



TOWN OF ESSEX  
**Zoning Board of Appeals**

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**Executive Board**

*W. T. Furgueson, Chair*  
*B. Sarrantonio, Vice Chair*  
*W. Feirer, Secretary*

**Regular Members**

*Phillip P Schaller*  
*Brian Weinstein*

**Alternate Members**

*Phillip J. Beckman*  
*George Wendell*  
*Richard Rybak*

**Unapproved**

**Minutes**  
**April 19, 2019 – Zoning Board of Appeals**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, April 19, 2019 at 7:00 p.m. in Room B of the Essex Town Hall. Present at the meeting were Barbara Sarrantonio, Ward Feirer, George Wendell, Phillip Schaller, Brian Weinstein

**Staff:**

Campbell Hudson, Esq., Legal Counsel

B Sarrantonio, Vice Chair called the meeting to order at 7:00 p.m.

**1. PUBLIC HEARINGS**

- **Application No. 19-5** on behalf of Bill and Lisa Leonard , 88 River Road, Essex, CT, Assessor's Map 11, Lot 9, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 24' x 35' detached garage to a point 18 feet from the east side property line where 30 feet is required.

Seated for this proposal were Barbara Sarrantonio, Ward Feirer, George Wendell, Phillip Schaller, Brian Weinstein

Bill Leonard who presented on behalf of this application stated this proposal is to add a 24' x 36' detached garage to the property. The garage would be located 18 feet from the east side property line where 36 feet is required. Mr. Leonard explained the property has ledge rock on all sides. The septic system is located in the front of the house. Therefore, the proposed location is the only feasible location on which to situate the garage. B Leonard stated that Ron Carole, neighbor located to the east side had no objection to this application. B Leonard stated that the hardship associated with this proposal is the ledge rock and location of the septic system.

G Wendell noted that the house is located within the setback area and questioned if a variance was approved for the house location.

B Leonard stated he could not find a record of a previously issued variance.

Attorney Hudson explained that if a variance for the house location was not obtained the statute of limitations would apply.

G Wendell asked if the garage could be located further from side setback and B Leonard responded that ledge rock prevents the location of the garage from being further from the side property line.

B Sarrantonio asked if anyone wished to speak in favor or opposition to this application.

There was no further public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed.

- **Application No. 19-6** on behalf of Charles and Heather Hajnal, 79 North Main Street, Essex, CT, Assessor's Map 28, Map 73, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 40I.2, 50D and 60B of the zoning regulations to locate a 12' x 22' detached garage to a point 1 foot from the south side property line where 25 feet is required. Also, to allow a house addition to a point 9 feet from the south side property line where 25 feet is required, and to a point 26 feet from the front property line where 30 feet is required. Also, to allow the building coverage to increase from 15.9% to 23.5% where 10% building coverage is the maximum allowed.

Seated for this proposal were Barbara Sarrantonio, Ward Feirer, George Wendell, Phillip Schaller, Brian Weinstein.

C Hajnal who presented on behalf of this proposal stated that he and his wife Heather Hajnal are requesting that the Board grant two variances. C Hajnal stated that the hardship associated with this proposal revolves around the home which was constructed in 1873, and predates zoning. This parcel is 0.16 acres, and the original owners positioned the small structure at the very front of the property so as to be close to the then dirt road now known as North Main Street. Currently the property is bordered to the north by the property owned by Ms. Aiken, to the east by a Town road, North Main Street, to the south by a Town access road to Hubbard park and ball field, and to the West by the town basketball courts. The property allows no means of expansion to make it compliant with the zoning regulations. C Hajnal stated that he would like to address and resolve some of the hardships of the property in a minimalistic manner and variances are needed in order to construct a small addition. C Hajnal stated that approximately fifteen years ago the property owner requested permission to construct a larger addition which was denied because there was no hardship was presented.

There was a disagreement related to the coverage. C Hajnal believes the total coverage increase would be 19.6% after removing the existing shed.

B Sarrantonio asked if anyone wished to speak in favor or opposition to this application.

There was no further public comment.

Susan Malan, Essex Economic Development Chair spoke in favor of this application

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed.

- **Application No. 19-7** on behalf of the Estate of D. Susan Barron and Joseph Reifer, 31 Prospect Street, Essex, CT, Assessor's Map 31, Lot 30, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate a 16' x 40' detached garage to a point 3 feet from the south side property line where 25 feet is required. Also, to allow the building coverage to increase from an existing 16.1% to 23.4% where 10% is the maximum building coverage allowed.

Seated for this proposal were Barbara Sarrantonio, Ward Feirer, George Wendell, Phillip Schaller, Brian Weinstein

Robert Doane, Civil Engineer who presented stated that a 16' x 40', two-car garage is proposed in the same location that a garage previously existed. Due to the small lot size the garage is limited to one-car wide and this is the only feasible location. T Doane noted that the garage is minimal in size, will have limited visual impact and that most of the homes in the neighborhood have garages.

W. Feirer asked by how much the coverage would be reduced if the garage size was reduced to one car.

R Doane stated this would reduce the coverage increase approximately 2%.

G. Wendell stated the property was created prior to zoning.

Laura ?, the prospective buyer explained that the purchase of this property is contingent on the approval to add a garage to the property, noting that she will construct a garage that conforms to the style of the neighborhood.

B Sarrantonio asked if anyone wished to speak in favor or opposition to this application.

Joan McCann who spoke in opposition to this application stated concern that the size of the garage will further encroach on the style of the neighborhood.

There was no further public comment.

There were two letters received on behalf of this application:

- Joan McCann in opposition of this application.
- F.G.E. Clark in support of this application.

There was no further comment from the Board.

The public hearing closed.

- **Application No. 19-8** on behalf of AIS Properties, LLC, 21 Main Street, Ivoryton, CT, Assessor's Map 42, Lot 30, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a deck to a point 8 feet from the front property line where 30 feet is required.

Seated for this proposal were W. T. Furgueson, B Sarrantonio, W Feirer, P Schaller, G Wendell.

This is a proposal to construct an 8' x 22' front deck to replace small, wood front steps. The deck would be wider than the current steps but no closer to the front property line. Mr. Nucci who presented on behalf of this proposal stated that there is no other area on the property on which to place a deck because of the topography and due to the fact that most of the property is in the Falls River wetlands area, which creates the hardship.

B. Sarrantonio asked if there was a difference between a patio and deck related to the setback.

Attorney Hudson explained any improvement would require a variance.

B Sarrantonio asked if anyone wished to speak in favor or opposition to this application.

There was no further public comment.

There was one letter received on behalf of this application:

There was no further comment from the Board.

The public hearing closed.

## **2. REGULAR MEETING**

**MOTION** made by W Feirer to approve **Application No. 19-5** on behalf of Bill and Lisa Leonard , 88 River Road, Essex, CT, Assessor's Map 11, Lot 9, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 24' x 35' detached garage to a point 18 feet from the east side property line where 30 feet is required. The hardship associated with this proposal involves the topography of the land, the ledge rock and the lack of ability to place the structure anywhere else on the subject property. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** W. Feirer, G. Wendell, B. Sarrantonio, B. Weinstein; **OPPOSED:** P Schaller; **ABSTAINING:** None; **MOTION CARRIED 4-1-0.**

**MOTION** made by B Sarrantonio to approve **Application No. 19-6** on behalf of Charles and Heather Hajnal, 79 North Main Street, Essex, CT, Assessor's Map 28, Map 73, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 40I.2, 50D and 60B of the zoning regulations to locate a 12' x 22' detached garage to a point 1 foot from the south side property line where 25 feet is required. Also, to allow a house addition to a point 9 feet from the south side property line where 25 feet is required, and to a point 26 feet from the front property line where 30 feet is required. Also, to allow the building coverage to increase from 15.9% to 23.5% where 10% building coverage is the maximum allowed. The hardship associated with this proposal involves the size of the lot which predates zoning. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W. Feirer, G. Wendell, B. Sarrantonio, B. Weinstein, P. Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

**MOTION** made by G Wendell to approve **Application No. 19-7** on behalf of the Estate of D. Susan Barron and Joseph Reifer, 31 Prospect Street, Essex, CT, Assessor's Map 31, Lot 30, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate a 16' x 40' detached garage to a point 3 feet from the south side property line where 25 feet is required. Also, to allow the building coverage to increase from an existing 16.1% to 23.4% where 10% is the maximum building coverage allowed. The hardship associated with this proposal involves the topography of the land and the lack of ability to place the structure anywhere else on the subject property. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W. Feirer, G. Wendell, B. Sarrantonio, B. Weinstein; **OPPOSED:** P Schaller; **ABSTAINING:** None; **MOTION CARRIED** 4-1-0.

**MOTION** made by B Sarrantonio to approve **Application No. 19-8** on behalf of AIS Properties, LLC, 21 Main Street, Ivoryton, CT, Assessor's Map 42, Lot 30, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a deck to a point 8 feet from the front property line where 30 feet is required. The hardship associated with this proposal involves the property and the lot size the topography and the proximity to the wetlands. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Weinstein; **IN FAVOR:** W. Feirer, G. Wendell, B. Sarrantonio, B. Weinstein, P. Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

### **3. NEW BUSINESS**

There was no new business.

### **4. OLD BUSINESS**

- **Approval of the March 19, 2018 Minutes**

Tabled.

### **5. CORRESPONDENCE AND INVOICES**

There was no correspondence or submission of invoices.

## 6. ADJOURNMENT

**MOTION** made by B Sarrantonio to adjourn the meeting at 8:33 p.m. to the next regularly scheduled meeting which will be held on Tuesday, May 21, 2019 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Feirer; **IN FAVOR:** W. Feirer, G. Wendell, B. Sarrantonio, B. Weinstein, P. Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Stella C Beaudoin  
Recording Secretary