



TOWN OF OLD SAYBROOK
Zoning Commission

*Robert C. Friedmann, Chairman
Mark Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary
Madeleine B. Fish
Ann Marie Thorsen*

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Alternate Members
*Justin Terribile
Mark W. Delmonico
Ram B. Odedra*

REGULAR MEETING MINUTES

Monday, December 16, 2019 – 7:00 P.M.
Town Hall, 302 Main Street
1st Floor Conference Room

I. CALL TO ORDER

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

II. ROLL CALL

Attendant Members

Robert Friedmann
Mark Caldarella
Geraldine Lewis
Ann Marie Thorsen
Mark Delmonico (sitting in for Madeleine Fish)
Ram Odedra

Absent Members

Madeleine Fish
Justin Terribile

Attendant Staff

Christina Costa, Zoning Enforcement Officer
Joanne Galli, Recording Clerk

18 members of the public in attendance.

III. REGULAR BUSINESS

A. MINUTES

MOTION to approve the Regular Meeting Minutes of December 2, 2019 as presented; **MADE:** G. Lewis **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

B. CORRESPONDENCE

There was no new correspondence.

C. ELECTION OF OFFICERS

MOTION to nominate R. Friedmann as Chairman of the Zoning Commission; **MADE:** G. Lewis **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to close nominations for Chairman of the Zoning Commission; **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to cast a unanimous ballot for R. Friedmann as Chairman of the Zoning Commission; **MADE:** G. Lewis **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R Friedmann, G. Lewis, A. M. Thorsen, M. Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to nominate M. Caldarella as Vice Chairman of the Zoning Commission; **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to close nominations for Vice Chairman of the Zoning Commission; **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to cast a unanimous ballot for M. Caldarella as Vice Chairman of the Zoning Commission; **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to nominate G. Lewis as Secretary of the Zoning Commission; **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to close nominations for Secretary of the Zoning Commission; **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

MOTION to cast a unanimous ballot for G. Lewis as Secretary of the Zoning Commission; **MADE:** R. Friedmann **SECONDED:** M. Delmonico **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico; **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0.

IV. NEW BUSINESS

- A. **Preliminary Discussion:** Petition to Amend the Zoning Map from Marine Industrial (MI) to Residence A District & Planned Residential Development (PRD) Zone. Petition to Amend the Zoning Regulations Section 55 PRD to allow dens/additional bedrooms in PRD (no age restriction) and revise setbacks. 18 unit PRD and open space requirement. 91 Sheffield Street, Assessor's Map 49, Lot 2, Marine Industrial District, CT River Gateway Conservation Zone, FEMA, AE11, VE15 & 500 year flood zones.
Owner: David L. Bell & Seville H. Simonds Contract Purchaser: Greylock Property Group, LLC.
Agent: Attorney Edward M. Cassella

Attorney Edward M. Cassella and Joe Wren presented for the applicant and gave a description of the project to the commission. The applicant would like the zoning map amendment and a text amendment to allow for a planned residential development of 18 units, 4 units out of flood zone and remaining units FEMA compliant.

Jack Ozak, neighbor on Saltus Drive, expressed his concerns about traffic, and access for fire and safety personnel.

R. Friedmann began by stating that the highest and best use of the land would not be more residential in AE 11 and VE flood zones due to environmental conditions. He added that the property was previously changed from Marine Commercial (MC) to Marine Industrial (MI) to prevent any future residential units. Therefore, this plan is not in keeping with the approved intended use for the land.

- B. **Preliminary Discussion:** Proposed 75 seat restaurant, parking and landscaping. 813 Boston Post Road, Assessor's Map 36, Lot 5, Business B-2 District, Pedestrian Node
Owner: OSCT, LLC. Agent: Alex Foulkes, contract purchaser.

The applicant would like to purchase/renovate what is currently medical/office space and convert it to a 75-seat restaurant that would serve breakfast, lunch and be available for events. Full compliance with parking requirements and 25' landscaping buffers on King Street and Boston Post Road may not be achievable due to existing conditions. There is a possibility of leased parking behind building but still wouldn't provide the required parking spaces.

The Zoning Commission advised the applicant that street line landscaping buffers and shared parking will help to reduce non-conformities even if not the full 25'.

- C. **"Oceanside Automotive"**

Discuss new proposal and modifications to stipulated judgment
810 Middlesex Turnpike, Assessor's Map 63, Lot 8, Restricted Business B-3 & Residence AA-1 Districts. Owner: Legacy for Him, LLC.
Owner: Legacy for Him, LLC. Agent: Attorney Edward Cassella

Attorney Edward Cassella presented for owner. They are asking for permission to modify stipulated judgment agreed to in Middletown Superior Court. They would like to eliminate the 2nd-story addition due to financial implications and instead propose a longer one story addition with a 30-foot extension to the east. The addition would need to be approved by the Wetlands Commission and Building Official who were also parties to the judgment.

The existing automotive use is not permitted in the Zoning District and the Commission agreed to allow the property owner to expand the non-conforming use and clean up the

property as part of the judgment. The Commission has had enforcement issues with this property for several decades and thought the matter was resolved. The Judgment states that site and building improvements are to be completed by June 2020.

The owner does not have a cost estimate for the new proposal and the Commission is concerned that if they were to entertain this request and submit it to the Court again that this proposal may be financial infeasible. If the Commission were to agree to this request, the Town will incur more legal fees to modify the Judgment. The Applicant agreed to pay the Town's legal fees.

The Commission suggested that the property owner build the structure as agreed, modify it to the existing footprint with no expansion or build a partial 2nd-story addition thus allowing for more square footage while staying in the present footprint.

V. PUBLIC HEARINGS

A. “Roam Tree Road, LLC” Application for Special Exception Permit

Landscaping, parking, lighting and sign modifications to existing Motor Vehicle Rental/Sales/Repair and Warehousing Use

360 Boston Post Road, Assessor's Map 53/Lot 49, Business B-4 District

Applicant: Roam Tree Road, LLC Agent: Joe Wren, P.E.

ACTION: Open public hearing, continue or close by 1/6/2020 (NLT 1/19/2020)

Joe Wren presented a new **application for special exception** to address site modifications that were made that deviated from previous approvals and to modify existing permits.

MOTION to close the Public Hearing for “Roam Tree Road, LLC” Application for Special Exception Permit Landscaping, parking, lighting and sign modifications to existing Motor Vehicle Rental/Sales/Repair and Warehousing Use 360 Boston Post Road, Assessor's Map 53/Lot 49, Business B-4 District *Applicant: Roam Tree Road, LLC Agent: Joe Wren, P.E.* **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M. Caldarella, M. Delmonico **ABSTAINING:** None. **OPPOSED:** None. **APPROVED:** 5-0-0

MOTION to approve Application for Special Exception Permit with conditions for “Roam Tree Road, LLC” Landscaping, parking, lighting and sign modifications to existing Motor Vehicle Rental/Sales/Repair and Warehousing Use 360 Boston Post Road, Assessor's Map 53/Lot 49, Business B-4 District *Applicant: Roam Tree Road, LLC Agent: Joe Wren, P.E. with the following conditions:*

- Outdoor storage of materials is only permitted within the fenced area on the pavement within the concrete blocks.
- Larger wall sign approved.
- Arborvitae plantings will be continued along the entire perimeter buffer every 10 feet along the northern property line bordering 330 Boston Post Road.
- The dumpster will be enclosed with 6 ft. solid fence for screening.

- The interior parking lot landscaped island with existing ornamental grasses located closest to 380 Boston Post Road will be enlarged to make an island of more than 100 s.f. to meet the regulations.

MADE: R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M. Caldarella, M. Delmonico
ABSTAINING: None. **OPPOSED:** None. **APPROVED:** 5-0-0

VI. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

- **“Middlesex Hospital Offices/Erikelari, LLC./G.Dayharsh”** 2011 SPEX #11-008
 154 Main Street, Assessor’s Map 37, Lot 127, Business B-1 District
 Property Owner: CHK OS Associates, LLC.
ACTION: ZEO to report on status of sidewalks not completed by 11/31/2019 deadline. ZC to determine if referral for legal action necessary.

Middlesex Hospital Offices/Erikelari, LLC./G.Dayharsh has been given a final deadline of January 6, 2020 to have sidewalks completed. If not completed, legal action will commence.

- **“Waterview Landscaping, LLC”.** 2017 SPEX Permit #17-031
 5 Jade Court, Assessor’s Map 42, Lot 9-2, Business B-4 District
 Property Owner: 5 Jade Court, LLC. Business Owner: Ken Reid
ACTION: ZEO to report on status of improvements. ZC Deadline: 12/16/2019

Attorney Edward Cassella received the survey and will report back to the commission at the January 22, 2020 meeting.

- **“Tequila’s Restaurant”** 2015 SPEX Permit #15-134
 1333 Boston Post Road, Assessor’s Map 27, Lot 24, Business B-4 District
 Property Owners: Ronald Rosetti & Manuel Pata Business Owner: Byron Cruz
ACTION: ZEO to report on status of sidewalks. ZC Deadline: 12/31/2019

The Zoning Commission is requiring and will hold a \$22,500 cash bond for completion of work. The work will need to be completed by April 1, 2020 or the commission will continue with legal action.

- **“Ford/John Deere” Saybrook Realty Acquisitions”** 2017 SPEX Permit #17-133
 380/400 Boston Post Road, Map 42, Lot 15 & Map 53, Lot 50
 Status: Driveway apron not complete, perimeter landscaping not planted/does not correspond with approved plans.
 Property Owner: Saybrook Realty Acquisitions Business Owner: Ted Vecchiarino
ACTION: ZEO to report on status of permit from DOT.

Property owner obtained an encroachment permit and advised the Zoning Commission that all improvements would be completed by Sept 1, 2020. Deadline request has been denied but a deadline of May 1, 2020 has been put in place. If not completed by deadline, legal action will commence.

VII. EXECUTIVE SESSION: Discuss pending and possible legal action.

MOTION to commence Executive Session at 9:57 p.m. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

MOTION to leave Executive Session at 10:12 p.m. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

MOTION to direct legal counsel to appeal the December 11, 2019 decision of the Zoning Board of Appeals to Superior Court for the approval of appeal 19/20-18 George J. Emmanuel & Kristen Ardolino to permit the creation of an 8,000 +/- s.f. building lot for the construction of a 2,979 s.f. home on two vacant parcels of land and allow existing house to remain on a third non-conforming parcel. 33 & 35 Saltaire Drive, Map 3/Lots 38 & 39, Residence A Zone, CAM Zone.
MADE: R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

VIII. ADJOURNMENT

MOTION to adjourn the meeting at 10:18 p.m. to the next regularly scheduled Zoning Commission meeting on Monday, January 6, 2019 at 7:00 p.m. at Town Hall, 302 Main Street, 1st Floor Conference Room, Old Saybrook. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** R. Friedmann, G. Lewis, A. M. Thorsen, M Caldarella, M. Delmonico **ABSTAINING:** None; **OPPOSED:** None. **APPROVED:** 5-0-0.

Respectfully Submitted,

Joanne Galli
Recording Clerk