



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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29 West Avenue • Essex, Connecticut 06426  
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**  
**August 16, 2022 – Zoning Board of Appeals**

**Call to Order and Seating of Members**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, August 16, 2022 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom. Members in attendance were B Sarantonio, W Feirer, P Schaller, P Beckman, R Rybak and G Wendell.

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

W Feirer 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.

**1. Public Hearing**

**Public Hearings**

**Application No. 22-06 on behalf of Patrick & Susanna Smith, 50 Crosstrees Hill Rd., Essex, CT**

Assessor's Map 70 Lot 8, RU District, requesting variances to Sections, 40D, 40E, 101.E  
For a pergola and greenhouse where a chicken coop was removed.

Seated for this application, B Sarantonio, W Feirer, P Schaller, P Beckman and R Rybak.

The property at 50 Crosstrees Hill Road is 0.3 acres in size and is located at the end of Crosstrees Hill Road. The lot has a single-family dwelling built in 1959.

This application is to add a 10' X 15' greenhouse and 16' X 12' pergola in the side yard within 100 feet of the CJL. Regulations do not allow improvements within 100 feet of the CJL. There had been a 12' X 20' chicken coop on the property where the greenhouse is proposed. Due to the request of a variance of 101E a referral has been sent to IWWC for consideration at their regular meeting of August 9, 2022.

**Previous variance requests:** ZBA #21-37 for terracing and small retaining walls within 100 feet of the CJL.

Patrick Smith presented a Survey that was done April 2020, on which he referenced the 12'x20' chicken coop, which was terraced with cedar logs. The stone steps at the side of the house, depicted on the survey, replaced the cedar log which was rotting away. Mr. Smith stated that the proposed greenhouse is 10'x15' and the center line is 9 feet. There will be drainage on the floor and the purpose of the greenhouse is to extend the growing season to grow fruit, vegetables and flowers. Mr. Smith stated that the lighting which will be down lighting, will not impact the surrounding landscape or wildlife. The greenhouse will replace the chicken coop. The 16x12 pergola will be black, diminishing the visibility from the river. Mr. Smith offered to install trees to block the view of the greenhouse from the river.

P Smith stated that the hardship is the topography of this property which makes it unbuildable. P Smith stated that he shifted the leaching field location to save five or so trees and noted that he is working to preserve the property which supports a good deal of wildlife.

W Feirer read into the record a letter submitted by the CT River Gateway Commission on behalf of this application stating that "this property is non-conforming by being within the Gateway setbacks. The natural topography has been drastically changed. The additions which are the subject of this application are not critical to the residential use and make the property more non-conforming. The deciduous trees along the shoreline do not hide the structures completely when leaved and not at all when the leaves are down. The trees grow up from steeply sloped land that is already showing signs of erosion and are vulnerable to increasingly powerful storms and rising sea levels. The light that will emanate from the glass house will disturb wildlife and would be considered an intrusion on the natural landscape by many. The pergola adds another structure within the Gateway setback and adds more impermeable surface to the property which also negatively impacts runoff to the river. The Gateway Commission finds that the construction of these structures is not consistent with the intent of the 100-foot setback as conceived by the Gateway Commission and adopted into Section 101E of the Town's zoning regulations. The Gateway Commission voted to recommend that this variance application be denied in full because the proposal is inconsistent with the Gateway's protective mission as codified in sections 25-102a through 25-102m of the CT General Statutes."

Susanna Smith indicated that she would be willing to consider any suggestions made by the Board.

C Duques submitted two letters into the record, both offering their approval of this proposal; Eva Shnidman, 42 Crosstrees Hill Road and Timothy Locke, Moodus, CT.

It was suggested that the applicant seek a continuance to next month, and prior to the next ZBA meeting, sit down with the CT River Gateway Commission to clarify the intent and timeline of this proposal.

C Duques stated that the Inland Wetlands and Watercourse Commission has reviewed all aspects of this application and they found no issue with the proposal, in its entirety.

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

**MOTION** made by W Feirer to continue the Public Hearing for **Application No. 22-06 on behalf of Patrick & Susanna Smith, 50 Crosstrees Hill Rd., Essex, CT**, Assessor's Map 70 Lot 8, RU District, requesting variances to Sections, 40D, 40E, 101.E, for a pergola and greenhouse where a chicken coop was removed; **SECONDED** by P Beckman; **IN FAVOR:** B Sarantonio, W Feirer, P Schaller, P Beckman and R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.  
**Discussion:** No further discussion.

**Application No. 22-07 on behalf of Kristine Thomas, 5 River Road Essex, CT** Assessor's Map 17 Lot 4, RU District, requesting variances to Sections, 40C, 40D, 40E,50D and 61B for an addition to an existing home to have a setback of 14.4 feet where 30 feet is required.

C Duques presented an email from Kristine Thomas on behalf of Application 22-07 in which Ms. Thomas requested continuance and moved to the September ZBA meeting for the proposal at 5 River Road, Kristine Thomas property.

This application is for an addition to be attached to the existing home to be located 14.4 ft off the property line where 30 feet is required. The existing house is located 22.5 ft off the property where 30 ft is required.

**MOTION** made by W Feirer to continue the commencement of the Public Hearing for **Application No. 22-07 on behalf of Kristine Thomas, 5 River Road Essex, CT** Assessor's Map 17 Lot 4, RU District, requesting variances to Sections, 40C, 40D, 40E,50D and 61B for an addition to an existing home to have a setback of 14.4 feet where 30 feet is required; **SECONDED** by B Sarrantonio; **IN FAVOR:** B Sarantonio, W Feirer, P Schaller, P Beckman and R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

2. **Regular Meeting** - There was no further discussion.

3. **Unfinished Business**

**Approval of Minutes – June 21, 2022**

**MOTION** made by P Beckman to approve the June 21, 2022 Minutes as submitted; **SECONDED** by R Rybak; **IN FAVOR:** W Feirer, P Schaller, P Beckman, B Sarrantonio, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

**4. New Business**

There was no new business.

**5. Correspondence**

There was no correspondence and there were no invoices.

**6. Adjournment**

**MOTION** made by P Beckman to adjourn the meeting at 7:56 pm to the next regularly scheduled meeting which will be held on Tuesday, September 20, 2022, 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 R Rybak; **IN FAVOR:** W Feirer, P Schaller, P Beckman, B Sarrantonio and R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Respectfully submitted,

Stella A Caione