

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

*Philip J. Beckman
George Wendell
Richard Rybak*

Unapproved

**MINUTES
November 15, 2016 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, November 15, 2016 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P. Greenberg, B. Sarrantonio, W. T. Furgueson, W. Feirer, W. Veillette. P. Beckman, Alternate and G. Wendell, Alternate.

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.

At this time, there was no one available to present on behalf of this proposal. P. Greenberg moved this application to the bottom of this evening's Agenda.

- **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 24 feet from a side property line where 30 feet is required.

This property is a 1.28 acre in size lot with a single-family dwelling on it. A zoning permit was approved to replace the existing 160 s.f. shed with a shed of the same size, however the applicant has had a change of plan and would like to construct a 20' x 30' barn, 25 feet from the front property line where 30 feet is required.

Seated for this proposal were P. Greenberg, W. T. Furgueson, W. Feirer, W. Veillette. B. Sarrantonio recused herself. G. Wendell was seated.

Paul Cullina presented on behalf of this proposal. P. Cullina stated that there was a 12' x 20' shed on his property that was used as a chicken coop, which he removed. P Cullina stated that he wishes to construct a

20' x 30' barn. The shed was closer to the property line and this proposed structure will be moved 10' feet away from the property line, closer to the driveway, making this proposal less nonconforming. P Cullina stated that the stone footings are in place. It was noted that the coverage requirements will not be exceeded with this proposal.

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.

There were no letters submitted on behalf of this proposal.

P. Greenberg closed the Public Hearing at 7:10pm

- **Application No. 16-32** on behalf of David Miller, 30 Meadow Woods Road, Essex, CT, Assessor's Map 6, Lot 3, RU District, requesting a variance to section 40C, 40D, 40I.1, and 61B of the zoning regulations to locate a new 8' x 10' garden shed to a point 5 feet from a side property line where 25 feet is required, and 5 feet from a front property line where 40 feet is required.

Seated for this proposal were P. Greenberg, W. T. Furgueson, W. Feirer, W. Veillette. B Sarrantonio recused herself and G. Wendell seated for this proposal

David Miller presented on behalf of this application. D. Miller stated that the property around the house is unbuildable, due to the sloping and rocky topography of the land, and the proposed location for the garden shed is the only flat spot on the property. D. Miller stated that the hardship related to this proposal is the topography of the land. D. Miller stated that the neighbors are in favor of this proposal.

G. Wendell stated that some of the neighboring homes appear to be almost as close to the street as this house. G Wendell suggested, going forward, new construction should be situated farther back on a property.

There was a brief discussion related to alternative locations and D. Miller stated that he would be receptive to placing the structure up to 10 feet further back from the road, however in order to do so, he must remove a 20' Blue Spruce tree and a large Holly tree.

M. Wells stated that the Board has 3 options; to approve as presented, to approve with change in setback, or to deny. If denied, the applicant can reapply with a proposal for a different location.

P. Greenberg read into the record a letter from Phyllis Carlton, 27 Meadowoods Road. In her letter P. Carlton stated that a suitable placement for the structure would be as far back as the lay of the land allows.

A letter from the CT River Gateway Commission stating no opposition to this proposal.

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 7:25 pm.

- **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.

This proposal was carried over from the October 18, 2016 ZBA meeting. The applicant, Dana McFadden was asked to return with a specific plan reflecting the location of the proposed 14' x 30' in-ground swimming pool, the septic and the leaching fields.

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

P. Greenberg opened the Public Hearing.

There was no one present on behalf of this application.

P. Greenberg closed the Public Hearing at 7:30pm.

- **Application No. 16-33** on behalf of Cathy Craighead, 5 Earl Street, Centerbrook, CT, Assessor's Map 43, Lot 79-1, VR District, requesting a variance to section 40D, 40E, 50D and 60B of the zoning regulations to allow a 24 s.f. expansion of a deck to increase the existing building coverage from 12.4% to 12.6% where 10% is the maximum coverage allowed.

This property is .31 acre in size with a single-family dwelling centrally located on it. This application is seeking to add 24 s.f. to the existing deck in order to square it off and to provide more functional space. The house is not located within any setbacks but currently places the property at 12.4% building coverage where 10% is the maximum allowed. The proposal is to increase the coverage to 12.6%.

Per the written request from the applicant, this proposal was tabled.

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.

REGULAR MEETING

Discussion and possible decision on applications:

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

It was noted that this proposal was deferred from the October 18, 2016 ZBA meeting in order to obtain more information related to the location of the pool and the septic.

MOTION to deny **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. This proposal was

denied based on lack of hardship; **MADE** by P. Beckman; **SECONDED** by W. Feirer; **IN FAVOR:** B. Sarrantonio, W. Feirer, P. Beckman, G. Wendell; **OPPOSED:** None; **ABSTAINING:** P. Greenberg; **MOTION CARRIED:** 4-0-1.

- **Application No. 16-31** on behalf of Paul Cullina, 60 North Main Street, Ivoryton, CT.

It was noted that in this proposal the applicant is making something less nonconforming than it was before.

MOTION to grant approval to **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 24 feet from a side property line where 30 feet is required. This proposal is approved based on the reduction in the nonconformity. The Variance is approved in accordance with the plans presented; **MADE** by G. Wendell **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, W. T. Furgueson, W. Feirer, W. Veillette, G. Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-32** on behalf of David Miller, 30 Meadow Woods Road, Essex, CT,

W. Veillette stated that he does not agree with the applicant's proposal to reduce and remove the landscape plantings in order to gain five feet.

G. Wendell stated that there are three or four houses close to the street, which includes the house in this proposal. He noted that there are alternative locations for the proposed structure, situated further back on the property.

W. Feirer stated that the applicant offered to move the proposed structure further back on the property and he noted that he is not comfortable with the proposed five-foot setback.

W. T. Furgueson stated that the applicant offered to move the proposed location of the structure, and suggested that the Board deny this proposal and inform the applicant that he may reapply as the Board will entertain a different location for the proposed structure.

MOTION to deny a variance to **Application No. 16-32** on behalf of David Miller, 30 Meadow Woods Road, Essex, CT, Assessor's Map 6, Lot 3, RU District, requesting a variance to section 40C, 40D, 40I.1, and 61B of the zoning regulations to locate a new 8' x 10' garden shed to a point 5 feet from a side property line where 25 feet is required, and 5 feet from a front property line where 40 feet is required; **MADE** by G. Wendell **SECONDED** by W. T. Furgueson; **IN FAVOR:** P. Greenberg, G. Wendell, W. Veillette, W. Feirer, W. T. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

OLD BUSINESS

Approval of Minutes – October 18, 2016

MOTION to approve the October 18, 2016 Meeting Minutes with the following amendments: 1) Page 3, remove the extra comma; 2. Application 16-24, page 2, remove: "*P. Greenberg closed the Public Hearing at 7:17pm.*"; **MADE** by P. Beckman; **SECONDED** by G. Wendell; **IN FAVOR:** P. Greenberg, B. Sarrantonio, W. Feirer, P. Beckman, G. Wendell; **OPPOSED:** None; **ABSTAINING:** W. T. Furgueson, W. Veillette; **MOTION CARRIED:** 5-0-2.

CORRESPONDENCE AND INVOICES

P. Greenberg spoke with J. Budrow, ZEO regarding the Zoning regulation amendments. J. Budrow will arrange a meeting between Peter Sipples, Esq., legal counsel for the Zoning Commission and Michael Wells, Esq., legal counsel for the ZBA for the purpose of review of the regulations.

ADJOURNMENT

MOTION to adjourn the meeting at 7:47 p.m. to the next regularly scheduled meeting which will be held on Tuesday, December 20, 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 W. T. Furgueson; **IN FAVOR:** P. Greenberg, W. T. Furgueson, W. Veillette, W. Feirer, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary