



TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**

*W. T. Furgueson, Chair*  
*W. Feirer, Vice Chair*  
*Philip P. Schaller, Secretary*

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

**Regular Members**

*B. Sarrantonio*  
*Brian Weinstein*

**Alternate Members**

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

**Unapproved**

**Minutes**

**July 21, 2020 – Zoning Board of Appeals**

**1. Call to Order and Seating of Members**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, July 21, 2020 at 7:00 p.m. This meeting was made available to the public via Zoom at <https://us02web.zoom.us/j/81028188043?pwd=OWczUWxNQ1VxRIJqQ2tyUnkzL202UT09;> Meeting ID: 810 2818 8043 Meeting Password: 101493

EZBA Chairman W T Furgueson welcomed everyone to the Essex Zoning Board of Appeals public access meeting which was conducted remotely based on the Governor's suspension of the In-Person Open Meeting Requirements.

The Zoning Board of Appeals members announced themselves. The audio attendees were advised to mute themselves during the meeting except during public comment. Attendees were asked to please identify themselves for the record prior to making any comments.

Commission members present: W T Furgueson, B Sarrantonio, P. Schaller, B Weinstein, R Rybak, G Wendell, and P Beckman.

Staff present: Joseph Budrow, Zoning Enforcement Officer, Stella Caione, Recording Clerk and Sylvia Rutkowska, ZBA Legal Counsel.

Audience: There were seven audience members present.

**2. PUBLIC HEARINGS**

**Application No. 20-14** on behalf of **Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT**, Assessor's Map 73, Lot 2, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to locate a 4' x 11' portico to a point 23 feet from the front property line where a 40 feet is required. Also, to allow the building coverage to increase from 19.2% to 19.68% where 15% maximum building coverage is allowed.

Seated were W T Furgueson, P Beckman, B Weinstein, B Sarrantonio, G Wendell.

The property at 30 Hemlock Drive is a lot that abuts South Cove, facing north. The parcel is flat at the very top but quickly starts a gentle slope to the water. The property is approximately .24 acre in size.

The applicant wishes to add a front portico over an existing concrete step located at the front door. The house, built approx. in 1961, is situated as far from the shoreline as was feasible thus is situated within the front setback area. The added covering also raises the building coverage from 19.2% to 19.68% where 10% is the maximum building coverage allowed.

The project started before it was realized a request for variances was required. Activity has ceased. A variance in the past for the garage work.

C Pious who presented on behalf of this proposal stated that the hardship is that this proposal predates zoning and noted that the portico will provide a safety feature in the form of shelter and protection from the elements.

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

There was no comment from the audience.

There was one letter from the CT River Gateway Commission stating that they would not likely oppose the granting of a variance.

There was no further comment from the Board.

The public hearing closed at 7: 30 pm.

**Application No. 20-15** on behalf of **Charles Robertson, 36 Maple Avenue, Essex, CT**, Assessor's Map 28, Lot 12, VR District, requesting variances to sections 40C, 40D, 50D, 40I.1 and 60B of the zoning regulations to allow a new single family dwelling to a point 14 feet from the south side property line where a 25 feet is required. Also, to allow the building coverage to increase from 10% for the existing house to 13.7% for the new house where 10% maximum building coverage is allowed.

Seated were W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, R Rybak.

The property at 26 Riverview Street is a corner lot and is flat. The property is approximately .64 acre in size and contains a single-family dwelling and a detached garage.

The applicant wishes to remove the existing house and garage. Proposed is a new house with an attached garage. The proposed house would increase the maximum building coverage from the current 10% to a proposed 13.7% where 10% is the maximum building coverage allowed. Also, the proposed house would come to a point 14 feet from the south side property line where 25 feet is required. Currently, the existing garage is 22 feet from this property line.

Robert Doane, P.E., who presented on behalf of the applicant provided an overview of this proposal. The 5-bedroom house is proposed to be 3,800 s.f. and will be situated on a 27,000 s.f. lot.

There were questions related to elevation and grading. Board member stated preferences for pushing back the location of the proposed structure.

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

Donna Foote stated her objection to this proposal.

There were no letters submitted on behalf of this proposal

There was no further comment from the Board.

The public hearing closed at 8:10pm.

- **Application No. 20-16** on behalf of **Retreat on the Pond, LLC, 57 Main Street, Ivoryton, CT**, Assessor's Map 41, Lot 16, RUM District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a building addition to a point 21 feet from the rear property line where 30 feet is required. Also, to allow the building coverage to increase from 14.3% to 15.3% where 15% maximum building coverage is allowed.

Seated were W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, P Beckman.

The property at 57 Main Street in Ivoryton is a lot that abuts Ivoryton Pond, facing north. The parcel is mostly flat with a slight sloping to the water at the east side of the property. The property is approximately 1.03 acres in size and is the site where the Ivoryton Congregational Church used to be. Currently, a Wellness Center is being built out there.

The applicant wishes to add a rear addition to the building due to a building code requirement for an elevator. The proposed location is the most optimum location, per the applicant. The proposed addition comes to a point 21 feet from the rear property line where 30 feet is required. Also, to allow the building coverage to increase from 14.3% to 15.3% where 15% maximum building coverage is allowed.

Gary Darharsh who provided a brief presentation stated that the project started before it was realized that a request for variances was required and activity has ceased. G Dayharsh stated that because of its proximity to the Falls River, a good deal of the original structure was constructed on boulders and only after they began excavation was it realized that the approved location for the elevator could not be utilized for this purpose.

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

Stacy Cutler and Cheryl Cutler who live across the street from this proposal stated that they have not been presented with enough opportunity or notification to review this proposal.

There was no further comment from the Board.

There were no letters submitted on behalf of this proposal.

The public hearing closed at 8:27pm.

### **3. REGULAR MEETING**

- **Application No. 20-14** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 2, RU District.

**MOTION** made by W T Furgueson to approve a Variance for **Application No. 20-14** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 2, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to locate a 4' x 11' portico to a point 23 feet from the front property line where a 40 feet is required. Also, to allow the building coverage to increase from 19.2% to 19.68% where 15% maximum building coverage is allowed. The hardship associated with this proposal is the small size of the lot. This proposal is approved in accordance with the plans as submitted; **SECONDED** by G Wendell; **IN FAVOR:** W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- **Application No. 20-15** on behalf of Charles Robinson, 36 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 12, VR District.

Members agreed that there was not enough information presented related to this proposal, and as such, it is not possible to formulate a decision related to the approval of this application.

**MOTION** made by Rybak to deny without prejudice Variance for **Application No. 20-15** on behalf of **Charles Robertson, 36 Maple Avenue, Essex, CT**, Assessor's Map 28, Lot 12, VR District, requesting variances to sections 40C, 40D, 50D, 40I.1 and 60B of the zoning regulations to allow a new single family dwelling to a point 14 feet from the south side property line where a 25 feet is required. Also, to allow the building coverage to increase from 10% for the existing house to 13.7% for the new house where 10% maximum building coverage is allowed; The application is denied because of a lack of hardship and the proposal is not consistent with the Plan of Conservation and Development; **SECONDED** by B Weinstein; **IN FAVOR:** W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION TO DENY CARRIED 5-0-0.**

- **Application No. 20-16** on behalf of Retreat on the Pond, LLC, 57 Main Street, Ivoryton, CT, Assessor's Map 41, Lot 16, RUM District.

**MOTION** made by B Sarrantonio to approve a Variance for **Application No. 20-16** on behalf of Retreat on the Pond, LLC, 57 Main Street, Ivoryton, CT, Assessor's Map 41, Lot 16, RUM District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a building addition to a point 21 feet from the rear property line where 30 feet is required. Also, to allow the building coverage to increase from 14.3% to 15.3% where 15% maximum building coverage is allowed; The hardship associated with this proposal is the geological impediment. As

related to the issue of physical handicap, there must be more leeway related to ADA requirements. The installation of the elevator is a necessity in view of the lot. This proposal is approved in accordance with the plans submitted; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

#### **4. New Business**

##### **Proposed Zoning Regulation Section 140.**

J Budrow stated that this proposed text amendment would essentially present the Essex IWWC ample opportunity (up to two months) to review a proposal and offer comment to the ZBA prior to said application coming before the Board. B Sarrantonio asked for additional details be enumerated in the verbiage.

#### **5. Old Business**

##### **Approval of Minutes – June 16, 2020.**

**MOTION** made by B Weinstein to approve the May 19, 2020 Minutes with following amendment: 1) Page 2, first sentence of first paragraph to read, “Gregory Gondek presented *on* behalf”; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 4-0-0.**

##### **a. Other**

There was no other business.

#### **6. Correspondence and Invoices**

There was no correspondence and there were no invoices.

#### **7. Adjournment**

**MOTION** made by W T Furgueson to adjourn the meeting at 8:38p.m.to the next regularly scheduled meeting which will be held on Tuesday, August 18, 2020 at 7:00 p.m. location TBD; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 4-0-0.**

Respectfully submitted,

*Stella A. Caione*

Stella A. Caione, Recording Clerk