



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

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-1216
www.oldsaybrookct.org

Alternate Members

Justin Terribile
John Henry
Sandra Dizenzo

REGULAR MEETING MINUTES
HYBRID MEETING

Monday, March 6, 2023 – 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, A.M. Thorsen, M. Delmonico,
J. Henry (seated for M. Caldarella), S. Dizenzo (seated for G. Lewis), J. Terribile

Absent members: M. Caldarella, G. Lewis

Attendant Staff: J. Galli, Recording Clerk

Three members of the public attended with three more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the meeting minutes of February 22, 2023 as presented **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, A.M. Thorsen, M. Delmonico, J. Henry, S. Dizenzo **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

B. CORRESPONDENCE

A letter was received by Attorney E. Cassella withdrawing the Oasis application.

IV. PUBLIC HEARINGS

- A. **“Max’s Place, LLC. and Big Y Foods, Inc.”** Petition to Amend the Old Saybrook Zoning Regulations to amend Section 53.1 Standards for Motor Vehicle Uses to eliminate separation distance requirements for fuel pumps and add a requirement for vehicle battery charging stations.

Applicant: Max’s Place, LLC. and Big Y Foods, Inc. Agent: Attorney David Royston

Attorney Royston presented. In this first hearing, the applicant seeks a text change to eliminate any separation distance for fuel pumps with EV charging stations. The applicant asked that the matter be continued so that more information can be provided and reviewed, including letters in support of this application from Chief Spera and Big Y submitted at the meeting and a traffic report to come. Second reason for continuance of both hearings is that applicant will be providing a legal memorandum regarding their beliefs that the separation distance is a “violation of constitutional protection for equal treatment” to Zoning Commission’s Attorney M. Willis.

The Planning Commission has recommended denial of this application because it is not consistent with the town Plan of Conservation and Development. Chairman Freidmann reiterated from the last hearing related to this, that the Regulation has been in effect since the 1970s and since then the number of gas stations has gone down. He also stated that Max’s Place could comply with the separation distance and place their fuel station on another part of the property but they choose not to. Resident T. Levy stated that this is a “frivolous application and asking for a continuance is an abuse of process.”

MOTION to close the Public Hearing for **“Max’s Place, LLC. and Big Y Foods, Inc.”** Petition to Amend the Old Saybrook Zoning Regulations to amend Section 53.1 Standards for Motor Vehicle Uses to eliminate separation distance requirements for fuel pumps and add a requirement for vehicle battery charging stations as presented **MADE:** R. Friedmann **Hearing no second the motion will not be considered.**

MOTION to continue the Public Hearing for **“Max’s Place, LLC. and Big Y Foods, Inc.”** Petition to Amend the Old Saybrook Zoning Regulations to amend Section 53.1 Standards for Motor Vehicle Uses to eliminate separation distance requirements for fuel pumps and add a requirement for vehicle battery charging stations to the Zoning Commission meeting of April 3, 2023 at 7 p.m., Town Hall, 1st Floor Conference Room **MADE:** M. Delmonico **SECONDED:** J. Henry **VOTING IN FAVOR:** A.M. Thorsen, M. Delmonico, J. Henry, S. Dizenzo **OPPOSED:** R. Friedmann **ABSTAINING:** None **APPROVED:** 4-1-0.

- B. **“Max’s Place, LLC. and Big Y Foods, Inc.”** Petition to Amend the Old Saybrook Zoning Regulations to amend Section 53.1 Standards for Motor Vehicle Uses to reduce the separation distance requirement for fuel and add a requirement for vehicle battery charging stations in the Gateway Business B-4 Shopping Center District.

Applicant: Max’s Place, LLC. and Big Y Foods, Inc. Agent: Attorney David Royston

Attorney Royston presented. This application differs from the 1st hearing in that they are asking for a text change to reduce separation distance for fuel from 1,000 feet to 500 feet. This text change will also only affect shopping centers in the Gateway Business B-4 District. As with the 1st hearing tonight, Attorney Royston has asked for a continuance so all documents can be reviewed and made public.

The Planning Commission recommends approval of this application providing the EV charging stations be removed. Attorney Royston presented revised text written

by the Planning Commission but stated that the applicant would like the EV charging stations to remain as part of the petition. Big Y and Chief Spera also support this application. Resident T. Levy spoke in opposition. This text change would only apply to one shopping center, which Levy said is “way out of line.”

MOTION to close the Public Hearing for **“Max’s Place, LLC. and Big Y Foods, Inc.”** Petition to Amend the Old Saybrook Zoning Regulations to amend Section 53.1 Standards for Motor Vehicle Uses to reduce the separation distance requirement for fuel and add a requirement for vehicle battery charging stations in the Gateway Business B-4 Shopping Center District as presented **MADE:** R. Friedmann
Hearing no second the motion will not be considered.

MOTION to continue the Public Hearing for **“Max’s Place, LLC. and Big Y Foods, Inc.”** Petition to Amend the Old Saybrook Zoning Regulations to amend Section 53.1 Standards for Motor Vehicle Uses to reduce the separation distance requirement for fuel and add a requirement for vehicle battery charging stations in the Gateway Business B-4 Shopping Center District to the Zoning Commission meeting of April 3, 2023 at 7 p.m., Town Hall, 1st Floor Conference Room **MADE:** M. Delmonico **SECONDED:** A.M. Thorsen **VOTING IN FAVOR:** A.M. Thorsen, M. Delmonico, J. Henry, S. Dizenzo **OPPOSED:** R. Friedmann **ABSTAINING:** None **APPROVED:** 4-1-0.

- C. **“Drive-through” Petition to Amend the Old Saybrook Zoning Regulations to 12.3 to Modify and extend the timeline for the moratorium for Drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments (Section 53) to December 31, 2023.**
Petitioner: Old Saybrook Zoning Commission

Chairman Friedmann presented. The petition is to extend the timeline for the Drive-through moratorium to December 31, 2023 so that the Commission has adequate time to prepare and/or revise text, or in his words, “Get it right the first time and not have to do it again.” He explained that the Commission needs to incorporate input from a previous meeting with Guilford Savings Bank, Dunkin Donuts and Starbucks. The Commission also needs to be mindful of the existing Regulations regarding the sidewalk plan and pedestrian node which influences all properties.

The Planning Commission recommended denial of this petition. Attorney Royston and R. Lyman also spoke in opposition. Lyman felt that the moratorium makes things more challenging with materials’ pricing continually on the rise and tenants who don’t want to wait. Royston felt that the issues raised can be addressed in a reasonable time. For simplicity, he recommended that the Commission separate out standards for each – food, financial and pharmacies. Commission member A. M. Thorsen stated that with the special meeting added on March 27th they will be able to move things along. The Commission concurred that they want to complete this sooner rather than later and could lift the moratorium when completed.

MOTION to close the Public Hearing of “Drive-through” Petition to Amend the Old Saybrook Zoning Regulations to 12.3 to Modify and extend the timeline for the moratorium for Drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments (Section 53) to December 31, 2023 as presented **MADE:** R. Friedmann **SECONDED:** A.M. Thorsen **VOTING IN FAVOR:** R. Friedmann, A.M. Thorsen, M. Delmonico, J. Henry, S. Dizenzo **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

During deliberation, the Commission considered the input from the Planning Commission, the public and Big Y’s letter dated February 28, 2023 asking that the moratorium not be extended. Commission member M. Delmonico stated that although they are asking for a moratorium through December 31st, the Commission has an interest in doing this as quick as possible.

MOTION to approve “Drive-through” Petition to Amend the Old Saybrook Zoning Regulations to 12.3 to Modify and extend the timeline for the moratorium for Drive-through windows as an accessory use for financial institutions, pharmacies, indoor restaurants or other food and beverage establishments (Section 53) to December 31, 2023 with an effective date of March 27, 2023 as presented **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, A.M. Thorsen, M. Delmonico, J. Henry, S. Dizenzo **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

V. COMMITTEE, REPRESENTATIVE & STAFF REPORTS – None.

VI. ADJOURNMENT

MOTION to adjourn the meeting of March 6, 2023 at 8:30 P.M. to the regularly scheduled meeting of Monday, March 20, 2023 at 7 p.m. in the 1st Floor Conference Room as presented **MADE:** J. Terribile **SECONDED:** R. Friedmann **VOTING IN FAVOR:** R. Friedmann, A.M. Thorsen, M. Delmonico, J. Henry, S. Dizenzo **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
ZC Recording Clerk

NEXT REGULARLY SCHEDULED
HYBRID MEETING

Monday, March 20, 2023 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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