

Town of Essex - Zoning Board of Appeals

**29 West Avenue
Essex, CT 06426
essexct.gov**

RECORD OF THE VOTE

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.

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; **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.

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.

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 M.

Noto; **SECONDED** by W. T. Furgueson; No discussion: **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, P. Greenberg; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

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 L. Faulstick; **SECONDED** by M. 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 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 L. Faulstick; **SECONDED** by T. Furgueson; **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Motion to continue the Public Hearing for Variance **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; **MADE:** by L. Faulstick; **SECONDED** by A. M. Noto; **VOTING IN FAVOR:** M. Noto, L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

Motion to approve 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 M.

Noto; **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 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 for the pergola and the trellis is denied; MADE:** by Al Daddona ; **SECONDED** by L. Faulstick; **VOTING IN FAVOR:** L. Faulstick, A. Daddona, D. Demarest, W. T. Furgueson; **OPPOSED:** M. Noto; **ABSTAINING:** None; **APPROVED:** 4-1-0.

Motion made to approve the November 20, 2012 meeting Minutes as presented; **MADE:** by L. 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.

Motion to re-elect Stu Ingersoll as Chairman of the ZBA and Doug Demarest as Vice Chair; **MADE:** by A. Daddona; **SECONDED** by L. 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 L. 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 10:4 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