

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

*Paul Greenberg, Chair
Vacancy, Vice Chair*

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

Regular Members

*Barbara Sarrantonio
W. T. Furgueson
William Veillette
Ward Feirer*

Alternate Members

*Peter Decker
Philip J. Beckman
George Wendell
Richard Rybak*

Unapproved

**MINUTES
October 18, 2016 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, October 18, 2016 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P. Greenberg, B. Sarrantonio, W Feirer, R. Rybak, Alternate, P. Beckman, Alternate seated for the meeting, and G. Wendell, Alternate seated for the meeting.

Staff:

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

Paul Greenberg, Chair called the meeting to order at 7:00pm

- **Application No. 16-24** on behalf of Dana McFadden, 22 Mack Lane, Essex, CT, Assessor's Map 46, Lot 31, VR District, requesting a variance to section 40Q of the zoning regulations to allow a swimming pool to a point 13' from a property line where 20 feet is required.

A variance was previously approved in June 2010 for a house addition.

Seated for this proposal were P. Greenberg, B. Sarrantonio, W Feirer, P. Beckman, and G. Wendell, Alternate seated for the meeting.

D. McFadden presented. D. McFadden stated that this is a nonconforming lot and there is no backyard area to this property, thereby limiting a small area of use. D. McFadden stated that the installation of a pool and the relocation of a septic system on this small lot presents a challenge and she noted that she would like to place the pool closer to the property line which is abutted by the Essex Village Manor property. D. McFadden stated that she will need to relocate a smaller septic system in order to accommodate the installation of the swimming pool. The required distance from the leaching field to the in-ground swimming pool is 25'.

G. Wendell stated for the record that there is an existing shed located on the property which is not reflected on the plans.

W. Feirer stated that the Board would like to see a specific plan reflecting the placement of the swimming pool, the location of the septic and the location of the leaching fields.

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

There was no public comment.

There were no further questions from the Board.

The applicant will appear before the Board at their November 15, 2016 regularly scheduled meeting with a plan that shows the placement of the swimming pool, the location of the septic and the location of the leaching fields.

P. Greenberg closed the Public Hearing at 7:17pm.

- **Application No. 16-27** on behalf of Julie Frazier, 125 Main Street, Ivoryton, CT, Assessor's Map 57, Lot 72, VR District, requesting a variance to section 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a 12' x 16' house addition to a point 10 feet 6 inches from a side property line where 25' is required. Also, to allow an increase in the building coverage from 13.8% to 14.4% where 10% is the maximum coverage allowed.

A variance was previously approved in 1975 for the driveway location.

Seated for this proposal were P. Greenberg, B. Sarrantonio, W Feirer, P. Beckman, and G. Wendell, Alternate seated for the meeting.

Jason DiGiandomenico, Building Concepts, Branford, CT, stated that he is looking to place a 12' x 16' kitchen addition to the rear of the property. The existing house is nonconforming and this addition will not go any closer to the property line, but it will hug the side of the building to create a uniform appearance. J. DiGiandomenico stated that he does not want to construct the addition any closer to the opposite side of the house as there are Bilco doors in place and the septic is also located on that side of the property. There is a fence which belongs to the neighbor's, separating the two properties.

G Wendell noted that based on the topography and the size of the lot, there is no buildable area, and it is legally nonconforming.

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

There was no public comment.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:25pm

- **Application No. 16-28** on behalf of Jessica Chmura, 126 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 85-1, VR District, requesting a variance to section 40C, 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a new 20' x 24' detached garage to a point 5' from a side property line where 25' is required.

Seated for this proposal were P. Greenberg, B. Sarrantonio, P. Beckman, and G. Wendell, and R. Rybak, Alternate seated for the meeting. W. Feirer recused himself from this proposal.

Chris Arelt, Architect presenting on behalf of the property owners, who are seeking to obtain approval for the location of an accessory building on the property. C. Arelt stated that the lot, is long, deep and narrow, 80' in width lot with a 120 feet minimum lot width size requirement. There are currently 3 pre-existing, non-conforming outbuildings on the property that are in a state of disrepair and the applicant proposes to remove the three, pre-existing out-buildings and construct, one larger accessory building of lesser coverage and equivalent encroachment. C. Arelt stated that the location of the leaching fields and the septic prohibit placing the garage in other locations on this property. The new building would be no closer to the side yard than the existing building and it amounts to slightly less in coverage than the existing buildings. C. Arelt stated that he is removing some nonconformities by removing the existing buildings.

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

There was no public comment.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:31pm

- **Application No. 16-29** on behalf of Leonard Wyeth, 9 Summit Street, Ivoryton, CT, Assessor's Map 40, Lot 22, VR District, requesting a variance to section 40D, 40I.1 and 60B of the zoning regulations to allow a ground-mounted solar array to a point 10' from a side property line where 25' is required.

A variance was previously approved on June 3, 1996 for a house addition.

Seated for this proposal were P. Greenberg, B. Sarrantonio, W Feirer, P. Beckman, and G. Wendell.

Leonard Wyeth presented on behalf of this proposal. This is a long, narrow lot and the circa 1875 house is set back on a heavily wooded lot. L. Wyeth would like to install two-stem mounted solar arrays, 10' wide 16.5' high. L. Wyeth stated that the entire site was surveyed for the panels and the west side of the rear lot is only one spot that allows for four hours of sun daily. The panels will not be visible from the front of the lot, however the neighbor to the rear of the property will be able to see the panels. L. Wyeth stated that he spoke with the neighbors and they are not in opposition to the installation of the panels.

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

There was no public comment.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:40pm.

- **Application No. 16-30** on behalf of Lawrence and Kathleen Bolanowski, 18 Little Point Street, Essex, CT, Assessor's Map 31, Lot 14, VR District, requesting a variance to section 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a 300 square foot garage addition to a point 10', 4.5" from a front property line where 30' is required, and to a point 5' from a side property line where 25' is required. Also, to allow an increase in the building coverage from 18.3% to 18.9% where 10% is maximum coverage allowed.

The Board previously denied a variance request for a carport based on the applicant's unwillingness to remove an existing shed which is situated in the rear of the property.

Seated for this proposal were P. Greenberg, B. Sarrantonio, W Feirer, P. Beckman, and G. Wendell, Alternate seated for the meeting.

Joe Bergin, Architect presented on behalf of this application. In this proposal, the existing shed will be demolished and the asphalt driveway will be removed and the area restored to a pervious surface. A new, one-car garage is proposed to be attached to the existing house, and the new driveway will be installed at the new garage. The new driveway will be comprised of stone, increasing the pervious area. J. Bergin stated that the house is situated on a preexisting, nonconforming lot and the hardship associated with this proposal is that the existing house occupies most of the existing buildable area, with the existing septic system utilizing most of what remains. This parcel is 11,076 s.f. and the lot is very challenged to conform with the zoning regulations. There was a scheme contemplated to locate the garage in the rear yard, however the corner of the house is only 13' as it comes toward the property line. J. Bergin stated that the coverage sought is under 1%.

P. Greenberg stated that this proposal eliminates one nonconformity and creates another.

J. Bergin stated that there are quite a few properties with the front yard setback on this street, making this proposal similar to existing nonconformities in the neighborhood.

J. Bergin presented a letter from Jonathan D. Carlisle, the property owner to the east, stating no objection to this proposal.

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

Greg Sandvik, 14 Little Point Street stated that he is in opposition to this proposal and he noted that J. Carlisle, neighboring property owner has his home on the market for sale. G. Sandvik stated his opposition to this proposal noting that the aesthetic of the street will be changed dramatically, and negatively impacted with this proposal. The placement of the proposed garage will dramatically change the aesthetic of the street which will change the real estate values. Further, the placement of this garage will cause his view of from his dining room window, looking east of North Cove and the CT River to be obscured as will his view from the second floor due to the proposed height of the garage.

M. Wells asked J. Bergin to explain why the garage could not be built along the east side of the property. M. Wells stated that he has knowledge of this property as it belonged to his grandparents from 1912 to 1972. There was a garage located along the boundary line, minimizing the setbacks.

J. Bergin stated that the rear yard will be cut off if the garage is located along the boundary line.

K. Sandowski, 11 Little Point Street stated that she resides in the house across the street from this proposal and stated that she does not object to the construction of a garage, however she does object to the proposed location of this garage and she noted that the allowance of the garage in this location will create a precedent.

K. Sandowski read into the record a letter from Barbara Smith, 9 Little Point Street stating objection to this proposal.

Hal Ostrom, 16 Little Point Street stated his objection to this proposal.

Kathy Bolonowski stated that aesthetics are very important to she and her husband and as per the drawings, the garage will be attached to the house. She noted that this garage will fit-in with the street. The septic which is located in the back of the property would interfere with the construction of the garage in that location.

There was no public comment.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 8:20pm.

- **Application No. 16-31** on behalf of Paul Cullina, 60 North Main Street, Ivoryton, CT, Assessor's Map 38, Lot 14, RU District, requesting a variance to section 40C, 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to allow a new 20' x 30' detached garage to a point 25' from a side property line where 30' is required.

A variance was previously approved in 2001 for the location of a deck in the front setback.

Seated for this proposal were P. Greenberg, B. Sarrantonio, W Feirer, P. Beckman, and G. Wendell, Alternate seated for the meeting.

There was no one present to speak on behalf of this application.

REGULAR MEETING

Discussion and possible decision on applications:

- **Application No. 16-24** on behalf of Dana McFadden, 22 Mack Lane, Essex, CT.

MOTION to continue, with the agreement of the applicant, consideration of **Application No. 16-24** on behalf of Dana McFadden, 22 Mack Lane, Essex, CT, Assessor's Map 46, Lot 31, VR District, requesting a variance to section 40Q of the zoning regulations to allow a swimming pool to a point 13' from a property line where 20 feet is required; **MADE** by P. Beckman **SECONDED** by W Feirer; **IN FAVOR:** P. Greenberg, B. Sarrantonio, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-27** on behalf of Julie Frazier, 125 Main Street, Ivoryton, CT.

It was noted that this is an extremely narrow lot. Based on the topography, the size and configuration of the lot, anything done would be an encroachment. Also, with the exclusion of the deck, an encroachment will be removed. The hardship is that the structure was conforming when built, and then made nonconforming by the zoning regulations. The entire lot is so narrow, there is no buildable area on the lot.

MOTION to grant approval to **Application No. 16-27** on behalf of Julie Frazier, 125 Main Street, Ivoryton, CT, Assessor's Map 57, Lot 72, VR District, requesting a variance to section 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a 12' x 16' house addition to a point 10 feet 6 inches from a side property line where 25' is required. Also, to allow an increase in the building coverage from 13.8% to 14.4% where 10% is the maximum coverage allowed. The hardship associated with this proposal is that the structure was conforming when originally built and then made nonconforming by the zoning regulations. The entire lot is extremely narrow and there is no buildable area on the lot. The Variance is approved in accordance with the plans presented; **MADE** by G. Wendell **SECONDED** by P. Beckman; **IN FAVOR:** P. Greenberg, B. Sarrantonio, W Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-28** on behalf of Jessica Chmura, 126 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 85-1.

It was noted that this proposal decreases lot coverage and the placement of the garage to the far side of the driveway will create an imposition imposing on the septic. Additionally, the applicant proposes to remove two, nonconforming structures.

MOTION to grant a variance to **Application No. 16-28** on behalf of Jessica Chmura, 126 Main Street, Centerbrook, CT, Assessor's Map 43, Lot 85-1, VR District, requesting a variance to section 40C, 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a new 20' x 24' detached garage to a point 5' from a side property line where 25' is required. In this proposal, three of the nonconforming buildings will be removed and replaced with one, and the construction of the proposed garage on the back side of the property would impinge on the septic. The Variance is approved in accordance with the plans presented; **MADE** by G. Wendell **SECONDED** by B. Sarrantonio; **IN FAVOR:** P. Greenberg, B. Sarrantonio, G. Wendell, R. Rybak, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-29** on behalf of Leonard Wyeth, 9 Summit Street, Ivoryton, CT, Assessor's Map 40, Lot 22.

It was noted that this proposal is unique in that the hardship is topographical and it restricts the placement of the panels anywhere else on the lot.

MOTION to grant a variance to **Application No. 16-29** on behalf of Leonard Wyeth, 9 Summit Street, Ivoryton, CT, Assessor's Map 40, Lot 22, VR District, requesting a variance to section 40D, 40I.1 and 60B of the zoning regulations to allow a ground-mounted solar array to a point 10' from a side property line where 25' is required. The hardship associated with this proposal is the topography of the property with mitigating circumstances; that the owner is placing panels to the rear of the house and mitigating any impact to the aesthetics. There is a preference by the State of CT to encourage the use of solar technology and this proposal is consistent with the objectives of the State of CT. The Variance is approved in accordance with the plans presented; **MADE** by P. Beckman **SECONDED** by W Feirer; **IN FAVOR:** P. Greenberg, B. Sarrantonio, G. Wendell, W Feirer, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-30** on behalf of Lawrence and Kathleen Bolanowski, 18 Little Point Street, Essex, CT

It was noted that a reasonable alternative was presented as to the location, which is a factor that the ZBA must consider. The proposed garage increases the nonconformity of the property by impinging upon the front yard setback, which is a significant problem associated with this location.

MOTION to deny a variance to **Application No. 16-30** on behalf of Lawrence and Kathleen Bolanowski, 18 Little Point Street, Essex, CT, Assessor's Map 31, Lot 14, VR District, requesting a variance to section 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a 300 square foot garage addition to a point 10', 4.5" from a front property line where 30' is required, and to a point 5' from a side property line where 25' is required. Also, to allow an increase in the building coverage from 18.3% to 18.9% where 10% is maximum coverage allowed. This application is denied based on the grounds that it increases the nonconformity in the sense that impinges further in the front yard setback than previously, which is not mitigated by the removal of the shed, and there are reasonable alternatives which were discussed this evening. There is no hardship associated with this proposal, as there is an alternative location; **MADE** by G. Wendell; **SECONDED** by B. Sarrantonio; **IN FAVOR:** P. Greenberg, W. Feirer, B. Sarrantonio, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

MOTION to continue **Application No. 16-31** on behalf of Paul Cullina, 60 North Main Street, Ivoryton, CT, Assessor's Map 38, Lot 14, RU District, requesting a variance to section 40C, 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to allow a new 20' x 30' detached garage to a point 25' from a side property line where 30' is required; **MADE** by W. Feirer **SECONDED** by B. Sarrantonio; **IN FAVOR:** P. Greenberg, B. Sarrantonio, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

OLD BUSINESS

Approval of Minutes – September 27, 2016

MOTION to approve the September 27, 2016 Meeting Minutes with the following amendments: 1) Page 2, 3rd line, "*there was a significant ledge* on the left side of the property." 2) W. Feirer was not seated for Application #16-25; **MADE** by P. Beckman; **SECONDED** by G. Wendell; **IN FAVOR:** W. Feirer, P. Beckman, G. Wendell, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 4-0-0.

CORRESPONDENCE AND INVOICES

There was a discussion on the Verrillo v Branford matter and on the new requirements related to the amendments of the Zoning Regulations. M. Wells noted that the Zoning Commission is attempting to codify into the regulations what Verrillo said. M. Wells suggested that the Zoning Commission should tread lightly when changing language of variances within their regulations, as that is an area that is always in flux. M. Wells suggested that the ZBA could recommend to the Zoning Commission to exert caution on being overly restrictive, and stick to the standards that are in the statutes.

There was a brief discussion on associated hardships, and setbacks associated with proposals before the Zoning Board of Appeals. M. Wells reminded commissioners to seek information as to whether the applicant looked at possible alternatives to their proposal, and if so, what they are.

ADJOURNMENT

MOTION to adjourn the meeting at 9:00 p.m. to the next regularly scheduled meeting which will be held on Tuesday, November 15, 2016 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by W. Feirer; **SECONDED** by P. Beckman; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary