



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**

*Philip P. Schaller*  
*Brian Weinstein*

**Alternate Members**

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

**Unapproved**

**Minutes**  
**September 17, 2019 – Zoning Board of Appeals**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, September 17, 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, Phillip Beckman, George Wendell, Richard Rybak, Brian Weinstein.

**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. 19-22** on behalf of John Shimanski, 5 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 10, C District, requesting variances to sections 40E, 40I.1, 50D and 80C of the zoning regulations to allow a 3 foot increase in height to the front facade of an existing building that is 13 feet from the front property line where 30 feet is required. (Decision to be made by October 22<sup>nd</sup>).

W Feirer recused himself from this Hearing

Seated for this proposal were WT Furgueson, P Beckman, G Wendell, P Schaller,

John Shimanski who presented stated that the height increase is around 18 inches. The entire height from the base is three feet. The increase in height is 18". J Shimanski stated that originally he was looking for height increase, however this proposal involves an increase within the setback and does not breach the roof line. There will be a reduction in the nonconformity.

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

Robert Ribane stated that he approves of the sign.

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 7:10 p.m.

- **Application No. 19-23** on behalf of Gary Dayharsh, 57 Main Street, Ivoryton, CT, Assessor's Map 41, Lot 17, RUM District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B and 62B of the zoning regulations to locate a deck to a point 20 feet from a rear property line where 30 feet is required. (Decision to be made by October 22<sup>nd</sup>).

Seated for this proposal were Seated for this proposal were W T Furgueson, W Feirer, P Schaller, R Rybak.

Gary Dayharsh who presented on behalf of this application stated that the former Ivoryton Congregational Church is being converted to a Prive' Swiss Wellness Center and this proposal is to locate a deck 20 feet from the rear property line. Prive' Swiss provides private mental and rehabilitation treatment and services.

There is a handicap ramp proposed and the proposed deck will be about 8 feet above grade. G Dayharsh stated that the building department has required the installation of an elevator in lieu of the handicap ramp. It is only the deck that is within the setback.

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 7:16 p.m.

- **Application No. 19-24** on behalf of Robert Rabine, 63 Main Street, Essex, CT, Assessor's Map 47, Lot 21-1, WF District, requesting variances to sections 40D, 40I.1 and 111A.4 of the zoning regulations to locate a freestanding sign 2 feet from the front property line where 10 feet is required, and within a side setback where 20 feet is required from each property line. (Decision to be made by October 22<sup>nd</sup>)

Seated for this proposal were WT Furgueson, W Feirer, P Schaller, P Beckman.

Robert Rabine who presented on behalf of this proposal stated that the slope to the hillside changed during construction making the initial location insufficient. The bank surrounding the property is steep and a curved stone wall was installed. R Rabine proposes to install a 4' x 7' fiberglass and metal curved sign with a driftwood sign that matches the building which will be lit from the grass line and situated behind the stone wall.

John Williams stated that he looked at the site when considering how best to design the sign and there are no good alternatives. The elevation change is extreme and by incorporating the sign with the stone wall, lends to function and style.

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 7:20 p.m.

- **Application No. 19-25** on behalf of Mallory Ortiz, 14 Chestnut Street, Ivoryton, CT, Assessor's Map 40, Lot 33, VR District, requesting variances to sections 40D, 40I.1 and 60B of the zoning regulations to locate an 8' x 12' shed to a point 5 feet from the south side property line where 25 feet is required. (Decision to be made by October 22<sup>nd</sup>)

The applicant requested a continuance to open this proposal at the October 15, 2019 meeting.

### **REGULAR MEETING**

- **Application No. 19-22** on behalf of John Shimanski, 5 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 10, C District.

**MOTION** made by G Wendell to approve **Application No. 19-22** on behalf of John Shimanski, 5 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 10, C District, requesting variances to sections 40E, 40I.1, 50D and 80C of the zoning regulations to allow a 3 foot increase in height to the front facade of an existing building that is 13 feet from the front property line where 30 feet is required. This proposal presents a reduction of a nonconformity by removal of existing sign and awning. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, P Beckman, G Wendell, P Schaller; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0.

- **Application No. 19-23** on behalf of Gary Dayharsh, 57 Main Street, Ivoryton, CT, Assessor's Map 41, Lot 17, RUM District.

It was noted that the land subject to this proposal is on an uphill incline, the impact on the setback will be minimal and this is a reasonable request.

**MOTION** made by W Feirer to approve **Application No. 19-23** on behalf of Gary Dayharsh, 57 Main Street, Ivoryton, CT, Assessor's Map 41, Lot 17, RUM District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B and 62B of the zoning regulations to locate a deck to a point 20 feet from a rear property line where 30 feet is required. This proposal presents no increase in property lines and the contour. The hardship surrounding this proposal is related to the topography which makes it difficult to place the deck in another location. The deck will be situated over an existing patio; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, W Feirer, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 19-24** on behalf of Robert Rabine, 63 Main Street, Essex, CT, Assessor's Map 47, Lot 21-1, WF District.

Members agreed that the proposed location is the only acceptable placement for the sign and situating the sign in this location will not impact on any site lines.

**MOTION** made by P Beckman to approve **Application No. 19-24** on behalf of Robert Rabine, 63 Main Street, Essex, CT, Assessor's Map 47, Lot 21-1, WF District, requesting variances to sections 40D, 40I.1 and 111 A.4 of the zoning regulations to locate a freestanding sign 2 feet from the front property line where 10 feet is required, and within a side setback where 20 feet is required from each property line. The hardship associated with this proposal is the location of the septic the topography and the narrowness of the drive, and recognizing that there is no site line impact by placing the sign in this location; This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR:** WT Furgueson, W Feirer, P Schaller, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

## 2. **NEW BUSINESS**

The newly formatted zoning regulations will be received by the Zoning Commission on September 16<sup>th</sup>. Copies will get to the ZBA and Planning Commission by their respective October meetings. The first public hearing will be Monday, November 25<sup>th</sup>.

## 3. **OLD BUSINESS**

- Approval of the August 20, 2019 Minutes.

**MOTION** made by W Feirer to approve the August 20, 2019 Minutes with the following amendment: 1) Page 2, 3<sup>rd</sup> paragraph to read: " the town allowed *the existing structure*; 2) *M Wells stated that the existing structure may have been legal*; 3) *The question is there a hardship? Could the new building be placed anywhere else on the property and the answer is yes.*" 4) Remove: "What the law requires and what the law will permit"; **SECONDED** by R Rybak; **IN FAVOR:** W T Furgueson, G Wendell, W Feirer, Phillip Schaller, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Attorney Michael Wells notified the Commission that he is retiring and indicated that this is his last meeting with the ZBA. M Wells stated that he has really enjoyed serving on the Commission.

W T Furgueson stated for the record that Attorney Wells has been a great asset to the ZBA and he would like to recognize the expert work he has done for the Commission. His presence and his knowledge and expertise of land use and zoning laws will be greatly missed.

**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 7:45p.m.to the next regularly scheduled meeting which will be held on Tuesday, October 15, 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, G Wendell, W Feirer, Phillip Schaller, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Stella A Caione  
Recording Secretary