



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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**Regular Members**

*B. Sarrantonio*  
*Philip J Beckman*

**Alternate Members**

*George Wendell*  
*Richard Rybak*

**Unapproved**

**Minutes**

**April 20, 2021 – 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, April 20, 2021 at 7:00 p.m. This meeting was made available to the public via Zoom

***[Executive Order 7i grants 90 additional days to all applications that are in process during the current designated emergency. Executive Order 7JJ states such applications shall not lapse during the State of Emergency.]***

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

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

EZBA Chairman W T Furgueson welcomed everyone to the Essex Zoning Board of Appeals public access meeting which was conducted via Zoom platform.

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.

P Beckman stated that he was sworn in as a Regular Member, filling the slot of Brian Weinstein. G Wendell signed off the meeting since there were 6 members present for the meeting.

Audience: There were 8 audience members present.

**2. Public Hearing**

- **Application No. 21-12** on behalf of Cathy and Jim Hagan, **85 North Main Street, Essex, CT**, Assessor's Map 28, Lot 76, VR District, requesting variances to sections 40C, 40D, 40E, 60B, 40I.1 and 50D of the zoning regulations for an addition to an existing house located within side setback to be 20 feet from property line where 25 feet is required, addition would increase coverage to 17.8% where 10% is allowed.

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

The property at 85 North Main Street is 0.34 acre in size. It is a rectangular lot that has a single-family dwelling and detached garage. Both the original house and garage were built within the setbacks. The applicant would like to add a new two-story addition that would connect to the existing house. Most of the proposed expansion conforms with zoning however in order to connect with the existing house fully, a portion is proposed within the side yard setback.

Tim Hagen who presented on behalf of this application stated that he is seeking variances to allow the existing sunroom to become part of kitchen and family room, to add 169 s/f/ above kitchen family room, and to enlarge the back bedroom and bath. This application proposes to remove a small portion of the house and to add a porch to front location of existing patio, which is 13'.4" x 16'.2". Removing the brick patio will increase coverage to 17.8%. The existing coverage is 17.5%.

Section 50D of the zoning regulations which is included in this petition references the hatch area which expands a nonconformity. The difference in the lot coverage is 50 s.f.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

Letter Received from CT River Gateway Commission dated April 9, 2021 in which it is indicated that because of the location of the property, the proposed two-story addition and one-story porch will not be seen from North Cove or the CT River. Members of the Gateway Commission would not oppose the granting of the requested variances.

There was no further comment from the Board.

**MOTION** made by W T Furgueson to close the public hearing for **Application No. 21-12** on behalf of Cathy and Jim Hagan, **85 North Main Street, Essex, CT**, Assessor's Map 28, Lot 76, VR District, at 7:09 pm; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, W Feirer, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-16** on behalf of John A. Ravenna and Judith M. O'Connor, represented by Across the Board LLC, **68 North Main Street, Essex, CT**, Assessor's Map 27, Lot 27, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to enclose an existing deck 17'-4" x 12'-6" 11 feet from a side property line where 25 feet is required.

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

John Ravenna who presented on behalf of this proposal stated that a portion of deck will be converted to a one-story sunroom on the western portion of the house.

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

Letter Received from CT River Gateway Commission dated April 9, 2021 in which it is stated that the construction of the proposed vestibule and sunroom will not be seen from North Cove or the river due to the location of many structures and trees between the property and North Cove. Members of the Gateway Commission would not oppose the granting of the requested variances.

**MOTION** made by W T Furgueson to close the public hearing for **Application No. 21-16** on behalf of John A. Ravenna and Judith M. O'Connor, represented by Across the Board LLC, **68 North Main Street, Essex, CT**, Assessor's Map 27, Lot 27, VR District, at 7:11 pm; **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. No Discussion.

- **Application No. 21-17** on behalf of Kevin Morrissey, 95 Book Hill Road, Essex, CT, Assessor's Map 6 Lot 12-1, RU District, requesting variances to sections 40C, 40D, 40I.1, 61B of the zoning regulations to add a garage to be 8 feet from the side property line where 30 feet is required.

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

Kevin Morrissey who presented stated that he wishes to add a 2-car garage on to his property. K Morrissey noted that the topography limits the use of available space on which to situate the garage and the land in back of the house will not work because of the location of the sanitary system.

The IWWC authorized C Duques to review this petition on behalf of the IWWC. C Duques stated that she has not made a determination insofar as issuance of a wetlands permit at this time, however she stated that she sees no issues or impact to the wetlands.

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

Attorney Terry Lomme who presented on behalf of Mrs. Virginia Connor, 97 Book Hill Road stated that the property survey and the assessors field card reflect that this house has an existing garage. Attorney Lomme stated that this proposal makes a self-created hardship and noted that the applicant has not asked for a variance for coverage, and based on the surveyor's calculations, the coverage with inclusion of a garage would exceed 15%. There are no dimensions reflected on the garage and no dimensions stated on the application, however it appears that the garage is about 864 s.f. adding to the coverage. The house sits too close to the road and is nonconforming. There are two sheds on the property, and the shed to the right is situated in the setback, and the applicant is now proposing to build this garage in the setback, on the left side of the property, which will be directly across street from Ms. Connor's house. The proposed structure will be 7 feet from the line. Attorney Lomme noted that there are currently significant fencing and sheds on the

applicant's property, and adding 2-car garage will over develop the property, and will create a negative affect on Ms. Connor's property value, and will also limit enjoyment of her property. Attorney Lomme stated that there is no hardship sited in the application.

K Morrissey stated that in 2016 when he purchased the property, the existing garage was already converted to a storage room. The square footage of the garage is 816 feet, which K Morrissey stated was mentioned in the A-2 survey. K Morrissey stated that the structure would be 8 feet from the property line and stated that there is no relevance to this proposal insofar as the existing fencing and pool on his property. K Morrissey stated that Ms. Connor's garage is 5 feet from the property line.

C Duques stated that based on the survey, the proposed garage will be 24' x 34', at 816 s.f.

Lot coverage was not addressed in the application. C Duques suggested that this petition be continued to address the coverage.

Letter Received from CT River Gateway Commission dated April 9, 2021 in which it is stated that the construction of a two-car garage will not be seen from the river or coves of Essex to the location of the property and the surrounding structures and trees. Members of the Gateway Commission would not oppose the granting of the requested variances.

The applicant was offered to amend his current application to update the potential problem areas, to include coverage and update the requested variances.

Attorney Sylvia Rutkowska stated that the applicant has a choice whether to proceed on this particular application, having heard that there is a coverage issue or to continue to next meeting. It was questioned if the applicant has considered reducing the existing nonconformities. There are two sheds on the property. The applicant requested to have this petition continued.

There was no further public comment and no further comment from the Board.

**MOTION** made by B Sarrantonio to continue the public hearing to May18, 2021 for **Application No. 21-17** on behalf of Kevin Morrissey, 95 Book Hill Road, Essex, CT, Assessor's Map 6 Lot 12-1, RU District; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-18** on behalf of Justin Brant Ward, 22 Hilltop Ave Essex, CT, Assessor's Map 46 Lot 52 VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D, 60B to rebuild the existing structure, enclose staircase and extend front of building, to be located 1.3 feet from the side property line where 25 feet is required and coverage of 16.4% where 10% is allowed.

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

Justin Brant Ward displayed a slide presentation on behalf of this application. The 2-car garage was turned into a carriage house. The building has fallen into a state of disrepair and Centerbrook architects came in and conducted an assessment of the building. The recommendation is to rebuild entire structure, including the slab foundation. The applicant stated that he is looking to enclose the rear staircase to the building, and extend the front of the building façade 3 feet forward so that it aligns with the front of the residence. The applicant presented a rendering of proposed modifications to add 160 feet for staircase, and to extend the front of the building façade. Presented updated survey information.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

Letter Received from CT River Gateway Commission dated April 9, 2021 in which it is stated that the proposal to enclose a rear staircase and extend a front façade to the CT River and coves of Essex and members of the Gateway Commission would not oppose the granting of the requested variances.

There was no further comment from the Board.

**MOTION** made by W T Furgueson to close the public hearing on **Application No. 21-18** on behalf of Justin Brant Ward, 22 Hilltop Ave Essex, CT, Assessor's Map 46 Lot 52 VR District at 8:07pm;  
**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. No Discussion.

- **Application No. 21-19** on behalf of Paul and Evelyn Jahnke, 7 Curiosity Lane Essex, CT Assessor's Map 25 Lot 15, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B to expand the existing garage to be located 15.9 feet from a side property line where 25 feet is required.

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

Paul Jahnke who presented stated that this property was built in 1969 with a one car garage, and he would like to install a 2-car garage. The current garage is 336 s.f. and he is looking to add another 426 s.f. to create a 2-car garage on the property. The distance to the property line is 26.9 feet of property line and this proposal will bring it within 15.9'.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

Thomas Wilcox, 9 Curiosity Lane, stating no objection to the proposed application.

Rich Gilliland, 10 Curiosity Lane, stating no objection to this proposal.

Letter dated April 9, 2021 was received from the CT River Gateway Commission in which it was stated that the construction of the two-car garage will not be seen from North Cove or the CT River

due to the intervening structures and trees. Members of the Gateway Commission would not oppose the granting of the requested variances.

There was no further public comment and no comment from the Board.

**MOTION** made by W T Furgueson to close the public hearing for **Application No. 21-19** on behalf of Paul and Evelyn Jahnke, 7 Curiosity Lane Essex, CT Assessor's Map 25 Lot 15, VR District at 8:17pm; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-20** on behalf of Tomasz and Erin Drejer, 54 Hickory Lane Ivoryton, CT Assessor's Map 89, Lot 16, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D, and 61B to add a second floor to the existing house to be located at a point, 29 feet from the front property line where 40 feet is required.

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

Tomasz Drejer who presented on behalf of this proposal stated that he would like to add a second floor and 110 s.f. bump out on the front of the house. There will be a 1.3 foot reduction off of the line on the front of the house. There will be a change in coverage from 9.8% to 10.4%. The septic is in the rear of the property and anything done on this property would create a hardship.

C Duques stated that this is a corner lot and the setbacks are even greater as they have 2 setbacks. This house was constructed 40% into the setbacks.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

Letter Received from CT River Gateway. Members of the Gateway Commission would not object to the granting of the required variances.

There was no further comment from the Board.

**MOTION** made by W Feirer to close the public hearing for **Application No. 21-20** on behalf of Tomasz and Erin Drejer, 54 Hickory Lane Ivoryton, CT Assessor's Map 89, Lot 16, RU District, at 8:25pm; **SECONDED** by W Feirer; **IN FAVOR:** P Schaller, W T Furgueson, W Feirer, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-21** on behalf of Robert Rabine, 53 Main Street Essex, CT Assessor's Map 47 Lot 20, EV and WF District, requesting variances to 40D, 40E, 111A.4, 111A.9 to allow a sign off premises for Carlson's Landing.

Seated were R Rybak, P Schaller, P Beckman, B Sarrantonio, W T Furgueson. W Feirer recused himself from this proposal.

Robert Rabine who presented on behalf of this proposal referenced the walkway that comes from Main street to the restaurant and stated that he is looking to erect a directional sign to the existing pergola. This is a separate piece of property and an off property directional sign variance is needed. There will be no illumination on the sign.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

Letter dated April 9, 2021 received from CT River Gateway noting that the applicant's proposed placement of a 90" x 12" directional sign on a separate property from where the Carlson's Restaurant use is located noting that the improvement is small enough to not create any visual impacts. Members of the Gateway Commission would not object to the granting of the required variances.

There was no further comment from the Board.

**MOTION** made by W T Furgueson to close the public hearing for **Application No. 21-21** on behalf of Robert Rabine, 53 Main Street Essex, CT Assessor's Map 47 Lot 20, EV and WF District at 8:29pm; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, P Schaller, R Rybak, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING** None; **MOTION CARRIED** 5-0-0. No Discussion.

## 2. Regular Meeting

- Variance **Application No. 21-12** on behalf of Cathy and Jim Hagan, **85 North Main Street, Essex, CT, Assessor's Map 28, Lot 76, VR District**

It was noted that this proposal reduces a nonconformance by removing portion of house already in setback.

**MOTION** made by W T Furgueson to approve a Variance **Application No. 21-12** on behalf of Cathy and Jim Hagan, **85 North Main Street, Essex, CT, Assessor's Map 28, Lot 76, VR District**, requesting variances to sections 40C, 40D, 40E, 60B, 40I.1 and 50D of the zoning regulations for an addition to an existing house located within side setback to be 20 feet from property line where 25 feet is required, addition would increase coverage to 17.8% where 10% is allowed. The hardship surrounding this proposal relates to the majority of house which is already in the setback, and the house predates zoning. This proposal reduces a nonconformance by removing a portion of the home that is already in the setback. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, P Beckman, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No discussion.

- **Application No. 21-16** on behalf of John A. Ravenna and Judith M. O'Connor, represented by Across the Board LLC, **68 North Main Street, Essex, CT, Assessor's Map 27, Lot 27, VR District.**

**MOTION** made by W Feirer to approve a Variance for **Application No. 21-16** on behalf of John A. Ravenna and Judith M. O'Connor, represented by Across the Board LLC, **68 North Main Street, Essex, CT**, Assessor's Map 27, Lot 27, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to enclose an existing deck 17'-4" x 12'-6" 11 feet from a side property line where 25 feet is required. The hardship associated with this application is the topography of the land; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, P Beckman, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No discussion.

- **Application No. 21-18** on behalf of Justin Brant Ward, 22 Hilltop Ave Essex, CT, Assessor's Map 46 Lot 52 VR District.

**MOTION** made by W T Furgueson to approve a variance for **Application No. 21-18** on behalf of Justin Brant Ward, 22 Hilltop Ave Essex, CT, Assessor's Map 46 Lot 52 VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D, 60B to rebuild the existing structure, enclose staircase and extend front of building, to be located 1.3 feet from the side property line where 25 feet is required and coverage of 16.4% where 10% is allowed. The hardship associated with this proposal surrounds the fragility of the existing structure and enclosure of the stairwell which addresses a safety concern. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, P Schaller, W Feirer, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No discussion.

- **Application No. 21-19** on behalf of Paul and Evelyn Jahnke, 7 Curiosity Lane Essex, CT Assessor's Map 25 Lot 15, VR District.

The applicant has made a concerted effort not to infringe on setbacks any further than necessary.

**MOTION** made by P Beckman to approve a Variance for **Application No. 21-19** on behalf of Paul and Evelyn Jahnke, 7 Curiosity Lane Essex, CT Assessor's Map 25 Lot 15, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, and 60B to expand the existing garage to be located 15.9 feet from a side property line where 25 feet is required. The hardship associated with this proposal is the narrowness of lot, the location of the septic and the fact that there is no other place to situate the 2 car garage; This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No discussion.

- **Application No. 21-20** on behalf of Thomas and Erin Drejer, 54 Hickory Lane Ivoryton, CT Assessor's Map 89, Lot 16, RU District.

This is a minimal request for lot coverage and setbacks, and the bulk of this proposal is the addition, which will be constructed to go up, and the addition is a nonconformity.

**MOTION** made by B Sarrantonio to approve a Variance for **Application No. 21-20** on behalf of Tomasz and Erin Drejer, 54 Hickory Lane Ivoryton, CT Assessor's Map 89, Lot 16, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D, and 61B to add a second floor to the existing house to be located at a point, 29 feet from the front property line where 40 feet is



required. The hardship associated with this proposal is the size of the house, the fact that most of nonconformities is a second story within the setback, and the setback incursion is minimal. This proposal is approved in accordance with the plans as submitted and with a condition that the revised plan that was shown tonight is to be made a part of the record; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No discussion.

- **Application No. 21-21** on behalf of Robert Rabine, 53 Main Street Essex, CT Assessor's Map 47 Lot 20, EV and WF District.

It was noted that this proposal involves a common owner of two properties, however access is difficult, and directional signage is in the best interest of public safety.

**MOTION** made by W T Furgueson to approve a Variance for **Application No. 21-21** on behalf of Robert Rabine, 53 Main Street Essex, CT Assessor's Map 47 Lot 20, EV and WF District, requesting variances to 40D, 40E, 111A.4, 111A.9 to allow a sign off premises for Carlson's Landing. The hardship associated with this proposal is that there is no other location on which to place a sign, in order to improve public safety and pedestrian flow to the restaurant. This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, R Rybak, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No discussion.

### **3. New Business**

There was no new business.

### **4. Old Business**

#### **Approval of Minutes – March 16, 2021.**

**MOTION** made by W T Furgueson to approve the March 16, 2021 Minutes with the following amendment; 1) Page 3, second paragraph, 4<sup>th</sup> line to read "and on the north side of the building to construct an enclosed entryway"; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

### **a. Other**

There was no other business.

### **5. Correspondence and Invoices**

There was no correspondence and there were no invoices.

### **6. Adjournment**

**MOTION** made by W T Furgueson to adjourn the meeting at 8:45 pm to the next regularly scheduled meeting which will be held on Tuesday, May 18, 2021 at 7:00 p.m., location TBD; **SECONDED** by B Sarrantonio; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

Respectfully submitted,

*Stella A. Caione*

Stella A. Caione, Recording Clerk