



TOWN OF ESSEX
Zoning Board of Appeals

Executive Board
W. T. Fergusson, Chair
W Feirer, Vice Chair
Philip J Schaller, Secretary

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Regular Members
B. Sarrantonio
Philip J Beckman

Alternate Members
George Wendell
Richard Rybak
Susan Feaster

Unapproved

Minutes
May 17, 2022 – Zoning Board of Appeals

1. Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, May 17, 2022 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom. Members in attendance were W Feirer, B Sarrantonio, P Schaller, R Rybak and S Feaster.

Staff present: Carey Duques, Zoning Enforcement Officer, Stella Caione, Recording Clerk and Sylvia Rutkowska, ZBA Legal Counsel.

Vice-Chair W Feirer welcomed everyone to the Essex Zoning Board of Appeals meeting.

The members of the Essex Zoning Board of Appeals announced themselves. The audio attendees were advised to mute themselves during the meeting except during public comment. Attendees were asked to please identify themselves for the record prior to making any comments.

2. Public Hearing

Application No. 22-04 on behalf of David Dick and MaryAlice Godfrey, **22 Main Street, Essex, CT**, Assessor's Map 27 Lot 67, EV District, requesting variances to Sections 40C, 40D, 40E, 40I.1 and 70B for a 449 sq ft expansion of an existing single-family house to be located 4 ft off the property line and 3 ft 6 inches from the existing chimney to the property line where 5 feet is required and a total lot coverage of 36.5% where 25% is allowed.

Seated for this application, B Sarrantonio, W Feirer, P Schaller, S Feaster, R Ryback.

This application is for 449 sq ft expansion of an existing single-family house to be located 4 ft off the property line and 3 ft 6 inches from the existing chimney to the property line where 5 feet is required and a total lot coverage of 36.5% where 25% is allowed.

The parcel is 0.2 acres. The property is visible both from Main Street and from Meigs Lane. The existing home is pre-existing nonconforming. Gateway has reviewed the application and does not have an objection to the proposal.

Previous variance requests: ZBA #13-30 granted for an addition which resulted in an increase in coverage from 31% to 33.4% where 25% is allowed.

Hope Proctor who presented on behalf of the applicant stated that the house subject to this proposal which is situated on Main Street has a large, historic Cherry tree located in the back yard of the house. Ms. Proctor noted that the design proposal is intended to preserve that specimen tree. H Proctor stated that this proposal will remove the back half of existing two-story addition, and replace with a new, two-story addition, and connect to the existing garage. There is a breezeway currently attached which is disturbing the root system of the tree. In this proposal, the construction will be pushed away from the root system and a small bridge crossing will be installed so as to not disturb, but preserve the root system of the Cherry tree. The architectural detail on the front of the house will be preserved. H Proctor noted that the shutters and a portico will be added to the front of the house. Because the portico is covered, a variance is required. Ms. Proctor stated that the proposed breezeway will be one-story.

Attorney Ed Cassella who presented on behalf of the applicant stated that there are nonconformities associated with this property to include a nonconforming house located on a nonconforming lot. The front yard is a 0 setback, and the side and rear property is a 5' setback. E Cassella noted that the applicant is seeking a variance for a new chimney location that goes within 3.5 feet of setback, and he stated that the only changes are the chimney and the area that is part of the connector. The main reason for the application is to be able to construct the connection. House is nonconforming at 31%. E Cassella stated that another hardship surrounds saving the Cherry tree, and he noted that he does not have an arborist report, however this Cherry tree which was nominated in 2012, is a 70 foot tall, wild Cherry tree, and was deemed a state champion. The property owners have hired a professional to insure that the tree remains strong. The proposed connection between existing house and the garage is being built with a bridge span so there will be no inground construction, which would have a greater chance of impacting root system of the tree. The bridge will be constructed on piers. Attorney Cassella noted that the aesthetics of this historic house is important to the owners and they wish to remain consistent with nature of Essex village. E Cassella stated that the CT River Gateway Commission provided a letter of non-opposition and he stated that this project will also be required to go to site plan review with the Essex Planning and Zoning Commission.

H Proctor noted that the connection (bridge) will have one or two piers and it will be hung off of the adjacent walls on either side.

Attorney Rutkowska suggested that If the Board is inclined to grant to a variance, note that the applicant has expressed an intention to abandon the previously granted 2014 variance #13-30.

W Feirer asked if there was anyone who wished to speak in favor or in opposition to this application.

Property owner at 20 Main Street, stated that this proposal would impact their property and noted that they feel comfortable moving forward with the construction; they are in favor of this proposal.

David Dick stated that he shared this proposal with the neighbors who abut his property on either side and all were in favor.

One letter submitted by the CT River Gateway Commission on behalf of this application stating no opposition to this proposal.

MOTION made by S Feaster to close the Public Hearing at 7:33 p.m. for **Application No. 22-04** on behalf of David Dick and MaryAlice Godfrey, **22 Main Street, Essex**, CT, Assessor's Map 27 Lot 67, EV District, requesting variances to Sections 40C, 40D, 40E, 40I.1 and 70B for a 449 sq ft expansion of an existing single-family house to be located 4 ft off the property line and 3 ft 6 inches from the existing chimney to the property line where 5 feet is required and a total lot coverage of 36.5% where 25% is allowed; **SECONDED** by B Sarrantonio; **IN FAVOR:** B Sarrantonio, W Feirer, P Schaller, S Feaster, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

3. Regular Meeting

- **Application No. 22-04** on behalf of David Dick and MaryAlice Godfrey, **22 Main Street, Essex**, CT, Assessor's Map 27 Lot 67, EV District.

It was noted that this proposal makes sense insofar as to protection of this unique champion tree. The coverage issue is minor, and the proposal is reasonable. This nonconforming property predates zoning and will preserve a champion tree in Connecticut. Additionally the uniqueness of the property and minimum nature of the incursion are favorable for the granting of a variance.

MOTION made by W Feirer to approve a permit for **Application No. 22-04** on behalf of David Dick and MaryAlice Godfrey, **22 Main Street, Essex**, CT, Assessor's Map 27 Lot 67, EV District, requesting variances to Sections 40C, 40D, 40E, 40I.1 and 70B for a 449 sq ft expansion of an existing single-family house to be located 4 ft off the property line and 3 ft 6 inches from the

existing chimney to the property line where 5 feet is required and a total lot coverage of 36.5% where 25% is allowed; The hardship associated with this application is related to the uniqueness of the property and the minimum nature of the incursion. The coverage issue is minor and the proposal is reasonable. This nonconforming property predates zoning and this proposal will preserve a champion tree situated in the state of Connecticut. This variance is granted with the understanding that the owner intends to abandon the previously issued 2014 variance #13-30. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** B Sarrantonio, W Feirer, P Schaller, R Rybak; **OPPOSED:** S Feaster; **ABSTAINING:** None; **MOTION CARRIED 4-1-0. Discussion:** No further discussion.

4. Old Business

Approval of Minutes – April 19, 2022

MOTION made by W Feirer to approve the April 19, 2022 Minutes with amendments; 1) page 2, 2nd paragraph, is written in first person and should be written in third person; 2) page 2, a reference to the nonconformities will be clarified by the ZEO; 3) page 3, the sentence that begins with the motion made by Beckman, to read, *“the proposal is in line with the plan of conservation and development”*; **SECONDED** by B Sarrantonio **IN FAVOR:** B Sarrantonio, W Feirer, P Schaller, S Feaster, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

5. New Business

There was no new business.

6. Correspondence

There was no correspondence and there were no invoices.

7. Adjournment

MOTION made by W Feirer to adjourn the meeting at 7:43 pm to the next regularly scheduled meeting which will be held on Tuesday, June 21, 2022 at 7:00 p.m., at the Essex Town Hall, in Meeting Room A, and accessible via online. Refer to Town of Essex website for the Zoom link and related information; **SECONDED** by R Rybak; **IN FAVOR:** B Sarrantonio, W Feirer, P Schaller, S Feaster, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

Respectfully submitted,
Stella A Caione