



TOWN OF ESSEX  
Zoning Board of Appeals

**Executive Board**  
*W. T. Furgueson, Chair*  
*W Feirer, Vice Chair*  
*Philip J Schaller, Secretary*

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**Regular Members**  
*B. Sarrantonio*  
*Philip J Beckman*

**Alternate Members**  
*George Wendell*  
*Richard Rybak*  
*Susan Feaster*

**Unapproved**

**Minutes**  
**November 22, 2022 – Zoning Board of Appeals**

**Call to Order and Seating of Members**

The Essex Zoning Board of Appeals conducted its regularly scheduled meeting on Tuesday, November 22, 2022 at 7:00 p.m. at the Essex Town Hall Auditorium and also public access via online through Zoom. Members in attendance were W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman, S Feaster (via Zoom) and G. Wendell.

Staff present: Carey Duques, Zoning Enforcement Officer, and David Royston, ZBA Legal Counsel.

The members of the Essex Zoning Board of Appeals 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.

**1. Public Hearing**

**Application No. 22-14** on behalf of Cynthia Kasper, 27 North Main Street, Essex, CT, Assessor's Map 31 Lot 19-2-5, VR District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 50D, and 60B for an addition to the existing deck to allow access to a kitchen door that has no access currently, to be located 11 feet from the street/front line where 30 feet is required and a coverage increase of 0.2% to 12.3% where 10% is allowed.

Seated for this application, W T Furgueson, B Sarantonio, W Feirer, P Schaller, and P Beckman.

Cynthia Kasper described the variance request which is an addition to an existing deck to allow access from an existing kitchen door that currently goes nowhere. There is not a landing outside of the existing door and it is an unsafe condition. The proposed extension will be 11 feet from a property line where 30 feet is required. Coverage proposed is 12.3% where 10% is allowed. Existing coverage is 12.1% so the proposed deck would result in an increase of 0.2%.

Carey Duques described that the application had an incorrect zoning district of Rural Residence (RU) due to incorrect information listed on the property card. The correct zoning district is Village Residence (VR). The corrected information does not impact the variance requested. The updated plan submitted reflects the VR zone and the requirements for the zone.

Phil Beckman asked about the responsibility of outside maintenance since the unit is part of a homeowners association. C Kasper said it is the responsibility of the unit owner to maintain the outside of the unit.

C Duques noted that the Gateway Commission reviewed the application and stated in a letter they would not oppose the granting of the variance.

W T Furgueson asked if anyone wished to speak in favor or in opposition of this proposal. There were no comments.

**Motion** by W T Furgueson to close public hearing on **Application No. 22-14** on behalf of Cynthia Kasper, **27 North Main Street, Essex, CT**, Assessor's Map 31 Lot 19-2-5, VR District, requesting variances to Sections 40C, 40D, 40E, 50D, and 60B for an addition to an existing deck to allow access to a kitchen door that has no access currently, to be located 11 feet from the street/front line where 30 feet is required and a coverage increase of 0.2% to 12.3% where 10% is allowed. **Seconded** by W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

**Application No. 22-15** on behalf of Richard and JoAnn Langdon, 4 Cross Street, Essex, CT, Assessor's Map 47 Lot 109, VR District, requesting variances to Sections 40C, 40D, 40E, 40I.1, and 60B for a pergola 16' X 11.25' X 8.3' located 2.7 feet from the side property line where 25 feet is required, and coverage increase of 1.8% to 28% where 10% is allowed.

Seated for this application, W T Furgueson, B Sarantonio, W Feirer, P Schaller, P Beckman.

Richard Langdon presented the variance request and described the proposed pergola, measuring 16 feet by 11 ¼ feet wide with a height 100 inches, or just over 8 feet to be located within the side setback, columns proposed 2.7 feet from a property line where 25 feet is required; Tip of purlins to the property line are proposed to be 8 ½ inches from property line, extending just under 2 feet beyond columns. Coverage is also proposed to increase from the existing 26.2% to 28%. The allowed coverage is 10%.

R Langdon used a model developed to scale to demonstrate that the proposed pergola would not impact the neighbor's view.

W Feirer asked what the hardship is relating to the request for the variance. R Langdon described that there is a narrow buildable area on the lot, which is non-conforming and contains two non-conforming structures.

S Feaster asked if the pergola could be moved farther from the property line. R Langdon said that utilities exist within that area and this was the only location that worked.

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

Thomas Gallucci, 22 Pratt Street expressed concern about the scope and the impact of the pergola to his view.

C Duques noted that the Gateway Commission reviewed the application and stated in a letter they would not oppose the granting of the variance.

W Feirer commented that the proposal was very thorough.

There were no further comments by the Board.

**Motion** T. Furgueson to close public hearing on **Application No. 22-15** on behalf of Richard Langdon, **4 Cross Street, Essex, CT**, Assessor's Map 47 Lot 109, VR District, requesting variances to Sections 40C, 40D, 40E, and 60B for a pergola to have a setback of 2.7 feet where 25 feet is required **Seconded** by P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

**Discussion and possible decision on applications:**

**Application No. 22-14** on behalf of Cynthia Kasper, 27 North Main St, Essex, CT

It was noted that this proposal addresses a safety issue, does not have an impact to abutters, and is a de minimis change in the condition of the structure.

**MOTION** made by W T Furgueson to approve a variance application for **Application No. 22-14** on behalf of Cynthia Kasper, **27 North Main Street, Essex, CT**, Assessor's Map 31 Lot 19-2-5, VR District, requesting variances to Sections 40C, 40D, 40E, 50D, and 60B for an addition to an existing deck to allow access to a kitchen door that has no access currently, to be located 11 feet from the street/front line where 30 feet is required and a coverage increase of 0.2% to 12.3% where 10% is allowed. The hardship associated with this application is based on addressing a safety issue and minimal impact on neighbors; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

**Application No. 22-15** on behalf of Richard and JoAnn Langdon, 4 Cross St, Essex, CT

There was discussion regarding the impact on the neighbor, concern with coverage exceeding the 10% allowed, and lack of a hardship.

**MOTION** made by B Sarrantonio to deny **Application No. 22-15** on behalf of Richard and JoAnn Langdon, 4 Cross Street, Essex, CT, Assessor's Map 47 Lot 109, VR District, requesting variances to Sections 40C, 40D, 40E, 40I.1, and 60B for a pergola 16' X 11.25' X 8.3' located 2.7 feet from the side property line where 25 feet is required, and coverage increase of 1.8% to 28% where 10% is allowed, due to a lack of hardship and adverse impact to the neighbors; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

### **3. Unfinished Business**

Approval of Minutes – October 18, 2022

**MOTION** made by W T Furgueson to approve the October 18, 2022 Minutes with following amendments; 1) Page 1, first paragraph, change their to its; third paragraph strike that W Feirer welcomed everyone to the Essex Board of Appeals meeting; 2) Page 2, fifth paragraph spell out Coastal Jurisdiction Line (CJL); 3) Page 3, paragraph 2, add a comma after 2022 and in the same sentence change their to its. In the same paragraph and second sentence change their to its; 4) Page 4 fifth paragraph, should start C Duques included in her staff report that a prior variance was issued...; same paragraph second sentence should read However, the addition was not constructed. Strike and the proposed changes were different enough to require a new variance request; 5) Page 11, fourth paragraph should state After a brief

discussion, Commissioner determined that this proposal is a minor modification with the reduction of an encroachment; 6) Page 12, second paragraph, to read: "...new first floor single story *addition* 15.8 feet from the side...."; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

**4. New Business** – Discussion occurred regarding the definition of a building and structure. There was also discussion about regulations regarding the validity of a variance after it has been issued, recorded but not built.

**5. Correspondence** – There was no correspondence.

**6. Adjournment**

**MOTION** made by W T Furgueson to adjourn the meeting at 8:17 pm to the next regularly scheduled meeting which will be held on Tuesday, December 20, 2022 at 7:00 p.m., at the Essex Town Hall and accessible via online. Refer to Town of Essex website for the Zoom link and related information; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Respectfully submitted,

Carey Duques, Substitute Recording Clerk and Land Use Official