



TOWN OF ESSEX
Zoning Board of Appeals

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Executive Board

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

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Phillip P Schaller
Brian Weinstein

Alternate Members

Philip J. Beckman
George Wendell
Richard Rybak

Unapproved

Minutes

June 18, 2019 – Zoning Board of Appeals

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, June 18, 2019 at 7:00 p.m. in Room B of the Essex Town Hall. Present at the meeting were W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio, Philip Beckman, George Wendell, Richard Rybak.

Staff:

Michael Wells, Esq., Legal Counsel
Stella Beaudoin, Recording Secretary

W T Furgueson, Chair called the meeting to order at 7:00 p.m.

1. PUBLIC HEARINGS

- **Application No. 19-13** on behalf of Steve and Margaret Farley, 38 Birch Mill Trail, Essex, CT, Assessor's Map 90, Lot 3-36, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a detached barn to a point 5 feet from a side property line where 30 feet is required.

Seated for this proposal were W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio.

Steve Farley who presented on behalf of this proposal stated that he would like to construct a garage in the rear of the property at about 500 feet from the road and noted that this structure will not be visible from the road. The rear property slopes deeply to a 40-foot drop which would require a good deal of fill in order to situate the garage in any other rear yard location. The second floor of the garage will be used for storage purposes only.

Brief discussion ensued on hardship, on the necessity of garage with 4 bays and alternate locations for the structure.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed at 7:21 p.m.

- **Application No. 19-14** on behalf of Craig and Amy Jonsson, 44 River Road, Essex, CT, Assessor's Map 10, Lot 5 requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 12' x 16' shed to a point 9 feet from a front property line and 30 feet from another front property line, each where 40 feet is required.

Seated for this proposal were W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio.

This property is a corner lot at the bottom of Carriage Lane and River Road. The River Road right-of-way is approximately 80 feet wide in this area. In the area of the proposed shed, the right-of-way extends 25 feet from the road edge. The applicant is proposing a 12' x 16' shed within the front setback of each roadway. The shed would come to a point 9 feet from the River Road front property line and 30 feet from the Carriage Lane property line. Each front setback requires 40 feet open. The shed would be 34 feet from the River Road edge.

Craig Jonsson who presented on behalf of this application stated that the proposed location was the only logical location on which to situate the shed based on the placement of the septic and due to the topography of the land. The back side of the property is steep with ledge. The shed design will match the house.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed at 7:25 p.m.

- **Application No. 19-16** on behalf of Lawrence and Kathleen Bolanowski, 18 Little Point Street, Essex, CT, Assessor's Map 31, Lot 14, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate a detached garage to a point one foot from the east side property line where 25 feet is required.

Seated for this proposal were W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio.

John Beveridge, Architect who presented on behalf of the applicant stated this is a proposal for a detached, 14' x 22' garage and J Beveridge stated that the hardship associated with this proposal is the small size of the lot and the location of the septic system. J Beveridge stated that the neighbor supports this proposal and the proposed location will not block the view.

Lawrence Bolanowski stated that he presented to the ZBA two years ago for approval to locate a garage in the front yard of the property, which was denied. L Bolanowski stated that he went to great lengths to revise the design and placement of the proposed garage to a location that will not obstruct views.

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

There was no public comment.

There was one letter received on behalf of this application from Shane Eddy stating no opposition to this proposal.

There was no further comment from the Board.

The public hearing closed at 7:48 p.m.

- **Application No. 19-17** on behalf of Heide Kunzli, 30 Prospect Street, Essex, CT, Assessor's Map 32, Lot 49, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to change the roof pitch of an accessory building that is in a side setback area.

Seated for this proposal were W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio.

John Furness who presented on behalf of this proposal stated that the applicant will remain within the current footprint of the building and there will be no plumbing installed.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed. At 7:50p.m.

- **Application No. 19-18** on behalf of Richard Lennon, 12 Foxboro Road, Essex, CT, Assessor's Map 16, Lot 4, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations for a 26' x 46' addition to an existing detached garage to a point 10 feet, 4 inches from a side property line where 30 feet is required.

Seated for this proposal were W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio.

Joseph Wren, P.E. who presented on behalf of this proposal stated that this project which was presented as application #19-4 at the March 2019 ZBA meeting was withdrawn subsequent to the presentation.

The existing garage can hold four cars and the rear garage which can accommodate 4 cars currently houses lawn equipment. the proposed garage will accommodate another 4 vehicles.

J Wren stated that the hardship associated with this proposal is the physical constraint related to any other location of the property.

J Brian Buckley, Architect who presented on behalf of this proposal stated that this proposal takes an existing nonconformity and expands to minimize the effect on the whole property.

Commissioners noted that there are reasonable alternatives to this proposal.

J Wren stated that he would like to have this proposal continued to the July 16, 2019 ZBA meeting.

REGULAR MEETING

- **Application No. 19-13** on behalf of Steve and Margaret Farley, 38 Birch Mill Trail, Essex, CT, Assessor's Map 90, Lot 3-36, RU District.

Members discussed the hardship associated with this proposal and noted that the Board would prefer if the applicant positioned this structure to create less of an impact.

Attorney Wells stated that If the Board continues the discussion on this proposal the applicant would be provided with opportunity to submit a new application with a new plan.

MOTION made by W T Furgueson to deny **Application No. 19-13** on behalf of Steve and Margaret Farley, 38 Birch Mill Trail, Essex, CT, Assessor's Map 90, Lot 3-36, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a detached barn to a point 5 feet from a side property line where 30 feet is required. Denied based on lack of hardship; **SECONDED** by P Schaller; **IN FAVOR:** W. T. Furgueson, Ward Feirer, Phillip Schaller, Barbara Sarrantonio; **OPPOSED:** Brian Weinstein; **ABSTAINING:** None; **MOTION TO DENY CARRIED 4-1-0.**

- **Application No. 19-14** on behalf of Craig and Amy Jonsson, 44 River Road, Essex, CT, Assessor's Map 10, Lot 5.

It was noted that based on the proximity to right-of-way and contour of the land there is no alternate location on which to place the shed, and the impact will be minimal.

MOTION made by Barbara to approve **Application No. 19-14** on behalf of Craig and Amy Jonsson, 44 River Road, Essex, CT, Assessor's Map 10, Lot 5 requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 12' x 16' shed to a point 9 feet from a front property line and 30 feet from another front property line, each where 40 feet is required. The hardship associated with this proposal surrounds the unusual configuration of the land and the very small lot, and there is no reasonable alternative. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Weinstein; **IN FAVOR:** W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- **Application No. 19-16** on behalf of Lawrence and Kathleen Bolanowski, 18 Little Point Street, Essex, CT, Assessor's Map 31, Lot 14, VR District.

It was noted that this is a reasonable proposal and is in conformity with other homes in the neighborhood.

MOTION made by W Feirer to approve **Application No. 19-16** on behalf of Lawrence and Kathleen Bolanowski, 18 Little Point Street, Essex, CT, Assessor's Map 31, Lot 14, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate a detached garage to a point one foot from the east side property line where 25 feet is required. The hardship associated with this proposal is that this property predates zoning and it is a difficult property on which to find a place to situate the garage. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- **Application No. 19-17** on behalf of Heide Kunzli, 30 Prospect Street, Essex, CT, Assessor's Map 32, Lot 49, VR District.

It was noted that this is a reasonable proposal and this is a fair and reasonable use.

MOTION made by W T Furgueson to approve **Application No. 19-17** on behalf of Heide Kunzli, 30 Prospect Street, Essex, CT, Assessor's Map 32, Lot 49, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to change the roof pitch of an accessory building that is in a side setback area. The hardship associated with this proposal is the preexisting building, there will be no expansion of the footprint and in order to park a car the applicant will change the roof pitch but not expand the building; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

2. NEW BUSINESS

There was no new business.

3. OLD BUSINESS

- Approval of the April 16, 2019 Minutes and May 21, 2019 Minutes.

MOTION made by W Feirer to approve the May 21, 2019 Minutes with the following amendment: 1) Page 2, Application #19-11 “to the north line of the property is the garage which fronts onto *Main Street*”; **SECONDED** by W T Furgueson; **IN FAVOR:** W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

MOTION made by W Feirer to approve the April 19 2019 Minutes with the following amendment: 1) Page 1, second to last paragraph, 6th line to change the directional references; ; **SECONDED** by W T Furgueson; **IN FAVOR:** W. T. Furgueson, Ward Feirer, Phillip Schaller, Brian Weinstein, Barbara Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

4. CORRESPONDENCE AND INVOICES

There was no correspondence or submission of invoices.

5. ADJOURNMENT

MOTION made by W T Furgueson to adjourn the meeting at 9:00 p.m.to the next regularly scheduled meeting which will be held on Tuesday, July 16, 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. T Furgueson, W Feirer, P Schaller, P Beckman R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Stella C Beaudoin
Recording Secretary