



TOWN OF ESSEX
Zoning Board of Appeals

Executive Board
W. T. Fergusson, Chair
W Feirer, Vice Chair
Philip J Schaller, Secretary

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Regular Members
B. Sarrantonio
Philip J Beckman

Alternate Members
George Wendell
Richard Rybak
Susan Feaster

Unapproved

Minutes
December 19, 2023 – Zoning Board of Appeals

Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted its regularly scheduled meeting on Tuesday, December 19, 2023 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 W T Fergusson, B Sarrantonio, P Schaller, P Beckman, S Feaster (via zoom), and G Wendell.

Staff present: Carey Duques, Zoning Enforcement Officer and acting Recording Clerk and David Royston, ZBA Legal Counsel, via Zoom.

W T Fergusson, Chair, opened this evening's 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.

MOTION by P Beckman to amend the agenda to add Review ZBA Budget for 2024-2025 under Item 1 New Business after Election of Officers; **SECONDED** by B Sarrantonio; **IN FAVOR**; W T Fergusson, P Schaller, B Sarrantonio, P Beckman, G Wendell; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED** 5-0-0. **Discussion**: No further discussion.

1. Public Hearing

Application No. 23-19 on behalf of Marc D. and Elizabeth B. Schnitzer, **10 Benson Lane** Essex, CT, Assessor's Map 70 Lot 6, RU District, requesting variances of Sections 40C, 40D, 40E, 50C.2, 50D and 101E for reconstruction of an inground pool /patio, reducing the impervious area by approx. 400 sq ft, in a location within 100 feet of the coastal jurisdiction line.

Seated for this application: W T Fergusson, P Schaller, B Sarrantonio, P Beckman, G Wendell.

This application requests a variance for reconstruction of an inground pool /patio, resulting in a reduction of the impervious area by approx. 400 sq ft, with the new pool and associated patio to be located within 100 feet of the coastal jurisdiction line.

The property is 2.05 acres and contains one single-family home; built in 2007.

The Gateway Commission has reviewed the application, and it does not oppose the proposed work.

The Essex Health Department has reviewed the application and does not object to the proposed work.

Attorney Ed Cassella presented on behalf of the applicant. He explained the proposed reconstruction of the existing inground pool which would be relocated further from the CT River and that numerous features including a chimney, fences, and patios would be removed. The patios proposed would be previous and landscaping was proposed on the property and all structures would be removed from within 50 feet from the coastal jurisdiction line. The proposed work would result in the reduction of a non-conformity.

Nadine Soubotin, Landscape Architect with Reed and Hilderbrand explained the existing conditions of the site including landscape features and what changes are proposed.

W T Fergusson asked if anyone wished to speak in favor or in opposition to this application; no comments were made.

A letter from CT River Gateway Commission states it does not oppose this application. The Health Department does not object to the project. The Harbor Management Commission has been referred on the project but does not meet until Thursday December 21, 2023.

MOTION by W T Fergusson to close the public hearing on **Application No. 23-19** on behalf of Marc D. and Elizabeth B. Schnitzer, **10 Benson Lane** Essex, CT, Assessor's Map 70 Lot 6, RU District, requesting variances of Sections 40C, 40D, 40E, 50C.2, 50D and 101E for reconstruction of an inground pool /patio, reducing the impervious area by approx. 400 sq ft, in a location within 100 feet of the coastal jurisdiction line; **SECONDED** by B Sarrantonio; **IN FAVOR**; W T Fergusson, P Schaller, B Sarrantonio, P Beckman, G Wendell; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED** 5-0-0. **Discussion**: No further discussion.

Application No. 23-20 on behalf of Patrick M. Callaghan and Ann W. Goodwin, **16 Grove Street** Essex, CT, Assessor's Map 32 Lot 24-1, VR District, requesting variances of Sections 40D, 40E, and 45D.4 for conversion of a portion of an existing barn to an accessory dwelling unit. The existing barn is in the rear setback.

This application requests a variance for use of an existing garage which is located within the side setbacks as an Accessory Dwelling Unit.

The property is 0.44 acres and contains one single-family home; built in 1836 and a detached garage built in 1890.

Gateway has reviewed the application and does not oppose the proposed work.

The Essex Health Department has reviewed the application and does not object to the proposed work.

The Zoning Regulations Section 45 D.4 requires that existing structures used as Accessory Dwelling Units meet the setback requirements.

Seated for this application: W T Furgueson, B Sarrantonio, P Schaller, P Beckman, G Wendell.

Attorney Terry Lomme, presenting on behalf of the property owner, explained the proposal and variance request. There are no changes proposed to the exterior of the building except changing the windows.

Discussion occurred regarding the existing structure and how it does not conform to setbacks but the proposed use, as an accessory dwelling unit is allowed in the zone.

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

MOTION by W.T. Furgueson to close the public hearing on **Application No. 23-20** on behalf of Patrick M. Callaghan and Ann W. Goodwin, **16 Grove Street** Essex, CT, Assessor's Map 32 Lot 24-1, VR District, requesting variances of Sections 40D, 40E, and 45D.4 for conversion of a portion of an existing barn to an accessory dwelling unit. **SECONDED** by B Sarrantonio; **IN FAVOR** W T Furgueson, P Schaller, B Sarrantonio, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

2. Regular Meeting

- Discussion and possible decision on **Application No. 23-19** on behalf of Marc D. and Elizabeth B. Schnitzer, **10 Benson Lane** Essex
- **Deliberation:** It was noted that the proposed change is beneficial to the environment, reducing the visual bulk in the 50-foot area of the coastal jurisdiction line.

MOTION made by B Sarrantonio to approve **Application No. 23-19** on behalf of Marc D. and Elizabeth B. Schnitzer, **10 Benson Lane** Essex, CT, Assessor's Map 70 Lot 6, RU District, requesting variances of Sections 40C, 40D, 40E, 50C.2, 50D and 101E for reconstruction of an inground pool /patio, reducing the impervious area by approx. 400 sq ft, in a location within 100 feet of the coastal jurisdiction line; The hardship associated with this proposal is the proposed work reduces the non-conformity and maintains the comprehensive plan; This proposal is approved in accordance with the plans as submitted with a condition that the Essex Harbor Management Commission review the proposed work to the extent they have jurisdiction; **SECONDED;** P Beckman; **IN FAVOR:** W T

Furgueson, P Schaller, B Sarrantonio, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- Discussion and possible decision on **Application No. 23-20** on behalf of Patrick M. Callaghan and Ann W. Goodwin, **16 Grove Street** Essex
- **Deliberation:** It was discussed that the use would otherwise be permitted except the building is non-conforming.

MOTION made by B Sarrantonio to approve a variance for **Application No. 23-20** on behalf of Patrick M. Callaghan and Ann W. Goodwin, **16 Grove Street** Essex, CT, Assessor's Map 32 Lot 24-1, VR District, requesting variances of Sections 40D, 40E, and 45D.4 for conversion of a portion of an existing barn to an accessory dwelling unit. The hardship associated with this proposal is the building predates zoning. There is a requirement that the project be compliant with the proposed plans as submitted; **SECONDED;** P. Schaller; **IN FAVOR:** W T Furgueson, B Sarrantonio, P Beckman, P Schaller, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

3. Old Business

- Approval of Minutes – November 21, 2023

MOTION made by W T Furgueson to approve the November 21, 2023 Minutes with following amendments; Page 1, 1st paragraph to read, "Zoning Board of Appeals conducted *its* regularly scheduled..."; Page 1 5th paragraph to read, "...addition to an existing house *extending the rear wall 12 feet to the back of which 29 sq ft will be* in the setback, having a side..."; Page 2 9th paragraph remove the comma after Mr. Shea; Page 2 11th paragraph to read "...Gateway Commission states *it does not oppose...*" **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

4. New Business –

- Election of Officers

G Wendell lead the discussion of election of officers. S Feaster nominated P Beckman for Chairman. P Beckman declined the nomination. **MOTION** made by P. Beckman for W T Furgueson to be Chairman, W Feirer to be Vice Chairman and P Schaller to be Secretary. **SECONDED** by P Schaller **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 4-0-0.**

- Budget

C Duques reviewed the ZBA budget which includes \$1600 for Part-time payroll, \$100 for office supplies, and \$1500 for State of CT fees. **MOTION** made by W T Furgueson to approve the budget as is **SECONDED** by P Beckman **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

5. Correspondence – There was no correspondence.

6. Adjournment

MOTION made by P Schaller to adjourn the meeting at 8:00 pm to the next regularly scheduled meeting which will be held on Tuesday, January 16, 2024 at 7:00 p.m., at the Essex Town Hall, 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, P Schaller, B Sarrantonio, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

Respectfully submitted,

Carey Duques, Substitute Recording Clerk