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## Zoning Board of Appeals Minutes 06/13/2018

### MINUTES

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, June 13, 2018 at 7:01 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, Dorothy Alexander, Secretary, Kevin Danby, Adam Boyd, Jacqueline Prast, Alternate

Present: Meryl Moskowitz, Recording Clerk

Absent: Robert McIntyre, Vice Chairman, Catherine Purcell, Alternate, Mark Velardi, Alternate

The Chairman introduced the Board members who were seated for this evenings meeting. The three regular members (Broadhurst, Alexander, Danby) and one alternate (Prast) were seated. Adam Boyd arrived at 7:15pm and was 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:

### PUBLIC HEARINGS

17/18-33C Frederick J. and Mary Beth Marinelli, withdrawn.

17/18-34 Pascuzzi & Sons Builders, LLC seeks a variance of Par 24.5.3 (side line setback/15' required/11.77' proposed) of the Zoning Regulations to permit the construction of a 2,340 s.f. residence at 24 Willard Street, Map 22/Lot 217, Residence A District, Coastal Area Management Zone.

Chairman Philip Broadhurst explained that four affirmative votes are needed to approve the application and advised the applicant that he could request the hearing be continued to the next meeting. The applicant, Angelo Pascuzzi, acknowledged the offer and agreed to proceed with the hearing.

A. Pascuzzi, representing himself, explained that the overhangs and eaves will encroach. He stated the hardship is the non-conformity of the lot. He added that he intends to clean up the property.

P. Broadhurst asked for clarification of the hardship. A. Pascuzzi explained that with the overhangs and gutters, and with all equipment being contained within the house, the rooms would be very small. K. Danby asked for clarification of the hardship. A. Pascuzzi replied that it is a non-conforming lot, and that the house makes this unique.

P. Broadhurst stated that there are many non-conforming lots in Old Saybrook and that it's the builder's choice what type of house is built there, and he does not see why a house can't be built here that conforms to the setbacks.

D. Alexander stated she does not see a hardship.

A. Pascuzzi explained the application to Adam Boyd, who arrived at 7:15pm.

The Chairman opened the floor to comments, asking if anyone wished to speak in favor. Dorothy Johnson, resident at 367 Main Street at Banbury Crossing stated her back yard abuts the property, and stated the lot has been a dumping ground. She opposes the variance unless the applicant goes on record that he agrees to clean up the site. D. Johnson stated the applicant has verbally agreed to clean up the site but she has not received the agreement in writing. She submitted into the record photos of the lot, showing a trailer and other debris.

Richard Carnivale, president of Banbury Crossing Association, stated the Association has no objection to the application, as long as the applicant follows through on cleaning up the lot, and believes this will enhance the area. He stated he wants it on the record that Mr. Pascuzzi has agreed to clean the property.

A. Pascuzzi stated that he has not begun construction, and will take care of the property.

No one spoke in opposition.

D. Johnson stated she would like to support Mr. Pascuzzi, as long as he agrees to clean up the property.

The public hearing closed at 7:30pm.

A motion was made to deny the application and discussion followed. P. Broadhurst stated he does not see a hardship, that a house of this size could be fitted within the setbacks, that a matter of style of the house is a personal decision, and does not constitute a hardship.

A Motion was made by K. Danby and seconded by D. Alexander to deny Application 17/18-34 Pascuzzi & Sons Builders, LLC because the applicant has not demonstrated a hardship. A vote was taken: In favor: P. Broadhurst, D. Alexander, A. Boyd, K. Danby, J. Prast. Opposed: None. Abstaining: None. The motion was denied unanimously, 5-0-0.

**17/18-35 Cornelio Calle** seeks a variance of Par 10.8.3 (minimum lot area/40,000 s.f. required/7,664 s.f. proposed) of the Zoning Regulations to permit the construction of a 2,400 s.f. residence at 82 Spencer Plain Road, Map 46/Lot 18, Residence AA-1 District.

Joe Wren, Professional Engineer, representing the applicant, explained the property is in the Residential AA-1 Zone; the variance is based on the lot area. He referred to the Tax Assessor's card showing a photo of the house in poor condition. The applicant proposes to tear down the house and replace it with a more conforming structure. The proposed building/structure coverage would increase to 12.6%, which is less than the allowable 20%. The proposed gross floor area would increase to 31.3%, which is less than the allowable 40%.

J. Wren read the hardship into the record, namely that the existing parcel is a legal non-conforming lot (less than 40,000 s.f.); it does not conform to side yard setbacks to the east and west. The only variance requested is for the minimum lot area.

Approval from CRAHD has been received.

D. Alexander asked about abutting property and if the applicant has interest in buying neighboring property.

The Chairman opened the floor to comments, asking if anyone wished to speak in favor.

Speaking against: David McNary, abutting neighbor at 84 Spencer Plain Road. He states this is a remodel, and does not believe a hardship exists. His letter of May 21, 2018 has been entered into the record.

The public hearing was closed at 8:01pm.

A motion was made to approve the application and discussion followed. K. Danby stated that the hardship is the legal non-conforming lot, that the proposed structure will be more compliant, conforming to Zoning regulations, will meet the setback requirements, and enhance the area.

A Motion was made by K. Danby and seconded by A. Boyd to approve Application 17/18-35 Cornelio Calle the hardship being the legal non-conforming lot. A vote was taken: In favor: P. Broadhurst, D. Alexander, A. Boyd, K. Danby, J. Prast. Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0.

**17/18-36C Russell F. Warren, Jr. & Francesca K. Warren, seeks a variance of Code of the Town of Old Saybrook, Chapter 128, Flood Plain Management Section 128.7.5.1/7.7, Specific Situation Variances for Buildings on an Historic Register, to permit the existing below-grade, lower-level basement to remain, at 91 North Cove Road, Map 32/Lot 1, Residence AA-2 District, Coastal Area Management Zone, Flood Zone VE-15/AE-10. WITHDRAWN BY APPLICANT**

**Minutes:** A Motion was made by K. Danby, seconded by D. Alexander, to approve the May 9, 2018 Regular Meeting minutes of the Zoning Board of Appeals, amended as follows: page 3, paragraph 2, "In favor: P. Broadhurst, R. McIntyre, K. Danby, M. Velardi" and page 3, paragraph 3 "In Favor: P. Broadhurst, R. McIntyre, K. Danby, M. Velardi" A vote was taken: In favor: P. Broadhurst, D. Alexander, K. Danby, J. Prast, A. Boyd; Opposed: None. Abstaining: None. The motion passed unanimously 5-0-0.

**Adjournment:** A Motion was made by D. Alexander, seconded by K. Danby to adjourn the June 13, 2018 Meeting of the Zoning Board of Appeals. No discussion and a vote was taken: In favor: P. Broadhurst, D. Alexander, K. Danby, J. Prast, A. Boyd; Opposed: None. Abstaining: None. The motion passed unanimously, 5-0-0. The meeting was adjourned at 8:07 p.m.

Phillip Broadhurst, Chairman

**THE NEXT MEETING OF THE ZONING BOARD OF APPEALS IS  
WEDNESDAY, July 18, 2018 AT 7:00 P.M.  
FIRST FLOOR CONFERENCE ROOM**

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