

TOWN OF ESSEX
Zoning Board of Appeals

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

Executive Board
Paul Greenberg, Chair
Michael Noto, Vice Chair

Regular Members

Al Daddona
W. T. Furgueson
William Hill
William Veillette

Alternate Members

Ward Feirer

MINUTES
March 18, 2014 – Public Hearing and Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, March 18, 2014 at 7:30 p.m. in Room A of the Essex Town Hall.

Attending Members:

Paul Greenberg
Al Daddona
Michael Noto
W.T. Furgueson
William Veillette

Absent Members:

William Hill
Ward Fierer, Alternate Member

Staff:

Michael Wells, Legal Counsel to the Board

Mr. Greenberg called the meeting to order at 7:30 p.m.

1. Public Hearings

Application 13-31 on behalf of Bradford Perry, Trustee, 27 West Avenue, Essex, CT, Assessor's Map 32, Lot 31, VR District, requesting variances to section 60B of the Essex zoning regulations to decrease the size of a valid nonconforming from 49,346 square feet to 21,030 square feet where 60,000 square feet is the minimum of area required. Also, to allow one existing valid nonconforming accessory structure to be located 6'2" from the proposed rear property line and a second accessory structure to be 5'2" from the proposed rear property line where 30 feet is required. Also, to allow the building coverage to increase from 8.3% to 19.5% where 7.5% is the maximum coverage allowed.

Attorney Dwight Merriam, Robinson & Cole, LLC put forward a lengthy presentation on the connection between eminent domain and self-created hardship in conjunction with this proposal.

Attorney Wells pointed out that there is no contract between the Town of Essex and the property owner and noted that the Town did not vote to take this property by eminent domain. The Town voted to approve the sale but not to exceed \$200,000.

Attorney Merriam stated that this is the opportune time for the Town to purchase this property and he noted that this proposal is consistent with the plan of zoning for the area. Attorney Merriam stated that the practical difficulty and the hardship is found in the acquisition.

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

Audience member stating opposition to the proposed use of the property.

Audience member speaking in opposition to this proposal.

Audience member stating that this proposal will have an adverse effect and a negative impact on the neighborhood.

Patrick Callahan stating strong opposition to this proposal.

Audience member, Oxbow Lane, stating opposition to this proposal.

Audience member speaking in opposition to this proposal.

Attorney Wells summarized the fine points of this application as presented this evening and he noted that it is the applicant's position under the statute is that the hardship is satisfied by the Town wishing to acquire the property. Further, it is the position of the applicant that this proposal is in harmony with the neighborhood by comparing it to other lots in the area in similar size.

Mr. Greenberg closed the public hearing.

Application 13-33 on behalf of Kate Cordsen, 3 South Main Street, Essex, CT, Assessor's Map 47, Lot 87 requesting variances to sections 40N and 40R of the Essex zoning regulations to locate a patio 2' 4" from the side property line where 10 feet is required and to locate a parking space within 5 feet of the side property line.

Bill Fitzgerald presented on behalf of this application. A good deal of the testimony was inaudible.

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

There was no public comment.

Mr. Greenberg closed the public hearing.

2. Regular Meeting/Deliberation

The same members as were seated for the public hearing were seated for the regular meeting.

- **Application 13-31** on behalf of Bradford Perry, Trustee, 27 West Avenue, Essex, CT, Assessor's Map 32, Lot 31, VR District, requesting variances to section 60B of the Essex zoning

regulations to decrease the size of a valid nonconforming from 49,346 square feet to 21,030 square feet where 60,000 square feet is the minimum of area required. Also, to allow one existing valid nonconforming accessory structure to be located 6'2" from the proposed rear property line and a second accessory structure to be 5'2" from the proposed rear property line where 30 feet is required. Also, to allow the building coverage to increase from 8.3% to 19.5% where 7.5% is the maximum coverage allowed.

Mr. Daddona stated that there is no hardship associated with this application.

Mr. Noto stated that a good argument was presented by the applicant. Mr. Noto indicated that he is taking into consideration the valid objections put forward by the audience members. There were many audience members who testified at the February 18, 2014 ZBA meeting and that there was little objection to the purchase but objection to the proposed construction on the property. Mr. Noto stated is support of this application.

MOTION to deny a variance to **Application 13-31** on behalf of Bradford Perry, Trustee, 27 West Avenue, Essex, CT, Assessor's Map 32, Lot 31, VR District, requesting variances to section 60B of the Essex zoning regulations to decrease the size of a valid nonconforming from 49,346 square feet to 21,030 square feet where 60,000 square feet is the minimum of area required. Also, to allow one existing valid nonconforming accessory structure to be located 6'2" from the proposed rear property line and a second accessory structure to be 5'2" from the proposed rear property line where 30 feet is required. Also, to allow the building coverage to increase from 8.3% to 19.5% where 7.5% is the maximum coverage allowed. This variance is denied based on a lack of hardship and any hardship was self-created and financial; **MADE** by A. Daddona; **SECONDED** by W. Furgueson; **IN FAVOR:** P. Greenberg, A. Daddona, W. Veillette, W. Furgueson; **OPPOSED:** M. Noto; **ABSTAINING:** None; **MOTION CARRIED:** 4-1-0.

Application 13-33 on behalf of Kate Cordsen, 3 South Main Street, Essex, CT, Assessor's Map 47, Lot 87 requesting variances to sections 40N and 40R of the Essex zoning regulations to locate a patio 2' 4" from the side property line where 10 feet is required and to locate a parking space within 5 feet of the side property line.

MOTION to grant a variance to **Application 13-33** on behalf of Kate Cordsen, 3 South Main Street, Essex, CT, Assessor's Map 47, Lot 87 requesting variances to sections 40N and 40R of the Essex zoning regulations to locate a patio 2' 4" from the side property line where 10 feet is required and to locate a parking space within 5 feet of the side property line. The parking space shall be 8' x 20' since although it was shown on the plan, it did not reflect a specific measurement. This variance is approved in accordance with the plans as amended at this meeting and submitted this evening. **MADE** by A. Daddona; **SECONDED** by W. Furgueson; **IN FAVOR:** P. Greenberg, A. Daddona, M. Noto, W. Veillette, W. Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0 0.

3. New Business – There was no new business.

-Approval of Minutes – Public hearings and regular meeting February 18, 2013

MOTION to approve the February 18, 2014 meeting Minutes as presented; **MADE** by M. Noto; **SECONDED** by A. Daddona; **IN FAVOR:** A. Daddona, M. Noto, P. Greenberg, W. Veillette, W. Furgueson; **OPPOSED:** **ABSTAINING:** None; **MOTION CARRIED:** 5-0 0.

4. Correspondence and Invoices -

Acknowledgement of a receipt on the Finkelday Appeal of an Order received by the Board.

MOTION to schedule the Finkelday matter to the May 22, 2014 meeting; **MADE** by A. Daddona; **SECONDED** by W. Furgueson; **IN FAVOR:** A. Daddona, M. Noto, P. Greenberg, W. Veillette, W. Furgueson; **OPPOSED:** **ABSTAINING:** None; **MOTION CARRIED:** 5-0 0.

There were no invoices

5. Adjournment

MOTION made to adjourn the meeting at 9:30 p.m. to the next regularly scheduled meeting to be held on Tuesday, April 15, 2014 at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by M. Noto; **SECONDED** by A. Daddona; **VOTING IN FAVOR:** P. Greenberg, M. Noto, A. Daddona, W. Veillette, W. Furgueson; **OPPOSED:** **ABSTAINING:** None; **MOTION CARRIED:** 5-0 0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

Transcribed from Audio

The recording begins after the meeting has been called to order.