

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

Unapproved

Minutes
May 19, 2015 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, May 19, 2015 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P. Greenberg, M. Noto, A. Daddona, W. Veillette and W. T. Furgueson. Alternate members, W. Feirer, P. Decker and B. Sarrantonio were present, however not seated.

Staff:

Stella C. Beaudoin, Recording Clerk
Michael Wells, Esq., Legal Counsel

P. Greenberg called the meeting to order at 7:00pm

Seated for this application were P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto.

- **Application No. 15-9** on behalf of Douglas Wisch, 7 Bank Lane, Essex, Assessor's Map 47, Lot 80, VR District, requesting variances to sections 40C, 40D, 40I and 60B of the Essex zoning regulations to allow an accessory structure to be located to a point 5 feet and 3 inches from a side property line where 25 feet is required. Also, to allow the existing building coverage to increase from 11,85% to 12.6% where 10% is the maximum building coverage allowed.

Presenting on behalf of this application was Doug Wisch. The applicant proposes to place a 12' x 16' shed on the lower side of the property for the purpose of storing kayaks and a dingy. Due to the topography of the property which is a long and narrow strip of land, and the placement of the leaching fields, D. Wisch stated that this is the only location on which the shed can be placed. The shed which is 12' at the peak, will be mounted on cement footings and constructed of wood siding and a wood roof.

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

There was no public comment.

P. Greenberg closed the Public Hearing at 7:05p.m.

Seated for this application were P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto.

- **Application No. 15-10** on behalf of Tower Laboratories, LLC, 8 Industrial Park Road, Centerbrook, Assessor's Map 45, Lot 1, LI District, requesting variances to sections 90C.1A and 90C.1.C of the Essex zoning regulations to allow a property in the LI District to locate a parking area within a 50 foot wide front setback from a Town street. This parking area would also change a portion of a 35 foot-wide landscaped strip along the property line to be approximately 25 feet wide.

Jeff Brewer presented on behalf of this application. The applicant proposes the construction of a parking lot in front of the building on Industrial Park Road and the proposed additional parking spaces will facilitate the employees of Tower Labs. J. Brewer stated that he employees a total of 29 workers.

The hardship associated with this application is that a portion of the available space for parking on this property falls entirely in the wetlands buffer and the other possible location is within the vicinity of the leaching fields. The building predates the zoning regulations.

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

There was no public comment.

P. Greenberg closed the Public Hearing at 7:15 p.m.

Seated for this application were P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto.

- **Application No. 15-11** on behalf of Cumberland Farms, 82 Main Street, Centerbrook, Assessor's Map 43, Lot 29, C District, requesting a variance to sections 40D, 40E, 40U, 40T, 50C.2, 50D and 80B of the Essex zoning regulations to allow a proposed site development and the demo and relocation of an 1800 s/f retail store to one that is 4,250 s/f in size. Redevelopment would propose to allow 72.7% of lot coverage where 65% is the maximum allowed, the expansion of mini-mart retail space to increase, more than 25% of the available parking spaces to be between the new building and the street, and to allow an increase in building coverage from 6.4% to 16.8% where 15% is the maximum building coverage allowed.

Joe Williams, Esq., from the law firm of Shipman and Goodwin, and Kevin Thatcher, Project Engineer presented on behalf of the application. J. Williams stated that the footprint of the building is 2,400 s.f. and it is situated on .87 of an acre. J. Williams stated that the property and business as it stands has several existing flaws; the garbage dumpsters are currently not within any type of enclosure and the septic system needs to be replaced. The configuration of the existing gas pumps make it difficult to navigate to the pumps and make it difficult for delivery trucks to enter and exit the property. There are four large driveways/access points leading into Cumberland Farms and the frontage of the site currently has no landscaping. J Williams stated that the Essex Zoning regulations currently requires a 15-foot buffer on all frontages and he noted that the existing canopy requires an upgrade in order to meet code.

The applicant proposes to demo the existing structure and rebuild a new Cumberland Farms site. There are several improvements proposed with the new layout and architectural design; The site will be comprised of a 4,250 s.f. New England Farm House-style structure with an architectural, shingled roof, dormers, and stone veneer at the base of building and columns. There are faux windows at the top of the building. This proposal includes the installation of underground storage tanks and a canopy with a suppressant which will provide state of the art safety features. This proposal reduces the existing four driveways to three. The driveway that is close to the intersection on Main Street will be eliminated. A landscape buffer will be added onto the frontage and additional green space in the rear of the property. An additional wider, thicker planting row will be installed on the southern boundary. The historic tree on Westbrook Road will be preserved. The proposed lighting will be LED with cut off fixtures. J. Williams stated that the internal

circulation will improve as will the turning radius and new sidewalks will be installed. J. Williams stated that the installation of sidewalks and the new parking lot layout with controlled access will assist with pedestrian safety.

J. Williams stated that the hardship is due to the small size, the shape and the location of the parcel which is on two street frontages with access points, and he indicated that the applicant is seeking relief from the Zonings regulations of the lot coverage, building coverage, which is increased due to the canopy, which is required as a safety measure. Additionally the applicant is seeking relief of the regulations related to the location of parking. This property was in existence since prior to the zoning regulations and rendered nonconforming by the change in the zoning regulations.

K. Thatcher presented. There are four curb cuts with great width that take up a good deal of the frontage on Main Street and on Westbrook Road, both of which are close to the intersection. There is limited ability to maneuver along the current site. K. Thatcher stated that he was able to reduce the width of the curb cuts and create a better traffic circulation path within the site, dedicated loading zone and adequate space to enter the site. K. Thatcher stated that the configuration as it exists provides limited maneuvering for delivery trucks and other motor vehicles. The current store has septic system behind the store which has failed. Soil testing has been performed and a location behind the existing building has tested for the new location of the septic. This plan proposes 20 parking stalls; 14 adjacent to the building and 6 at the fueling stations. Currently there are 18 spaces with 13 adjacent to the building and an additional 4 in the fueling locations.

P. Greenberg noted the lack of a stated hardship surrounding the increase of the size of the existing building, which is almost double.

P. Decker asked how many stores within CT have been constructed in a smaller footprint.

Mr. Marth, Project Manager stated that store sizes widely vary, and the Cumberland Farms in Deep River is the size of this proposal.

P. Greenberg suggested a smaller building with fewer gas pumps in order to create more green space. .

W.T. Furgueson questioned the research and demographic studies conducted related to this site.

J. Williams stated that a component of this proposal is based on “pass-by” traffic, fuel volume and customer base.

M. Wells questioned of the applicant did an analysis related to parking insofar as decreasing the size of the building, thus decreasing the parking and placing this proposal in closer conformance to the zoning regulations.

K. Thatcher stated that they could eliminate a parking space, however the proposed number of spaces are needed within the configuration. There is not a straight one to one formula related to parking. K. Thatcher stated that the current parking conforms to the zoning regulations in the number of spaces.

J. Williams offered to request from the architect the calculation of the retail, the storage and the building space.

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

Peter K., 58 Westbrook Road stated that there is a sharp curve to the south of the building and noted that this is an extremely congested intersection. This proposal will create more cars going in and out of the business which will create a busier intersection.

Joel Marzi distributed to Board members, binders which contained in addition to the Preamble to the Essex zoning regulations and the powers and duties to the Board of Zoning Appeals, several site maps and the original Permit of a retail store issued on September 11, 1986. The property deed was included along with documents relevant to the Cumberland Farms building which, contained an appeal made by J. Marzi, which was overturned. J. Marzi stated his opposition to this application, noting that the hardships are self-imposed and he noted that there is a financial interest. J. Marzi suggested the site remain within the existing footprint. J. Marzi stated that at 5:30 a.m. a good deal of motor vehicle activity begins on the Cumberland Farms site which creates noise, traffic issues, fumes and constant noise.

Joan Wallace, 28 Westbrook Road presented. J. Wallace stated that there is no hardship associated with this proposal. J. Wallace stated that this proposal is out of scale and not civilized and not in keeping with the plan of development for Centerbrook. The elementary school is a short distance from and children are walking and biking and a heavier traffic flow will create a safety issue. This type of development is not suitable and not desirable in any way for the village of Centerbrook.

Susan Malan, member of the Economic Development Commission presented. S. Malan suggested that the applicant check with the tree warden prior to attempting to preserve the tree on site. S. Malan stated that the findings of the Transportation Study which was conducted several years ago highlighted this as one of the worse intersections in the area. S. Malan suggested that Centerbrook be more in keeping with a village-like aesthetic, similar to that of downtown Essex. S. Malan suggested improvements be made to the sidewalks making the village pedestrian friendly, child friendly, etc.

Mr. Marth asked the Board for a continuance on this proposal.

J. Williams asked to keep the public hearing open to the June 2015 regularly scheduled meeting.

MOTION MADE by M. Noto to keep the Public Hearing open and to continue to the June 16, 2015 meeting consideration of **Application No. 15-11** on behalf of Cumberland Farms, 82 Main Street, Centerbrook, Assessor's Map 43, Lot 29, C District, requesting a variance to sections 40D, 40E, 40U, 40T, 50C.2, 50D and 80B of the Essex zoning regulations to allow a proposed site development and the demo and relocation of an 1800 s/f retail store to one that is 4,250 s/f in size. Redevelopment would propose to allow 72.7% of lot coverage where 65% is the maximum allowed, the expansion of mini-mart retail space to increase, more than 25% of the available parking spaces to be between the new building and the street, and to allow an increase in building coverage from 6.4% to 16.8% where 15% is the maximum building coverage allowed.; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-12** on behalf of Cyrus and Pam Kissling, 2 Prospect Street, Essex, Assessor's Map 27, Lot 68, VR District, requesting variances to 40D, 40E, 50D, 40I.1 and 60B of the Essex zoning regulations to allow a 259 s/f addition onto an existing detached garage that is within a side yard setback area. Also to allow the existing building coverage to increase from 15% to 16.7% where 10% is the maximum coverage allowed.

Cyrus Kissling, applicant and J. Beveridge, Architect presented. This application proposes to remove the storage shed and remove the side entrance and add a garage. The barn will remain intact and the addition will go to the side of the garage. The materials used for the addition will be in keeping with the existing

barn. J. Beveridge stated that the hardship associated with this proposal is that this the home was constructed prior to zoning and it is situated on a long, narrow lot.

The Architectural Review Committee submitted a letter in favor of this application.

P. Greenberg read into the record an email from Pam Pape Ryan stating her approval of this proposal.

P. Greenberg read into the record a letter from the Essex Village Condo Association who is in favor of this application.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application.
There was no public comment

P. Greenberg closed the public hearing at 8:50p.m.

REGULAR MEETING

- **Application No. 15-9** on behalf of Douglas Wisch, 7 Bank Lane, Essex, Assessor's Map 47, Lot 80, VR District, requesting variances to sections 40C, 40D, 40I and 60B of the Essex zoning regulations to allow an accessory structure to be located to a point 5 feet and 3 inches from a side property line where 25 feet is required. Also, to allow the existing building coverage to increase from 11,85% to 12.6% where 10% is the maximum building coverage allowed.

MOTION MADE by M. Noto to grant a Variance to **Application No. 15-9** on behalf of Douglas Wisch, 7 Bank Lane, Essex, Assessor's Map 47, Lot 80, VR District, requesting variances to sections 40C, 40D, 40I and 60B of the Essex zoning regulations to allow an accessory structure to be located to a point 5 feet and 3 inches from a side property line where 25 feet is required. Also, to allow the existing building coverage to increase from 11,85% to 12.6% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is the nature of the property which make any additions to be in violation of the setback. The proposed shed size is not excessive. This Variance is approved and conditioned on the sketch provided which reflects a shed size of 12' x 16' with a 12' height; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-10** on behalf of Tower Laboratories, LLC, 8 Industrial Park Road, Centerbrook, Assessor's Map 45, Lot 1, LI District, requesting variances to sections 90C.1A and 90C.1.C of the Essex zoning regulations to allow a property in the LI District to locate a parking area within a 50 foot wide front setback from a Town street. This parking area would also change a portion of a 35 foot-wide landscaped strip along the property line to be approximately 25 feet wide.

MOTION MADE by M. Noto to grant a Variance to **Application No. 15-10** on behalf of Tower Laboratories, LLC, 8 Industrial Park Road, Centerbrook, Assessor's Map 45, Lot 1, LI District, requesting variances to sections 90C.1A and 90C.1.C of the Essex zoning regulations to allow a property in the LI District to locate a parking area within a 50 foot wide front setback from a Town street. This parking area would also change a portion of a 35 foot-wide landscaped strip along the property line to be approximately 25 feet wide. The hardship is that the nature of the property limits as to where the parking can be established as related to the location of the wetlands and the leaching fields. This application is approved in accordance with the plans as submitted. **SECONDED** by A. Daddona; **IN FAVOR:** P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-12** on behalf of Cyrus and Pam Kissling, 2 Prospect Street, Essex, Assessor's Map 27, Lot 68, VR District, requesting variances to 40D, 40E, 50D, 40I.1 and 60B of the Essex zoning regulations to allow a 259 s/f addition onto an existing detached garage that is within a side yard setback area. Also to allow the existing building coverage to increase from 15% to 16.7% where 10% is the maximum coverage allowed.

MOTION MADE by M. Noto to approve a Variance for **Application No. 15-12** on behalf of Cyrus and Pam Kissling, 2 Prospect Street, Essex, Assessor's Map 27, Lot 68, VR District, requesting variances to 40D, 40E, 50D, 40I.1 and 60B of the Essex zoning regulations to allow a 259 s/f addition onto an existing detached garage that is within a side yard setback area. Also to allow the existing building coverage to increase from 15% to 16.7% where 10% is the maximum coverage allowed. This proposal presents a minimal increase in coverage. This is an historic house constructed prior to the Zoning Regulations which creates a hardship as does the topography of the long, narrow lot. The Board reviewed and considered this proposal based on the significant changes made from the prior application. The Board further recognizes the efforts made to reduce the size of the addition and to minimize the increase in coverage. This proposal is approved in accordance with the plans as submitted. **SECONDED** by A. Daddona; **IN FAVOR:** P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **MOTION Noto CARRIED:** 5-0-0.

Approval of Minutes – April 21 2015

The following change was noted:

Attorney Michael Wells is now with the law firm of Hudson and Kilby. The Board asked Attorney Michael Wells to continue to serve as legal counsel to the Zoning Board of Appeals.

MOTION to approve the April 21, 2015 Minutes as amended; **MADE** by M Noto.; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

New Business

There was no new business.

Correspondence and Invoices

There was no correspondence and no invoices.

Adjournment

MOTION to adjourn the meeting at 9:00p.m. to the next regularly scheduled meeting to be held on Tuesday, June 16, 2015 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by A. Daddona; **SECONDED** by M. Noto; **IN FAVOR:** P. Greenberg, W.T. Furgueson, W. Veillette, A. Daddona, M. Noto; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary