



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, April 1, 2024 – 7:00 P.M.  
Town Hall, 2<sup>nd</sup> Floor Conference Room  
302 Main Street, Old Saybrook

**I. CALL TO ORDER**

Chairman M. Caldarella called the meeting to order at 7:00 P.M.

**II. ROLL CALL**

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

Absent Members: J. Henry

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

Eight members of the public attended in person.

**III. REGULAR BUSINESS**

**A. MINUTES**

Minutes of March 18, 2024 amended to show correct regulation of 10.8.1 in Public Hearing A) “Van Wilgen’s Garden Center” regarding merging properties.

**MOTION** to **APPROVE** the Regular Meeting Minutes of March 18, 2024 as amended  
**MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** G. Lewis, R. Friedmann, L. Gray, B. Dyson **OPPOSED:** None **ABSTAINING:** M. Caldarella  
**APPROVED:** 4-0-1.

**B. CORRESPONDENCE**

Correspondence received was related to Agenda items.

**IV. CONTINUED PUBLIC HEARINGS**

**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 Szcwarczyk*

*Agent: Attorney Edward M. Cassella*

M. Caldarella stated that he is up-to-date on this matter by reviewing the minutes and watching the video and is prepared to discuss and deliberate. 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. At the last meeting on March 18<sup>th</sup>, Commissioner Friedmann questioned whether this property and the adjoining property also owned by Szewczyk should be merged as per regulation 10.8.1. The Commission agreed that they need to seek the advice of their counsel before proceeding with this application.

Attorney E. Cassella presented this evening. The Commission informed the applicant in advance, that they need to merge the properties. "According to Regulations, these lots should be merged because they are both non-conforming and combined will create a conforming lot," stated Attorney M. Willis, ZC counsel, in writing. A variance would bypass the merge. The applicant has applied and received two other variances to date. Cassella asked the Commission about any other matters of concern. Friedmann informed him that the building must be set back only ten feet because it is in a pedestrian node. They discussed deliveries which would only be by box truck and before 10 A.M. Monday-Saturday.

M. Caldarella opened the hearing to public comment and resident R. Bolduc spoke. Mr. Bolduc lives on Orchard Lane. He said that the neighbors are concerned about the traffic on Route 1 backing up going southbound, and turning around on Orchard Lane. He explained that it is a narrow street and can't accommodate the traffic or the possible parking issue that may arise on the lane. Cassella's rebuttal is that there is no legal way of stopping traffic from entering Orchard Lane. He said they will look into the prospect of "no parking" and "no outlet" signs. Caldarella assured the neighbors present that the applicant will do what is possible to minimize traffic and parking on Orchard Lane. Cassella asked for a continuation to discuss with the applicant a path forward.

**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 15, 2024 at 7 P.M. in Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room as presented **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, R. Friedmann, L. Gray, B. Dyson **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

## V. NEW BUSINESS

- A. **"Cantina Beach" Request for Modification to Special Exception for Restaurant Use** to amend hours of operation.  
1596 Boston Post Road, Assessor's Map 26/Lot 24, B-4 District, Pedestrian Node  
*Applicant/ Agent: Wilson P. Castro Reino*

Mr. Castro failed to attend tonight's meeting. ZEO Costa read a letter sent to Castro on March 13, 2024 stating that his temporary CO has expired and he hasn't met all the conditions of his zoning approval including adding sidewalks. She informed him of sign violations, the noise

complaints Land Use has received about late night noise during and past permitted hours, and parking issues on Orchard Lane. Mr. Castro's response letter dated March 20, 2024 stated that it wasn't "excessively loud" and that they've made efforts to lower volume. He also asked for a modification to his special exception permit to extend Sunday hours to 10 P.M. Neighbor M. Szewczyk spoke about the noise and their efforts to let Cantina Beach know multiple times. She said she has a recording of the noise inside her home. She was told by Cantina Beach that they have a permit to play music until 1:30 P.M. She felt they have no respect for the neighbors. Neighbor R. Bolduc stated that what she said was accurate. He questioned what was permitted because it is clear to him that this has become a nightclub.

Friedmann felt that this is in conflict with what they were told on the permit application. Given that they haven't addressed the noise issues including noise after permitted hours, haven't completed the requirements of the 1<sup>st</sup> application and that their temporary CO has expired the Commission agreed that a Cease and Desist order be issued and they appear in front of the Commission. In conclusion, Chairman Caldarella stated that it is the responsibility of all applicants to abide by their permits.

**MOTION to DENY** the request for a **Modification to Special Exception for Restaurant Use** to amend hours of operation at 1596 Boston Post Road, Map 26/Lot 24, B-4 District, Pedestrian Node as presented on the grounds that there is non-compliance with current application requirements. Based on the current violations, enforcement action is necessary. **MADE:** R. Friedmann **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, R. Friedmann, L. Gray, B. Dyson **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- B. **"Mill Rock Leasing" Application for Modification to Special Exception Use** to remove parking spaces to add a loading area.  
20 Research Parkway, Assessor's Map 39/ Lot 16, Industrial I District  
*Applicant: Millrock Leasing Agent: Kevin Geenty*

K. Geenty presented. Angus McDonald submitted application on behalf of Mr. Geenty. Fourteen parking spaces have been blacked out to become a loading area. To clear the area of pedestrian traffic, the door to the fitness studio has been relocated. The lot will be restriped.

**MOTION to APPROVE** the **Public Hearing** of **"Mill Rock Leasing" Application for Modification of Special Exception Use** to remove parking spaces to add a loading area. 20 Research Parkway, Assessor's Map 39/Lot 16, Industrial I District as amended to show correct address of 137 Mill Rock Road East **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, R. Friedmann, L. Gray, B. Dyson **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

- C. **2024 Outdoor Seating Renewals**

Land Use sent out a letter asking 55 restaurants and other food and beverage facilities to respond with any changes to their outdoor seating. No responses came in.

**MOTION** to **APPROVE** the **2024 Outdoor Seating Renewals** as presented **MADE:** M. Caldarella **SECONDED:** G. Lewis **VOTING IN FAVOR:** M. Caldarella, G. Lewis, R. Friedmann, L. Gray, B. Dyson **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

VI. **COMMITTEE, REPRESENTATIVE & STAFF REPORTS**

- **Sign Enforcement Program** – Annual letters are being sent out for sign violations. DPW has removed 50 illegal signs in town rights-of-way.
- **Coastal Resiliency** – Costa updated the Commission on the status of the 4-Shore Coastal Resiliency Program: the grant is ready to hire a grant writer from Sea Grant to then apply for the 2024 NFW Long Island Sound Futures for a resilience grant from Chapman to Indiantown. The new grant is a revision to the 2023 grant that was not awarded to the Town. If Board of Finance approves, revised application will have to be in by May.
- **12 Pratt Road** – A litigation warning letter was sent out May 2023. There has been no response or application submitted. Costa received permission from the ZC to reach out to Attorney M. Willis at Halloran & Sage, the attorney for the Commission.
- **Coming Up:**
  - **Wednesday, April 3<sup>rd</sup> at 7:00 p.m.** – Desegregate CT Work Live Ride & Walkability Presentations
  - **Wednesday, April 17<sup>th</sup> at 7:00 p.m.** – Mariner’s Way Stakeholder’s Meeting
  - **Friday, April 19<sup>th</sup> at 10:00 a.m.** – Desegregate CT Old Saybrook Walkability Audit (walk details to be announced at a later date)
  - **Wednesday, May 15<sup>th</sup> at 6:30 p.m.** – Natural Hazard Mitigation Plan – Outreach Session

VIII. **ADJOURNMENT**

**MOTION** to adjourn the meeting of April 1, 2024 at 8:44 P.M. to the regularly scheduled meeting of Monday, April 15, 2024 at 7 P.M. in Town Hall, 1st Floor Conference Room as presented **MADE:** G. Lewis **SECONDED:** M. Caldarella **VOTING IN FAVOR:** M. Caldarella, G. Lewis, R. Friedmann, L. Gray, B. Dyson **OPPOSED:** None **ABSTAINING:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli  
Land Use Clerk

NEXT REGULARLY SCHEDULED  
HYBRID MEETING

**Monday, April 15, 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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