



TOWN OF OLD SAYBROOK
Zoning Commission

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

Mark R. Caldarella, Chairman
Geraldine M. Lewis, Vice Chairman
John Henry, Secretary
Robert C. Friedmann
Laura Gray

Alternate Members
Justin Terribile
Brenda Dyson
Michael Kelly

REGULAR MEETING MINUTES
HYBRID MEETING

Monday, March 18, 2024 – 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

Vice Chairman G. Lewis called the meeting to order at 7:00 P.M.

II. ROLL CALL

Attendant Members: G. Lewis, R. Friedmann, L. Gray, J. Terribile (seated for M. Caldarella),
B. Dyson, M. Kelly (seated for J. Henry)

Absent Members: M. Caldarella, J. Henry

Attendant Staff: C. Costa, ZEO/Town Planner; J. Galli, Recording Clerk

Seven members of the public attended with four more via Zoom.

III. REGULAR BUSINESS

A. MINUTES

MOTION to **APPROVE** the Regular Meeting Minutes of February 21, 2024 as presented
MADE: R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** G. Lewis, R.
Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

MOTION to **APPROVE** the Special Meeting Minutes of March 6, 2024 as presented
MADE: G. Lewis **SECONDED:** R. Friedmann **VOTING IN FAVOR:** G. Lewis, R.
Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None
APPROVED: 5-0-0.

B. CORRESPONDENCE

Correspondence received was related to Agenda items.

IV. PRELIMINARY DISCUSSION

A. Tesla charging stations, 901 Boston Post Road, Map 29/Lot 5, Business B-2 District

L. McCarthy, design manager for Northeast Charging, presented. Tesla would like to put in 17 EV charging stations in the Ocean State Job Lot parking lot. Commission member R. Friedmann explained that the Commission would need to see the parking layout to review how many spots are required and said that these charging spots would not count toward the requirement. He stated that 17 charging stations would be considered a motor vehicle fueling station and require a modification to a special exception permit.

V. PUBLIC HEARINGS

MOTION to MOVE A. “Van Wilgen’s Garden Center” to after C. “A-1 Home Improvement” MADE: G. Lewis **SECONDED:** R. Friedmann **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

B. “23 Schoolhouse Road” Application for Special Exception Use for construction of a 3,429.8 s.f. barn for contractor’s storage business.

23 Schoolhouse Road, Map 27, Lot 26, Business B-4 District

Applicant/Owner: Anthony Ruitto, 23 Schoolhouse Road, LLC *Agent:* Joe Wren, P.E.

Professional Engineer J. Wren presented. There are no changes to the existing 3200 s.f. building and its parking. This application is for the addition of a one-story pole barn for the storage of equipment. The building will have no plumbing and will not be open to the public. The three new parking spots and surface around the building will be crushed stone. There are six proposed dark-sky compliant building mounted fixtures above the doors approved by the ARB. The fence on the street will be moved back 15 feet to allow for buffer with another 10 feet of buffer on the other side of the fence. Mr. Wren addressed G. Jacobson’s concerns in the engineering report. He also presented the landscaping plan. Commissioner Friedmann pointed out that the condition of the ARB to have 2.5 inches of trim around the windows is not regulation. Friedmann added a condition that the trim meet regulations at 3.5 inches.

MOTION to CONTINUE the Public Hearing of “23 Schoolhouse Road” Application for Special Exception Use for construction of a 3,429.8 s.f. barn for contractor’s storage business 23 Schoolhouse Road, Map 27, Lot 26, Business B-4 District to the regularly scheduled meeting of Monday, April 1, 2024 at 7 P.M. in Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room for the Commission to review updated plans as presented MADE: R. Friedmann **SECONDED:** None **MOTION FAILED** due to lack of a second.

MOTION to CLOSE the Public Hearing of “23 Schoolhouse Road” Application for Special Exception Use for construction of a 3,429.8 s.f. barn for contractor’s storage business 23 Schoolhouse Road, Map 27, Lot 26, Business B-4 District as presented MADE: G. Lewis **SECONDED:** J Terribile **VOTING IN FAVOR:** G. Lewis, L. Gray, J. Terribile, M. Kelly **OPPOSED:** R. Friedmann **ABSTAINING:** None **APPROVED:** 4-1-0.

MOTION to APPROVE “23 Schoolhouse Road” Application for Special Exception Use for construction of a 3,429.8 s.f. barn for contractor’s storage business 23 Schoolhouse Road, Map 27, Lot 26, Business B-4 District WITH THE FOLLOWING CONDITION that there be a 3.5 inch trim around the windows. MADE: G. Lewis **SECONDED:** J Terribile **VOTING IN FAVOR:** G. Lewis, L. Gray, J. Terribile, M. Kelly **OPPOSED:** R. Friedmann **ABSTAINING:** None **APPROVED:** 4-1-0.

- C. **“A-1 Home Improvement” Application for Special Exception Use** for a 3,107 s.f. Office for Home Improvement Sales/Training
813 Boston Post Road, Assessor’s Map 36, Lot 5, Business B-2 District, Pedestrian Node

Applicant: Zachary Ziegler

Agent: Joe Wren, P.E.

Professional Engineer J. Wren presented the site improvements/landscape plan for a proposed office building for home improvement sales and sales training. A handicapped accessible parking spot will be added. No site lighting or building sign proposed. There will be a new freestanding internally illuminated sign approved by ARB on a landscape base. The roping will be removed and asphalt reduced with a landscape buffer on King St, Route 1 and the western side. The landscaping plan includes two trees on King St and two trees in the DOT right-of-way. Commissioner R. Friedmann pointed out that the applicant would need DOT approval for the two trees in the right-of-way on Route 1. He also offered an alternate option of relocating one tree to King Street and the other onto applicant’s property on the western side.

MOTION to CLOSE the Public Hearing of “A-1 Home Improvement” Application for Special Exception Use for a 3,107 s.f. Office for Home Improvement Sales/Training 813 Boston Post Rd, Assessor’s Map 36, Lot 5, Business B-2 District, Pedestrian Node as presented **MADE:** G. Lewis **SECONDED:** J Terrible **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terrible, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to APPROVE “A-1 Home Improvement” Application for Special Exception Use for a 3,107 s.f. Office for Home Improvement Sales/Training 813 Boston Post Rd, Assessor’s Map 36, Lot 5, Business B-2 District, Pedestrian Node **WITH THE FOLLOWING CONDITION** that the applicant get DOT approval for two trees in DOT right-of-way on Route 1 **OR** relocate one tree to King Street and the other onto applicant’s property on the western side as presented **MADE:** G. Lewis **SECONDED:** J Terrible **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terrible, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- A. **“Van Wilgen’s Garden Center” Application for Special Exception Use** for a garden center development with two seasonal greenhouses, shed/outdoor display area and parking on 18,362 s.f. property at 1560 Boston Post Road, Map 26/Lot 30, Gateway Business B-4 District, Coastal Area Management Zone.

Applicant: Stanislaw Szcwzyk

Agent: Attorney Edward M. Cassella

Attorney E. Cassella presented. Van Wilgen’s needs to relocate from its current location in the Benny’s Plaza. The proposed location is currently a single family house in disrepair. The applicant proposes to install two greenhouses, a process stone area and fencing for storage and sale of nursery products along with a 4 x 6 cashier’s booth with only one entrance on Route 1. They will provide 16 parking spaces including one handicapped accessible. They will also have a dumpster and a seasonal port-o-potty.

The Planning Commission was not in favor of this relocation due to size of the lot and impact to the neighbors. ARB wants the landscaping on Orchard Lane to be increased which the applicant has agreed to. The applicant received a variance to move the parking lot to the front. They also were granted a variance to lessen the landscape buffer which wasn't needed. Cassella stated that the legal basis for the variance is the reduction in non-conformity and the change from a residence to a business. The ZBA's variances were approved with the condition that there would be no business deliveries on Sundays or after 10 A.M. Monday-Saturday.

Attorney Cassella later declared that there was a conveyance of 3,311 s.f. to the subject property from the adjoining property also owned by the applicant. Commissioner Friedmann questioned whether this property and the adjoining property should be merged as per regulation 10.8.2. The Commission agreed that they need to seek the advice of their counsel before proceeding with this application.

MOTION to CONTINUE the Public Hearing of “Van Wilgen’s Garden Center” Application for Special Exception Use for a garden center development with two seasonal greenhouses, shed/outdoor display area and parking on 18,362 s.f. property at 1560 Boston Post Road, Map 26/Lot 30, Gateway Business B-4 District, Coastal Area Management Zone to the regularly scheduled meeting of Monday, April 1, 2024 at 7 P.M. in Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room as presented **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- D. Petition to amend the Old Saybrook Zoning Regulations** to amend Section 9 Definitions to amend billboard, half story and add new definitions of shopping center and rooftop deck. Amend Section 10.6.4 discontinuance of a non-conformity for consistency with State Statute. Amend Section 63.2 bullet point #4 to remove illegal bonding language. Amend 62.3.2 to allow walkway materials other than concrete. Amend Section 53 Special Standards for Accessory Apartments to permit finished space in garage area to count toward primary dwelling, amend requirement that apartment must be located no closer to the street. Amend 53 Bed & Breakfast to remove language regarding dwelling units so that B&B can be located in some business districts.

Petitioner: Old Saybrook Zoning Commission

ZEO C. Costa presented the amendments and the referral responses including the concerns of the Planning Commission. The Commission did a line by line review of the possible changes. The Commission agreed with the PC that “offices and financial institutions” be added to the definition of a shopping center. They also agreed to update section 63.2 to read that, “Any landscaping, trees or plants in a condition that does not fulfill the intent of the approved landscaping plan will be replaced by the property owner “no later than” the next planting season instead of “during.”

The Commission reviewed B & B regulations in the different districts and decided to eliminate the B-2 and B-4 districts in Section 53 where residential is prohibited. This will also eliminate regulation 34.2.5 and 33.2.6.

MOTION to CLOSE the Public Hearing of Petition to Amend the Old Saybrook Zoning Regulations to amend Section 9 Definitions to amend billboard, half story and add new definitions of shopping center and rooftop deck. Amend Section 10.6.4 discontinuance of a non-conformity for consistency with State Statute. Amend Section 63.2 bullet point #4 to remove illegal bonding language. Amend 62.3.2 to allow walkway materials other than concrete. Amend Section 53 Special Standards for Accessory Apartments to permit finished space in garage area to count toward primary dwelling, amend requirement that apartment must be located no closer to the street. Amend 53 Bed & Breakfast to remove language regarding dwelling units so that B&B can be located in some business districts as presented **MADE:** G. Lewis **SECONDED:** J. Terribile **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

MOTION to APPROVE the text amendments in Petition to Amend the Old Saybrook Zoning Regulations to amend Section 9 Definitions to amend billboard, half story and add new definitions of shopping center and rooftop deck. Amend Section 10.6.4 discontinuance of a non-conformity for consistency with State Statute. Amend Section 63.2 bullet point #4 to remove illegal bonding language. Amend 62.3.2 to allow walkway materials other than concrete. Amend Section 53 Special Standards for Accessory Apartments to permit finished space in garage area to count toward primary dwelling, amend requirement that apartment must be located no closer to the street. Amend 53 Bed & Breakfast to remove language regarding dwelling units so that B&B can be located in some business districts **as amended this evening with the effective date of April 15, 2024** **MADE:** G. Lewis **SECONDED:** R. Friedmann **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

VI. OLD BUSINESS

A. 2023 Affordable Housing Audit

In late 2023, the Zoning Commission hired the DeMarco Management Group to do an affordable housing audit, since they issue permits for affordable housing developments, to ensure that it is operating within the constraints of the law. The units involved are all compliant, with any minor issues resolved. The Commission agreed that another audit should be done in 2025.

MOTION to IMPLEMENT a random affordable housing audit in 2025, date to be determined as presented **MADE:** G. Lewis **SECONDED:** J. Terribile **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

VII. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- **821 Boston Post Rd** -The ZEO discussed proposed modifications to the plan approval. The fence placed on the property by 813 Boston Post Road is proposed to be removed. A perimeter landscaping island will be added along the property line. The lighting consultant found that the proposed plan has more lighting along the property line next to 813 Boston Post Road than needed to adequately illuminate the site. The Commission felt that these changes reduced non-conformities and that the ZEO can handle administratively.

- **Sign Enforcement Program** – Annual letters will be going out for sign violations and will be followed up with cease-and-desist orders. Public Works will be removing illegal signs on town property.
- **Coastal Resiliency** – Costa updated the Commission on the status of the 4-Shore Coastal Resiliency Program status, is working on a grant to hire a grant writer from Sea Grant to then apply for the 2024 NFW Long Island Sound Futures for a resilience grant between Cold Spring Brook and Indiantown. The new grant is a revision to the 2023 grant that was not awarded to the Town. The 2024 grant match has increased from 25% to 50% which makes the new grant substantially more expensive.
- **Other Enforcement:**
 - 900 BPR building uses. Cease & Desist Order issued for signs and unpermitted business.
 - 802 BPR owner working without permits. Is currently going through Wetlands review.
 - 1596 BPR – Cantina Beach hasn't completed improvements outlined in zoning permit approvals. To obtain Zoning Compliance they need to install a sidewalk in the front of the building and resolve all zoning violations on the property including noise complaints.
 - 35 Research Parkway – BluSky Carbon, Inc is in the permitting process.
 - First Selectman Carl Fortuna has sent out letters to retailers using parking spaces, sidewalks and rights of way for outdoor display areas.

VIII. ADJOURNMENT

MOTION to adjourn the meeting of March 18, 2024 at 9:35 P.M. to the regularly scheduled meeting of Monday, April 1, 2024 at 7 P.M. in Town Hall, 1st Floor Conference Room as presented **MADE:** J. Terribile **SECONDED** G. Lewis **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, J. Terribile, M. Kelly **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Land Use Clerk

NEXT REGULARLY SCHEDULED HYBRID MEETING

Monday, April 1, 2024 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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