



TOWN OF ESSEX
Zoning Board of Appeals

29 West Avenue • Essex, Connecticut 06426
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Executive Board

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

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Barbara Sarrantonio

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

MINUTES

September 18, 2018 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, September 18, 2018 at 7:00 p.m. in Room B of the Essex Town Hall. Present and seated for the meeting were P Greenberg, B Sarrantonio, W Feirer, 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 18-17** on behalf of Matthew and Marta Collins, 17 Dickinson Lane, Essex, CT, Assessor's Map 31, Lot 12, VR District requesting variances to sections 40C, 40D, 40E, 40I.1, 40N, 40Q, 50D,, 60B and 101D of the zoning regulations to locate a new single family dwelling to a point 2 feet from the south property line, 10 feet from the west property line and 10 feet, 4 inches from the north property line all where 25 feet is required. Also, to allow the new house to come to 17.7% building coverage when 10% is the maximum building coverage allowed. Also, to allow a swimming pool to a point 4.5 feet from the south property line where 20 feet is required. Also, to locate a patio 71 feet from the south property line where 10 feet is required. Also, to allow various improvements to be made within the Gateway Buffer Zone.

The subject property is an interior lot and is on the shoreline of North Cove. A single family dwelling is located on the property along with a detached garage. The existing house is on an upper level of ground. The garage is on a lower level of ground. The property is .27 acre in size. This application requests removal of the existing structures and to redevelop the property. A new, slightly larger home

is proposed with a patio area. Retaining walls will fortify the new construction. A swimming pool will replace the detached garage

Joe Wren P.E., Indigo Land Design who presented on behalf of the applicant distributed perspective of the subject property from Google street view and aerial maps from the GIS. The existing house will be demolished. There is an existing one-story garage situated at southeast corner of the property which will be demolished with a pool installed in the same location. The paved area on the property will be removed. The existing house is over the property line on the very south corner by 8-9". The southwest corner the existing house comes within 2.5 feet of the west property line. This proposal places the closest point from the west property line at 10 feet.

The stated hardship associated with this application is that the subject parcel has a lot area of 11,750 s.f. and is an existing nonconforming lot of record since the lot area provided is less than 60,000 s.f. required in the zoning district. The lot area provided is 19.6% of the lot area required. The property has no frontage along a Town road and therefore all property lines are considered side property lines. Due to the size of the lot and the 25' side yard setback required in the zoning district, approximately 86% of the property is consumed by side yard setbacks. Also, the property is located in the Gateway Conservation Zone and abuts the CT River. Due to the restrictive side yard setbacks and the 50' CT River Setback, a total of approximately 92% of the property is consumed by restrictive setbacks.

This plan reduces a nonconformity and there is no new nonconformity, and no nonconformity that is worsened with this proposal. The setbacks on the south and west property lines are reduced.

A previous variance was granted in August 1988 on the basis that the improvements were aesthetically pleasing, more in harmony with the neighborhood and encroachments were no further than the existing footprint. J Wren noted that this application is very similar but adds several reductions of existing nonconformities as well.

Brooke Girty who is the project architect on behalf of this proposal stated that the proposed house is smaller in square footage.

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 were three letters submitted into the record:

- CT River Gateway Commission states no objection to the application noting a net reduction of visual bulk at the site associated with this proposal. Gateway further suggests implementation of landscaping on the water side of the house, and in the area of the patio and the pool so as to soften the view from the CT River.
- Charles and Cathy Hill, 7 Dickinson Lane supporting the application.
- Cathy Jenkins, 17 Dickinson Lane, Essex, in support of this application.

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

- Doug Seaver, 8 Dickinson Lane spoke in support of this proposal.

- Ann Bardenheier , 13 Dickinson Lane spoke in support of this proposal.

There was no further public comment.

P Greenberg closed the Public Hearing at 7:50 pm.

- **Application 18-8** A Coastal Area Management application on behalf of Matthew and Marta Collins, 17 Dickinson Lane, Essex.

This is an application that is in conjunction with the proposed single family dwelling at 17 Dickinson Lane related to Application #18-17. The proposed dwelling is within 100 feet of tidal wetlands which subjects the proposal to CAM application and approval. It was noted that the DEEP has not yet responded to this Petition and the Board postponed decision on the CAM application until such time that the DEEP responds.

- **Application 18-19** on behalf of the Griswold Inn, LLC, 38 Main Street, Essex, CT, Assessor's Map 47, Lot 29, EV District, requesting a variance to section 40N of the zoning regulations to locate a patio area to a point 5.5 feet from the east property line, 35 feet from the south property line and up to the front property line, all where 10 feet is required.

Paul Riggio, Riggio & Sons Construction who presented on behalf of this proposal distributed a timeline associated with this application. P Riggio stated that he was notified 6 months after approval was granted by the ZEO that they needed to apply for special exception and variance.

Timeline submitted by P Riggio:

9-18-18

Request to construct a terrace within 10' of a property line at the Hayden House, 38 Main Street, Essex. This property is owned by the Griswold Inn LLC.

What happened when:

"On 1-10-18 we made an application for the Building permit with a full site plan showing the blue stone terrace.

"On 1-10-18 we made an application for the B-100 septic review with a full site plan showing the blue stone terrace.

"On 1-12-18 we received our approved building permit.

"On 5-29-18 we made an application for a street cutting with a full site plan showing the blue stone terrace.

“On 6-19-18 we made an application for a Town Right of Way Encroachment Request with a full site plan showing the blue stone terrace.

On 7-2-18 we had a visit from Joe Budrow letting us know that we needed to make an application for construction of a terrace within 10’ of a property line. This is the first time that this regulation was brought to my attention. At that point in time we had the entire yard excavated and the base and topsoil installed for the terrace. I explained to Joe Budrow, that my client had wedding and function obligations and that we had to move forward with the construction to meet those function contract dates. I assured Joe Budrow that we would make our application to ZBA before the fall of 2018.

My working relationship with the land use department is paramount to me. I wish this issue had been brought to our attention during the initial application on 1-10-18.

Respectfully submitted
Paul Riggio, Richard Riggio & Sons
90 Pond Meadow Road
Ivoryton, CT 06442

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 one letter submitted:

- Brenda Floyd, Teal Lane submitted a letter in support of this proposal.

P Greenberg closed the Public Hearing at 8:06 pm.

2. REGULAR MEETING

- **Application 18-17** on behalf of Matthew and Marta Collins, 17 Dickinson Lane, Essex, CT, Assessor’s Map 31, Lot 12.

Discussion: It was noted that this proposal presents a vast improvement and reflects incredible care and professionalism, great communication with the neighbors and it was stated that the applicant is improving the nonconformities. This is a very unusual lot with very limited buildable area and members agreed that there are no issues associated with the approval of this application.

MOTION made by P Beckman to approve **Application 18-17** on behalf of Matthew and Marta Collins, 17 Dickinson Lane, Essex, CT, Assessor’s Map 31, Lot 12, VR District requesting variances to sections

40C, 40D, 40E, 40I.1, 40N, 40Q, 50D,, 60B and 101D of the zoning regulations to locate a new single family dwelling to a point 2 feet from the south property line, 10 feet from the west property line and 10 feet, 4 inches from the north property line all where 25 feet is required. Also, to allow the new house to come to 17.7% building coverage when 10% is the maximum building coverage allowed. Also, to allow a swimming pool to a point 4.5 feet from the south property line where 20 feet is required. Also, to locate a patio 71 feet from the south property line where 10 feet is required. Also, to allow various improvements to be made within the Gateway Buffer Zone. The hardship associated with the application is lot size which predates zoning and the setbacks which make the lot unusable. The Board recognizes that the homeowner, the architect and the engineer have reduced the existing nonconformities. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** P Greenberg, B Sarrantonio, W Feirer, G Wendell, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- **Application 18-19** on behalf of the Griswold Inn, LLC, 38 Main Street, Essex, CT, Assessor's Map 47, Lot 29.

Discussion: It was noted that the hardship associated with this proposal is that this is an undersized lot and the construction of a patio maximizes the lot.

MOTION made by W Feirer to approve a Variance for **Application 18-19** on behalf of the Griswold Inn, LLC, 38 Main Street, Essex, CT, Assessor's Map 47, Lot 29, EV District, requesting a variance to section 40N of the zoning regulations to locate a patio area to a point 5.5 feet from the east property line, 35 feet from the south property line and up to the front property line, all where 10 feet is required. The hardship associated with this proposal is the size of the lot, noting that this plan is consistent with the rest of the village area. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** P Greenberg, B Sarrantonio, W Feirer, G Wendell, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

3. NEW BUSINESS

No new business.

4. OLD BUSINESS

- Approval of the July 17, 2018 Minutes

MOTION made by W Feirer to approve the July 17, 2018 meeting Minutes as presented; **SECONDED** by P Beckman; **IN FAVOR:** P Greenberg, B Sarrantonio, G Wendell, P Beckman, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

5. CORRESPONDENCE AND INVOICES

There was no correspondence or submission of invoices.

6. ADJOURNMENT

MOTION made by P Beckman to adjourn the meeting at 8:15 p.m.to the next regularly scheduled meeting which will be held on Tuesday, October 16, 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, B Sarrantonio, G Wendell, P Beckman, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Stella C Beaudoin
Recording Secretary