Wilcox asked why the three contiguous parcels aren't merged together now.

Atty. Cronin clarified that the parcels are merged. He went on to explain the merger regulation and the significance of the intent of the parties and the wording of the statute. He said that in this case the ZEO looked into it and came to the conclusion that the lots had merged mentioning one particular conveyance in the 1990's that merged the lots. There was further discussion which included clarification of the judgement made by the ZEO and clarification of what the ZBA was being asked to determine.

Chairman Closed the Public Hearing.

A **MOTION** was made by K. Danby, **SECONDED** by J. Prast to **APPROVE** appeal #19/20-18 based on there being no additional land available, no intent to combine the properties, the proposed plan being in harmony with the neighborhood and that a denial would financially damage the applicant. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander and J. Prast. **OPPOSED:** None **ABSTAINING:** A. Wilcox, the motion passed, 4-0-1.

#### IV. PUBLIC HEARINGS

Atty. Cassella requested permission to present application #19/20-21 ahead of #19/20-20.

A **MOTION** was made by R. McIntyre, **SECONDED** by K. Danby to hear appeal #19/20-21 second and #19/20-20 third. **IN FAVOR:** R. McIntyre, K. Danby, J. Prast and A. Wilcox. **OPPOSED:** D. Alexander **ABSTAINING:** None, the motion passed, 4-0-1.

**19/20-21 Kenneth F. & Nanette Navarro** seek a variance of Par 10.8.3 (non-conforming lot/12,500 s.f. required/7,434 s.f. proposed); Par 9 (definition of story, half/no doors or balconies allowed/uncovered balconies proposed); and Par 24.4.1 (number of stories/2.5 stories allowed/3 stories proposed) of the Zoning Regulations to permit the construction of a 2,726 s.f. three story house at 17 Fenwick Street, Map 24/Lot 82-1, Residence A District, CAM Zone.

*B. Dyson seated for K. Danby*

Atty. Cassella and D. Von Dassel presented the application. There were many questions from the Board and much discussion resulting in the determination that the proposed house is 3 stories (not 2.5 stories plus 163 sq. ft.) and that 3 story houses are not permitted in the zoning ordinance. Other options were discussed.

Chairman invited Public Opinion –

In Favor – Owen Gade, 20 Fenwick St.

Opposed – None

Chairman read letters into the record from John and Laurie Pavlos, 15 Fenwick St., Ct River Gateway Commission, and Cypress Cemetery Association

Atty. Cassella requested to continue this application to the 1/8/2020 ZBA meeting.

A **MOTION** was made by R. McIntyre, **SECONDED** by K. Danby to continue appeal #19/20-21 to the 1/8/2020 ZBA meeting. **IN FAVOR:** R. McIntyre, K., J. Prast, A. Wilcox and B. Dyson. **OPPOSED:** None. **ABSTAINING:** None, the motion passed, 5-0-0.

**19/20-20 Eric & Carol Ann Zima** seek a variance of Par. 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 24.6.2 (maximum building/structure coverage/20% allowed/23.12% proposed) of the Zoning Regulations to permit the construction of a 57 s.f. roof extension at 382 Maple Avenue, Map 4/Lot 012, Residence A District, CAM Zone.

Atty. Cassella and D. Von Dassel presented the proposed improvements to the non-conforming property and submitted photos with a summary of the proposed roof extension.

R.McIntyre asked D. Von Dassel to clarify and summarize proposed changes. There was discussion about the roof extension, drip line and total reduction in coverage.

Chairman invited questions from the Board.

Chairman invited Public Opinion – None

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

A **MOTION** was made by K. Danby, **SECONDED** by J. Prast to **APPROVE** appeal #**19/20-20** based on a reduction in non-conformities and the proposed changes making the home safer for occupants and guests. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast and A. Wilcox. **OPPOSED:** None  
**ABSTAINING:** None, the motion passed unanimously, 5-0-0.

**19/20-22 Hartford County Home Improvement, LLC** seeks a variance of Par 10.7.1/10.7.2 (non-conformity enlargement/change); Par 24.6.2 (maximum building/structure coverage/20% allowed/29.2% proposed); Par 24.5.3 (side yard setback/15' required/4' proposed to porch and 0.6' proposed to rear deck); and Par 24.5.1 as amended by 68.1.2b4 (narrow street setback/30' required/ 8.6' proposed to porch) of the Zoning Regulations to permit the construction of a 264 s.f. front porch overhang and 308 s.f. rear deck overhang at 12 Belleaire Drive, Map 3/Lot 91, Residence A District, CAM Zone.

Atty. Cassella presented for Mr. Ziegler who is a member of Hartford County Home Improvement, LLC. He submitted an aerial photo to illustrate the location of the house on the lot and summarized the work that has already been done and the request to construct the rear deck overhang.

A. Wilcox – questioned the definition of a hardship re: Atty. Cassella referring to location of the house within the setback being a hardship.

M. Cronin – commented that the Supreme Court has said on numerous the purpose of Zoning is to get rid of non-conformities and under no circumstances should they be increased from their present situation. Also, regarding structures that had been done without permits. Don't penalize the property for the action of its owner. The concept is to look at this as if there were no improvements made and the so called "illegal" things had not been done. Give no benefit to the property owner for their illegal activity.

K. Danby – asked for dimensions of the existing front porch. Atty. Cassella estimated 24' x 11" (included in the application). There was discussion about the size of the deck, removal or retention of existing shed, amount increase in coverage and whether or not the homeowner was a contractor.

Chairman invited Public Opinion –

In Favor – None

Opposed –Theodora Koptcha, 17 Uncas Rd

Tory Bell, Daughter of Ginger Horton, 14 Belleaire Dr.

Chairman read letter of opposition from Annamarie Inzero, 9-11 Belleaire Dr

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

R. McIntyre – referenced Atty. Cronin's comment regarding the consideration given to structures completed without permits. He said that based on ground coverage alone he doesn't feel the porch would have been approved had a variance been requested in advance. There was a brief discussion about coverage, whether or not one variance can be approved and the other the denied and the fact that the rear deck is 6 inches from the property line.

A **MOTION** was made by D. Alexander **SECONDED** by R. McIntyre to **DENY** appeal #19/20-22 based on the property already being over the allowed coverage. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, D. Alexander, J. Prast and A. Wilcox **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

A. Wilcox requested a brief recess.

**19/20-23C Nancy Wengefeld**, seeks a variance of Par. 10.7.1/10.7.2 (non-conformity enlargement/change) and Par 68.1.2B9 (tidal wetlands setback/50' required/20' proposed) of the Zoning Regulations to permit the enclosure of a 321 s.f. deck at 5 Barton Avenue, Map 20/Lot 9-2, Residence A District, CAM Zone.

*C. Gadon seated for D. Alexander*

N. Wengefeld presented her proposed plan to repair/rebuild and enclose her existing deck.

C.Gadon – asked N. Wengefeld to confirm measurements 14.6ft v 14.7ft. There was discussion about runoff from the enclosed porch roof, the topography (somewhat flat) of the property and the proximity to the wetlands.

R. McIntyre – suggested the applicant check with the Inland Wetlands regarding the wetlands.

Chairman invited Public Opinion – None

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

A **MOTION** was made by K. Danby, **SECONDED** by C. Gadon to **APPROVE** appeal #19/20-23C based on the hardship of an irregularly shaped lot and proposed improvements making the residence safer because of close proximity to the wetlands/mosquitos. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox and C. Gadon. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0. A **MOTION** was made by K. Danby, **SECONDED** by A. Wilcox to **APPROVE** the **CAM** application based on it meeting all necessary requirements. A vote was taken. **IN FAVOR:** R. McIntyre, K. Danby, J. Prast, A. Wilcox and C.Gadon. **OPPOSED:** None **ABSTAINING:** None, the motion passed unanimously, 5-0-0.

#### IV. REGULAR MEETING

A. **New Business** – None

B. **Minutes**

**Minutes:** A **Motion** was made by D. Alexander, **seconded** by A. Wilcox to **approve** the November 13, 2019 Regular Meeting Minutes. A vote was taken: **In favor:** R. McIntyre, K. Danby, D. Alexander, J. Prast, B. Dyson and C. Gadon, **Opposed:** None **Abstaining:** A. Wilcox. The motion passed unanimously. 7-0-0

C. **Correspondence & Announcements** – None

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

E. **Election of 2020 Officers**

**Election of 2020 Officers:** A **Motion** was made by D. Alexander, **seconded** by A. Wilcox to nominate the existing slate for reelection. A vote was taken: In **favor:** R. McIntyre, K. Danby, D. Alexander, J. Prast, B. Dyson and C. Gadon, **Opposed:** None **Abstaining:** A. Wilcox. The motion passed unanimously. 7-0-0

V. **ADJORNMENT**

**Adjournment:** A **Motion** was made by K. Danby, **seconded** by C. Gadon to adjourn the December 11th, 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, A. Wilcox, B. Dyson and C. Gadon. Opposed: None. Abstaining: None. The motion passed unanimously. 7-0-0 The meeting was adjourned at 8:35p.m.

Bridget Riordan, Recording Clerk

NEXT REGULAR MEETING  
**Wednesday, January 8, 2020 at 6:00 P.M.**  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street  
Old Saybrook, CT  
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