



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

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

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Alternate Members
*Vacant
Charles Gadon
Brenda Dyson*

**MINUTES
REGULAR MEETING
April 27, 2021 at 6:00 p.m.**
Virtual Zoom Meeting

I. CALL TO ORDER

Chairman McIntyre called the meeting to order at 6:00 p.m.

II. ROLL CALL

Members

Robert McIntyre
Kevin Danby
Jacqueline Prast
Alfred Wilcox
Charles Gadon
Brenda Dyson

Attendant Staff

Sarah Makowicki, Recording Clerk

III. PUBLIC HEARINGS

Brenda Dyson seated for Dorothy Alexander.

A. 20/21-29C Antonio & Natalina Speranza seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 68.1.2.B.9 (tidal wetlands setback/50' required/38' proposed) of the Zoning Regulations to permit the construction of a 940 s.f. addition plus a 134 s.f. deck above garage and a 122 s.f. roof deck at 45 Club House Lane, Map 4/Lot 282, Residence A District, Coastal Area Management Zone.

Ed Cassella presented the application on behalf of the owner, the proposed addition to the structure would be within the footprint of the existing house that lies at the proposed 38 ft setback. There would be no additional coverage on the property with the gross floor going from 1494 sq ft. to 2430 sq ft., the addition meets all zoning regulations. The hardship stated was that the property is abutted on three sides by streets and on a fourth side by 9000 sq ft of tidal wetlands. The proposed addition will reduce the nonconformities by eliminating a triangular feature on the front of the house and the new proposed second floor deck will be stepped back at

30.3 ft from the property line. This property is in the flood zone and the addition of the proposed second floor allows for mechanicals to be moved from below flood elevation to complying with Fema regulations.

R. McIntyre opened the public hearing.

There were no comments from the public.

R. McIntyre closed the public hearing.

MOTION to APPROVE. 20/21-29C Antonio & Natalina Speranza seek a variance of Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 68.1.2.B.9 (tidal wetlands setback/50' required/38' proposed) of the Zoning Regulations to permit the construction of a 940 s.f. addition plus a 134 s.f. deck above garage and a 122 s.f. roof deck at 45 Club House Lane, Map 4/Lot 282, Residence A District, Coastal Area Management Zone. On the grounds of the hardship that the property is bounded on three sides by streets and that the wetlands will not be adversely affected. **MADE:** A. Wilcox; **SECONDED:** K. Danby; **VOTING IN FAVOR:** R. McIntyre, B. Dyson, J. Prast, A. Wilcox, K. Danby; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

Charles Gadon seated for Dorothy Alexander.

B. 20/21-30 Jhonny & Jefferson Rivera seek a variance of Par 10.6.1 & 10.6.2 (non-conforming use/change); Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 34.6.3 (other line setback/20' required/12/2' proposed) of the Zoning Regulations to permit the construction of a 100 s.f. second story dormer addition at 2 Thompson Road, Map 17/Lot 5, Gateway Business B-4 District, Coastal Area Management Zone.

Ed Cassella presented the application on behalf of the owners asking to expand a nonconforming building with a 56.25 sq ft dormer for a bathroom addition. This property is a mix use property located in the B-4 Gateway Zone, stating that the hardship is the residential use in a commercial zone, that would have problems using the property as a commercial use.

A. Wilcox commented that he would like to have more information and case law on if a variance can expand on a non-conformity.

C. Gadon inquired about the cease-and-desist order that was issued to the owner on 12/18/20 for the dormer in question. Mr. Cassella explained that there was a permit for the siding and windows and not for the dormer.

R. McIntyre opened the public hearing.

Martha Conway and Rick Keel at 6 Thompson Rd expressed their objection to the addition of the dormer at 2 Thompson Rd. Ms. Conway expressed that she felt threatened by the dormer and window facing out onto her property. She felt that the dormer was a vertical encroachment onto her property. Mr. Keel expressed his objection with the placement of the zoning regulation line that was being used for the application. Both individuals read a letter of objection written by Ms. Conway into the record.

The Board asked both the applicant and the property owners if they would be willing to accept the removal of the window in the dormer. The applicant was amenable to this solution and Ms.

Conway stated that she felt that she would still consider the dormer an encroachment and she stands by her objections.

R. McIntyre closed the public hearing.

MOTION to CONTINUE until the next available meeting. **20/21-30 Jhonny & Jefferson Rivera** seek a variance of Par 10.6.1 & 10.6.2 (non-conforming use/change); Par 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 34.6.3 (other line setback/20' required/12/2' proposed) of the Zoning Regulations to permit the construction of a 100 s.f. second story dormer addition at 2 Thompson Road, Map 17/Lot 5, Gateway Business B-4 District, Coastal Area Management Zone. **MADE:** R. McIntyre; **SECONDED:** K. Danby; **VOTING IN FAVOR:** A. Wilcox, C. Gadon, J. Prast, R. McIntyre, K. Danby; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

Brenda Dyson is seated for Dorothy Alexander.

C. 20/21-32 Peter A. Nicoletti seeks a variance of Par 10.8.2 & 10.8.3 (nonconforming lot size/12,500 required/5,250 s.f. proposed); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required /31.9' proposed) and Par 24.5.3 (other line setback/15' required/9.7' proposed) of the Zoning Regulations to permit the construction of a 1,471 s.f. two story house with a 50 s.f. entry portico and stairs, and a 141.8 s.f. deck, stairs and landing at 50 Chalker Beach Road, Map 18/Lot 43, Residence A District, Coastal Area Management Zone, AE 12 Flood Zone.

Joe Wren Presented the application on behalf of the applicant, the existing structure is being removed and a proposed 24'x30' FEMA compliant structure that is more conforming to the regulations will be built. The applicant is asking for a variance on the front street line setback of 31.9 ft instead of the narrow street set back of 35 ft, for the front steps and a northern boundry setback of 9.7 ft to the roof overhang instead of the required 15 ft. There is a reduction of non-conformities with the removal of the existing structure and relocating an existing 112 sq ft shed to conforming.

R. McIntyre opened the public hearing.

An opposing letter from an abutting neighbor, Brian Lewis at 46 Chalker Beach Rd was read into the record.

R. McIntyre closed the public hearing.

MOTION to APPROVE. 20/21-32 Peter A. Nicoletti seeks a variance of Par 10.8.2 & 10.8.3 (nonconforming lot size/12,500 required/5,250 s.f. proposed); Par 24.5.1 as amended by 68.1.2.b.4 (narrow street setback /35' required /31.9' proposed) and Par 24.5.3 (other line setback/15' required/9.7' proposed) of the Zoning Regulations to permit the construction of a 1,471 s.f. two story house with a 50 s.f. entry portico and stairs, and a 141.8 s.f. deck, stairs and landing at 50 Chalker Beach Road, Map 18/Lot 43, Residence A District, Coastal Area Management Zone, AE 12 Flood Zone. On the grounds that there is a substantial reduction of non-conformities. **MADE:** A. Wilcox; **SECONDED:** K. Danby; **VOTING IN FAVOR:** R. McIntyre, B. Dyson, J. Prast, A. Wilcox, K. Danby; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

- B. Minutes** – There were no minutes to approve.
- C. Correspondence & Announcements** – None
- D. Committee, Representative & Staff Reports** – Attorney Michael Cronin answered questions from the Board.

VI. ADJOURNMENT

MOTION to ADJOURN the April 27, 2021 Special Meeting of the Zoning Board of Appeals at 8:22 p.m.; **MADE:** A. Wilcox; **SECONDED:** K. Danby; **VOTING IN FAVOR:** R. McIntyre, J. Prast, B. Dyson, A. Wilcox, K. Danby; **OPPOSED:** NONE; **ABSTAINING:** NONE; **Motion Passes: 5-0-0.**

Respectfully submitted,

Sarah Makowicki, Recording Clerk

NEXT REGULAR MEETING

May 12, 2021 at 6:00 P.M.

Town Hall, 1stFloor Conference Room, 302 Main Street, Old Saybrook, CT

If the COVID19/Corona Virus State of CT Public Health Emergency remains effective, a dial in public meeting may be held. Check our website one week in advance for dial in information at

[Town of Old Saybrook Zoning Board of Appeals](#) or

Subscribe to www.oldsaybrookct.org for electronic delivery of land use agendas.