



TOWN OF OLD SAYBROOK
Zoning Board of Appeals

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

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Alternate Members
*Vacant
Charles Gadon
Brenda Dyson*

**MINUTES
REGULAR MEETING
May 13, 2020 at 6:00 p.m.**
Audio Meeting Available for Public Dial In

I. CALL TO ORDER

Chairman McIntyre called the meeting to order at 6:09 p.m.

II. ROLL CALL

Attendant Members

Robert McIntyre
Dorothy Alexander
Jacqueline Prast
Alfred Wilcox
Brenda Dyson
Charles Gadon

Absent Members

Kevin Danby

Attendant Staff

Erica Cosenza, Recording Clerk
Christina Costa, CZEO, CZET

R McIntyre began by apologizing for the delayed start due to technical difficulties. He then read through the agenda.

In the absent of K. Danby, C. Gadon will be seated for Modern Home Construction Corp CSPR application and H. Paul Amara II variance application. B. Dyson will be seated for 215 Elm LLC variance application.

III. NEW BUSINESS

A. “Modern Home Construction Corp.” Application for Coastal Site Plan Review/CZC# 20-053 Construction of a 1,986 s.f. house.
21 Cricket Court, Map 15/Lot 22-9, Res AA-2 District, CAM Zone, FEMA AE Flood Zone
Owner/Applicant: Modern Home Construction Corp Agent: Joe Wren, PELS
CAM Application Materials

Mr. Joe Wren representing the applicant is seeking CSPR for a 1,986 sq ft home on the last vacant lot on Cricket Court stating the home will be FEMA compliant and displayed material showing the site of the home on the land and where storm water would be directed.

The Chairman asked if any members of the board had questions/comments. No questions/comments.

Motion made by R. McIntyre. SECONDED by A. Wilcox to **Grant Application for Coastal Site Plan Review/CZC# 20-053** for Construction of a 1,986 s.f. house 21 Cricket Court, Map 15/Lot 22-9, Res AA-2 District, CAM Zone, FEMA AE Flood Zone Owner/Applicant: Modern Home Construction Corp stating the applicant is consistent with applicable coastal policies which mitigates negative impact. A vote was taken. IN FAVOR: R McIntyre, A. Wilcox, D. Alexander, J. Prast , Charles Gadon
OPPOSED: None ABSTAINING: None The Motion **GRANTED 5-0-0**

IV. PUBLIC HEARINGS

19/20-27C 215 Elm LLC, seeks a variance of Par 68.1.2.B.9 (tidal wetland setback/50' required/25' proposed) of the Zoning Regulations to establish a parking area at 215 Elm Street, Map 38/Lot 2, I-1 Industrial District, Coastal Management Zone.
215 Elm Street ZBA Application

Attorney Marjorie Shansky and Engineer Michael Ott representing the applicant 215 Elm LLC presented plans for an additional 18 parking spots. An extensive discussion on case law ensued concerning tidal wetland and the constant changing of policies over the past 17 years. The board had concerns with the case law cited (Benedict v. Bethany Zooning Board of Appeals) and wants to become more familiar with said case law deferring to legal counsel for a greater understanding of the relevant case laws.

The chairman asked if any member of the public had any questions/comment for or against the application. Mr. R. Jankiewicz, 177 Elm St. was in favor of the additional parking spots.
Mr. Carl Fortuna, First Selectman, spoke of the development being aesthetically pleasing and generated tax revenue.

Attorney Shansky and the Zoning Board of Appeals agreed to a continuance to the June 10th meeting.

Motion made by R. McIntyre. SECONDED by A. Wilcox to continue application **19/20-27C 215 Elm LLC**, seeks a variance of Par 68.1.2.B.9 (tidal wetland setback/50' required/25' proposed) of the Zoning Regulations to establish a parking area at 215 Elm Street, Map 38/Lot 2, I-1 Industrial District, Coastal Management Zone. 215 Elm Street ZBA Application until the next regularly scheduled meeting on June 10, 2020
A vote was taken. IN FAVOR: D. Alexander, J. Prast, B. Dyson, A. Wilcox, R. McIntyre OPPOSED: None ABSTAINING: None The Motion was **APPROVED 5-0-0** **The continuance is so the board could meet with legal counsel.**

19/20-28 H. Paul Amara II, seeks a variance of Par. 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 33.6.1 (street line setback Boston Post Road/25' required/10.9' proposed) of the Zoning Regulations to construct a 384 s.f. second story addition at 1 Nehantic Trail, Map 27/Lot 64, Restricted Business B-3 District, Coastal Management Zone.
1 Nehantic Trail ZBA Application

H. Paul Amara II is seeking a variance for an addition that was approved prior to his ownership of the property, stating he had a hardship due to the property being a corner lot. The addition could be located on a different portion of the property that would not be a nonconformity but according to the owner it would not be as aesthetically pleasing as over the garage.

The chairman asked the board if there was any questions or comments.

Board members discussed the hardship of the property and being represented as a corner lot was accurate.

Motion was made by C. Gadon . **SECONDED** by J. Prast **19/20-28 H. Paul Amara II**, seeks a variance of Par. 10.7.1 & 10.7.2 (non-conformity enlargement/change) and Par 33.6.1 (street line setback Boston Post Road/25' required/10.9' proposed) of the Zoning Regulations to construct a 384 s.f. second story addition at 1 Nehantic Trail, Map 27/Lot 64, Restricted Business B-3 District, Coastal Management Zone. 1 Nehantic Trail ZBA Application
A vote was taken. **IN FAVOR** R. McIntyre, J. Prast, Charles Gadon, **OPPOSED:** D. Alexander, A. Wilcox **ABSTAINING:** None **MOTION DENIED** The applicant did not show a significant hardship.

V. REGULAR MEETING

A. New Business – None.

B. Minutes

Motion was made by R. McIntyre **SECONDED** by A. Wilcox to **Approve the April 8, 2020 Regular Meeting Minutes**. A vote was taken. **IN FAVOR:** R. McIntyre, J. Prast, A. Wilcox, B. Dyson, and C. Gadon, D. Alexander, **OPPOSED:** None **ABSTAINING:** None. The Motion carried unanimously 6-0-0 **APPROVED**.

C. Correspondence & Announcements – None

D. Committee, Representative & Staff Reports – None

VI. ADJOURMENT

Motion was made by R. McIntyre, **Seconded** by D. Alexander to **adjourn** the May 13, 2020 Regular Meeting of the Zoning Board of Appeals. A vote was taken: **IN FAVOR:** R. McIntyre, J. Prast, A. Wilcox, B. Dyson, C. Gadon, D. Alexander. **OPPOSED:** None. **ABSTAINING:** None. The **MOTION** passed **UNANIMOUSLY** 6-0-0 The meeting was adjourned at 8:00 p.m.

Erica Cosenza, Recording Clerk

NEXT REGULAR MEETING
Wednesday, June 10, 2020 at 6:00 P.M.

Via Zoom Conference Call

Old Saybrook Zoning Board of Appeals

Join Zoom Meeting: <https://zoom.us/j/96783580073>

Teleconference: +1 929 436 2866 Meeting ID: 967 8358 0073

One Tap Mobile: +19294362866,,96783580073#

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.*