
Zoning Board of Appeals Minutes 04/11/2018

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, April 11, 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: Robert McIntyre, Vice Chairman, Dorothy Alexander, Secretary, Adam Boyd, Catherine Purcell, Alternate, Jacqueline Prast, Alternate

Present: Meryl Moskowitz, Recording Clerk

Absent: Philip Broadhurst, Chairman, Kevin Danby, Mark Velardi, Alternate

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

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:

PUBLIC HEARINGS

17/18-25 Toni M. Raecek, seeks a variance of Par 24.5.1 as modified by Par 68.1.2B(4) (narrow street setback/35' required to Beachwood/14.69' proposed) of the Zoning Regulations to permit the construction of a 666 s.f. two story addition at 42 Atlantic Drive, Map 4/Lot 185, Residence A District, Coastal Area Management Zone. (**CONTINUED FROM 3/14/2018, PUBLIC HEARING OPENED**)

Applicant proposes to construct a two-story 13x22 sq. ft. addition on the northern side of the property. Attorney Ed Cassella, representing the applicant, explained that the corner lot provides two front yard setbacks. The first hardship is that on Beechwood Drive, a larger setback of thirty five feet applies, whereas typically a fifteen foot setback would be allowed. He is requesting a variance for the addition to be no closer than 14.69 ft off of Beechwood Drive. The second hardship is that the location of the septic in the rear eliminates building the addition there. He noted that if the lot were not a corner lot this would be a conforming addition. The application has received CAM approval, and Health Department approval. Architect Brian Buckley reviewed plans.

R. McIntyre opened the floor to comments.

James Denapoli of 14 Beechwood Road read a letter in favor of the application. R. McIntyre read a letter of support from the owner of 19 Clubhouse Lane. Letters of support were also received from: John & Brenda Diloreto, 41 Neptune Drive; David & Marcey Gauley, 45 Neptune Drive; Truman & Susan Jones, 39 Neptune Drive; Andrew Chester, 36 Atlantic Drive; Noreen Brooder, 61 Atlantic Drive; Allen Cuccaro, 58 Atlantic Drive; Megan Rorick, 56 Atlantic Drive; Raymont & Gloria Klancko, 15 Beechwood Road; Joe Valentine & Robert Smith, 12 Jarvis Road; the owner of 54 Atlantic Drive; Thomas Czpiel, 37 Atlantic Drive; James & Myra Denapoli, 14 Beechwood Road. The public hearing was closed.

A **Motion** was made by R. McIntyre, seconded by A. Boyd to **GRANT Application 17/18-25 Toni M. Raecek**. The hardship is that the corner lot has two setbacks, the 35 ft setback is not normal in that area, and if they were on a regular lot Applicant would be able to do what they want; the second hardship is the location of septic system directly behind the house which minimizes opportunity for expansion in the rear of the house. 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. McIntyre, D. Alexander, A. Boyd, C. Purcell, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0.

17/18-28C Michael Katzman, seeks a variance of Par 10.7.1 (nonconformity enlargement); and Par. 68.1.2B9 (tidal wetland setback/50' required/24' proposed) of the Zoning Regulations to permit the construction of a 288 s.f. 2nd story addition and 187 s.f. 2nd story deck at 12 Bliss Street, Map 12/Lot 102-1, Residence A District, Coastal Area Management Zone.

Attorney David Royston, representing the Applicant, submitted a copy of the Assessor's record and three photographs. The entire house, built in 1978, is within the fifty ft tidal wetlands boundary, and complies with zoning regulations that covered the setbacks at that time, but cannot meet the fifty ft wetlands setback today. The hardship is the imposition of the fifty ft wetlands setback over the property after this house was built. Additionally, there will be a reduction in the non-conformity with the proposed reduction of the second floor deck and stairway. This application reduces non-conformity and reduces the building structure coverage.

R. McIntyre opened the floor to comments. There were none.

Architect Craig Laliberte reviewed plans.

The public hearing was closed.

A **Motion** was made by R. McIntyre, seconded by D. Alexander to **GRANT Application 17/18-28C Michael Katzman**. The hardship is that this house had been constructed within the 50 feet setback proposed that would not affect wetlands, with very little construction; the application reduces non-conformities by moving the deck four ft away from the wetlands which is a plus. No discussion and a vote was taken. In favor: R. McIntyre, D. Alexander, A. Boyd, C. Purcell, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0.

A **Motion** was made by R. McIntyre and seconded by A. Boyd to approve the **Coastal Site Plan Review Application** as it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts. No discussion and a vote was taken.

17/18-29 Fernando & Susana Atienzar, seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 68.1.2B(4) (narrow street setback/30' required/14.75' proposed); Par 24.5.3 (other line setback/15' required/12/75' proposed) of the Zoning Regulations to permit the construction of a 312 s.f. second story addition, 135 s.f. covered front porch, enclose a 75 s.f. breezeway, enclose a 117 s.f. patio, and construction of a 180 s.f. deck at 40 Sea Crest Road, Map 4/Lot247, Residence A District, Coastal Area Management Zone.

Fernando Atienzar, and wife Susana Atienzar, are asking for a variance for improvements, expand into the breezeway and build master bedroom above the breezeway, build a new front covered entrance portico and covered walkway, enclose existing covered breezeway, build a new deck in rear, demolish existing shed. The variance for the narrow street setback is required since Sea Crest Rd is only 20.68 feet wide and 30 feet is required; the second variance is for the other line setback, required since the side yard setback North is 4.75 feet and 15 feet is required. F. Atienzar, the owner/applicant stated the hardship is the change in zoning setbacks from the original 1935 zoning regulations. He has approval from CRAHD.

Members deliberated and asked for clarification of the steps and the distance from Seacrest Road and distance into the setback. The house would extend approximately 5 ft into the setback. Applicant stated intent is to rebuild the steps.

A **Motion** was made by R. McIntyre and unanimously approved, to **approve 10.7.1 and 10.7.2 of the Application 17/18-29 Fernando & Susana Atienzar, and not approve 24.5.1 as modified to 68.1.2 and B4 and 24.5.3** the reason for denial is there is insignificant hardship for those two encroachments. A vote was taken. In favor: R. McIntyre, D. Alexander, A. Boyd, C. Purcell, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0.

17/18-30C Russell F. Warren, Jr. & Francesca K. Warren, seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 23.6.1.A (building structure coverage Gateway Conservation Zone/15% allowed/19.6 proposed); Par 23.5.1 (street line setback/35' required/31.1' proposed); Par 58.2.1 (riparian buffer/100' required/30.5' to wall, 32.7' to house, 11.2' to pool proposed); Par 58.6 (setback Gateway Conservation Zone/100' required/30.5' to wall, 32.7' to house, 11.2' to pool proposed) and Par 68.1.2.B.9 (tidal wetland setback/50' required/ 30.5' to wall, 32.7' to house, 11.2' to pool proposed) of the Zoning Regulations to permit the construction of a retaining wall, 697 s.f. pool, 130 s.f. front porch, two decks (103 s.f. & 210 s.f.), and a 312 s.f. 2nd story addition at 91 North Cove Road, Map 32/Lot 1, Residence AA-2 District, Coastal Area Management Zone, CT River Gateway Conservation Zone.

The Applicants seek a variance for several modifications, most of which to be within the existing footprint, and include reconfiguration of a wood deck, reconfiguration of a second deck on west side, a new entry way on street side of property, the pool area to be reduced, elimination of a retaining wall, sloping of the lawn, resulting in a reduction of coverage of 800 sq ft (3.2% reduction in coverage).

Attorney Ed Cassella, representing the Applicant, explained the hardship is the implementation of the Gateway Regulations which impose a 100-foot riparian setback, as the entire property is located within the 100-foot review area. The Applicants are reducing the amount of coverage non-conformity by removal of the elevated pool deck and retaining wall.

Brook Girty, Architect, reviewed plans.

R. McIntyre noted there were no objections from the Connecticut River Gateway Commission and that the concerns of DEEP were met. He opened the floor to comments, there were none. The public hearing was closed.

D. Alexander remarked in favor of the Application, noting it shows sensitivity to the charm and historic value of the property; members concurred.

A **Motion** was made by R. McIntyre, seconded by C. Purcell to **GRANT Application 17/18-30C Russell F. Warren, Jr. & Francesca K. Warren** as the applicant has demonstrated they have a hardship, they have reduced the encumbrances by 675 sq ft., have made improvements to the architectural value, and they have not made any encroachments toward the river. 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. A vote was taken. In favor: R. McIntyre, D. Alexander, A. Boyd, C. Purcell, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0.

17/18-24 Joe & Elisa Parks seek a variance of Par 10.7.1 & 10.7.2 (nonconformity enlargement/change); Par 24.5.1 as modified by Par 68.1.2B(4) (narrow street setback/30' required/9.9' proposed); Par 24.5.3 (other line setback/15' required/ 9.9' proposed to south/14' proposed to north); Par 24.6.2 (building structure coverage/20% allowed/ 31.1% proposed) of the Zoning Regulations to permit the construction of a 106.66 s.f. 2nd story dormer addition, a 261.67 deck , and a 157 s.f. 2nd story deck at 8 Fenbrook Road, Map 4/Lot 309, Residence A District, Coastal Management Zone.

The Applicants seeks variances for several modifications: a new dormer, replacement of front deck, replacement of lower deck, bumping out upper second story by 4 feet, building of a second story deck. The footprint is to stay the same. Four variances were requested: narrow street setback, south side setback, north side yard, and maximum building coverage. Hardship is the age of the lot, that when the house was built in 1958 it was allowed to be built over the setbacks. Per licensed surveyor Greg Glaude, representing the Applicants, they have no opportunity to build in the back because of location of the septic. They have B-100 approval from CRAHD. Patrick McAneeny, builder, offered additional comments.

The public was invited to comment, there were no comments. The public hearing was closed. Members deliberated, noting the modifications won't go past the existing footprint, and there will be a very slight reduction in coverage.

A **Motion** was made by R. McIntyre, seconded by A. Boyd to **GRANT Application 17/18-24 Joe & Elisa Parks** for all variances requested, the hardship was they didn't expand the existing footprint, and the reduction in building lot coverage is a plus. A vote was taken. In favor: R. McIntyre, D. Alexander, A. Boyd, C. Purcell, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0.

17/18-31C Francis & Deirdre Donnantuono, seek a variance of Par 58.2.1 (riparian buffer/100' required/60.4' proposed to wall, 80.5' proposed to pool) and Par 58.6 (setback Gateway Conservation Zone/100' required/ 60.4' proposed to wall, 80.5' proposed to pool) of the Zoning Regulations to permit the construction of a 392 s.f. pool, patio & retaining wall at 8 Rivers Ridge Road, Map 53/Lot 6, Residence AA-2 District, Coastal Area Management Zone, CT River Gateway Conservation Zone.

The Applicants seek two variances for 100-foot riparian buffer area and 100-foot Gateway Conservation Zone setback for construction of an in-ground pool with coping, replacement of a timber retaining wall with stone masonry, and other improvements, and changes to the house. Total structure coverage to increase from 9.8% to 11.5%, less than 15% maximum allowed in the Gateway Conservation Zone.

Professional Engineer Joe Wren representing the Applicants read the hardship into the record: "Since the 100-foot Riparian Buffer Area extends near the southern edge of the existing patio, any work proposed south of the existing patio including replacing the retaining wall requires a variance" He added that the only reasonable location for the in-ground pool is south of the existing patio within the buffer area.

J. Wren referenced a letter dated April 4, 2018 from the CT River Gateway Commission stating they would likely not oppose granting of the variances, as well as B-100a approval from CRAHD. J. Wren read into the record a letter of support from Alfred and Marcia Wilcox, owners of 10 Rivers Ridge Road.

The public was invited to comment. Applicant and property owner Francis Donnantuono spoke on his behalf in favor of the application. The public hearing was closed.

A **Motion** was made by R. McIntyre, seconded by A. Boyd to **GRANT Application 17/18-31C Francis & Deirdre Donnantuono** as Applicant has demonstrated that the proposed pool and proposed wall will have no negative impact on either the Gateway or the Riparian Buffer Area. A vote was taken. In favor: R. McIntyre, D. Alexander, A. Boyd, C. Purcell, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0.

Minutes: A **Motion** was made by R. McIntyre, seconded by J. Prast, to approve the March 22, 2018 Special Meeting Minutes of the Zoning Board of Appeals, as presented.

Adjournment: A **Motion** was made by R. McIntyre, seconded by C. Purcell to adjourn the April 11, 2018 Meeting of the Zoning Board of Appeals. No discussion and a vote was taken. In favor: R. McIntyre, D. Alexander, A. Boyd, C. Purcell, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0. The meeting was adjourned at 9:45 p.m.

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS
WEDNESDAY, May 9, 2018 AT 7:00 P.M.
FIRST FLOOR CONFERENCE ROOM**