

TOWN OF ESSEX
Zoning Board of Appeals

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Executive Board

Paul Greenberg, Chair
W. T. Furgueson, Vice Chair
W. Feirer, Secretary

Regular Members

Barbara Sarrantonio
William Veillette

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

MINUTES

March 21, 2017 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, March 21, 2017 at 7:00 p.m. in Room B of the Essex Town Hall. Attending Members were P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson, P Beckman, Alternate and G Wendell, Alternate.

Staff:

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

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

Seated for the meeting were P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson.

PUBLIC HEARINGS

- **Application No. 17-3** on behalf of Edward Domnarski, 20 Stanford Hill Road, Essex, Assessor's Map 51, Lot 28-3, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to allow a 12' x 20' shed to a point 5 feet from a side property line where 30 feet is required.

This is an application to locate a 12' x 20' shed to a point 5 feet from the side property line where 30 feet is required.

Ed Domnarski presented on behalf of this proposal. E Domnarski stated that he has owned his home for thirty years and he stated that he would like to install a Kloter Farms garden shed, 12 feet in height, which will be seated on a gravel base. E Domnarski stated that the slope and topography of his property places the proposed shed at the most logical location in relation to the property line and he noted that the shed will be situated in a location that will not be visible to the neighbors. E Domnarski stated that he reached out to the neighbors and there was no stated objection to this proposal.

Jean Domnarski stated that there is a large slope in the rear yard and the proposed location is private and less conspicuous and the most practical location for the shed.

G Wendell reported that he conducted a site visit and he stated that the proposed location will create no visual impact on the neighbors.

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

There was no public comment.

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

There were no further questions from the Board.

P Greenberg closed the Public Hearing at 7:15pm.

Application No. 17-4 on behalf of Thomas Klin, 66 River Road, Essex, CT, Assessor's Map 12, Lot 4, requesting variances to Sections 40C, 40D, 40I.1, and 61B of the zoning regulations to allow a 14' x 23' addition to a point 16.5 feet from a side property line where 30 feet is required.

This is an application to add a 14' x 23' shed addition to the side of the garage to a point 16.5' from the side property line where 30' is required.

T Klin presented on behalf of this proposal. T Klin stated that he has been in this house for 15 years and he would like to install a shed 10 feet in height which will be placed on footings. The hardship surrounding this proposal is based on the topography of the land and T Klin stated that in order to minimize the installation of fill and to avoid driveway cuts, and to enhance convenience, the shed is proposed to be located immediately adjacent to the existing two-car garage. T Klin stated that half of the structure will fall within the 30-foot setback on a diagonal and he noted that there is no way to minimize the impact without compromising architectural congruity. T Klin submitted with his application, a favorable letter from Sam and Ann Louise Rosensohn, 72 River Road who share a boundary with the applicant.

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

There was no public comment.

A letter was submitted from the CT River Gateway Commission stating no objection to this proposal.

There were no further questions from the Board.

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

Application No. 17-5 on behalf of Michael Picard, 175 Saybrook Road, Essex, CT, Assessor's Map 74, Lot 11, requesting variances to Sections 40C, 40D, 40E, 40I.1, 40N, 40R, 50C.2, 50D, 61B and 101D of the zoning regulations to allow a single-family dwelling to a height of 32 feet, 3 inches where 30 feet is the maximum height allowed and to be located to a point 20 feet from the side property line where 30 feet is required. Also, to allow a detached garage to a point 8 feet from a side property line where 30 feet is required and to a point 12 feet from a front property line where 40 feet is required. Also, to allow a paved driveway to be located within 5 feet of a side property line. Also, to allow an in-ground swimming pool within the Gateway buffer area. Also, to allow a pool pavilion to a point 6 feet from a side property line where 30 feet is

required and to be within the Gateway buffer area. Also, to allow a patio to a point 7 feet from a side property line where 10 feet is required and to be within a Gateway buffer area. Also, to allow a 123- foot long wall within the Gateway buffer area.

Attorney John Bennet presented on behalf of the applicant. J Bennet stated that the Essex Zoning Enforcement Officer, J Budrow sent this application to the DEEP Coastal Area Management (CAM) for review. At this time the Zoning Enforcement Officer has not received a response from CAM and J Bennet indicated that he would be willing to wait until a response has been received from DEEP.

M Wells stated that the Board is not required to wait for DEEP response, however the ZEO has requested that the Board postpone decision until the DEEP has had an opportunity make a thorough review and to respond. M. Wells stated that because of the way in which the plan is drawn, he would like to request that the applicant provide a table showing the changes in those affected areas that are indicated as reductions in nonconformity. M Wells asked that the applicant reflect on the plans what the reductions are on the overall property.

P Greenberg stated that he would like to see the previously approved variance for this property.

MOTION to continue to the April 18, 2017 regularly scheduled meeting, consideration of **Application No. 17-5** on behalf of Michael Picard, 175 Saybrook Road, Essex, CT, Assessor's Map 74, Lot 11, requesting variances to Sections 40C, 40D, 40E, 40I.1, 40N, 40R, 50C.2, 50D, 61B and 101D of the zoning regulations to allow a single-family dwelling to a height of 32 feet, 3 inches where 30 feet is the maximum height allowed and to be located to a point 20 feet from the side property line where 30 feet is required. Also, to allow a detached garage to a point 8 feet from a side property line where 30 feet is required and to a point 12 feet from a front property line where 40 feet is required. Also, to allow a paved driveway to be located within 5 feet of a side property line. Also, to allow an in-ground swimming pool within the Gateway buffer area. Also, to allow a pool pavilion to a point 6 feet from a side property line where 30 feet is required and to be within the Gateway buffer area. Also, to allow a patio to a point 7 feet from a side property line where 10 feet is required and to be within a Gateway buffer area. Also, to allow a 123- foot long wall within the Gateway buffer area; **MADE** by B Sarrantonio; **SECONDED** by W T Furgueson; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application No. 17-6 on behalf of Griswold Inn, LLC, 47 Main Street, Essex, CT, Assessor's Map 47, Lot 18, requesting variances to Sections 40A, 40B.3, 40E, and 50E of the zoning regulations to allow the expansion of the use of an Inn to the second floor of an existing accessory building.

This is an application is a request to convert the second floor of the third building to a residential suite that would add to the total rooms rented by the Griswold Inn. This addition would be an expansion of a nonconforming use as Inns are not a use listed as allowed in the Essex Village, or anywhere else in town. The Griswold Inn, Copper Beech Inn and Ivoryton Inn are all nonconforming uses. The regulations state that when multiple uses exist on a lot, or are proposed, the lot shall have a minimum lot size for each use. In Essex Village the minimum lot size is 15,000 square feet. With retail and Inn on the same lot there needs to be a 30,000 square feet. This lot is 26, 136 square feet in size.

G Wendell stated for the record that the map that accompanied the documents related to this proposal pointed to 41 Main Street rather than the actual site.

Attorney Terrance D. Lomme presented on behalf of this proposal. Also in the audience were Jeff Paul and Doug Paul, owners of the Griswold Inn. T Lomme stated that this .6 acre property is located at 47 Main

Street, on the corner of Main and Ferry Streets and was formerly known as the Christmas Tree Barn. The space is currently vacant, however both floors have been used for retail. T Lomme noted that there have been prior variances granted to this property which were applied for by previous owners. The first variance to change retail to Inn rooms was granted in 1986. Subsequent to that, variances were granted in 1991 and 1994 to change office space to Inn rooms. In 2009 the ZBA granted to authorize the office space at 45 Main to an Inn room. T Lomme stated that no additional structures are proposed and the second-floor will consist of a bedroom and a bathroom. The first-floor will remain retail and the second floor will be an Inn room. The entrance to the retail will be situated on the north side of the building from which an interior door will lead to the second-floor Inn room. There will be no exterior stairs.

T Lomme stated that the hardship is that under the current zoning regulations, Inns are not allowed. In prior appeals the ZBA has found that the change in use from retail or commercial office space reduced traffic, parking and congestion. T Lomme stated that if this proposal is not approved, the owners will be stuck with a second-floor retail space and to date, second-floor retail has not been successful. T Lomme noted that this proposal is consistent with the neighborhood, it is a good use for the property and it provides space for tourists and increases the merchant's business.

G Wendell asked if there was an issue with handicap accessibility rules.

Jeff Paul stated that the store building and the annex has been renovated and made to be ADA compliant. Because ADA compliance has been met with the existing first floor handicap accessible rooms, in this barn space, it is not necessary to provide handicap accessibility for the second-floor room.

T. Lomme stated that the hardship associated with this proposal is the use of this property and second-floor retail does not work and is disfavored in zoning. There is currently no second-floor retail on Main Street. The other hardships as quoted in prior variances were to reduce parking and traffic congestion and this property is unique in that it is split between two zones. This is a use hardship with secondary economic hardship.

B Sarrantonio stated that the second floor is essentially dead space as it is currently zoned.

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

There was no further public comment.

There were no letters.

There were no further questions from the Board.

P Greenberg closed the Public Hearing at 7:47pm.

Application No 17-7 on behalf of **Michael Picard, 175 Saybrook Road, Essex, Assessor's Map 74 Lot 11,** Coastal Area Management site plan review.

MOTION to continue to the April 18, 2017 regularly scheduled meeting, consideration of **Application No 17-7** on behalf of **Michael Picard, 175 Saybrook Road, Essex, Assessor's Map 74 Lot 11,** Coastal Area Management site plan review; **MADE** by B Sarrantonio; **SECONDED** by W Feirer; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

REGULAR MEETING

- **Consideration - Application No. 17-3** on behalf of Edward Domnarski, 20 Stanford Hill Road, Essex, Assessor's Map 51, Lot 28-3, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to allow a 12' x 20' shed to a point 5 feet from a side property line where 30 feet is required.

MOTION to grant a Variance to **Application No. 17-3** on behalf of Edward Domnarski, 20 Stanford Hill Road, Essex, Assessor's Map 51, Lot 28-3, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to allow a 12' x 20' shed to a point 5 feet from a side property line where 30 feet is required. The hardship is based on the topography. This proposal presents a minimal impact on surrounding properties. This Variance is approved in accordance with the plans as submitted; **MADE** by B Sarrantonio; **SECONDED** by W Veillette; **IN FAVOR:** P Greenberg, B Sarrantonio, W. Feirer, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Consideration - Application No. 17-4** on behalf of Thomas Klin, 66 River Road, Essex, CT, Assessor's Map 12, Lot 4, requesting variances to Sections 40C, 40D, 40I.1, and 61B of the zoning regulations to allow a 14' x 23' addition to a point 16.5 feet from a side property line where 30 feet is required.

MOTION to approve a Variance to **Application No. 17-4** on behalf of Thomas Klin, 66 River Road, Essex, CT, Assessor's Map 12, Lot 4, requesting variances to Sections 40C, 40D, 40I.1, and 61B of the zoning regulations to allow a 14' x 23' addition to a point 16.5 feet from a side property line where 30 feet is required. The hardship is based on the topography of the land. This proposal presents the most logical location for the placement of the structure. The Variance is approved in accordance with the plans as submitted. **MADE** by W Feirer; **SECONDED** by W T Furgueson; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 17-6** on behalf of Griswold Inn, LLC, 47 Main Street, Essex, CT, Assessor's Map 47, Lot 18, requesting variances to Sections 40A, 40B.3, 40E, and 50E of the zoning regulations to allow the expansion of the use of an Inn to the second floor of an existing accessory building.

MOTION to approve a Variance to **Application No. 17-6** on behalf of Griswold Inn, LLC, 47 Main Street, Essex, CT, Assessor's Map 47, Lot 18, requesting variances to Sections 40A, 40B.3, 40E, and 50E of the zoning regulations to allow the expansion of the use of an Inn to the second floor of an existing accessory building. The approval of this Variance is based on the use which is consistent with the surrounding area and by not allowing this consistent use renders this space, dead space and unusable. This proposal will provide an economic benefit to the Town. A hardship to the Town would be created if this proposal were to be denied; The Variance is approved in accordance with the plans as submitted. **MADE** by B. Sarrantonio; **SECONDED** by W Feirer; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

NEW BUSINESS

There was no new business.

OLD BUSINESS

- Approval of Minutes –Meeting Minutes, February 21, 2017

MOTION to approve the February 21, 2017 Regular Meeting Minutes with following amendment: 1) Page 4 of 4, remove the commas noted in bold: "M Wells reported that he met with Zoning Commission Chair, Al Wolfram, Zoning Enforcement Officer, Joe Budrow and First Selectman, Norm Needleman"; **MADE** by W Feirer; **SECONDED** by B Sarrantonio; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

CORRESPONDENCE AND INVOICES

There were no invoices and no correspondence

ADJOURNMENT

MOTION to adjourn the meeting at 8:00 p.m. to the next regularly scheduled meeting which will be held on Tuesday, April 18, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by B Sarrantonio; **SECONDED** by W T Furgueson; **IN FAVOR:** P Greenberg, W. Feirer, B Sarrantonio, W. Veillette, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary