



TOWN OF OLD SAYBROOK
Zoning Commission

Robert C. Friedmann, Chairman
Mark R. Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary
Ann Marie Thorsen
Marc W. Delmonico

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Alternate Members

Justin Terribile
John Henry
Sandra Dizenzo

REGULAR MEETING MINUTES
HYBRID MEETING

Monday, January 3, 2022 – 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

Chairman R. Friedmann called the meeting to order at 7:00 p.m.

II. ROLL CALL

Attendant Members

R. Friedmann
M. Caldarella (via Zoom)
G. Lewis
A.M. Thorsen
M. Delmonico
J. Terribile
J. Henry (via Zoom)
S. Dizenzo

Attendant Staff

C. Costa, Zoning Enforcement Officer/Town Planner
J. Galli, Recording Clerk (via Zoom)

Eight members of the public were in attendance, with four more attending via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to amend the meeting minutes of December 20, 2021 to show that S. Dizenzo is added to the roster as a new alternate member of the Commission. Regarding 633 Middlesex, resident T. Lopez of Brenda Lane also opposes the petition to amend the regulations because it is “overly broad and vague” and “there is no demonstrated need or evidence for the regulation change.” **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda Items.

IV. PUBLIC HEARINGS

A. “633 Middlesex Turnpike, LLC” Petition to amend the Old Saybrook Zoning Regulations Sections 32.0 and 32.7.2 to allow one building with a max. gross floor area of 35,000 s.f. in the B-2 zone when located on a five-acre parcel.

Applicant: 633 Middlesex Turnpike, LLC Agent: Attorney Edward M. Cassella

Attorney E. Cassella presented. This hearing was continued from the December 20, 2021 ZC meeting. The applicant would like to amend the Zoning Regulations (Sections 32 and 32.7.2) in the B-2 zone to allow the square footage of a building to extend to 35,000 square feet (from 25,000) for properties in excess of five acres with the intention of expanding 633 Middlesex Turnpike by 10,000 s.f. Referrals were favorable. Seven other properties in Old Saybrook fit this profile in the B-2 zone. Resident of Brenda Lane, T. Lopez reiterated that there wasn't any demonstrated need for a regulation change. He stated that it was “flimsy” for a requestor to change the rules. He also stated that they weren't notified of this change request. ZEO C. Costa stated that all the notification requirements were met. Resident G. Young spoke about the increase in traffic and the difficulty of turning in and out of Brenda Lane during rush hour.

Property manager M. Woomer submitted a letter rebutting the complaint of trash found along Brenda Lane. She stated that it is difficult to determine the source, but they would widen their patrols along the wooded area of the property line. J. Sullivan, Program Manager at Yale, stated that the building is 100% utilized. She felt that there is a need for these services in Old Saybrook, which include radiology, cardiology, rehab, infusions, nephrology, urology, physical therapy and many more. J. Bubaris, P.E. did a site traffic assessment. His conclusion was that this addition shouldn't have an adverse impact on traffic. With no further comment from the public, the hearing was closed.

MOTION to close the Public Hearing of “633 Middlesex Turnpike, LLC” Petition to amend the Old Saybrook Zoning Regulations Sections 32.0 and 32.7.2 to allow one building with a max. gross floor area of 35,000 s.f. in the B-2 zone when located on a five-acre parcel as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Upon deliberation, Chairman Friedmann stated that allowing bigger buildings is not consistent with B-2 purpose. Commission member A.M. Thorsen stated that issues with this project would be addressed during site plan review.

MOTION to approve “633 Middlesex Turnpike, LLC” Petition to amend the Old Saybrook Zoning Regulations Sections 32.0 and 32.7.2 to allow one building with a max. gross floor area of 35,000 s.f. in the B-2 zone when located on a five-acre parcel effective February 1, 2022 **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** R. Friedmann **ABSTAINING:** None **APPROVED:** 4-1-0.

- B. “Max’s Place, Big Y Foods and Lyman Development Corp.” Petition to Amend the Old Saybrook Zoning Regulations** to amend Section 62.4.6.D.6. to allow a less stringent parking ratio for shopping centers from 1 space per 175 s.f. of gross floor area to 1 space per 225 s.f. of g.f.a. and to allow Applicants of buildings in excess of 10K s.f. to allocate the space devoted to storage to 1 space per 1200 s.f. Applicants: Big Y Foods Inc., Max’s Place, LLC and Lyman Development Corp. Agent: Attorney David M. Royston

Attorney Royston presented. The purpose of the regulation change is to eliminate undue and unnecessary parking spaces by providing less stringent requirements for Shopping Center parking under the regulations. Attorney Royston discussed the other properties in this category and that they all had surplus parking spaces. The referrals came in “consistent with standards.” Big Y V.P. M. D’Amour stated that the object is to minimize unused pavement to have a better utilization of the land. The applicant also requests that mechanicals (refrigerators and freezers) be considered enclosed storage. Because the amount of mechanicals can be changed at any time, Chairman Friedmann asked that “or mechanicals” be deleted from the text change. With no comment from the public, the hearing was closed.

MOTION to close the Public Hearing of **“Max’s Place, Big Y Foods and Lyman Development Corp.” Petition to Amend the Old Saybrook Zoning Regulations** to amend Section 62.4.6.D.6 to allow a less stringent parking ratio for shopping centers from 1 space per 175 s.f. of gross floor area to 1 space per 225 s.f. of g.f.a. and to allow Applicants of buildings in excess of 10K s.f. to allocate the space devoted to storage to 1 space per 1200 s.f. as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None. **APPROVED:** 5-0-0.

MOTION to approve **“Max’s Place, Big Y Foods and Lyman Development Corp.” Petition to Amend the Old Saybrook Zoning Regulations** to amend Section 62.4.6.D.6 to allow a less stringent parking ratio for shopping centers from 1 space per 175 s.f. of gross floor area to 1 space per 225 s.f. of g.f.a. and to allow Applicants of buildings in excess of 10K s.f. to allocate the space devoted to storage to 1 space per 1200 s.f. with the condition that the reference “or mechanicals” be stricken from the text amendment. The effective date will be February 1, 2022. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None. **APPROVED:** 5-0-0.

- C. “Max’s Place & Big Y Foods” Petition to Amend the Old Saybrook Zoning Regulations** to amend Sections 34.2.1 and 51.1 Special Standards to permit retail gasoline sales as an accessory use in the B-4 Zoning District Applicants: Big Y Foods Inc. & Max’s Place, LLC Agent: Attorney D. Royston

Attorney D. Royston presented. Big Y Foods Inc. wishes to merge its property at 12 Spencer Plain Rd into the Max’s Place Shopping Center and to locate a vehicle fuel dispensing facility as an accessory use to a Big Y convenience store. The purpose of the regulation change is to allow gasoline and other fuel dispensing facilities to be permitted by Special Exception in the Shopping Center B-4 District. Mr. D’Amour of Big Y stated that retail gas as an accessory is standard. They have fourteen in existence already and their goal is to retrofit all centers. The traffic engineer’s report will be assessed in relation to site plan. Chairman Friedmann stated that 34.2.1 is what they’ve always interpreted to be a gasoline station. In regards to the

proposed text, 34.1.1 is in the as of right section for store or other building. By making an accessory to an as of right use, no special exception is required. Chairman Friedmann is opposed because a restaurant (Section 34.2.2) or any other retail could have a gasoline station as an accessory use with this text amendment. He doesn't think this is a wise move for Old Saybrook. M. Caldarella agreed with Chairman Friedmann's assessment. Friedmann added, the text in 53.1 that "no additional parking spaces for the existing accessory facility are required" is contradictory with how O.S. operates and is confusing at best. With no public comment, the hearing was closed.

MOTION to close the Public Hearing of **"Max's Place & Big Y Foods" Petition to Amend the Old Saybrook Zoning Regulations** to amend Section 34.2.1 and 51.1 Special Standards to permit retail gasoline sales as an accessory use in the B-4 Zoning District as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None. **APPROVED:** 5-0-0.

MOTION to approve **"Max's Place & Big Y Foods" Petition to Amend the Old Saybrook Zoning Regulations** to amend Section 34.2.1 and 51.1 Special Standards to permit retail gasoline sales as an accessory use in the B-4 Zoning District as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** None **OPPOSED:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **ABSTAINING:** None. **DENIED:** 0-5-0.

Attorney Royston asked the Commission for a motion to reconsider closing the hearing and the approval motion to amend the text of the petition to include in Section 34.2.1 the removal of "accessory use to a retail use," in section 53.1 delete the word "Accessory" and delete item B in its entirety. He also requested that the hearing be "continued" instead of "closed" and the denial rescinded so he can amend the language and resubmit under the same application. Chairman Friedmann noted the request and discussed reconsideration with the Commission. Commission also discussed reconsideration of motion to keep the hearing open and continue for legal input. ZEO Costa discussed if the text amendments differed from the legal notice and if the changes would impact the referral responses sent since the use would no longer be accessory. The Commission expressed concerns about doing this after the public hearing and vote was taken. Chairman Friedmann stated that a reapplication that might address the concerns of the Commission should be the next step and that referrals should be sent again due to the changes in the text. The consensus was that it would be a cleaner process to have a new application rather than reconsider the motion.

D. "Navarro" Application for Special Exception Permit for construction of a 5,385 s.f. residential home with attached garage at 46 Cromwell Place, Assessor's Map 32, Lot 21-1, Residence AA-2 District, CAM Zone, CT River Gateway Conservation Zone.

Applicant/Owner: Nanette Navarro Agent: Joe Wren, P.E. L.S.

Engineer J. Wren presented. The applicant is proposing to construct a 5,385 s.f. five-bedroom house with an attached garage, install a new driveway made with pavers and a new septic system on a vacant lot that has been split from another parcel. Favorable referrals were received from CRAHD and Gateway. Chairman Friedmann asked about the elevation from the existing grade and about exterior lighting since both were not identified in the plans. With no public comment the hearing was closed.

MOTION to close the public hearing of “Navarro” Application for Special Exception Permit for construction of a 5,385 s.f. residential home with attached garage at 46 Cromwell Place as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None. **APPROVED:** 5-0-0.

MOTION to approve “Navarro” Application for Special Exception Permit for construction of a 5,385 s.f. residential home with attached garage at 46 Cromwell Place with the following conditions: 1) Mr. Wren will provide the measurement of the height of the building to existing grade. 2) Exterior lighting would be dark sky compliant with no trespass across property lines. 3) It is consistent with all applicable coastal policies and makes all reasonable efforts to mitigate adverse impacts. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None. **APPROVED:** 5-0-0.

V. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

ZEO discussed topics for future workshops including revisiting marijuana.

VI. ADJOURNMENT

MOTION to adjourn the meeting of January 3, 2022 at 9:35 p.m. to the next regularly scheduled Zoning Commission meeting on Wednesday, January 19, 2022 at 7:00 p.m. **MADE:** G. Lewis **SECONDED:** J. Terribile **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, G. Lewis, A.M. Thorsen, M. Delmonico **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Recording Clerk

NEXT REGULARLY SCHEDULED
HYBRID MEETING
Wednesday, January 19, 2022 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

Check our website for dial in information and additional meeting documents.

[Zoning Commission web page](#)

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