

TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**

*Paul Greenberg, Chair*  
*Michael Noto, Vice Chair*

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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**

**September 15, 2015 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, September 15, 2015 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P Greenberg, Chair, , A. Daddona, W. T. Furgueson, W. Veillette. Alternate members, P. Decker, W. Feirer and B. Sarrantonio.

Staff:

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

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

- **Application No. 15-16** on behalf of Cumberland Farms, 82 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 29, C District, requesting variances to sections 40D, 40U, 50C.2, 50D, 80B, 104D.2 and 104D.3 of the Essex Zoning regulations to allow proposed site development and the demolition and relocation of an existing retail store to one that is 3,742 square feet in size, which is a non-conforming expansion of retail space in conjunction with fuel sales. Also to add a third fuel pump, which is an extension of a non-conforming use within a Water Resource District

Seated for this application were A. Daddona, W. Veillette, W.T. Furgueson, B. Sarrantonio, W. Feirer.

This application was continued from the August 18, 2015 ZBA meeting.

P. Greenberg read into the record a letter dated September 15, 2015 from Shipman and Goodwin in which Attorney Joseph P. Williams grants the Board an extension to October 20, 2015 to conclude the public hearing on the Cumberland Farms application.

**MOTION MADE** by Ward Feirer to continue to the October 20, 2015 regularly scheduled ZBA meeting, **Application No. 15-16** on behalf of Cumberland Farms, 82 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 29, C District, requesting variances to sections 40D, 40U, 50C.2, 50D, 80B, 104D.2 and 104D.3 of the Essex Zoning regulations to allow proposed site development and the demolition and relocation of an existing retail store to one that is 3,742 square feet in size, with the food service portion being a non-conforming expansion in conjunction with fuel sales. Also to add a third fuel pump, with a canopy as to all pumps and two 20,000 underground storage tanks, which is an extension of a non-conforming use within a Water Resource District; **SECONDED** by B. Sarrantonio; **IN FAVOR:** A. Daddona, W. Veillette, W.T.

Furgueson, B. Sarrantonio, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-17** on behalf of Essex Meadows Properties, Inc., 30 Bokum Road, Essex, CT, Assessor's Map 67, Lot 2-2, RLC District, requesting a variance to section 110G.1 of the Essex zoning regulations to allow six parking spaces with 8' x 16' dimensions where only 9' x 18' spaces are allowed.

Seated for this application was P. Greenberg, W.T. Furgueson, A. Daddona, W. Veillette, P. Decker.

Presenting on behalf of this application was Andrew Moyer, Landscape Architect at Anne Penniman Associates, LLC Landscape Architecture, 35 Pratt St., Essex, CT.

A Moyer stated that his firm was hired to increase the number of parking spots in the Health Center area of Essex Meadows. There are currently not enough available parking spaces for visitors and employees.

This proposal is to reconfigure a parking area by adding six parking spaces that are smaller than what the zoning regulations require. A standard parking space must be a 9' x 18' area as required by the regulations.

Per Section 110G of Essex Zoning Regulations, each car space shall be a minimum of nine feet wide and eighteen feet in length and shall be so arranged in relation to other car spaces as to provide easy and convenient access.

A. Moyer stated that he initially looked to add standard, 9' x 18' parking spots, however the grade and rock outcropping on the land in the location of the parking lot makes it impossible to add the standard parking spaces. The layout was redesigned, restriped and the proposal before the Board this evening is for the addition of six, 8' x 6' compact parking spaces.

A Moyer stated that the hardship is the topography, the ledge and the grade of the land.

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

There was no public comment.

There were no letters submitted related to this application.

P. Greenberg closed the public hearing at 7:10 p.m.

- **Application No. 15-18** on behalf of Famah Hoffman, 18 Laurel Road, Essex, CT, Assessor's Map 27, Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow a house to increase to a height of 35 feet where 30 feet is the maximum height allowed.

This is a proposal to increase the height of the house by adding a second floor. The proposed height would be 35 feet from existing grade in the rear to the new roof peak. Thirty feet is the maximum height allowed. The increased height within the setback areas is an expansion of the nonconforming part of the house and not allowed without the issuance of variance.

Presenting on behalf of this application was Famah Hoffman and John Beveridge, Architect.

F. Hoffman stated that she is seeking to put a second story on her house, creating a raised-ranch style.

J. Beveridge stated that the homeowner is seeking a variance to looking to build up and the property is narrow and long.

The hardship is related to the height and because the house is built on a dramatic slope, the hardship is the geography of the street. The height will go from 30 to 35 feet. The house currently has a heating system and the homeowner would like to install an air conditioning system. One of the two handlers will be placed at the extreme end of the second floor.

J. Beveridge stated that this two-story, split level house will not block views of the neighbors.

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

P. Greenberg read into the record a letter from the adjacent neighbors, MaryAnn and Fred Pleva, stating no objection to this proposal.

P. Greenberg closed the public hearing at 7:22pm

## REGULAR MEETING

- **Application No. 15-17** on behalf of Essex Meadows Properties, Inc., 30 Bokum Road, Essex, CT, Assessor's Map 67, Lot 2-2, RLC District, requesting a variance to section 110G.1 of the Essex zoning regulations to allow six parking spaces with 8' x 16' dimensions where only 9' x 18' spaces are allowed.

A Daddona stated that this is a legitimate variance and he noted that the parking area referenced in this application is always crowded and extra parking spaces are needed. The hardship is the topography of the land and the available small area in which to install additional parking, which makes it difficult to accommodate the additional parking spaces.

**MOTION** to grant a Variance to **Application No. 15-17** on behalf of Essex Meadows Properties, Inc., 30 Bokum Road, Essex, CT, Assessor's Map 67, Lot 2-2, RLC District, requesting a variance to section 110G.1 of the Essex zoning regulations to allow six parking spaces with 8' x 16' dimensions where only 9' x 18' spaces are allowed. The hardship associated with this proposal is the topography of the land and the available, small area available for additional parking, which makes it difficult to accommodate the installation of additional parking spaces. This proposal is approved in accordance with the plans submitted "Essex Meadows Health Center, 30 Bokum Road, Essex, CT by Richard W. Gates, dated 6/2/2015 and 8/5/2015; **MADE** by A. Daddona.; **SECONDED** by P. Decker; **IN FAVOR:** A. Daddona, W. Veillette, W.T. Furgueson, P. Greenberg, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 15-18** on behalf of Famah Hoffman, 18 Laurel Road, Essex, CT, Assessor's Map 27, Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow a house to increase to a height of 35 feet where 30 feet is the maximum height allowed.

P. Decker stated that the slope of the lot is prohibitive and this proposal for the redesign of the house style fits in with the character of the other homes in the neighborhood.

**MOTION** to grant a Variance to **Application No. 15-18** on behalf of Famah Hoffman, 18 Laurel Road, Essex, CT, Assessor's Map 27, Lot 13, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex zoning regulations to allow a house to increase to a height of 35 feet where 30 feet is

the maximum height allowed. The hardship associated with this proposal is the slope of the lot which is prohibitive for any alterations to the house. This variance is approved in accordance with the plans as submitted, prepared by John P. Beveridge, AIA, 18 River Road, Essex, CT, dated 8/8/2015; **MADE** by P. Decker.; **SECONDED** by W.T. Furgueson; **IN FAVOR:** P. Greenberg, A. Daddona, W. Veillette, W. T. Furgueson, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

#### **Correspondence and Invoices**

P. Greenberg distributed the Code of Ethics document to all members and requested that they review and sign off on receipt of the same.

There were no invoices.

Paul Greenberg stated that he will listen to the audio from September meeting related to the Cumberland Farms proposal.

Peter Decker stated that he will recuse himself from the Cumberland Farms proceedings.

M. Wells stated that the appellate court upheld the ZBA decision on the Appeal from Longatano vs. ZBA for property located on South Cove Lane.

#### **Approval of Minutes – August 2015**

**MOTION** to approve the August 18, 2015 Minutes as presented; **MADE** by A. Daddona.; **SECONDED** by P. Decker; **IN FAVOR:** A. Daddona, W. Veillette, W. T. Furgueson, P. Greenberg, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

#### **Adjournment**

**MOTION** to adjourn the meeting at 7:40p.m. to the next regularly scheduled meeting to be held on Tuesday, October 20, 2015 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by W. T. Furgueson; **SECONDED** by W. Veillette; **IN FAVOR:** A. Daddona, W. Veillette, W. T. Furgueson, P. Greenberg, P. Decker; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary