



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
Susan Feaster

Unapproved

Minutes
July 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, July 20, 2021 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom.

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

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

Chairman W T Furgueson welcomed everyone to the Essex Zoning Board of Appeals meeting.

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 4 audience members present.

MOTION made by P Beckman to amend the Agenda to open with **Application #21-34; SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

Attorney Sylvia Rutkowska stated that this is an Appeal of the ZEO's decision and at that time ZEO was Joe Budrow. The application has specified that decision that they are appealing is dated January 8, 2020. An appeal from the ZEO to the Zoning Board of Appeals is required to be filed within 30 days of decision. That would be 30 days from the January 8, 2020 letter. If an appeal is not in a timely manner, the Board lacks jurisdiction to hear the appeal.

If the Board finds that an appeal was filed in excess of statutory authority, and as such the Board would not have jurisdiction of the appeal, which is a CT law.

Paul Riggio, Riggio and Sons presented. He stated that the referenced letter should have been dated January 8, 2021; the property owners purchased the house in October 2020 and did not own it in January 2020.

MOTION made by W T Furgueson to not hear **Application No. 21-34** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District, appealing the decision of the Zoning Enforcement Officer dated January 8, 2020 relating to Section 103 of the Essex Zoning Regulations, due to the untimely nature of the appeal pursuant to the date of submission, and for lack of jurisdiction; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

2. Public Hearing

- **Application No. 21-26** on behalf of Giovanni and Kerry Berardinelli, 17 Windsor Lane, Ivoryton, CT, Assessor's Map 55 Lot 1-8, RU District, requesting variances to sections 40D and 40R of the zoning regulations to replace an existing turnaround to be 0 feet from the side property line where 5 feet is required for a driveway.

The property subject to this application is 2.11 acres in size and is a flag/interior lot. The property shares a driveway with three other homes. The lot has a single family dwelling.

Giovanni Berardinelli stated that when he purchased the house the existing turn-around was in place. Mr. Berardinelli stated that he removed it, repaired a sink hole and re-installed the turn-around. Mr. Berardinelli stated that he did not realize that he needed a variance to place the turn-around back to the same location.

The turn-around was existing when Mr. Berardinelli purchased the property in 2008.

There were no previous requests for variance.

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

Letters received on behalf of this application: CT River Gateway Commission stated no objection to this proposal.

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

MOTION made by W T Furgueson to close the public hearing for **Application No. 21-26** on behalf of Giovanni and Kerry Berardinelli, 17 Windsor Lane, Ivoryton, CT, Assessor's Map 55 Lot 1-8, RU District at 7:13pm; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-27** on behalf of Anthony JB Cutone 237 Westbrook Road, Essex, CT, Assessor's Map 94 Lot 2, RU District, requesting variances to sections 40C, 40D, 40E and 61B of the zoning regulations to install a 12' X 58' hoop house 23 feet from the side property line where 30 feet is required. **WITHDRAWN**
- **Application No. 21-28** on behalf of SJC Land Consulting LLC, for the property at 20 Meadow Woods Road, Essex, CT, Assessor's Map 6 Lot 17, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, and 61B of the zoning regulations for a 240 sq ft one story addition 12' X 20' and a corresponding wraparound deck 8' X 37' to be located 9 feet at a point from the side property line where 30 feet is required and approximately 32 feet from the front property line where 40 feet is required.

The property subject to this application is 1.69 acres in size and is uniquely shaped, being narrow along the front line and becoming wider to the rear. The lot has a single family dwelling which was built in 1930.

Previous variance requests on July 21, 2009 variances to allow for reduction in setbacks for deck and three-season porch was granted.

Stephen Calcagni, SCL Land Consulting who presented on behalf of this application stated that he is looking to add a 240 s.f., one-story L shape addition to the existing house. The existing structure was built in 1930 in the front of a very narrow portion of the 1.69 acre parcel that expands widely to the rear. The proposed structure does not add any width or depth to the existing home. Because the boundary gradually shifts northerly, the applicant proposes to fill in the existing L shaped structure with living space and add a wrap-around deck. The lot is very narrow in the front of the property and there is very little room in the rear yard to build upon. S Calcagni stated that the hardship is the topography of the land.

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

Eight letters received on behalf of this application which includes CT River Gateway Commission stating no opposition to this proposal. Letters from: Sally Duncan; 111 Book Hill Road; 105 Book Hill; 16 Meadow Woods; 32 Meadow Woods; 30 Meadow Woods; 24 Meadow Woods; 6 Oxbow Lane, 3 Oxbow Lane.

Atty Rutkowska stated that a similar variance was granted with a hardship citing the surrounding topography of the lot preventing the applicant from making any changes.

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

MOTION made by W T Furgueson to close the public hearing for **Application No. 21-28** on behalf of SJC Land Consulting LLC, for the property at 20 Meadow Woods Road, Essex, CT, Assessor's Map 6 Lot 17, RU District, at 7:26pm; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-29** 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, 50C, 50D, and 61B of the zoning regulations to add an addition an existing house to be located 26 feet from front property line where 40 feet is required.

The property at 54 Hickory Lane is 0.43 acres in size and is a square shaped corner lot. The lot has a single-family dwelling built in 1960.

Previous variance requests in April 2021- variances granted for reduction in setbacks for second floor addition.

Tomasz Drejer who presented on behalf of this proposal stated that he is looking to add an addition onto the front of the existing house. Mr. Drejer stated that the hardship associated with this proposal is the location of septic and location of current garage.

Mr. Drejer stated that he would be willing to abandon the entirety of the variance granted in April 2021 as a condition of this variance.

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

There were no letters Received on behalf of this application.

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

MOTION made by W T Furgueson to close the public hearing for **Application No. 21-29** on behalf of Tomasz and Erin Drejer, 54 Hickory Lane, Ivoryton, CT, Assessor's Map 89 Lot 16, RU District, at 7:32 pm; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-30** on behalf of Chris Harpin, 2 Champlin Square, Essex, CT, Assessor's Map 32 Lot 61, VR District, requesting variances to sections 40C, 40D, 40E, 60B of the zoning regulations to construct a deck resulting in a coverage of 12.7% where 10% is allowed.

The property subject to this application is 0.55 acres in size and is a square shaped corner lot. The lot has a single-family dwelling built in 1907.

There were no previous requests for variance.

Chris Harpen who presented on behalf of this application stated that this is a proposal for a 12' x 50' deck, constructed 7 feet from ground, situated on the side of the house which will wrap around. C Harpen stated that the lot is undersized and this would present a point of access which addresses a safety standard.

P Beckman stated that the plans do not notate the dimensions of the deck, nor does it address the grade or the elevation.

Attorney Rutkowska suggested that the applicant speak with the ZEO prior to the August 17, 2021 ZBA meeting to ensure that his application is complete.

W T Furgueson suggested continuance of this proposal to allow applicant to provide details and appropriate dimensions. Mr. Furgueson stated that beyond the size of the deck, the Board is looking for a level of detail.

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

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

MOTION made by W T Furgueson to continue **Application No. 21-30** on behalf of Chris Harpin, 2 Champlin Square, Essex, CT, Assessor's Map 32 Lot 61, VR District; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District, requesting variances to sections 40D, 40E, 103I. for work to occur within the Flood Plain District within a 5 year period.

This application is to add dormers to an existing house located within a flood plain that exceeds the cumulative cost permitted within a 5-year period. The property at 36 Mack Lane is 0.58 acres in size and is a unique shape lot located along the CT River. The lot has a single-family dwelling built in 1780.

Previous variance requests: ZBA Application # 11-19- Withdrawn; **ZBA Application #16-9-** addition to the north side of the house to a point 12 feet from the side property line and add a detached garage resulting in an increase in coverage to 10.47% was granted.

Paul Riggio who presented on behalf of this application stated that the homeowner would like to place a dormer on the second floor. The existing ceiling height does not comply with the building code requirements.

This is an historic home situated in an historic district. There are hardships within a flood hazard associated with this proposal. There was an extensive discussion related to this proposal and the property value.

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

Carey Duques and Torrance Downes visited the property and C Duques noted concerns about the three-story height of the structure and the view from the river. Gateway regulates within 100 feet and any changes within 100 feet of the river is within their jurisdiction. Gateway asked to have the criteria discussed on the site visit added to variance requests. Gateway noted the expansion of a nonconforming structure.

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

MOTION made by W T Furgueson to continue public hearing for **Application No. 21-31** on behalf of Robert D. Pickett and Whitney Weeks, 36 Mack Lane, Essex, CT, Assessor's Map 50 Lot 13, VR District; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-32** on behalf of Joshua Jones, 146 Saybrook Road, Essex, CT, Assessor's Map 74 Lot 3, RU District, requesting variances to sections 40C, 40D, 40E, 61B of the zoning regulations to construct a new two car garage to be located 10 feet off the west property line and 24 feet off south property line where 30 feet is required.

The property subject to this application is 0.5 acres in size and is a square shaped interior lot. The lot has a single family dwelling built in 1780.

Previous variance request on January 20, 1987 was granted.

Joshua Jones who presented on behalf of this proposal stated that there is a gravel driveway in the location of the proposed garage. The well in the area of the proposed garage has been abandoned.

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

Letters Received on behalf of this application: CT River Gateway Commission who stated that they have no objection to this proposal.

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

MOTION made by W T Furgueson to close the public hearing **Application No. 21-32** on behalf of Joshua Jones, 146 Saybrook Road, Essex, CT, Assessor's Map 74 Lot 3, RU District, at 8:32pm; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. No Discussion.

- **Application No. 21-33** on behalf of Rich Varrato, The Magnolia Agency, 5 Essex Square, Essex, CT, Assessor's Map 31 Lot 29, EV District, requesting variances to sections 40C, 40D, 40E, 111A.4 of the zoning regulations to install a sign on the existing retaining wall to be located 8 feet from a property line where 10 feet is required.

The property subject to this application is 0.5 acres in size and is a unique square shaped lot with frontage on two sides. The lot has two buildings on it for commercial and residential use. The retaining wall is located along Essex Square adjacent to a sidewalk.

Previous variance request ZBA Application #00-16 was granted.

Rich Varrato who presented on behalf of this proposal stated that there is no other location on which to place the sign that will be visible to and from oncoming traffic.

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

Letters Received on behalf of this application: CT River Gateway Commission who stated no opposition to this proposal.

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

MOTION made by W Furgueson to close the public **Application No. 21-33** on behalf of Rich Varrato, The Magnolia Agency, 5 Essex Square, Essex, CT, Assessor's Map 31 Lot 29, EV District, at 8:38 pm; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.** No Discussion.

2. Regular Meeting

- Variance **Application No. 21-26** on behalf of Giovanni and Kerry Berardinelli, 17 Windsor Lane, Ivoryton, CT, Assessor's Map 55 Lot 1-8, RU District of Kevin Morrissey, **95 Book Hill Road, Essex, CT, Assessor's Map 6 Lot 12-1, RU District.**

MOTION made by B Sarrantonio to approve a Variance **Application No. 21-26** on behalf of Giovanni and Kerry Berardinelli, 17 Windsor Lane, Ivoryton, CT, Assessor's Map 55 Lot 1-8, RU District, requesting variances to sections 40D and 40R of the zoning regulations to replace an existing turnaround to be 0 feet from the side property line where 5 feet is required for a driveway. This proposal does not change an existing improvement, it has been in place for more than 3 years, and it has statutory protection. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.** **Discussion:** No discussion.

- Variance **Application No. 21-28** on behalf of SJC Land Consulting LLC, for the property at 20 Meadow Woods Road, Essex, CT, Assessor's Map 6 Lot 17, RU District.

MOTION made by P Beckman to approve a Variance **Application No. 21-28** on behalf of SJC Land Consulting LLC, for the property at 20 Meadow Woods Road, Essex, CT, Assessor's Map 6 Lot 17, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50C, 50D, and 61B of the zoning regulations for a 240 sq ft one story addition 12' X 20' and a corresponding wraparound deck 8' X 37' to be located 9 feet at a point from the side property line where 30 feet is required and approximately 32 feet from the front property line where 40 feet is required. The hardship associated with this proposal is the property predates zoning, the topography of the land and location of the wetlands. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No discussion.

- Variance **Application No. 21-29** on behalf of Tomasz and Erin Drejer, 54 Hickory Lane, Ivoryton, CT, Assessor's Map 89 Lot 16, RU District.

MOTION made by B Sarrantonio to approve a Variance **Application No. 21-29** 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, 50C, 50D, and 61B of the zoning regulations to add an addition an existing house to be located 26 feet from front property line where 40 feet is required. This is a modest house, a modest improvement, and in keeping with the neighborhood. The hardship associated with this variance is the location of septic and the well, and there is no other area in which to place the addition. The previous variance approved in 2021 shall be abandoned. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No discussion.

- Variance **Application No. 21-32** on behalf of Joshua Jones, 146 Saybrook Road, Essex, CT, Assessor's Map 74 Lot 3, RU District.

MOTION made by B Sarrantonio to approve a Variance **Application No. 21-32** on behalf of Joshua Jones, 146 Saybrook Road, Essex, CT, Assessor's Map 74 Lot 3, RU District, requesting variances to sections 40C, 40D, 40E, 61B of the zoning regulations to construct a new two car garage to be located 10 feet off the west property line and 24 feet off south property line where 30 feet is required. The subject property is comprised of a highly unusual lot with limited access and limited space, and there is no other reasonable location on which to construct a garage. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No discussion.

- Variance **Application No. 21-33** on behalf of Rich Varrato The Magnolia Agency, 5 Essex Square, Essex, CT, Assessor's Map 31 Lot 29, EV District.

MOTION made by W Feirer to approve a Variance **Application No. 21-33** on behalf of Rich Varrato, The Magnolia Agency, 5 Essex Square, Essex, CT, Assessor's Map 31 Lot 29, EV District, requesting variances to sections 40C, 40D, 40E, 111A.4 of the zoning regulations to install a sign on the existing retaining wall to be located 8 feet from a property line where 10 feet is required. The hardship

associated with this variance is that there is no other location to place the sign. This variance is conditioned with stipulation that the sign will not be lit. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**
Discussion: No discussion.

3. New Business

W T Furgueson stated that he was made aware that one of the Board members spoke with an applicant outside of the regular meeting, and the Board member gave the applicant the impression that the proposal would be denied. As a result, the application was withdrawn. W T Furgueson reminded Board members that outside of the regular meeting, they are not to provide an opinion, discuss particulars or conduct a dialogue with the homeowner at a site visit.

4. Old Business

Approval of Minutes – May 18, 2021 and June 15, 2021

MOTION made by W T Furgueson to approve the May 18, 2021 Minutes as presented; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.** **Discussion:** No further discussion.

MOTION made by W T Furgueson to approve the June 15, 2021 Minutes with following corrections: 1) Page 3, 3rd line to read, “*but have been aggressive*”; Page 3, second paragraph to read, “*whether the space,*” and remove the word, “*when*”; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, P Beckman, B Sarrantonio; **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.

6. Adjournment

MOTION made by W T Furgueson to adjourn the meeting at 8:58 pm to the next regularly scheduled meeting which will be held on Tuesday, August 17, 2021 at 7:00 p.m., at the Essex Town Hall, in Meeting Room A, 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, W Feirer, P Schaller, P Beckman, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.** No Discussion.

Respectfully submitted,
Stella A. Caione
Stella A Caione