

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
William Veillette*

Alternate Members

*Philip J. Beckman
George Wendell
Richard Rybak*

Unapproved

MINUTES

July 18, 2017 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, July 18, 2017 at 7:00 p.m. in Room B of the Essex Town Hall. Attending Members were Paul Greenberg, W.T. Furgueson, W. Feirer, B Sarrantonio, P Beckman, Alternate and Richard Rybak, Alternate.

Staff:

Stella C. Beaudoin, Recording Clerk
Suzanna McCauley, Esq., Legal Counsel

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

Seated for the meeting were WT Furgueson, W. Feirer, B Sarrantonio, W. Veillette, P Beckman, R Rybak.

Audience members: There were 11 audience members

P Greenberg advised the audience that the recording device was not made available and as such, this evening's meeting will not be recorded.

Attorney McCauley stated that as per the CT General State Statutes, there is a requirement that a recording device be utilized or stenographer to be present when there is evidence to be taken or deliberations to be made on applications insofar as a right to appeal.

P Greenberg provided the audience with the option to postpone to next meeting. There was no public comment.

PUBLIC HEARINGS

- **Application 17-11** on behalf of Douglas Dopp, 6 Dogwood Drive, Centerbrook, CT, Assessor's Map 55, Lot 14, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 10 x 15 foot shed to a point 12-feet from a side property line where 30 feet is required.

W. T. Furgueson recused himself from this proposal

Seated were P Beckman, B Sarrantonio, W Feirer P Greenberg.

Doug Dopp presented on behalf of this application. Mr. Dopp distributed a drawing of his proposal which depicts the location of the shed that is subject to this proposal. D Dopp stated that this shed which he relocated from a property in Deep River has been in place for nine or so months. D Dopp stated that there was an existing shed in place when he purchased the property. D Dopp stated that the newly placed shed which is denoted on his proposal as "new shed" and is the same in size . D. Dopp stated that the hardship associated with this proposal is based on the exorbitant cost to relocate the shed.

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

W. T. Furgueson neighbor of the applicant stated opposition to the location of this shed. W. T. Furgueson stated that the existing shed is too close to the property line and in violation of the setbacks. W. T. Furgueson stated that the cost to relocate the shed is not onerous and does not qualify as hardship and he noted that as a neighbor, he is not looking for an outcropping of numerous buildings on a property.

Dianna Watson, neighbor stated that from her backyard, from her living room, bedroom, kitchen and bathroom, the views are obscured by the presence of these very large sheds situated on Mr. Dopp's property. D. Watson stated her opposition to the presence and location of these sheds.

There was no further public comment.

There were no further questions from the Board.

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

- **Application 17-12** on behalf of Mark Panaroni, 6 Main Street, Ivoryton, CT, Assessor's Map 42, Lot 15, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D, and 60B of the zoning regulations to locate a 10' x 22' deck and stairs to a point 20 feet from the rear property where 30 feet is required and increasing the building coverage from 11.4% to 13.2% where 10% is the maximum building coverage allowed.

W. T. Furgueson returned to the meeting.

Seated for this proposal were P. Greenberg, W. T. Furgueson, W. Feirer, B. Sarrantonio, R Rybak.

Mark Panaroni who presented stated that he would like to replace the existing deck which is on the verge of collapse, with proper and secure footings. M Panaroni stated that so as to optimize space, the width of the deck will be smaller, however the length of the deck will increase. M Panaroni stated that anything done on this property would require a variance based on the size of the property and topography which is the hardship surrounding this proposal. The property also predates zoning. M Panaroni stated that he spoke with his neighbors, Mr. Lewis and Mr. Clark who stated no opposition to this proposal.

P Greenberg stated that the applicant is reducing a non-conformity related to the stairs, however he is increasing 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 further questions from the Board.

P Greenberg closed the Public Hearing at 7:21pm.

- **Application 17-8** on behalf of John and Susan Abbott, 151 River Road, Essex, CT, Assessor's Map 2, Lot 3, RRR District, requesting variances to sections 40C, 40D, 40E, 40J, 40R, 50D and 64B of the Essex zoning regulations to allow the demolition of a house and to replace with a new house that exceeds the maximum height allowed. Also, to allow a portions of a driveway to exceed 12% grade.

Seated for this proposal were P Greenberg, B Sarrantonio, W Feirer, W. T. Furgueson, R Rybak.

Legal counsel to the Board recommended postponement of a vote on this proposal until such time that the ZEO has had an opportunity to review the plans.

Presenting on behalf of this proposal was Doug Vanderhorn, Architect who stated that he initially met with the ZEO to review the design, the lot size and the height issue. D Vanderhorn stated that the goal was to replace the existing house with a similar structure, utilizing the same location, with a walk out from back of structure, which is similar to that of the existing house. The proposed structure is slightly lower in height however the terrace which is attached to the rear of the house makes the height taller than the original structure.

D Vanderhorn stated that the height of the house was initially reduced by 4 feet, and the revised design was approved by the Gateway Commission, however they were concerned with the view and asked for a further reduction in the height of the house. The house was moved down another 3 feet to include the driveway and walk out basement. The terrace was also reconfigured reducing the height by another few feet. The result was that the structure is reduced down 3 feet relative to the overall project, however there is an increase in the pitch of the driveway, and the reconfiguration of the terrace reduced the height by another two feet. D Vanderhorn stated that this design is a total of 9 feet lower from original design. D Vanderhorn stated that the new proposal reduces the nonconformity and removes the front yard setback and he noted that Variances are now needed only for the building height and variance to driveway pitch.

The current proposed height is 42' at the roofline which is a reduction from the original proposal. The ZEO instructed the applicant to try to meet the 30 feet height requirement. D Vanderhorn stated that the hardship is the topography of the property which makes it impossible to meet the height requirement and there is a very small buildable area due to grade, due to wetlands on site and to the amount of ledge on site. D Vanderhorn stated that new plans were provided to the office of the ZEO earlier in the week in which a height reduction from 47 feet to 42 feet has been demonstrated.

W. T. Furgueson questioned the viability of the relocation to the proposed house where the existing grade is lower. D Vanderhorn stated that the location of the septic and the amount of ledge prohibit the relocation.

C Frost noted that there is an existing culvert pipe that comes under River Road which creates a restriction as to the placement of the driveway.

A letter was received from the CT River Gateway Commission stating opposition to the initial visual impacts this proposal represented, however adjusting the grading plan and reducing the height mitigated visual

impact to the lower portion of the structure. Gateway Commission supports the issuance of variance that would mitigate visual impact to the sight. Gateway does not oppose the granting of variance as the new proposal reflects reduction in height. Conditions imposed by the Gateway Commission include the installation of landscaping with mature plantings and the installation of vegetation to obscure view of lower portions of the structure is encouraged.

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

Megan Robertson MLS properties representing clients whose property sits well below this property. M Robertson stated that the clients are pleased with house design, however there is a concern about the placement of the driveway. Their engineer produced a few alternative locations for the driveway. M Robertson stated that there is a significant impact to her client's property related to the proposed location of the driveway, retaining walls and there is a concern regarding the amount of proposed fill in the rear of the property. M Robertson stated that her clients currently enjoy views of the marsh which will be obscured with the construction of this home and she stated that additional effort could be made to decrease impact to environment. Rich Bennet, LS reviewed the plan and came up with alternatives for the driveway. M Robertson stated that Mr. Bennet will present his suggestions at the August 10, 2017 ZBA meeting.

Robert Roux, representing his father's estate for property located at 156 River Road, which is the abutting property. R Roux stated that this proposal will greatly impact the view of the river from the 156 River Road property and he objects to the current roof line in terms of prohibiting the view of the river.

D Vanderhorn stated that he is familiar with the 156 River Road property and Mr. Vanderhorn presented photos of the 156 River Road property which reflects a row of Evergreens in the front of that house, obstructing the view of the river.

Chad Frost, landscape architecture stated that this proposal will maintain the view and he proposed to remove a large Oak tree in order to attain grade, which will open the view from the 156 River Road property. C Frost stated that he is happy to meet with the neighbors and will work to mitigate the obstruction of the view. C Frost stated that Rich Bennet, LS is proposing that the applicant cut through solid ledge in order to attain the driveway relocation. C Frost noted that the hillside which was cut back by CL&P will be re-vegetated.

Robert Roux stated that the line of Pine trees were planted when he was a young man and CL&P did remove those trees, and he noted that he would like to be consulted on what type of species, rate and height of growth are proposed for the plantings on the western elevation.

R Roux stated that the letter penned by his sister, Patience Schermer and presented at this evening's meeting is related to the originally submitted plan, not related to the newly revised plan.

P Greenberg read into the record a letter from Patience Schermer, 7037 S Carr Road, Apple Creek, OH, Executrix to her father's estate for which there is property situated at 156 River Road. P Schermer stated her opposition to this proposal.

W. T. Furgueson asked Mr. Roux what his plan was for the property at 156 River Road. Mr. Roux stated that he has several siblings however no one will be moving into the residence.

C Frost stated that he would be willing to work with Mr. Roux.

P Beckman stated that he would like to see an overlay of the current outline of existing house juxtaposed to the proposed house from street view.

P Greenberg stated that the Board would like to see an overlay reflecting the two rooflines; the existing house and the proposed house, superimposed on each other.

There were no further questions from the Board.

Attorney McCauley requested that the applicant provide a letter granting a continuation to the August 10, 2017 ZBA meeting. The applicants will provide a written continuance.

REGULAR MEETING

Discussion and possible decision on applications:

- **Application 17-11** on behalf of Douglas Dopp, 6 Dogwood Drive, Centerbrook, CT

B Sarrantonio stated that she does not find a hardship with this proposal.

MOTION to deny a variance for **Application 17-11** on behalf of Douglas Dopp, 6 Dogwood Drive, Centerbrook, CT, Assessor's Map 55, Lot 14, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 10 x 15 foot shed to a point 12 feet from a side property line where 30 feet is required; Denied based on lack of demonstrated hardship; **MADE** by P Beckman; **SECONDED** by W Feirer; **IN FAVOR**: Seated were P Beckman, B Sarrantonio, W Feirer P Greenberg; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 4-0-0.

- **Application 17-12** on behalf of Mark Panaroni, 6 Main Street, Ivoryton, CT.

MOTION to approve a variance for **Application 17-12** on behalf of Mark Panaroni, 6 Main Street, Ivoryton, CT, Assessor's Map 42, Lot 15, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D, and 60B of the zoning regulations to locate a 10' x 22' deck and stairs to a point 20 feet from the rear property where 30 feet is required and increasing the building coverage from 11.4% to 13.2% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is that this is a small lot and there is no alternative to the proposed location. The size of the lot, the reduction of a nonconformity improves the overall situation. This proposal is approved in accordance with the plans submitted; **MADE** by B Sarrantonio; **SECONDED** by W T Furgueson; **IN FAVOR**: P. Greenberg, W. T. Furgueson, W. Feirer, B. Sarrantonio, R Rybak; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

3. New Business

There was no new business.

4. Old Business

- Approval of Minutes –Meeting Minutes, June 20, 2017

MOTION to approve the June 20, 2017 Regular Meeting Minutes as presented; **MADE** by R Rybak; **SECONDED** by B Sarrantonio; **IN FAVOR**: P Greenberg, B Sarrantonio, W Feirer, W. T. Furgueson, R Rybak; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED**: 5-0-0.

5. Correspondence and Invoices

There were no invoices and no correspondence.

6. **Public Comment**

There was no further public comment.

7. **Adjournment**

MOTION to adjourn the meeting at 8:33p.m. to the next regularly scheduled meeting which will be held on Tuesday, August 15, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by W Feirer; **SECONDED** by W T Furgueson; **IN FAVOR:** P Greenberg, B Sarrantonio, W Feirer, W. T. Furgueson, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary