

## Unapproved

### Town of Essex - Zoning Board of Appeals

29 West Avenue  
Essex, CT 06426  
[essexct.gov](http://essexct.gov)

## MINUTES

### December 18, 2012 – Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, December 18, 2012 at 7:32 p.m. in Room A of the Essex Town Hall.

Members Present: Doug Demarest, Acting Chair, Al Daddona, regular member, Michael Noto, regular member, W. T. Furgueson, Alternate, seated for Paul Greenberg and Lynn Faulstick, Alternate seated for Stu Ingersoll

Absent: Stu Ingersoll, Chair, Alix Walmsley and Paul Greenberg.

Staff: Michael Wells, Legal Counsel to the Board and Stella Beaudoin, Recording Secretary.

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

Consideration of **Application #12-26 on behalf of Heritage Cove Condominium Association, 85 River Road, Essex, CT, Assessor's Map 12 Lot 7, RU District, requesting a variance to sections 40C, 40D, 40E, 40I.1, 50D and 61B of the Essex zoning regulations** to allow the replacement of existing accessory building with a new, slightly larger structure. A variance was approved for this application at the October 16, 2012 ZBA Public Hearing. However due to an error in the legal notice, the October decision has been compromised.

There over 100 condominiums located on this property along with accessory structures for parking and storage. This is an application seeking an approval to rebuild an existing, nonconforming accessory structure that is located within a side yard setback.

There was no one present from Heritage Cove. This application is tabled to the January 2013 regularly scheduled meeting.

Consideration of **Application #12-27 on behalf of Salvatore Sapia at 3 Riverview Street, Essex, CT, Assessor's Map 28, Lot 39, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to cover an open patio area with a roof coming to a point 15 feet from the northern side property line where 25 feet is required and 23 feet from the front property line where 30 feet is required, and to make structural improvements to a garage that is located 5'2" from the side property line and 22 feet from the front property line.

This is an application seeking an approval to construct a roof over the open patio area and convert the space to a single-car garage. The applicant further proposes to remove and rebuild the

existing garage in the same location and to add approximately six feet in height. There will be no expansion to the garage footprint. The existing house is located in the front and side setback areas. The garage is also located in the same setbacks. The roofing of the patio area and the construction of the garage will be within the same setback areas.

Attorney Steven Katz presented on behalf of Salvatore Sapia. Mr. Katz stated that there has been a modification to the application which adjusted the height of the desired garage. The existing garage is over 12' and the proposed garage increases by 3'. Mr. Sapia stated that he has reduced the building from 20' to 15'.

Mr. Katz stated that there was a variance granted in 1973 to allow the garage with a 15 foot height and that he is seeking an amendment of the variance that was approved in 1973.

Attorney Wells stated that this may not constitute the expansion of an existing structure which is the garage, however the applicant is still seeking a variance for coverage on the proposed patio. The applicant no longer seeks a variance to sections 40I.1 and 50B.

Mr. Katz stated that the storage space above the garage has been eliminated. The applicant is seeking a variance to sections 40D, 40E and 60B of the zoning regulations. Mr. Katz stated that the structural deficiency is the hardship.

Mr. Demarest asked the Board if they had any questions. There were no further questions from the Board.

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

Attorney Ed Cassella presented. Mr. Cassella represents Maura and Gary Johnson who are the adjoining neighbors. Mr. Cassella asked to see the 1973 variance, which was not available at this meeting. Mr. Cassella stated that his client objects to the enclosure of the patio area in order to create a second garage, noting that this expansion within the setback is considered a vertical encroachment. Attorney Cassella stated that the proposed additional 3.5 feet in the height of the garage is going to make a big difference in terms of view. Attorney Cassella stated that there is a lack of hardship demonstrated in association with this application.

Maura Johnson stated that she and her husband purchased their home on September 27, 2012 with the intent of refurbishing the property. This 3 foot encroachment will create an obstruction to the adjoining neighbors. Ms. Johnson stated that she is in agreement with the repair of Mr. Sapia's existing garage however going up the 2 ½ feet will obstruct her view.

Attorney Wells indicated that if the old variance allows the applicant to go to 15 feet, that approval then goes with the land. The second part of this application is to cover the existing patio with a roof. That roof will meet with the eave of the present garage and will be comprised of a flat roof.

Attorney Cassella stated that he is in disagreement with the notion that because some properties are within the setback they should be allowed to be expanded. This building could be reconstructed without an overhead garage door. Mr. Cassella noted that there are other ways with the roof pitch to make this code compliant. These are personal hardships and personal requests and there is no real hardship associated with this request.

Attorney Katz stated that for an accessory building the variance would have to comply with the accessory building regulation which is 15'.

Mr. Sapia stated that the garage must be constructed as is reflected on the plans in order to make it a functional structure. The current garage does not have the square footage capacity to house a standard-sized vehicle. Mr. Sapia stated that the space between the garage and the patio is a parking space. The deck and roof will be at the same elevation and it will not obstruct the view.

Mr. Katz stated that the hardship is that the garage was constructed in an unstable manner. The hardship is that leaving it in its current state is unsafe for the structure and unsafe for the inhabitants. Mr. Sapia stated that currently, the floor of the garage is comprised of pea stone and gravel. The surface after the new construction will be comprised of concrete floor.

Attorney Wells suggested continuing the hearing to the January 2013 meeting in order to review the 1973 variance.

Consideration of **Application #12-28 of Dawn Plumb, 60 Pond Meadow Road, Ivoryton, CT, Assessor's Map 83 Lot 13-2 RU District requesting a variance to section 45D.3 of the Essex zoning regulations** to allow an accessory apartment to be located in a below-grade basement area. A variance was approved for this application at the October 16, 2012 ZBA Public Hearing. However due to an error in the legal notice, the October decision has been compromised.

This is an application seeking an approval to locate an accessory apartment in a below-grade basement area of the home.

Dawn Plumb presented on behalf of this application. Ms. Plumb stated that the walls and the floors of the proposed accessory apartment are above grade. Ms. Plumb proposes to construct a platform to exit from the 8' sliding doors in order to step down. There are two walls that are below grade in the basement, however not in the vicinity of the apartment.

Attorney Wells noted that the basement is not defined in the zoning regulations. The regulations reference the location of a below-ground basement, however this is not a below ground basement. This is a walk out basement and is located above grade.

Attorney Wells stated that if the Board is inclined to find this construction acceptable they will grant variance stating that the location of the accessory apartment is not considered a below ground-area. The Board is approving the hardship as the basement area is not below ground in the area in which the apartment will be situated and will not be in violation of the zoning regulations. The hardship is the topography and the fact that the house is built into a hill.

Mr. Demarest asked the Board if they had any questions. There were no further questions from the Board

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. No one from the public spoke.

Mr. Demarest closed the public portion of this application at 8:16 p.m.

Consideration of **Application #12-29 on behalf of George and Susan Baker, property located at 9 South Cove Lane, Essex, CT, Assessor's Map 74 Lot 6 RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C.2, 50D 61B and 101D of the Essex zoning regulations** to allow a new house to be located 22', 8.5" from the northern side property line where 30' is required, and for a detached garage to be located 8' 10" from the same property line. The applicant is

seeking an approval to increase the lot coverage to 10% where 7.5% is required and to also locate a patio area to be 40' from south Cove where 50' is required. A variance was approved for this application at the October 16, 2012 ZBA Public Hearing. However due to an error in the legal notice, the October decision has been compromised.

Attorney Terrance Lomme presented on behalf of the applicants. This is the last house before the cove on the left hand side of the road. A drainage easement, a view easement and a right-of-way to the house and garage existed prior to zoning. The house was built in 1928. On the north side there is a hatchway which will come out and the garage will be reduced in size and reduced in nonconformity to be moved away from the rear and side property line. The bulkhead and the garage will be eliminated. Mr. Lomme stated that the applicant is increasing the conformities of the structures by reducing the sideline and frontline intrusion of the garage, and the house will be taken out of the 50-foot setback. The hardships are the three existing easements and the fact that the lot was created long before zoning. The current coverage is 8.4% and proposed to go up to 10%, making the property more conforming than it was. The Gateway Commission has approved this application. The footprint is 1213, and the second floor which is smaller makes the total square footage of 2,100.

Attorney Wells stated that by bringing a house more into compliance could be a basis for a variance. If you have a nonconformity, by bringing those nonconformities into compliance provides a basis for the granting of a variance by this Board.

Attorney Paul Garrity presented. Mr. Garrity represents the adjacent property owners, lot 7, South Cove, who are in opposition to this proposal. Mr. Garrity stated that the issuance of the easements is not grounds for granting a variance. The setback on the north side is being decreased and the setback toward the water is being increased. The roof line is 30.5 feet on the house.

Attorney Lomme stated that the roof line will be 27.83'.

Attorney Garrity presented for the record the assessor's map and entered the Essex assessor's records for Lots #9 , 8, 10, 4 and 3 South Cove. Mr. Garrity stated that the applicants fail to demonstrate a hardship.

Attorney Lomme stated that some of the hardships are the easements on this property and the right-of-way was enforced and imposed on this lot. The applicant proposed to decrease the amount of the conformity and will draw the house back from the water and move a side line encroachment which will make his property more conforming.

Attorney Wells stated that the applicant proposed to decrease the nonconformities, however Attorney Garrity stated that you are increasing others.

Attorney Lomme stated that the patio is not considered coverage and 10 feet has been taken out of the setback to be sure that the house is conforming. The increases included an approximate one-foot increase of the house into the sideline and the 2.5% increase in coverage.

Mr. Demarest asked the Board if they had any questions. There were no further questions from the Board.

Mr. Lomme noted two letters which were received in the record: Claire Matthews stating no objection to this application and Cam Staples, 4 South Cove Lane in full support of this application.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. No one from the public spoke.

Mr. Demarest closed the public portion of this application at 8:50 p.m.

Consideration of **Application #12-31 on behalf of Frank Masek, property located at 19A Main Street, Essex, CT, Assessor's Map 47 Lot 107-21 EV District, requesting a variance of Sections 40D, 40E, 50D and 70B of the Essex zoning regulations** to allow the expansion of a dwelling that would increase the existing building coverage to increase to 32.4% where 25% is the maximum coverage allowed.

This is an application to expand the dwelling to add a first floor bedroom. The proposed area of expansion is an existing patio. The proposed addition would increase the lot coverage to 32.4%, an increase of 2.8%.

Attorney Terrance Lomme presented on behalf of this application. The applicant wishes to construct a conservatory green house over the area of the patio and to enclose it with a glass structure. Coverage will increase from 20.9% to 31.6%. The hardship is that the property has a unique configuration and the adjoining historic structures all of have double the coverage. Attorney Lomme presented for the record the New England Architectural Consulting, LLC.

Mr. Demarest asked the Board if they had any questions. There were no further questions from Commissioners.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. No one from the public spoke.

Mr. Demarest closed the public portion of this application at 9:00 p.m.

Consideration of **Application #12-32 on behalf of Joseph M. Feczko, 6 Hanna Lane, Essex, CT, Assessor's Map 28, Lot 57 VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to add a dormer that expands the portion of a house that is approximately 8' from the rear property line where 30 feet is required. No outward expansion of the structure is proposed. Only upward, within the rear setback area.

Mr. Peter Callo presented on behalf of this application. Mr. Callo stated that he has started this project which involved raising the roof and adding a dormer. There was an existing chimney on the backside of the house and the top four-feet was in disrepair. Mr. Callo brought the chimney down eight-feet below the ridge. The dormer comes up three-feet and it is nine-feet in width. Mr. Callo stated that there was some confusion surrounding the permitting for this process the neighbor's have complained about the chimney.

Attorney Wells stated that this application violates the setback and is expanding up the nonconformity. Mr. Callo should have been informed that a variance would be required. The Board is being asked to consider granting a variance for a dormer that was already constructed. Attorney Wells stated that the issue before the Board is the variance request for a dormer and whatever the hardship basis is for that.

Mr. Callo referenced a timeline which has been made a part of the record.

Mr. Demarest asked the Board if they had any questions. There were no further questions from the Board.

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

Jim Rawn, 7 Hanna Lane. Mr. Rawn stated that the construction started in September 2012 and the contractor applied for a permit on November 27, 2012. Mr. Rawn asked that the owner meet with the neighbors to come up with a solution. Mr. Rawn asked the Board to table this application to January 2013.

Mr. Callo stated no objection to continuing this application to the January 2013 regularly scheduled meeting.

Mr. Demarest closed the public portion of this application at 9:20 p.m.

Consideration of **Application #12-33 on behalf of Michael Picard, property located at 141 Saybrook Road, Essex, CT, Assessor's Map 71 Lot 22, RU District, requesting variances to sections 40C, 40D, 40E, 50C.1, 61B and 101D of the Essex zoning regulations** to replace an existing single family residence with a new single family residence and to locate two accessory structures on the lot that will increase the lot coverage to 10.9% where 7.5% is maximum allowed. Also, to allow one pergola to be located up to 20 feet from the northern side property line and another pergola to be located up to 21 feet from the Southern property line, each where 30' is required.

Attorney Chris Smith presented on behalf of the applicant, Michael Picard. Also present were Tom Metcalf, L.S. and Michael Picard. Attorney Smith stated that in support of this application, Mr. Picard will eliminate two existing side setback nonconformities associated with a detached garage on the property. Attorney Smith distributed packets to the Board. Mr. Picard wishes to eliminate the existing garage structure and the existing house structure and turning it toward South Cove will result in the elimination of two nonconformities. With the house and the garage, the coverage will be at 9.7%. The coverage now is 6.3% however, the applicant proposed to eliminate two nonconformities in total by pulling them outside of the side yard setback. Mr. Smith stated that when you eliminate two offensive nonconformities, that creates a valid basis for a Board to approve a variance request. The addition of the trellis and pergola which are both 9' in height add 10.9% to the total coverage. The footprint is 3,000 s.f.

Mr. Daddona stated that there is no hardship associated with this application. The applicant purchased the property with the existing structures which will be demolished. Mr. Daddona suggested that the applicant reconstruct the new structures in a manner whereby a variance will not be required.

Attorney Smith stated that this is a reasonable request and the proposed coverage at 2.5% over what is permitted by the zoning regulations.

Mr. Michael Picard presented and a discussion ensued.

Mr. Demarest asked the Board if they had any questions. There were no further questions from the Board.

Mr. Demarest asked if anyone wished to speak in favor or in opposition to this application. No one from the public spoke.

Mr. Robert Kolp submitted a letter dated December 18, 2012 stating no opposition to this application.

Mr. Demarest closed the public portion of this application at 9:51p.m.

## **Deliberation**

Consideration of **Application #12-26 on behalf of Heritage Cove Condominium Association, 85 River Road, Essex, CT, Assessor's Map 12 Lot 7, RU District, requesting a variance to sections 40c, 40D, 40e, 40I.1, 50d and 61B of the Essex zoning regulations** to allow the replacement of existing accessory building with a new, slightly larger structure. A variance was approved for this application at the October 16, 2012 ZBA Public Hearing. However due to an error in the legal notice, the October decision has been compromised.

This is an application seeking an approval to rebuild an existing, nonconforming accessory structure that is located within a side yard setback.

- **Motion** to continue the Public Hearing for Variance **Application #12-26 on behalf of Heritage Cove Condominium Association, 85 River Road, Essex, CT, Assessor's Map 12 Lot 7, RU District, requesting a variance to sections 40C, 40D, 40E, 40I.1, 50D and 61B of the Essex zoning regulations** to allow the replacement of existing accessory building with a new, slightly larger structure. The Variance is approved based on the plans as submitted and dated October 24, 2012; **MADE** by Michael Noto; **SECONDED** by Lynn Faulstick; No discussion: **VOTING IN FAVOR:** D. Demarest, L. Faulstick, A. Daddona, M. Noto, T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #12-27 on behalf of Salvatore Sapia at 3 Riverview Street, Essex, CT, Assessor's Map 28, Lot 39, VR District, requesting variances to sections 40D, 40E and 60B of the Essex zoning regulations** to cover an open patio area with a roof coming to a point 15 feet from the northern side property line where 25 feet is required and 23 feet from the front property line where 30 feet is required, and to make structural improvements to a garage that is located 5'2" from the side property line and 22 feet from the front property line.

- **Motion** to continue the Public Hearing for Variance **Application #12-27 on behalf of Salvatore Sapia at 3 Riverview Street, Essex, CT, Assessor's Map 28, Lot 39, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to cover an open patio area with a roof coming to a point 15 feet from the northern side property line where 25 feet is required and 23 feet from the front property line where 30 feet is required, and to make structural improvements to a garage that is located 5'2" from the side property line and 22 feet from the front property line; **MADE** by Michael Noto; **SECONDED** by Lynn Faulstick; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #12-28 of Dawn Plumb, 60 Pond Meadow Road, Ivoryton, CT, Assessor's Map 83 Lot 13-2 RU District requesting a variance to section 45D.3 of the Essex zoning Regulations** to allow an accessory apartment to be located in a below-grade basement area. A variance was approved for this application at the October 16, 2012 ZBA Public Hearing. However due to an error in the legal notice, the October decision has been compromised.

- **Motion** to approve a Variance for **Application #12-28 of Dawn Plumb, 60 Pond Meadow Road, Ivoryton, CT, Assessor's Map 83 Lot 13-2 RU District requesting a variance to section 45D.3 of the Essex zoning Regulations** to allow an accessory apartment to be located in a below-grade basement area. The Variance is approved based on the fact that the apartment will be situated in a portion of the basement area that is not below ground and the construction of the apartment will not be in violation of the zoning regulations. The

hardship surrounding this application is the topography of the land and the fact that the house was built into a hill. This Variance is approved in accordance with the plans as submitted; **MADE** by Michael Noto; **SECONDED** by W. T. Furgueson; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W.T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #12-29 on behalf of George and Susan Baker, property located at 9 South Cove Lane, Essex, CT, Assessor's Map 74 Lot 6 RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C.2, 50D 61B and 101D of the Essex zoning regulations** to allow a new house to be located 22', 8.5" from the northern side property line where 30' is required, and for a detached garage to be located 8' 10" from the same property line. The applicant is seeking an approval to increase the lot coverage to 10% where 7.5% is required and to also locate a patio area to be 40' from south Cove where 50' is required. A variance was approved for this application at the October 16, 2012 ZBA Public Hearing. However due to an error in the legal notice, the October decision has been compromised.

- **Motion** to approve a Variance for **Application #12-29 on behalf of George and Susan Baker, property located at 9 South Cove Lane, Essex, CT, Assessor's Map 74 Lot 6 RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C.2, 50D 61B and 101D of the Essex zoning regulations** to allow a new house to be located 22', 8.5" from the northern side property line where 30' is required, and for a detached garage to be located 8' 10" from the same property line. The applicant is seeking an approval to increase the lot coverage to 10% where 7.5% is required and to also locate a patio area to be 40' from South Cove where 50' is required. The hardship is the fact that this is a nonconforming lot and there is a reduction of existing violations to the regulations. The Variance is approved based on the plans as submitted; **MADE** by Lynn Faulstick; **SECONDED** by Michael Noto; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #12-31 on behalf of Frank Masek, property located at 19A Main Street, Essex, CT, Assessor's Map 47 Lot 107-21 EV District, requesting a variance of Sections 40D, 40E, 50D and 70B of the Essex zoning regulations** to allow the expansion of a dwelling that would increase the existing building coverage to increase to 32.4% where 25% is the maximum coverage allowed.

Mr. Masek is a client of Attorney Michael Wells and he has represented Mr. Masek in commercial properties in landlord tenant issues

- **Motion** to approve of a Variance for **Application #12-31 on behalf of Frank Masek, property located at 19A Main Street, Essex, CT, Assessor's Map 47 Lot 107-21 EV District, requesting a variance of Sections 40D, 40E, 50D and 70B of the Essex zoning regulations** to allow the expansion of a dwelling that would increase the existing building coverage to increase to 32.4% where 25% is the maximum coverage allowed. The hardship associated with this proposal is the configuration of the property and the fact that this is a nonconforming lot. There is an existing raised patio with a structure over it. The Variance is approved based on the plans as submitted; **MADE** by Lynn Faulstick; **SECONDED** by W.T. Furgueson; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.



Consideration of **Application #12-32 on behalf of Joseph M. Feczko, 6 Hanna Lane, Essex, CT, Assessor's Map 28, Lot 57 VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to add a dormer that expands the portion of a house that is approximately 8' from the rear property line where 30 feet is required. No outward expansion of the structure is proposed. Only upward, within the rear setback area.

- **Motion** to continue Variance request for **Application #12-32 on behalf of Joseph M. Feczko, 6 Hanna Lane, Essex, CT, Assessor's Map 28, Lot 57 VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations** to add a dormer that expands the portion of a house that is approximately 8' from the rear property line where 30 feet is required. No outward expansion of the structure is proposed. Only upward, within the rear setback area; **MADE** by Michael Noto; **SECONDED** by Lynn Faulstick; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Consideration of **Application #12-33 on behalf of Michael Picard, property located at 141 Saybrook Road, Essex, CT, Assessor's Map 71 Lot 22, RU District, requesting variances to sections 40C, 40D, 40E, 50C.1, 61B and 101D of the Essex zoning regulations** to replace an existing single family residence with a new single family residence and to locate two accessory structures on the lot that will increase the lot coverage to 10.9% where 7.5% is maximum allowed. Also, to allow one pergola to be located up to 20 feet from the northern side property line and another pergola to be located up to 21 feet from the southern property line, each where 30' is required.

Mr. Wells stated that Mr. Picard is represented by his partner, Attorney John Bennet in a lawsuit against Robert Kolp.

- **Motion** to approve of a Variance for **Application #12-33 on behalf of Michael Picard, property located at 141 Saybrook Road, Essex, CT, Assessor's Map 71 Lot 22, RU District, requesting variances to sections 40C, 40D, 40E, 50C.1, 61B and 101D of the Essex zoning regulations** to replace an existing single family residence with a new single family residence and to locate two accessory structures on the lot that will increase the lot coverage to 10.9% where 7.5% is maximum allowed. Also, to allow one pergola to be located up to 20 feet from the northern side property line and another pergola to be located up to 21 feet from the southern property line, each where 30' is required. **A variance is approved to replace an existing single family residence with a new single family residence** based on the fact that the applicant is eliminating nonconformities of side yard setbacks in return for an increase in coverage, but there will be no setback violations with that approval. The Variance is approved based on the plans as submitted dated 9.12.2012; **MADE** by Al Daddona ; **SECONDED** by Michael Noto; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.
- **Motion** to deny a Variance for **Application #12-33 on behalf of Michael Picard, property located at 141 Saybrook Road, Essex, CT, Assessor's Map 71 Lot 22, RU District, requesting variances to sections 40C, 40D, 40E, 50C.1, 61B and 101D of the Essex zoning regulations** to allow one pergola to be located up to 20 feet from the northern side property line and another pergola to be located up to 21 feet from the southern property line, each where 30' is required. **A variance for the pergola and the trellis is denied;** **MADE** by Al Daddona; **SECONDED** by Lynn Faulstick; No discussion: **VOTING IN FAVOR:**

L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** M. Noto;  
**ABSTAINING:** None; **APPROVED:** 4-1-0.

#### **Approval of Minutes – Public Hearings and Regular Meeting of November 20, 2012**

- **Motion** made to approve the November 20, 2012 meeting Minutes as presented; **MADE** by Lynn Faulstick; **SECONDED** by A. Daddona; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

#### **Correspondence / New Business:**

No correspondence.

Election of Officers:

- **Motion** to elect Stu Ingersoll as Chairman of the ZBA and Doug Demarest as Vice Chair; **MADE** by Al Daddona ; **SECONDED** by Lynn Faulstick; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.
- **Motion** to accept as presented the 2013 Meeting Schedule; **MADE** by M. Noto; **SECONDED** by Lynn Faulstick; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.
- **Motion** made to adjourn the meeting at 10:42 p.m. to the next regularly scheduled meeting to be held on Tuesday, January 15, 2013 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by Al Daddona; **SECONDED** by Doug Demarest; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary