

TOWN OF ESSEX
Zoning Board of Appeals

Executive Board

*Paul Greenberg, Chair
Vacancy, Vice Chair*

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

Regular Members

*Barbara Sarrantonio
W. T. Furgueson
William Veillette*

Alternate Members

*Ward Feirer
Peter Decker
Philip J. Beckman*

Unapproved

**Minutes
May 17, 2016 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, May 17, 2016 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were P. Greenberg Chair, B. Sarrantonio, W. Veillette, W. T. Furgueson, W. Feirer, Alternate and P. Beckman, Alternate who was seated for the meeting.

Staff:

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

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

- **Application No. 16-6** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor Map 47 Lot 7, VR District, requesting amendment to application 03-28, a previously approved variance allowing a detached garage with a condition.

Seated for this proposal were P. Greenberg Chair, B. Sarrantonio, W. Veillette, W. T. Furgueson, and P. Beckman.

Dan and Cindy Wilcox presented. D. Wilcox stated that he is seeking an amendment to the existing variance. In 2004 a Variance was granted for the construction of a post and beam garage on the property with the condition that the second floor be used as storage space only. D. Wilcox stated that he would like to convert the second floor storage space above the garage, a family room. This will not be utilized as an apartment/living space, however D. Wilcox stated that he would like to install a half bath with heat throughout the space.

P. Greenberg stated that as per the previously granted variance, a kitchen will not be allowed.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There were no letters.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:05pm

- **Application 16-7** on behalf of Michael Gates, 1 Northwinds Drive, Ivoryton, CT, Assessor's Map 18, Lot 1-1, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the Essex Zoning Regulations to allow a 24' x 24' detached garage to a point 17 feet from a front property line where 40 feet is required.

Seated for this proposal were P. Greenberg Chair, B. Sarrantonio, W. Veillette, W. T. Furgueson, and P. Beckman.

M. Gates presented on behalf of this application. M. Gates stated that he would like to replace the existing 12' x 16' wood shed and replace it with a 24' x 25' salt box style garage. The driveway on this property slopes dramatically and the existing 2-car garage is deluged with run off. To raise the existing garage would require extensive renovations, installation of irrigation, removal of trees and landscaping. M. Gates stated that he would like to install a drain and construct the proposed garage 17 feet from the front property line. M. Gates stated that the hardship surrounding this application is the topography of the property and the slope. Because this is a corner lot, there is a front setback on two sides of the lot.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There were no letters.

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:15pm

- **Application 16-8** on behalf of William Gunther, 22 Pratt Street, Essex, CT Assessor's Map 47, Lot 107, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex Zoning Regulations to allow a 7' x 8' house addition to a point 10.5 feet from the front property line where 30 feet is required.

Seated for this proposal were P. Greenberg Chair, B. Sarrantonio, W. Veillette, W. T. Furgueson, and P. Beckman.

Peter Jackson, Architect presented on behalf of this application. This is a proposal to abandon an existing use where a garage was converted into a cottage, and to convert this free-standing cottage back into a garage and remove the addition that has been attached to it. Also, to add a stairway to the existing house which is smaller in size than the addition to the garage which is being removed, and will be no closer to the front setback.

The house is compact, and while there is a stairway to second and third floor, the stairway to the second floor outlets directly into the only bedroom on the second floor leaving no way to isolate the second floor bedroom. The style replicates at a smaller scale, the mansard roof of the existing house. The staircase will be architecturally separated and an accessory to the house. The reduction and elimination of nonconformity is a separate basis for granting a variance and as such, demonstration of a hardship is not necessary.

M. Wells stated that his proposal reduces and eliminates nonconformities by eliminating the addition which is nonconforming, and replacing it with a smaller nonconformity which decreases the coverage.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There were no letters:

There were no further questions from the Board.

P. Greenberg closed the Public Hearing at 7:20pm

- **Application 16-9** on behalf of Paige Lescure, 36 Mack Lane, Assessor's Map 50, Lot 13, VR District, requesting variances to sections 40C, 40D, 40I.1, 50C, 60B and 101D of the Essex zoning regulations to allow a 7' x 12' addition to a point 12 feet from a side property line where 25 feet is required. Also, to allow this addition within the Gateway Buffer area. Also, to allow an 18' x 21' detached garage to increase the building lot coverage to 10.4% where 10 is the maximum building coverage allowed.

P. Greenberg recused himself. Seated for this proposal were W. T. Furgueson who chaired for this proposal, W. Veillette, B. Sarrantonio, W. Feirer, W. T. Furgueson, and P. Beckman.

Presenting on behalf of this proposal was P. Lescure and J. Beveridge, Architect. P. Lescure stated that she purchased the property a few years ago. As related to the proposed renovations, it is her intent to preserve the integrity to the house while making it a livable space. There is an internal, steep staircase that is dangerous and not code compliant. This proposal is to create a scissor-style stair tower on the exterior of the house. Also, to construct a bedroom over the living room and to remove a bedroom and make it into closet space. This application also proposes a 1 ½ car garage with storage space. The property is situated in a flood zone and the storage space in the area in which the garage is proposed, is necessary. There is no attic or basement storage space.

J. Beveridge stated that this is the Mariah Hayden house which is one of the oldest homes in-town. The hardship associated with this proposal is that the house and property existed prior to zoning. J. Beveridge stated that the entire project is within the 100-foot setback and he noted that the Essex Inland Wetlands and Watercourse Commission has granted a permit for construction on this application.

P. Lescure stated that when preparing this proposal, consideration was given to the possibility that the flood zone may change in the next 10 years.

W. T. Furgueson asked if anyone wished to speak in favor or in opposition to this application.

Ronald Noe, Architect and neighbor to the public access-way stated that this is a modest proposal and the proposed changes serve to preserve the integrity of the house.

MiMi Merton, 30 Mack Lane, stated that she resides in the house next door to this proposal. M. Merton stated that the applicant has taken measures to preserve the architectural and historical integrity of the house and further, the applicant is seeking a minimal amount of construction. M. Merton stated that she is in favor of this proposal.

Phyllis Greenberg, 26 Mack Lane stated that this proposal will be an asset to the neighborhood and stated that she is in favor.

There was no further public comment.

There were no letters.

There were no further questions from the Board.

W. T. Furgueson closed the Public Hearing at 7:40pm

- **Application 16-10** on behalf of Vincent and Kelly Sadosky, 11 Little Point Street, Essex, CT, Assessor's Map 31, Lot 7, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex Zoning Regulations to locate an addition on a house to a point 1 foot from the side property line where 25 feet is required and to allow an increase in building coverage to 16.5% where 10% is the maximum coverage allowed.

P. Greenberg returned to the meeting. Seated for this proposal were P. Greenberg Chair, B. Sarrantonio, W. Veillette, W. T. Furgueson, and P. Beckman.

The applicant presented a proposal at the March 15, 2016 Zoning Board of Appeals meeting requesting the issuance of a variance to locate an addition on a house to a point one foot from the side property line where 25 feet is required, and to allow an increase in building coverage to 18.5% where 10% is the maximum coverage allowed. At that meeting, the Board informed the applicant that the 18% proposed coverage was quite a bit higher than the Board would accept, noting that the house was built in 1800's, and the lot size is small, and both of those factors create a hardship, however the proposed 18% coverage was not acceptable. V. Sadoski withdrew his proposal and it was suggested by the Board that he consider making adjustments so as to get the design closer to the 15%, and resubmit at a later date.

Terrance Lomme, Esq. presented on behalf of the applicant. T. Lomme stated that the applicant reconfigured the proposal and the coverage is currently 16.5%. The lot is 42 feet wide in front and 48 feet wide in the back, for a total of 9,000 s.f. for the entire lot which presents a hardship along with the configuration of the lot. The existing house has been in place since before 1936 and predates zoning. The applicant would like to add an addition. A portion of the garage will be removed and as a result the coverage will be at 16.5%.

T. Lomme stated that this is the third smallest lot in the neighborhood and there is significant coverage in the neighborhood. The existing footprint of the house is 756 s.f. and the owners would like to update it. The applicant has reduced the size of the addition and placed it in a proposed location that best conforms with the regulations. Size and configuration of the lot, and the fact that the house has existed since before zoning creates the hardship associated with this proposal.

The garage, including the shed is 200 s.f. The existing garage is 10 feet wide with an 8'6" wide door. The setback from the garage will be the same. T. Lomme stated that the applicant would be amenable to the construction of a fire proof wall closest to the neighbor's property.

The applicant is seeking a variance for 16.5% which has been reduced from the 18% previously proposed. Average coverage in the neighborhood is over 19.5% which would make this proposal consistent with the neighborhood. All of the construction is to the rear of the property and the highest point of the addition will be level with the house. The house will be constructed where the existing septic system is located and a new code compliant system has been approved.

P. Greenberg asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There were no letters.

There were no further questions from the Board.

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

REGULAR MEETING

- **Application No. 16-6** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor Map 47 Lot 7, VR District, requesting amendment to application 03-28, a previously approved variance allowing a detached garage

B. Sarrantonio stated that she does not see grounds for a hardship associated with this proposal.

P. Greenberg stated that the concern is having an accessory apartment that can be used as a living space and further, a space that can be rented.

M. Wells suggested that if the Board is inclined to grant a variance, they condition with approval of a rec room with the stipulation that plumbing may not be installed and the space will never be allowed to be accessory apartment, living quarters. The space shall not have any water supply, bathroom or kitchen.

MOTION to grant approval to, **Application No. 16-6** on behalf of Dan Wilcox, 18 Bushnell Street, Essex, CT, Assessor Map 47 Lot 7, VR District, requesting amendment to application 03-28, a previously approved variance allowing a detached garage. This amended variance is approved with the condition that the space above the garage may be used as a family room, however it will never be allowed as an accessory apartment; and a kitchen/kitchenette shall not be added, and shall not have a water supply, bathrooms or kitchen appliances. The Variance is granted in accordance with the plans as submitted; **MADE** by W. T. Furgueson; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, B. Sarrantonio, W. Veillette, W. T. Furgueson, and P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 16-7** on behalf of Michael Gates, 1 Northwinds Drive, Ivoryton, CT, Assessor's Map 18, Lot 1-1, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the Essex Zoning Regulations to allow a 24' x 24' detached garage to a point 17 feet from a front property line where 40 feet is required.

B. Sarrantonio stated the hardship associated with this proposal is the configuration of the property which creates drainage issue and mandates the location as sited, and to install a third bay would make it worse. The property is a corner lot it has two front setbacks which creates a further issue.

MOTION to grant approval to, **Application 16-7** on behalf of Michael Gates, 1 Northwinds Drive, Ivoryton, CT, Assessor's Map 18, Lot 1-1, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the Essex Zoning Regulations to allow a 24' x 24' detached garage to a point 17 feet from a front property line where 40 feet is required. The hardship associated with this proposal is the configuration of the property which creates a drainage issue and mandates the location, as sited on the application. This property is a corner lot with two front setbacks which further creates an issue, and to add a third bay to the existing garage would serve to worsen the current situation. The Variance is granted in accordance with the plans as submitted; **MADE** by B. Sarrantonio; **SECONDED** by W. T. Furgueson ; **IN FAVOR:** P. Greenberg, B. Sarrantonio, W. Veillette, W. T. Furgueson, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 16-8** on behalf of William Gunther, 22 Pratt Street, Essex, CT Assessor's Map 47, Lot 107, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex

Zoning Regulations to allow a 7' x 8' house addition to a point 10.5 feet from the front property line where 30 feet is required.

MOTION to grant approval to, **Application 16-8** on behalf of William Gunther, 22 Pratt Street, Essex, CT Assessor's Map 47, Lot 107, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex Zoning Regulations to allow a 7' x 8' house addition to a point 10.5 feet from the front property line where 30 feet is required. This proposal will reduce and eliminate a nonconforming function and reduce coverage by removing a portion of the building. There is a great reduction in nonconformities relevant to what is being requested. The Variance is granted in accordance with the plans as submitted; **MADE** by W. T. Furgueson; **SECONDED** by W. Veillette; **IN FAVOR:** P. Greenberg, B. Sarrantonio, W. Veillette, W. T. Furgueson, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 16-9** on behalf of Paige Lescure, 36 Mack Lane, Assessor's Map 50, Lot 13, VR District, requesting variances to sections 40C, 40D, 40I.1, 50C, 60B and 101D of the Essex zoning regulations to allow a 7' x 12' addition to a point 12 feet from a side property line where 25 feet is required. Also, to allow this addition within the Gateway Buffer area. Also, to allow an 18' x 21' detached garage to increase the building lot coverage to 10.4% where 10 is the maximum building coverage allowed

W. T. Fugureson stated that he has no issues with this proposal and he noted that the neighbors are in favor of the proposal and the applicant is mindful of the coverage and preserving the integrity of the home. Further, the hardship surrounding this proposal is that the property and the house predates zoning and the proximity to the flood plain. The stairs are a hazard, and the applicant proposes to create a code compliant staircase. The configuration of house on lot predates zoning, the topography of the property and the flood elevation line all contribute to the hardship.

MOTION to grant approval to, **Application 16-9** on behalf of Paige Lescure, 36 Mack Lane, Assessor's Map 50, Lot 13, VR District, requesting variances to sections 40C, 40D, 40I.1, 50C, 60B and 101D of the Essex zoning regulations to allow a 7' x 12' addition to a point 12 feet from a side property line where 25 feet is required. Also, to allow this addition within the Gateway Buffer area. Also, to allow an 18' x 21' detached garage to increase the building lot coverage to 10.4% where 10 is the maximum building coverage allowed. The hardship associated with this proposal is that the house predates zoning, the configuration of the house on this lot, and the proximity to the flood elevation line creates a further hardship. The existing stairs are a hazard and the applicant proposes to create a code compliant staircase. The Variance is granted in accordance with the plans as submitted; **MADE** by W. Veillette; **SECONDED** by B. Sarrantonio; **IN FAVOR:** B. Sarrantonio, W. Veillette, W. Feirer, W. T. Furgueson, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 16-10** on behalf of Vincent and Kelly Sadosky, 11 Little Point Street, Essex, CT, Assessor's Map 31, Lot 7, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the Essex Zoning Regulations to locate an addition on a house to a point 1 foot from the side property line where 25 feet is required and to allow an increase in building coverage to 16.5% where 10% is the maximum coverage allowed.

It was noted that the applicant made amendments to their previous application and the house and lot predate zoning. The coverage sheet outlining the neighboring houses proves that this proposal is in character with the neighborhood. The applicants previously submitted letters from neighbors who supported this proposal.

MOTION to grant approval to **Application 16-10** on behalf of Vincent and Kelly Sadosky, 11 Little Point Street, Essex, CT, Assessor's Map 31, Lot 7, VR District, requesting variances to sections 40D, 40E, 40I.1,

50D and 60B of the Essex Zoning Regulations to locate an addition on a house to a point 1 foot from the side property line where 25 feet is required and to allow an increase in building coverage to 16.5% where 10% is the maximum coverage allowed. The hardship associated with this proposal is that this property is comprised of a tiny, narrow lot with a small house and the applicant has spent considerable effort to minimize a nonconformity as related to the proposal. The Variance is granted in accordance with the plans as submitted; **MADE** by B. Sarrantonio; **SECONDED** by P. Beckman; **IN FAVOR:** P. Greenberg, B. Sarrantonio, W. Veillette, W. T. Furgueson, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Correspondence and Invoices

There was no correspondence and there were no invoices.

NEW BUSINESS:

There was no new business.

Approval of Regular Meeting Minutes – April 19, 2016 and the Special Meeting Minutes of April 26, 2016

MOTION to approve the April 19, 2016 Regular Meeting Minutes as presented; **MADE** by W. Veillette; **SECONDED** by W. T. Furgueson; **IN FAVOR:** P. Greenberg, W. Veillette, W. T. Furgueson, B. Sarrantonio P. Beckman; **OPPOSED:** None; **ABSTAINING:** B. Sarrantonio; **MOTION CARRIED:** 5-0-0.

MOTION to approve the April 26, 2016 Special Meeting Minutes with the following amendments: 1. Remove Michael Wells from list of attendees; 2. The vote on Variance application and the vote on Adjournment to read “**Approved 4/0/0**”; **MADE** by P. Greenberg; **SECONDED** by W. T. Veillette; **IN FAVOR:** P. Greenberg, W. Veillette, W. T. Furgueson, B. Sarrantonio P. Beckman; **OPPOSED:** None; **ABSTAINING:** B. Sarrantonio; **MOTION CARRIED:** 5-0-0.

Other

There was no other business.

Adjournment

MOTION to adjourn the meeting at 8:15p.m. to the next regularly scheduled meeting which will be held on Tuesday, June 21, 2016 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by P. Greenberg; **SECONDED** by P. Beckman; **IN FAVOR:** P. Greenberg, W. Veillette, B. Sarrantonio, W. T. Furgueson, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary