



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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Telephone (860) 767-4340 • FAX (860) 767-8509

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

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

**Unapproved**

**Minutes**  
**June 15, 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, June 15, 2021 at 7:00 p.m. This meeting was made available to the public via Zoom.

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

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

EZBA Vice Chairman W Feirer 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.

Audience: There were 3 audience members present.

**2. Public Hearing**

- **Application No. 21-25** 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 26.25 feet from the side property line where 30 feet is required and coverage of 16.2% where 15% is allowed.

Seated were W Feirer, P Schaller, R Rybak, P Beckman, B Sarrantonio.

Kevin Morrissey presented stated that the plans before the Board is a variation of a design that was denied last month, and this proposal is more compliant with setback and coverage. There will be storage above and higher ceiling heights on this proposal. The style and finishes of the garage will be similar and in keeping with the rest of the house. Yard drains at end of the driveway. Sixteen feet is height of peak and will fit under the existing eave of the house. Previous application was seeking 3% of increase and this proposal is just over 1%.

K Morrissey stated that today he spoke with attorney Terrance Lomme who represents Virginia Connor, adjoining property owner, who stated that they would not oppose this application providing Mr. Morrissey signed a document confirming that he would not alter or change the landscaping. Mr. Morrissey stated that he was not willing to do that.

W Feirer asked if anyone wished to speak in favor of this application.

Susan Feaster stated that she visited the site on Sunday and she noted that this proposal will enhance the property, commented on the minimal visual impact on the adjoining property and indicated that she is in favor.

W Feirer asked if anyone on the Board had any questions. There were no further questions.

Attorney Terrance Lomme on behalf of Mrs. Virginia Connor, 97 Book Hill Road, stated that every side of this property has an intrusion into a side line and this is a classic example of a self-created hardship. Attorney Lomme noted that there was an existing garage on this property that was converted into a storage room and he stated that this garage is different than most proposals in that the reason that it exceeds the coverage is due to all of the sheds and the additions on the property subject to this proposal, and the prior existing garage was converted into storage, which according to the applicant will be converted back. There was a garage and now Mr. Morrissey is asking for an additional garage. Attorney Lomme stated that it was not just the existing house creating the coverage problem. There are incursions on every sideline, front line, and rear line on the property subject to this proposal.

Kevin Morrissey stated that the shed on back property line is 6 inches within the setback and he will be happy to move it. The shed on the side property line is 6 feet. The house is circa 1870 and situated very close to the road. This new proposal will bring him over just 1%. K Morrissey stated that when he purchased this property, it was advertised as a two-car garage. In fact, the structure was not large enough to house a vehicle, and as such, has been utilized for storage.

Virginia Connor stated that she occupies her house at 97 Book Hill Road on weekends, and during vacation, and noted that she has been cooperative, congenial and friendly toward Mr. and Mrs.

Morrissey. V Connor stated that she has lived through the conversion of the garage ,and lived through the neighbor's foreclosure and the exchange of the shed. V Connor stated that she keeps her house impeccably and is a silent and highly cooperative neighbor. V Connor stated that she found this proposal repugnant and noted that Mr. Morrissey has built upon almost every inch of the property. V Connor stated that the Morrissey's are not cordial and they are in fact antagonistic. V Connor stated that they have never been kind or fair minded, but has been aggressive. There are two giant pick-up trucks and a vintage car on premises and V Connor questioned at what point does Essex stand behind the neighborhood. V Connor stated that she offered K Morrissey a settlement before the meeting and Ms. Connor noted that if the Board approves this application, the town is capitulating to a bully. V Connor stated that she has lived through several renovations. She stated that she supports the church, supports the town and she supports the merchants. V Connor stated that when she built her fence, she asked him his opinion, and she noted that K Morrissey renovated the garage after he bought it.

T Lomme stated that Ms. Connor's property is not subject to this proposal and board member Susan Feaster's discussion and comments speaking in favor was inappropriate.

Ward Feirer asked K Morrissey to clarify, the space that is being called the garage is the same as when when K Morrissey purchased the property, or has it been altered. Mr. Morrissey stated that he did sheet rock the wall, however he did not otherwise alter the space, noting that it was never useable as a garage. Mr. Morrissey stated that the wall in the back portion of the garage was there when he purchased the property.

B Sarrantonio asked if Mr. Morrissey would be amenable with a condition into the approval of variance which required that Mr. Morrissey will not remove the trees unless diseased, or dangerous limbs.

Attorney Sylvia Rutkowska stated that the floor plans that were submitted as a prior application will be made an exhibit. Atty Rutkowska stated that the Board is clear that everything being considered is on the record today. Photos and correspondence from Attorney Lomme will be made a part of the record. The site plan is exhibit 1; photos are exhibit 2; the letter from Attorney Lomme, the listing agreement and the aerial photos are exhibit 3; and, the floor plan is exhibit 4.

A letter received from CT River Gateway Commission in which it is stated that the construction of a two-car garage will not be seen from the CT 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.

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

**MOTION** made by W Feirer to close the public hearing for **Application No. 21-25** on behalf of Kevin Morrissey, 95 Book Hill Road, Essex, CT, Assessor's Map 6 Lot 12-1, RU District at 7:48pm;  
**SECONDED** by P Beckman; **IN FAVOR:** W Feirer, 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. 21-25** on behalf of Kevin Morrissey, **95 Book Hill Road, Essex, CT**, Assessor's Map 6 Lot 12-1, RU District.

B Sarrantonio stated that she is in favor of approving this proposal. The garage is substandard by modern standards and Mr. Morrissey has scaled back the plans considerably in order to make the plan more palpable to the Board and neighbors. The applicant made a good faith effort, and the incursion and percentage of coverage is modest in its reach.

**MOTION** made by B Sarrantonio to approve a Variance **Application No. 21-25** 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 26.25 feet from the side property line where 30 feet is required and coverage of 16.2% where 15% is allowed. The hardship associated with this variance is that the former garage is substandard by modern standards; the lot preexists zoning, and the location of the sanitary system. The applicant has made an incredible effort to minimize impact into the setback. Approval of a variance is conditioned upon maintaining the tree buffer as it now exists on the north side, across from the garage. There will be no removal of the existing trees except in the case of disease, dangerous conditions, and ordinary pruning. This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR:** W Feirer, P Schaller, B Sarrantonio, P Beckman, R Rybak; **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 – May 18, 2021.**

**MOTION** made by P Schaller to table the approval of the May 18, 2021 Minutes; **SECONDED** by W Feirer; **IN FAVOR:** W Feirer, R Rybak, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

## 5. Correspondence and Invoices

There was no correspondence and there were no invoices.

There was a brief discussion on future site visits conducted by the Board members. Attorney Rutkowska stated that it is 100% up to the Board to determine credibility of testimony. Attorney Rutkowska stated that Ms. Feaster's comments related to Application #21-25 on behalf of Kevin Morrissey, 95 Book Hill Road, Essex, proposal were appropriately timed.

## 6. Adjournment

**MOTION** made by W Feirer to adjourn the meeting at 8:12 pm to the next regularly scheduled meeting which will be held on Tuesday, July 20, 2021 at 7:00 p.m., location TBD; **SECONDED** by P Schaller; **IN FAVOR:** W. Feirer, R Rybak, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

Respectfully submitted,

*Stella A. Caione*

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