

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

Paul Greenberg, Chair
Michael Noto, Vice Chair

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members

Al Daddona
W. T. Furgueson
William Veillette

Alternate Members

Ward Feirer
Barbara Sarrantonio
Peter Decker

Unapproved

Minutes

November 17, 2015 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, November 17, 2015 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P Greenberg, Chair, M. Noto, W. Veillette, W. T. Furgueson, Alternate members, W. Feirer and B. Sarrantonio.

Staff:

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

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

- **Application No. 15-22** on behalf of Ken Conforto, 6 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 2, VR District, requesting variances to sections 40D and 40I.1 and 60B of the Essex zoning regulations to allow a pergola to be located to a point 6.5 feet from a side property line where 25 feet is required.

Seated for this proposal this evening were P. Greenberg, M. Noto, W. T. Furgueson, W. Veillette, W. Feirer.

This is an application to approve a permit for the construction of a pergola and a patio. The pergola is seven feet from the side property line to the west and thirty feet from the east side. The width of the property is fifty five feet where the pergola is located, leaving no buildable area. The pergola is a structure that is exempt from building coverage as there is not a roof. This application is for the side yard setback only.

Ken Conforto property owner stated that he started the process of constructing the pergola without obtaining the necessary permits required for this project. K. Conforto indicated that he contacted the land use office and he was informed that a building permit was not required for this project, however he did not realize that a variance would be necessary in order to place the pergola in the selected location. K. Conforto ceased the construction and made application to the ZBA for consideration of this proposal. K. Conforto stated that the distance of the pergola is 8' to the abutting neighbor on Maple Ave. This proposal will include a lattice placement on top of the pergola. The hardship associated with this proposal is that due to the configuration of the lot, this is the only location on which the pergola can be situated. The house was built in 1852 which predates the zoning regulations.

M. Noto stated that per the zoning enforcement officer's memorandum, the property is fairly narrow

and anything done to the property would fall within the setback.

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

Charles Doane, 89 North Main Street stated that he is the abutting property owner and he has no objection to this project.

P. Greenberg closed the public hearing at 7:10 p.m.

- **Application 15-23** on behalf of Richard Langdon, 4 Cross Street, Essex, CT, Assessor's Map 47, Lot 19, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B to replace an existing detached garage that is 3 feet and 2 inches from a side property line where 25 feet is required.

Seated for this proposal this evening were P. Greenberg, M. Noto, W. T. Fergusson, W. Veillette, B. Sarrantonio.

This is an application to replace the existing garage with a new building to be situated in the same location and with the same dimensions. The existing garage is just over three feet from a side property line where twenty five feet is required, and eighteen feet from a front property line where thirty feet is required. The existing building coverage is 24.7% where 10% is the maximum allowed. The applicant will not be expanding the coverage.

Richard Langdon presented. The existing garage accommodates a 1.5 car space and there is a room in the rear of the garage which is currently used for storage. R. Langdon stated that he proposes to rebuild in the same location, adding a bathroom, a closet and a stairway to the second floor which will be utilized for storage. The existing storage room will be utilized as a bedroom. R. Langdon stated that he needs to create a fire wall on the rear wall of this structure in order to comply with energy efficient standards and he indicated that he is changing the cupola and the windows on this structure, however the height will remain the same. The hardship associated with this proposal is that anything done on this property is nonconforming due to the location of the existing garage. A variance is not required for the internal changes.

W. T. Fergusson noted that R. Langdon presented a similar proposal to the Board several years ago in which he requested a variance for the construction of an apartment in the same location. W. T. Fergusson questioned if the installation of lighting, plumbing and a bathroom were part of this proposal

R. Langdon stated that he does not intend to create an apartment. The existing 563 square footage footprint will remain the same.

There was no further comment from the Board.

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

Frank Masek, 19 Main, Essex, commented on the lack of hardship associated with this proposal. F. Masek referenced a five page document that R. Langdon distributed to the Commissioners entitled "Hardships and Background Carriage House, 4 Cross Street, Village of Essex Proposal". More specifically, F. Masek referenced page 4 in which R. Langdon states that there is a garage on the property owned by F. Masek, however there is no garage on the property located at 19 Main Street. F. Masek referenced page 1 of this document in which R. Langdon insinuates that the Board is biased and inconsistent in their decision making. F. Masek stated that his objection to this proposal is the height of the building.

Jacqueline Wolfe, Essex stated that she owns property under B&G Realty situated at 21 and 23 Main Street. J. Wolfe stated her objection to this proposal indicating that the existing structure that is the subject of this proposal was never a carriage house, it was a garage with storage and she expressed concern that the applicant will take many years of working on the weekend to complete this project, which she stated is disruptive to the businesses and an inconvenience to the neighbors. J. Wolfe expressed concern that at some point the applicant will utilize this space as an apartment for income.

John Henry, Pratt Street stated his objection to this proposal noting that the term carriage house suggests a dwelling unit. The installation of the proposed stairway insinuates additional occupancy. J. Henry states that he further objects to the additional burden of parking that this proposal places on Pratt Street and Main Street.

The land use office received a voicemail from Terry O'Malley, 22 Pratt Street stating a strong objection to this proposal.

There were no letters submitted related to this application.

P. Greenberg closed the public hearing at 7:30 p.m.

- **Application 15-24** on behalf of Andrea Griffis, 49 West Avenue, Essex, CT, Assessor's Map 32, Lot 6, VR District, requesting variances to sections 40C, 40D, 40I.1, and 60B to locate an accessory structure that is less than 15 feet in height to a point 2 feet from a rear property line where 5 feet is required, and 4 feet from a side property line where 5 feet is required. Also, to increase the lot coverage to 13.9% where 10 is the maximum allowed.

Seated for this proposal this evening were P. Greenberg, M. Noto, W. T. Furgueson, W. Veillette, W. Feirer.

This is an application to allow a 14' x 18' accessory structure to be located up to four feet from the east side property line where five feet is required. Also, to allow it to be two feet from the rear line where five feet is required. The proposed height is compliant. Also, the current building coverage is 12.2% and this proposal looks to increase the coverage to 13.9% where 10% is the maximum coverage allowed.

A Griffis distributed a picture of the footprint of the property. A. Griffis stated that she came before the Board on July 15, 2014 with a proposal to construct a garage at 14' x 22' and 15' in height to the roof peak with cupola for a total max height of 19 feet and the purpose of the garage was to be for storage of bikes, kayaks, boat and winter storage of small Fiat that was in-process of restoration. A. Griffis is before the Board this evening with a modification of the July 15, 2015 approval and she noted that that garage proposal was actually larger. A. Griffis stated that the helical piers have been sunk. However it is too expensive to complete the previous proposal.

A Griffis stated that in the new proposal, the garage will remain at 15' in height, however she proposes to modify the footprint to 18' x 14' and change the configuration to be perpendicular to the property. The goal remains to protect the Maple tree which is situated on the abutting property owned by Stuart Schenk. The proposed garage is built by the Amish and assembled in one week, on site, on a 4" thick concrete pad with rebar. The garage entrance will face the road and perpendicular to the drive.

M. Wells clarified that the applicant is requesting that the Board terminate the previously granted variance and requests that the Board issue a new variance for the proposal before them this evening. The Board previously granted a variance for lot coverage with the hardship conditioned on the change in the zoning laws and the minimization of impact on the property.

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

There was no public comment.

P. Greenberg closed the public hearing at 7:45pm

MOTION to re-open the public hearing to, **Application 15-23** on behalf of Richard Langdon, 4 Cross Street, Essex, CT, Assessor's Map 47, Lot 19, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B to replace an existing detached garage that is 3 feet and 2 inches from a side property line where 25 feet is required. The variance approved in accordance with the plans submitted; **MADE** by B. Sarrantonio; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, W. T. Furgueson, W. Veillette, B. Sarrantonio; **OPPOSED:** M. Noto; **ABSTAINING:** None; **MOTION CARRIED:** 4-1-0.

B Sarrantonio stated that the applicant previously indicated that the height has not changed and looking at photos, the new proposal with the cupola appears to be higher.

M. Wells stated that the cupola does not count in height coverage.

J. Wolf stated that the applicant is proposing the installation of a basement and questioned if the basement will change the configuration of the land.

M. Wells stated that the location of the basement in conjunction with the length of distance to the septic system, leaching fields, etc., is within the purview of the Health Department.

There was no further public comment.

P. Greenberg closed the public hearing at 7:50 p.m.

REGULAR MEETING

Application No. 15-22 on behalf of Ken Conforto, 6 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 2, VR District, requesting variances to sections 40D and 40I.1 and 60B of the Essex zoning regulations to allow a pergola to be located to a point 6.5 feet from a side property line where 25 feet is required.

MOTION to grant a variance to, **Application No. 15-22** on behalf of Ken Conforto, 6 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 2, VR District, requesting variances to sections 40D and 40I.1 and 60B of the Essex zoning regulations to allow a pergola to be located to a point 6.5 feet from a side property line where 25 feet is required. The hardship is the configuration of the narrow lot, the house predates zoning and anything built on this property will be in violation of the setback. The variance approved in accordance with the plans submitted; **MADE** by W. T. Furguson; **SECONDED** by M. Noto; **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, W. Veillette, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 15-23 on behalf of Richard Langdon, 4 Cross Street, Essex, CT, Assessor's Map 47, Lot 19, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B to replace an existing detached garage that is 3 feet and 2 inches from a side property line where 25 feet is required.

W. T. Furgueson stated that anything you put on this property will violate a setback and the applicant proposes to take down a dilapidated structure and replace within the same footprint, and keep it at the same height.

W. Veillette, stated that the concern expressed this evening by the audience was over the eventual expansion of this structure into an apartment and he noted that the zoning enforcement officer will follow up with the periodic review the property.

B. Sarrantonio stated that issues that are related to the septic is within the purview of the health department and issues related to the use is within the purview of the enforcement officer. The hardship associated with this application is that the existing building is deteriorating, there is no proposed increase to the size or the setback, and the applicant is not creating any new violation that does not already exist. B. Sarrantonio stated that the applicant expressed criticism of the ZBA and she noted that the Board is comprised of all volunteers, there is nothing to gain, and that there is no in-crowd.

W.T. Furgueson stated that the neighbors have expressed that they would like completion of this project in a timely manner.

M. Wells stated for the record that carriage house is defined as a building for carriages and tack for horses and it does not connote a residence.

MOTION to grant a variance to, **Application 15-23** on behalf of Richard Langdon, 4 Cross Street, Essex, CT, Assessor's Map 47, Lot 19, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B to replace an existing detached garage that is 3 feet and 2 inches from a side property line where 25 feet is required. This proposal stays within the existing footprint, the building will be brought up to code and there will be no kitchen cooking facility. This carriage house will never be converted as a dwelling unit or a rental property. The hardship is the size of the lot which predates zoning. Additionally, the building is in a state that cannot be repaired and must be replaced in order to keep the same square footage that has existed on that property for many years, and also to meet the building codes. The variance approved in accordance with the plans submitted; **MADE** by W. T. Furgueson; **SECONDED** by M. Noto **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, W. Veillette, B. Sarrantonio **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Application 15-24 on behalf of Andrea Griffis, 49 West Avenue, Essex, CT, Assessor's Map 32, Lot 6, VR District, requesting variances to sections 40C, 40D, 40I.1, and 60B to locate an accessory structure that is less than 15 feet in height to a point 2 feet from a rear property line where 5 feet is required, and 4 feet from a side property line where 5 feet is required. Also, to increase the lot coverage to 13.9% where 10 is the maximum allowed.

MOTION to grant a variance to, **Application 15-24** on behalf of Andrea Griffis, 49 West Avenue, Essex, CT, Assessor's Map 32, Lot 6, VR District, requesting variances to sections 40C, 40D, 40I.1, and 60B to locate an accessory structure that is less than 15 feet in height to a point 2 feet from a rear property line where 5 feet is required, and 4 feet from a side property line where 5 feet is required. Also, to increase the lot coverage to 13.9% where 10 is the maximum allowed. This proposal is approved with the condition that the previously approved variance of July 2014 is to be terminated at the request of the property owner. The hardship is related to the nature of the property which predates zoning and the fact that there is no other location on which to place the garage. The variance approved in accordance with the plans submitted; **MADE** by M. Noto; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, W. Veillette, W. Feirer.; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Correspondence and Invoices

There was no correspondence and there were no invoices.

Approval of Minutes – October 20, 2015

MOTION to approve the October 20, 2015 Minutes with the following amendments: 1. M. Noto was at the meeting; 2. Page 6; “The removal of the three existing tanks with a total capacity of 18,000 gallons, with the installation of two tanks with a total capacity of 40,000 gallons”; 3. Page 2: “K. Bombaci stated that the station was *purchased* in late 50’s”; **MADE** by W. Feirer.; **SECONDED** by M. Noto; **IN FAVOR:** P. Greenberg, M. Noto, W. T. Furgueson, W. Veillette, W. Feirer.; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Adjournment

MOTION to adjourn the meeting at 8:05p.m. to the next regularly scheduled meeting to be held on Tuesday, December 15, 2015 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by M. Noto; **SECONDED** by W. Veillette; **IN FAVOR:** W. Veillette, W. T. Furgueson, P. Greenberg, M. Noto, W. Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary