



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

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

MINUTES

June 19, 2018 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, June 19, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Present at the meeting were P Greenberg, W. T. Furgueson, W Feirer, B Sarrantonio, G Wendell, P Beckman.

Staff:

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

Audience Members: There were 9 audience members

P Greenberg, Chair called the meeting to order at 7:00 p.m.

1. PUBLIC HEARINGS

- **Application 18-10** on behalf of James and Kimberly Freeburg, 19 Blake Street, Ivoryton, CT, Assessor's Map 40, Lot 37, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to allow a 12' x 4' detached garage to a point 10-feet from a side property line where 25 feet is required.

The property at 19 Blake Street is a narrow, deep and flat parcel where a single-family dwelling is located. The lot is approximately 63 feet wide and the attached site plan shows that there isn't a lot of buildable area allowing zoning-compliant locations.

James Freeburg who presented, distributed photos of his property in relationship to the neighbor's properties and photos that reflected the 288 s.f. garage in its current location. J Freeburg stated that there will be no vehicles situated in the garage, however, the structure will be utilized for storage.

G Wendell stated that the property is excessively narrow per the zoning rules and the hardship associated with this proposal is that the lot was created prior to zoning and it is very small as compared to the zoning regulations.

J Freeburg stated that the hardship of many properties on his street is lot size.

There were no further comments from the Board.

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

Susan Weeks, 24 Blake Street stated her support of this application.

Dave Durbin, 18 Blake Street stated his support of this application.

Harry Walden, 22 Blake Street stated his support of this application.

Wendy Carter, 21 Blake Street stated her opposition to this proposal.

The following letters were submitted into the record:

- Harry and Sandy Walden, 22 Blake Street, in favor.
- Leonard and Susan Weeks, in favor.
- Jonathan Einhorn representing Ronnie Plass, 17 Blake Street, opposed to this application.

Walker Burns, Blake Street noted that any structure over 200 s.f. requires a zoning permit. W Burns stated no objection in principal, however he stated that he does take issue with the construction of this structure prior to Town approval and the placement of the structure done so without the benefit of first discussing with the neighbors who would be impacted by the location of the structure.

Wendy Carter, 21 Blake Street stated that many years ago, she dug out her crawl space and created a basement which served to make for additional storage space.

J Freeburg provided photos of his property in relationship to property situated on 17 Blake Street and 21 Blake Street.

There was no further public comment.

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

- **Application 18-13** on behalf of the Essex Yacht Club, 13 Novelty Lane, Essex, CT, Assessor's Map 50, Lot 5, WF District, requesting variances to sections 40C, 40D 40I.1, and 71 B of the zoning regulations to locate a 6' x 8' accessory building to a point 3-feet from a side property line where 20 feet is required and to a point 4-feet from a front property line where 40 feet is required.

W. T Furgueson and P Greenburg stated for the record that they are members of the Essex Yacht Club, however they expressed no conflicts in hearing and remaining seated for this proposal.

Barbara Sarrantonio stated that she serves as legal counsel for the Essex Yacht Club and recused herself from this proposal.

Seated for this proposal was W. T. Furgueson, P Greenburg, W Feirer, P Beckman.

The property at 13 Novelty Lane is a flat parcel with a principle yacht club building, an accessory boater facility and some sheds. The parcel is located at the south end of Novelty Lane.

The applicant is requesting to locate a small 6' x 8' structure at the entrance of the property. As one reaches the end of Novelty Lane and approaches the entrance to the Yacht Club property the proposed location is immediately on the left and the area has been staked.

Kenneth Thomsen who presented on behalf of this proposal stated that there is substantial frontage to the water which is accessed by the public year-round and he noted that there is no safety net in place should someone slip and fall into the water. K Thomsen stated that this proposal is for the construction of a 6' x 8' building at the entrance of the Yacht Club and he noted that there is a grassy area just inside the entrance, and the structure will be situated on the small grassy area. The building will be staffed and visitors will be requested to sign in and made aware that this is private property. In the evening a solar activated light will be installed in the building. The hope is that the placement of this small structure will create more awareness, eliminating the need for gate or fences and improve the safety issue. The portable structure will be deposited in place by a forklift and can be removed as easily as it was installed.

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 further public comment.

There was a letter submitted into the record from CT River Gateway Commission stating no impact.

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

2. REGULAR MEETING

- **Application 18-10** on behalf of James and Kimberely Freeburg, 19 Blake Street, Ivoryton, CT, Assessor's Map 40, Lot 37.

Discussion: Members stated that there is no reasonable alternative to moving the location of the garage and that there is a legitimate hardship associated with this proposal related to the size and configuration of the lot.

G Wendell noted that the map distributed to the Board by the applicant reflects a proposed addition which is from a prior application, that was never submitted.

MOTION made by B Sarrantonio to approve **Application 18-10** on behalf of James and Kimberely Freeburg, 19 Blake Street, Ivoryton, CT, Assessor's Map 40, Lot 37, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to allow a 12' x 4' detached garage to a point 10 feet from a side property line where 25 feet is required. The hardship associated with the application is the size and configuration of the lot. The plans presented at this evening's meeting reflects a proposed addition which is from a prior application that was never submitted; **SECONDED** by G Wendell; **IN**

FAVOR: P Greenberg W. T. Furgueson, W Feirer, B Sarrantonio, G Wendell; **OPPOSED:** None;
ABSTAINING: None; **MOTION CARRIED** 5-0-0.

- **Application 18-3** on behalf of the Essex Yacht Club, 13 Novelty Lane, Essex, CT, Assessor's Map 50, Lot 5.

MOTION made by W Feirer to approve **Application 18-13** on behalf of the Essex Yacht Club, 13 Novelty Lane, Essex, CT, Assessor's Map 50, Lot 5, WF District, requesting variances to sections 40C, 40D 40I.1, and 71 B of the zoning regulations to locate a 6' x 8' accessory building to a point 3 feet from a side property line where 20 feet is required and to a point 4 feet from a front property line where 40 feet is required. The hardship associated with the application is the configuration of the property for the function of the temporary building which is moveable; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** P Greenberg W. T. Furgueson, W Feirer, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0.

3. NEW BUSINESS

- Modified zoning regulations went to public hearing on May 21, 2018. A synopsis of how the current regulations became the modified version will soon be delivered to ZBA. Also, a replacement set of regulations (February revision) is ready to replace the previous set. A brief discussion ensued.

4. OLD BUSINESS

- Approval of the May 15, 2018 Minutes

MOTION made by W Feirer to approve the April 17, 2018 meeting Minutes with the following amendments: 1) Page 5, 8th paragraph from bottom of page, first sentence to read, "*..stated that there is a barn which would have a lot coverage of 1%*"; 2) Page 2, third paragraph to read: "*In 2003 application was made for variance to construct a garage and second story apartment which was granted, but not constructed.*" Third paragraph: "*The current house, which is nonconforming related to rear setback, gateway buffer area and side setback will be removed...*" 3) Page 4, last paragraph, "T Metcalf stated on previous site plan that the house was *moved.*" **SECONDED** by W T Furgeson; **IN FAVOR:** P Greenberg, W. T. Furgueson, W Feirer, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0.

MOTION made by W Feirer to approve the May 15, 2018 meeting Minutes as presented; **SECONDED** by W T Furgeson; **IN FAVOR:** P Greenberg, W. T. Furgueson, W Feirer, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0.

5. CORRESPONDENCE AND INVOICES

There was no correspondence or submission of invoices.

6. ADJOURNMENT

MOTION made by W T Furgueson to adjourn the meeting at 8:00 p.m.to the next regularly scheduled meeting which will be held on Tuesday, July 17, 2018 at 7:55 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Feirer ; **IN FAVOR:** P Greenburg, W.T. Furgueson, W Feirer, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0.

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Stella C Beaudoin
Recording Secretary