



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
September 21, 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, September 21, 2021 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom.

Commission members seated were: W T Furgueson, P Schaller, P Beckman, and G. Wendell.

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.

2. Public Hearing

- **Application No. 21-38** on behalf of Jonathan and Michele Carlisle, **39A River Road, Essex, CT**, Assessor's Map 10 Lot 19, RU District, requesting variances to sections 40D, 40E, 40I1, and 40Q of the zoning regulations to construct an inground swimming pool to be 10 feet where 20 feet is required.

The lot is 1.12 acres and the access drive divides the lot into two sections. The rear yard slopes toward the Falls River Cove. The proposed location of the pool along the western side of the house requires a reduction in the setback due to the topography of the land.

Justin Wolf, E A Quinn Contractor who presented on behalf of the applicant stated that the forward of the pool will start between 5 and 10 feet from the property line and there will be a bit of encroachment into the side setback. There will be a retaining wall along the split rail fence.

P Beckman asked if the applicant would entertain the Board considering approval for the pool only, noting that if the applicant wishes to install a patio around the pool, he must apply for separate variance. A patio cannot be within 10 feet of a property line.

Jonathan Carlisle stated that he would abandon a previous variance for a pool granted in 2019.

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

Attorney Sylvia Rutkowska stated that any decisions made at this evening's meeting to grant a variance would require a unanimous vote due to the number of members seated for this meeting.

At this time, W T Furgueson presented applicants with the option to table their proposal until the October meeting.

Letters received on behalf of this application: CT River Gateway Commission stated no objection to this proposal, however requested the following: 1) minimal tree removal occur for the installation, especially on the Cove side of the proposed pool site. 2) although visual impacts are Gateway's primary concern, a condition is requested that requires any draining of the pool to be directed to the front area of the dwelling and not to Falls River Cove, for water quality purposes.

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

MOTION made by P Beckman to close the public hearing on **Application No. 21-38** on behalf of Jonathan and Michele Carlisle, **39A River Road, Essex, CT**, Assessor's Map 10 Lot 19, RU District, requesting variances to sections 40D, 40E, 40I1, and 40Q of the zoning regulations to construct an inground swimming pool to be 10 feet where 20 feet is required at 7:20p.m.; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 4-0-0. Discussion:** No further discussion.

- **Application No. 21-39** on behalf of John Parunak, **22 Laurel Road, Essex, CT**, Assessor's Map 27 Lot 11, VR District, requesting variances to sections 40C, 40D, 40E, 40I1, 50D and 60B of the zoning regulations to construct a deck to be located 22 feet from the property line where 25 feet is required and have a coverage of 13.5% where 10% is allowed.

This lot is 0.4 acres in size (non-conforming lot), and the current coverage is 12.3% with the existing house. The property is within the CT Gateway Conservation District and the comment letter states, Gateway has no issue with the proposed variances.

John Parunak who presented on behalf of this application added a photo of the back of the house for members review. Mr Parunak would like to construct a 12' x 18' deck off of the existing

breezeway. The deck will be within 22 feet of the neighbor's property. This deck will add 1.2% coverage to the footprint of the house which requires issuance of a variance. This lot predates zoning.

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 on **Application No. 21-39** on behalf of John Parunak, **22 Laurel Road, Essex, CT**, Assessor's Map 27 Lot 11, VR District, requesting variances to sections 40C, 40D, 40E, 40I1, 50D and 60B of the zoning regulations to construct a deck to be located 22 feet from the property line where 25 feet is required and have a coverage of 13.5% where 10% is allowed at 7:26pm; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0. **Discussion:** No further discussion.

- **Application No. 21-40** on behalf of Kevin and Carol Dugan, **33 Highland Terrace, Ivoryton, CT**, Assessor's Map 38 Lot 15, RU District, requesting variances to sections 40C, 40D, 40E, 40I1, 50D and 61B of the zoning regulations to construct a covered porch with a setback of 27 feet where 40 feet is required, construction of a covered entry located 30 feet where 40 feet is required, and construction of a deck 16 feet from a property line where 30 feet is required.

The lot is 0.92 acres in size (non conforming lot; 80,000 s.f. is required) and is located on a corner. The property is located within 500 feet of neighboring town and a notice was sent to the Clerk in Deep River, CT.

DJ Mitchell, contractor who presented stated that this is an application to install a 6' x 52' porch, 14' x 20' deck and a 4' x 4' covered entry over existing pre-cast steps. The 4' x 4' covered entryway is pre-existing. DJ Mitchell stated that they are seeking a variance for front setback which is at 27 feet. The pre-existing house is nonconforming and situated on a corner lot.

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

Letters received on behalf of this application: Katherine Cullina, 32 Highland Terrace, in favor of this proposal. Winifred Olson, 34 Highland Terrace, in favor of this proposal; Sharon Bush, 29 Highland Terrace, in favor of this proposal; Peggy Price, 30 Highland Terrace, in favor of this proposal; Brian Simpson, 26 Highland Terrace, in favor of this proposal.

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

MOTION made by P Beckman to close the public hearing on **Application No. 21-40** on behalf of Kevin and Carol Dugan, **33 Highland Terrace, Ivoryton, CT**, Assessor's Map 38 Lot 15, RU District,

requesting variances to sections 40C, 40D, 40E, 40I1, 50D and 61B of the zoning regulations to construct a covered porch with a setback of 27 feet where 40 feet is required, construction of a covered entry located 30 feet where 40 feet is required, and construction of a deck 16 feet from a property line where 30 feet is required at 7:50pm; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0. **Discussion:** No further discussion.

- **Application No. 21-42** on behalf of Brad Tully, **26 South Main Street, Essex, CT**, Assessor's Map 46 Lot 4, VR District, requesting variances to sections 40C, 40D, 40I1, and 60B of the zoning regulations to permit a pergola approx. 10'-6" width by 42' long and a height of 8'-11" located within 5 feet of the side property line where 25 feet is required.

This application is for a variance, after-the-fact for the construction of a wood pergola. The lot is 2.28 acres in size and is located on a corner. The property is located within the CT River Gateway District Conservation District and Gateway does not have any opposition to the proposed variance.

Attorney Rutkowska's firm was involved in legal action involving Brad Tully, the Town, et al pertaining to a portion of road known as Evans Lane.

Brad Tully who presented on behalf of this application stated that he has no objection to Attorney Rutkowska's involvement on behalf of the Board, related to his application. B Tully stated that he has done extensive work on the house and property and during the Covid-19 pandemic he embarked enhancements on the exterior of this property, the pergola being one of those enhancements. B Tully stated that he previously worked with J Budrow, former Essex ZEO, and he was informed that the height requirement was to be under 8'. Mr. Tully stated that at some point thereafter he made the decision to raise the height of the pergola an additional 12" so as to attain clearance for the installation of outdoor fans.

Mr. Tully was presented with the option to either move forward, or to table this proposal. Mr. Tully stated that he wished to move forward.

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

A letter from CT River Gateway Commission stating no objection to the proposed variance.

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. 21-42** on behalf of Brad Tully, **26 South Main Street, Essex, CT**, Assessor's Map 46 Lot 4, VR District, requesting variances to sections 40C, 40D, 40I1, and 60B of the zoning regulations to permit a pergola approx. 10'-6" width by 42' long and a height of 8'-11" located within 5 feet of the side property line where 25 feet is required at 8:05pm; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0. **Discussion:** No further discussion.

2. Regular Meeting

- **Application No. 21-38** on behalf of Jonathan and Michele Carlisle, **39A River Road, Essex, CT**, Assessor's Map 10 Lot 19, RU District.

It was noted that this is the only location on which to situate the swimming pool based on the grade.

MOTION made by G Wendell to approve a Variance **Application No. 21-38** on behalf of Jonathan and Michele Carlisle, **39A River Road, Essex, CT**, Assessor's Map 10 Lot 19, RU District, requesting variances to sections 40D, 40E, 40I1, and 40Q of the zoning regulations to construct an inground swimming pool to be 10 feet where 20 feet is required with the following conditions as per the CT River Gateway Commission: 1) minimal tree removal occur for the installation, especially on the Cove side of the proposed pool site. 2) although visual impacts are Gateway's primary concern, a condition is requested that requires any draining of the pool to be directed to the front area of the dwelling and not to Falls River Cove, this for water quality purposes. The Board acknowledges that the applicant stated during the hearing that he will abandon variance #19-31 that was heard on December 17, 2019. The hardship is the slope of the land limits the location of the pool. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 4-0-0. Discussion:** No further discussion.

- Variance **Application No. 21-39** on behalf of John Parunak, **22 Laurel Road, Essex, CT**, Assessor's Map 27 Lot 11, VR District

MOTION made by W T Furgueson to approve a Variance **Application No. 21-39** on behalf of John Parunak, **22 Laurel Road, Essex, CT**, Assessor's Map 27 Lot 11, VR District, requesting variances to sections 40C, 40D, 40E, 40I1, 50D and 60B of the zoning regulations to construct a deck to be located 22 feet from the property line where 25 feet is required and have a coverage of 13.5% where 10% is allowed; The hardship associated with this proposal surrounds the topography of the land and the existing house which preexisted zoning. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 4-0-0. Discussion:** No further discussion.

- Variance **Application No. 21-40** on behalf of Kevin and Carol Dugan, **33 Highland Terrace, Ivoryton, CT**, Assessor's Map 38 Lot 15, RU District.

It was noted that the GIS map that was last updated on April 13, 2021 and has been annotated by the applicant to include scale dimensions. The lot predates zoning and there is no other location on the property on which to situate the deck. The applicant is reducing a nonconformity and this proposal is consistent with Plan of Conservation and Development.

MOTION made by P Beckman to approve a Variance for **Application No. 21-40** on behalf of Kevin and Carol Dugan, **33 Highland Terrace, Ivoryton, CT**, Assessor's Map 38 Lot 15, RU District,

requesting variances to sections 40C, 40D, 40E, 40I1, 50D and 61B of the zoning regulations to construct a covered porch with a setback of 27 feet where 40 feet is required, construction of a covered entry located 30 feet where 40 feet is required, and construction of a deck 16 feet from a property line where 30 feet is required; The hardship is that the lot predates zoning, the topography does not allow for any improvements to the deck other than where it is situated, and the owner is reducing a nonconformity. The Board acknowledges the GIS map that was last updated on April 13, 2021 and annotated by the applicant to include scale dimensions, which will be the governing document for construction. **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0. **Discussion:** No further discussion.

- Variance **Application No. 21-42** on behalf of Brad Tully, **26 South Main Street, Essex, CT**, Assessor's Map 46 Lot 4, VR District.

MOTION made by G Wendell to approve a Variance for **Application No. 21-42** on behalf of Brad Tully, **26 South Main Street, Essex, CT**, Assessor's Map 46 Lot 4, VR District, requesting variances to sections 40C, 40D, 40I1, and 60B of the zoning regulations to permit a pergola approx. 10'-6" width by 42' long and a height of 8'-11" located within 5 feet of the side property line where 25 feet is required with the condition that the fence behind the pergola and located along the property line between 9 Evans Lane and 26 South Main Street will be maintained. The hardship associated with this proposal is that the house was constructed prior to zoning and this proposal is a logical extension of the house. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0. **Discussion:** No further discussion.

3. Old Business

Approval of Minutes – August 17, 2021

MOTION made by W T Furgueson to approve the August 17, 2021 Minutes with following amendments: 1) George Wendell was at the meeting, however he was not seated; 2) Page 3, 3^d paragraph, correct the spelling of the word *queue*; 3) Page 8, 4th line to read: "*25 feet from the front setback where 40 feet is required*"; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0. **Discussion:** No further discussion.

4. Correspondence and Invoices

There was no correspondence and there were no invoices.

5. Adjournment

MOTION made by W T Furgueson to adjourn the meeting at 8:25 pm to the next regularly scheduled meeting which will be held on Tuesday, October 19, 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 P Beckman; **IN FAVOR:** W T Furgueson, G Wendell, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 4-0-0. **Discussion:** No further discussion.

Respectfully submitted,
Stella A Caione