

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

Paul Greenberg, Chair
Michael Noto, Vice Chair

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members

Al Daddona
W. T. Furgueson
William Veillette

Alternate Members

Ward Feirer
Barbara Sarrantonio
Peter Decker

MINUTES

September 16, 2014 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, September 16, 2014 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Paul Greenberg
Michael Noto
William Veillette
Al Daddona
Peter Decker
Barbara Sarrantonio seated for W. T. Furgueson

Absent Members:

Ward Feirer
W. T. Furgueson

Staff:

Stella C. Beaudoin, Recording Clerk

Mr. Greenberg called the meeting to order at 7:30 p.m.

Seated for the Public Hearing were Paul Greenberg, Michael Noto, , William Veillette, Al Daddona and Barbara Sarrantonio seated for W. T. Furgueson

1. Public Hearings

Application 14-13 on behalf of Debra Marquis, 4 New City Street, Essex, Assessor's Map 28, Lot 64 VR District requesting variances to sections 40E and 60B of the Essex zoning regulations to allow a lot line revision that proposes the decrease in size of an abutting property that is already of nonconforming lot size. Continued to the October 21, 2014 regularly scheduled meeting.

Application 14-15 on behalf of William Ammon, Jr., 2 Dennison Lane, Essex, CT Assessor's Map 27, Lot 73, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to locate a 576 s.f detached garage to a point 15 feet from the side property line where 25 feet is required.

William Ammon presented on behalf of this proposal. The existing garage was constructed 32' from the property line. Mr. Ammon proposes to construct a garage 15' from the property line. The garage is on the northwest boundary and the test holes found areas of ledge between the house and the proposed garage location. As such the garage must be located 10 feet closer to the northwest boundary. Mr. Ammon stated that the existing garage which was built in 1951 was constructed into the slope of the land and due to the disrepair that structure was demolished.

The structure will be one story with a storage area above the garage. There will be water and electricity going to the garage. Mr. Ammon stated that there will be no living space over the garage.

Mr. Ammon stated that the hardship associated with this proposal is the topography of the property and more specific, the grade and slope of the land. Mr. Ammon stated that and this proposal will significantly reduce the extent of the nonconformity.

Mr. Greenberg asked if anyone wished to speak in favor or in opposition to this application.

Charles Irving, 10 Laurel Road and abutting property owner stated that he is in favor of this proposal.

Entered into the record is a letter from Linda Grossman and Craig Katko stating no opposition to this proposal and request that the structure be limited to one story.

Mr. Greenberg closed the Public Hearing.

Application 14-16 on behalf of Kevin Costen, 11 High Street, Essex, CT, Assessor's Map 27 Lot 73, VR District, requesting variances to sections 40C, 40D, and 60B of the Essex zoning regulations to allow a 240 s/f shed to increase the existing building coverage from 15.9% to 17.6% where 7.5% is the maximum building coverage allowed. Gateway

Mr. George Costen presented on behalf of this application. Mr. Costen stated that he would like to construct a 20 x 40' cedar shed constructed on cinderblocks which will sit on a gravel bed. Mr. Costen stated that he will utilize the shed for a lawnmower, jet ski and gardening tools.

Members questioned the hardship associated with this proposal. Mr. Costen stated that storage is needed for his lawn equipment, etc.

Mr. Greenberg asked if anyone wished to speak in favor or in opposition to this application.

Paul Leach, abutting neighbor presented. Mr. Leach stated that he supports this proposal and noted that the hardship surrounding this proposal is the size of the small lot, the topography of the land and anything Mr. Costen does on this property would be nonconforming.

There was not further public comment.

Mr. Greenberg presented a letter from the Gateway Commission stating no opposition to this application.

Mr. Greenberg closed the Public Hearing.

Application 14-17 on behalf of Essex Elementary School, 108 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 43, VR District requesting variances to sections 40D, 40I.1 and 60B of the Essex Zoning regulations to allow a storage container to be located 8 feet from a side property line where 25 feet is required. Also to allow existing building coverage of 12.8% where 7.5% is the maximum building coverage allowed.

Thomas Shaw presented on behalf of Essex Elementary School. Mr. Shaw stated that he would like to relocate the metal 40' x 8' x 8' container which is utilized for the storage of desks, chairs, and assorted school items, to the center island in a location behind the shed. The current location of the container prohibits full view, visibility and presents a safety issue. Mr. Shaw stated that delivery trucks and vehicles entering into the lot have limited visibility due to the current location of the storage structure.

Mr. Shaw stated that for the purpose of improved site lines, Mr. Shaw proposes to move the container from the front of the building to the side.

Mr. Greenberg asked if anyone wished to speak in favor or in opposition to this application.

Barbara, 9 Charles Street questioned the height of the shed and Mr. Shaw suggested that she come to the site and he will discuss the height and location with her at that time.

There was not further public comment.

Mr. Greenberg closed the Public Hearing.

Application 14-8 on behalf of Charles and Catherine Hill, 33 Foxboro Road, Essex, CT, Assessor's Map 16 Lot 10, RU District, requesting variances to sections 40D, 40E, 40I.1 50D and 61H to allow two additions with one to be constructed to a point 22 feet from a side property line where 30 feet is required. Also to allow the existing building coverage to increase from 7.5% to 9.2% where 7.5% is the allowed maximum building coverage allowed.

Attorney Campbell Hudson presented on behalf of the applicants. Attorney Hudson stated that the property is currently owned by Terry Parkinson who has contracted the sale of this property to the applicant. Attorney Hudson stated that the property has severe topographical limitations as it slopes down to the cove and a much of the property is within the wetlands. The applicant proposes two small additions. The first on the southeastern corner of the property violates ground coverage however, does not violate setbacks. The second proposal covers the area over the existing deck which extends 21.6 feet from the northern boundary line. The ground coverage will go from 7.8 to 9.8%.

Attorney Hudson stated that the height of the new addition will be well below the 30 foot requirement. Attorney Hudson stated that variances are needed for coverage and setback for the addition on the north side. The hardship is due to the topography of the land and the house predates the zoning regulations. Attorney Hudson stated that the applicant has worked with Richard Gates, Land Surveyor and an architect and it was determined that this was the only viable location that would be in keeping with the existing character of the house and working with the topography of the land.

Mr. Greenberg asked if anyone wished to speak in favor or in opposition to this application.

Andrea Woolston, abutting property spoke in favor of the increase of the square footage this application.

There was not further public comment.

Mr. Greenberg presented a letter from the Gateway Commission stating no opposition to this application.

Mr. Greenberg closed the Public Hearing.

2. Regular Meeting/Deliberation

The same members as were seated for the public hearing were seated for the regular meeting.

Application 14-15 on behalf of William Ammon, Jr., 2 Dennison Lane, Essex, CT Assessor's Map 27, Lot 73, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to locate a 576 s.f detached garage to a point 15 feet from the side property line where 25 feet is required.

Reducing the violation of the ordinances. Statement in the approval that this is a one story structure and no living space above the garage.

MOTION to grant a variance to **Application 14-15** on behalf of William Ammon, Jr., 2 Dennison Lane, Essex, CT Assessor's Map 27, Lot 73, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the Essex zoning regulations to locate a 576 s.f detached garage to a point 15 feet from the side property line where 25 feet is required. The hardship associated with this proposal is the topography of the property and more specific, the grade and slope of the land. This proposal will significantly reduce the extent of the nonconformity. This variance is approved with the condition that this will be a one-story structure and there will be no living space above the garage. This variance is approved in accordance with the plans submitted. **MADE** by M. Noto; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, M. Noto, W. Veillette, A. Daddona, B. Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 14-16 on behalf of George Costen, 11 High Street, Essex, CT, Assessor's Map 27 Lot 73, VR District, requesting variances to sections 40C, 40D, and 60B of the Essex zoning regulations to allow a 240 s/f shed to increase the existing building coverage from 15.9% to 17.6% where 7.5% is the maximum building coverage allowed.

Members discussed the lack of hardship demonstrated in association with the proposal.

MOTION to deny a variance to **Application 14-16** on behalf of George Costen, 11 High Street, Essex, CT, Assessor's Map 27 Lot 73, VR District, requesting variances to sections 40C, 40D, and 60B of the Essex zoning regulations to allow a 240 s/f shed to increase the existing building coverage from 15.9% to 17.6% where 7.5% is the maximum building coverage allowed. The variance was denied based on lack of hardship; **MADE** by A. Daddona; **SECONDED** by M. Noto; **IN FAVOR:** P. Greenberg, M. Noto, W. Veillette, A. Daddona, B. Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 14-17 on behalf of Essex Elementary School, 108 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 43, VR District requesting variances to sections 40D, 40I.1 and 60B of the Essex Zoning regulations to allow a storage container to be located 8 feet from a side property line where 25 feet is required. Also to allow existing building coverage of 12.8% where 7.5% is the maximum building coverage allowed.

MOTION to grant a variance to **Application 14-17** on behalf of Essex Elementary School, 108 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 43, VR District requesting variances to sections 40D, 40I.1 and 60B of the Essex Zoning regulations to allow a storage container to be located 8 feet from a side property line where 25 feet is required. Also to allow existing building coverage of 12.8% where 7.5% is the maximum building coverage allowed. The hardship is that the present location of the storage container presents a safety and a traffic issue. The proposed location offers a clear site line and provides a security plan that is in the best interest of child safety. This variance is approved in accordance with the plans submitted. **MADE** by M. Noto; **SECONDED** by B. Sarrantonio; **IN FAVOR:** P. Greenberg, M. Noto, W. Veillette, A. Daddona, B. Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 14-8 on behalf of Charles and Catherine Hill, 33 Foxboro Road, Essex, CT, Assessor's Map 16 Lot 10, RU District, requesting variances to sections 40D, 40E, 40I.1 50D and 61H to allow two additions with one to be constructed to a point 22 feet from a side property line where 30 feet is required. Also to allow the existing building coverage to increase from 7.5% to 9.2% where 7.5% is the allowed maximum building coverage allowed.

Members discussed the property has limitations and topography limitations. The hardship associated with this proposal is the topography of the land and the fact that the house preexists the change in the zoning regulations.

Mr. Daddona stated that he did not find a hardship associated with this proposal.

MOTION to grant a variance to **Application 14-8** on behalf of Charles and Catherine Hill, 33 Foxboro Road, Essex, CT, Assessor's Map 16 Lot 10, RU District, requesting variances to sections 40D, 40E, 40I.1 50D and 61H to allow two additions with one to be constructed to a point 22 feet from a side property line where 30 feet is required. Also to allow the existing building coverage to increase from 7.5% to 9.2% where 7.5% is the allowed maximum building coverage allowed. The hardship associated with this proposal is the topography of the land and the change in the zoning regulations. This variance is approved in accordance with the plans submitted. **MADE** by M. Noto; **SECONDED** by W. Veillette; **IN FAVOR:**, M. Noto, W. Veillette, B. Sarrantonio, P. Greenberg; **OPPOSED:** A. Daddona; **ABSTAINING:** A. Daddona; **MOTION CARRIED:** 4-1-0.

3. Old Business

-Approval of Minutes – Public Hearings and Regular Meeting August 19, 2014

MOTION to approve of the August 19, 2014 meeting Minutes as presented; **MADE** by A. Daddona; **SECONDED** by M. Noto; **IN FAVOR:** M. Noto, W. Veillette, B. Sarrantonio, P. Greenberg; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

4. New Business

There was no new business.

5. Correspondence and Invoices - There was no correspondence and no invoices

6. Adjournment

MOTION to adjourn the meeting at 8:30 p.m. to the next regularly scheduled meeting to be held on Tuesday, October 21, 2014 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by M. Noto; **SECONDED** by A. Daddona; **IN FAVOR:** A. Daddona, M. Noto, W. Veillette, P. Greenberg, B. Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary