



TOWN OF ESSEX
Zoning Board of Appeals

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Executive Board

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

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Barbara Sarrantonio
William Veillette

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

MINUTES

February 20, 2018 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, February 20, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Members present for the meeting were P Greenberg, W. T. Furgueson, B Sarrantonio, W Feirer. Alternate(s), P Beckman, R Rybak and G. Wendell

Staff:

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

Audience members: There were 12 audience members

P Greenberg called this evening's meeting to order at 7:00pm

PUBLIC HEARINGS

This evening's quorum was comprised of 3 regular members and three seated alternates.

Per the request of the applicant, **Application 18-3**, Michael Picard, 175 Saybrook Road, Assessor's Map 74, Lot 11, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C.2, 61B and 101D of the zoning regulations, and **Application No. 18-4, Coastal Area Management Site Plan Review** on behalf of Michael Picard, 175 Saybrook Road, Essex, CT, Assessor's Map 74, Lot 11, Rural Residential District (EV), tabled to the March 20, 2018 meeting.

- **Application No. 17-22** on behalf of Jonathan Morris, 5 Riverview Street, Essex, CT, Assessor's Map 28, Lot 37, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate a shed.

The subject property which is located at 5 Riverview Street is an isthmus that is flat and rectangular and .63 acre in size. The Applicant proposes an 8' x10' shed that would be three feet from a side

property line where 25 feet is required. This property is located within the Gateway buffer where improvements are not allowed. Gateway Commission has submitted a letter permitting the shed.

On July 19, 2016 a variance was granted on the subject property to locate a single-family dwelling and a detached garage within the Gateway buffer Zone. In that proposal, the construction of a new, two-bedroom, year-round house which was to be elevated to meet FEMA requirement, was approved. In the rear of the property, the applicant proposed to construct a garage with an upstairs workshop.

Jonathan Morris presented on behalf of this application. J Morris stated that he wishes to install an 8' x 10' shed in southwest corner of property next to a stockade fence that abuts the neighboring property. J Morris stated that this is the only viable location on which to place the shed, based on the proximity to the water. J Morris stated that the neighbors are in favor of this proposal.

G Wendell noted that the applicant received a Variance one year ago which involved renovation of the property that is situated on the Point. J Morris stated that he has no immediate plan to renovate that property and noted that the previously approved variance runs with the land.

G Wendell noted that as per the previously approved variance related to the house construction, the shed could possibly be situated under the house, and suggested that the location of the shed in the southwest corner of the property to be a temporary location pending such time that the house is constructed.

There were no further comments from the Board.

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

Margaret Morris stated that the proposed location will have the least impact on the neighbors and will also be the least visible location. M Morris noted that at such time when they move forward with the construction of the house, the shed will be removed from this proposed location.

There was no further public comment.

P Greenberg read into the record a letter from the CT River Gateway Commission who stated no objection to this proposal.

P Greenberg closed the Public Hearing at 7:12 pm.

- **Application No. 18-1** on behalf of Sarette Builders, LLC, Summit Street, Ivoryton, CT, Assessor's Map 57, Lot 75 and Map 58, Lot 13, VR District requesting variances to sections 40C, 40D, 40I.1, 40J and 60B to allow a new single family dwelling to a point 16.7 feet from the front property line where 30 feet is required. Also, to allow the building height to be 37 feet where 30 feet is the maximum building height allowed.

The two vacant subject properties which are located on the south side of Summit Street, slope away from the road and appear on the site plan as merged lots. As a single parcel they have a triangular shape being wider on the west end of the lot. An old slab foundation is located at the high point of the land.

Robert Doane, P.E. who presented on behalf of this proposal stated that this is a request to place a 1,647 s.f., four-bedroom house on 50,965 s.f existing vacant lot. The property has 26% slope from Summit Street toward the south and R Doane stated that he would like to place the building as close to Summit Street as possible. The topography of the land requires that the house be located within the front setback adjacent to the south edge of the former structure. The structure will be placed 16.7 feet from the property line and the setback requirement is 30 feet. This proposal allows the first floor to be relatively close to the grade on Summit Street. The building will fit into the bank and the measurement of the height, with the new zoning regulations requires that the measurement is to go from the established, lowest grade, to the ridge of the house.

R. Doane stated that in order to fit the house on the lot, a walk-out basement is necessary to accommodate the existing topography. The subsequent height from the original grade at the back of the house to the ridge results in a defined building height of 37 feet with the proposed grading at the back of the house, the actual visible height will be approximately 34 feet. R Doane stated that this will be a single-story house from the Summit Street side with a second floor and a dormer, and from the south side there is a walk-out and a deck on first floor elevation. Soil testing has been completed and sanitary system designed in conformance with the public health code, however at this time, the sanitarian has requested additional soil testing.

R Doane stated that the hardship associated with this proposal is the topography of the site and he noted that if the house location were to be moved away from Summit Street, the structure would still be built into the hillside, bringing the associated grading to the property line. R Doane stated that placing the house closer to Summit Street will offer better mitigation to site disturbance.

Attorney Wells pointed out that if the subject property were a flat piece of land, the house could be placed in a location that would meet the setback requirements. However, given the topo of the property, the house must be placed as is proposed, based on the physical topography and the slope of the land.

There were no further comments from the Board.

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

Stacy Abbott, 135 Main Street questioned the potential impact of run-off from this property.

R Doane pointed out on the plan a storm drain that comes through a swale and outlets from the north side of the property. R Doane suggested the installation of galleries for the storm water recharge, for the roof leaders and recharge the first inch of runoff and mitigate any increase in flow.

There was no further public comment.

There were no letters.

P Greenberg closed the Public Hearing at 7:42 pm.

- **Application No. 18-2** on behalf of Joseph and Karen DiRenzo, 3 New City Street, Essex, CT, Assessor's Map 28, Lot 69, VR District, requesting variances to sections 40D, 40E, 40I.1,

45C.1, 45D.4 and 60B of the zoning regulations to allow a property to reach 16.5% building coverage where 10% is the maximum building coverage allowed. Also, to allow an accessory apartment to be located within a structure that is 7 feet from a property line where 15 feet is required, and to allow an accessory apartment on a lot that under the minimum lot size of 60,000 square feet.

The subject property which is located at 3 New City Street is a flat parcel that abuts a commercial property and a Town-owned park. It is .38 acre in size and has a single-family dwelling with detached garage and a shed located on it.

John Beveridge, Architect who presented on behalf of the applicant stated that this is a proposal to construct an accessory dwelling unit above an existing garage. The nonconforming property is 16,950 s.f. This proposal will include a 16' x 22' addition to the 22' x 24' existing garage with a carport and a stairway to the second floor. This proposal will increase the lot coverage to 17%, however the existing shed will be removed. This proposal will go from 15.4 to a 16.5 increase in lot coverage which is roughly a 1% increase. The second floor will be the accessory, one-bedroom dwelling unit which will house the applicant's mother. The septic system has been approved.

D Beveridge stated that the hardship associated with this proposal is that the house and property lines were established much prior to zoning.

There were no further comments from the Board.

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

There was no public comment.

P Greenberg read into the record letters in support from Jim Denham, President, Essex Land Trust, Ed and Jean Tucker, Tom Pinkowish, Leslie McGrath and Bill Taylor.

P Greenberg closed the Public Hearing at 7:59 pm.

REGULAR MEETING

Discussion and possible decision on the applications.

- **Application No. 17-22** on behalf of Jonathan Morris, 5 Riverview Street, Essex, CT, Assessor's Map 28, Lot 37, VR District.

Seated for this application was P Greenberg, B Sarrantonio, W Feirer, W. T. Furgueson and R Rybak.

B Sarrantonio stated that the hardship associated with this proposal is the topography of the land, the surrounding waterway and the public use of it. It was noted that at such time that the house is constructed, the shed must be removed.

MOTION made by B Sarrantonio to approve a variance for **Application No. 17-22** on behalf of Jonathan Morris, 5 Riverview Street, Essex, Assessors Map 38, Lot 37 VR District, requesting variances to sections

40C, 40D, 40I.1 and 60 B to locate a shed. The hardship associated with this proposal is the topography of the land and the surrounding waterway, and the public use of it. The approval of Variance is conditioned with the following: 1) At such time that the house is constructed on this property, the shed must be removed. This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR** P Greenberg, B Sarrantonio, W. T. Furgueson, W Feirer, R Rybak; **OPPOSED**: W Feirer; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

- **Application #18-1** on behalf of Sarette Builders, LLC, Summit Street, Ivoryton, CT, Assessor's Map 57, Lot 75 and Map 58, Lot 13.

Seated for this application were P Greenberg, W. T. Furgueson, B Sarrantonio, W Feirer, P Beckman.

MOTION made by P Beckman to approve a variance for **Application #18-1** on behalf of Sarette Builders, LLC, Summit Street, Ivoryton, CT, Assessor's Map 57, Lot 75 and Map 58, Lot 13, VR District requesting variances to sections 40C, 40D, 40I.1, 40J and 60B to allow a new single family dwelling to a point 16.7 feet from the front property line where 30 feet is required. Also, to allow the building height to be 37 feet where 30 feet is the maximum building height allowed. The hardship associated with this proposal is the topography of the lot which impacts the excess height of the building, and the placement of the drainage swale, limiting the location. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR**: P Greenberg, W. T. Furgueson, B Sarrantonio, W Feirer, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

- **Application No. 18-2** on behalf of Joseph and Karen DiRenzo, 3 New City Street, Essex, CT, Assessor's Map 28, Lot 69.

Seated for this application were P. Greenberg, B Sarrantonio, W. T. Furgueson, W. Feirer, G Wendell.

W T Furgueson stated that he does not disagree with the intent of this proposal, however approval of an accessory apartment would create a precedent. W. T. Furgueson noted that conversely, this is a 30-year old property that has been modified, which creates a hardship. The small size of the lot which is common in this area.

B Sarrantonio stated that distinguishing this from other requests for accessory apartments with very similar circumstances is problematic.

G Wendell noted that the concept of this zone is for houses that are normal for a larger size lot. They are requesting a proposal that would work on a larger lot and the hardship is that the lot predates zoning.

MOTION made by W. T. Furgueson to deny a variance for **Application No. 18-2** on behalf of Joseph and Karen DiRenzo, 3 New City Street, Essex, CT, Assessor's Map 28, Lot 69, VR District, requesting variances to sections 40D, 40E, 40I.1, 45C.1, 45D.4 and 60B of the zoning regulations to allow a property to reach 16.5% building coverage where 10% is the maximum building coverage allowed. Also, to allow an accessory apartment to be located within a structure that is 7 feet from a

property line where 15 feet is required, and to allow an accessory apartment on a lot that under the minimum lot size of 60,000 square feet. Issuance of a Variance denied due to lack of hardship; **SECONDED** by B Sarrantonio; **IN FAVOR**: P Greenberg, W. T. Furgueson, B Sarrantonio, W Feirer, G Wendell; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

NEW BUSINESS

There was no new business.

OLD BUSINESS

- **Approval of Minutes –Meeting Minutes, January 16, 2018**

MOTION made by W Feirer to approve the January 16, 2016 Regular Meeting Minutes with the following amendments; 1) Page 1, last paragraph, first line to read, “the Board acknowledged receipt of application 17-23”; 2) Page 4, second full paragraph add: “owner later commented that the dwelling had already been converted to, two bedroom units; 3) Bottom of Page 5, Motion on Application 17-24 on behalf of Gregory Laviero and Karen McLaughlin, the Motion to read: “Motion Failed”; **SECONDED** B Sarrantonio; **IN FAVOR** P Greenberg, W. T. Furgueson, B Sarrantonio, W Feirer, R Rybak, G Wendell, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 7-0-0.

CORRESPONDENCE AND INVOICES

There were no invoices and no correspondence.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

MOTION made by R Rybak to adjourn the meeting at 8:25 p.m. to the next regularly scheduled meeting which will be held on Tuesday, March 20, 2018 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Feirer; **IN FAVOR** P Greenberg, W. T. Furgueson, B Sarrantonio, W Feirer, R Rybak, G Wendell, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 7-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary