



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
February 20, 2024 – Zoning Board of Appeals

Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted its regularly scheduled meeting on Tuesday, February 20, 2024 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, W Feirer, P Schaller, P Beckman, and G Wendell.

Staff present: Carey Duques, Zoning Enforcement Officer and acting Recording Clerk.

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

1. Public Hearing

Application No. 24-1 on behalf of Rivulet, LLC, **7 North Main Street Essex, CT**, Assessor's Map 47 Lot 118, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50C.2, and 50D for an addition over an existing first floor.

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

Property owner Steve Ariyan presented the proposed addition. He explained that he and his wife purchased the property at 7 North Main Street and own the chocolate shop next door. They would like to add a second floor over the existing first floor located on the left side of the building. The purpose is to expand the existing kitchen area.

The parcel is non-conforming due to an undersized lot, 0.15 acres where 1.3 acres is required and lot width only being 32 feet wide as opposed to 120 feet. The building is also non-conforming since it is located within the front and side setbacks. Coverage also exceeds the permitted 10%.

The proposed addition would expand a non-conforming structure, by building in the setback.

W.T. Furgueson asked for clarification about roof height.

S Ariyan explained that the addition would match the existing roof height and not exceed the 35 ft limit.

P Beckman questioned the improvements and reviewed the proposed floor plan.

W.T. Furgueson opened the hearing to the public.

Todd Jocelyn of 21 North Main Street supported the project.

The Gateway Commission has reviewed the application, and it does not oppose the proposed work. The Health Department has also reviewed and approved the proposed addition.

MOTION by W T Furgueson to close the public hearing on **Application No. 24-1** on behalf of Rivulet, LLC, **7 North Main Street Essex, CT**, Assessor's Map 47 Lot 118, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50C.2, and 50D for an addition over an existing first floor; **SECONDED** by P Beckman; **IN FAVOR**; W T Furgueson, W. Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED 5-0-0. Discussion**: No further discussion.

Application No. 24-2 on behalf of Andrew Guziewicz, **10 Collins Lane Essex, CT**, Assessor's Map 46 Lot 14, VR District, requesting variances of Sections 40D, 40E, 60B, and 101E for construction of a dry-laid stone patio, inground pool and spa and a reconstructed open deck.

Applicant requested a continuance to March 19, 2024 in order to receive comments from the Gateway Commission, that meets on Thursday February 22, 2024.

Application No. 24-3 on behalf of Tim and Lisa Ghriskey, **17 Riverview Street Essex, CT**, Assessor's Map 16 Lot 13, VR District, requesting variances of Sections 40C, 40D, 50C.2, 50D and 60B for construction of a dormer on an existing roof that is currently located within a setback.
APPLICATION WITHDRAWN

Application No. 24-4 on behalf of Marc and Laura Loew, **20 North Main Street Essex, CT**, Assessor's Map 31 Lot 39, VR District, requesting variances of Sections 40D, 40E, and 60B for a pergola constructed over an existing deck.

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

Attorney Terry Lomme represented the applicant and presented that the property owners are proposing a detached accessory structure which is comprised of a pergola constructed over an existing deck. The proposal includes the removal of the section of deck located within the side setback in order to meet the 5 ft requirement. Having the pergola and deck detached from the house enables the structure to be considered a detached accessory structure. The property owner is proposing to cut back the deck to comply with the 5 ft setback. The structure is 200 sq ft or less and is less than 15 feet in height.

Attorney Lomme explained that he does not believe that it falls under the category of a structure but noted that the ZEO does which is why they are before the ZBA.

Attorney Lomme explained that the proposal is to make something that is non-conforming more conforming by complying with the setbacks and reducing the total site coverage. The hardship associated with the application is the non-conforming lot in size and width.

Attorney Lomme submitted as part of the record letters of support. He also noted that Gateway reviewed the application and did not have any objections.

W.T. Furgueson opened the hearing to the public.

Todd Jocelyn of 21 North Main Street supported the project.

MOTION by W T Furgueson to close the public hearing on **Application No. 24-4** on behalf of Marc and Laura Loew, **20 North Main Street Essex**, CT, Assessor's Map 31 Lot 39, VR District, requesting variances of Sections 40D, 40E, and 60B for a pergola constructed over an existing deck; **SECONDED** by P Beckman; **IN FAVOR**; W T Furgueson, W. Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED 5-0-0. Discussion**: No further discussion.

Regular Meeting

Discussion and possible decision on applications:

- **Application No. 24-1** on behalf of Rivulet, LLC, **7 North Main St Essex**.

W Feirer discussed the proposal and stated support for the project.

MOTION by W Feirer to approve the application on on **Application No. 24-1** on behalf of Rivulet, LLC, **7 North Main Street Essex**, CT, Assessor's Map 47 Lot 118, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50C.2, and 50D for an addition over an existing first floor; expansion of a nonconformity. The hardship associated with this proposal is the lot pre-exists zoning, the lot is non-conforming and the footprint of the building will not change as a result of the proposed addition; This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR**; W T Furgueson, B Sarrantonio, P Beckman, W. Feirer, P Schaller; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIES 5-0-0. Discussion**: No further discussion.

- **Application No. 24-4** on behalf of Marc and Laura Loew, **20 North Main St Essex**.

P Schaller believes this is an improvement.

MOTION by P Schaller to approve **Application No. 24-4** on behalf of Marc and Laura Loew, **20 North Main Street Essex**, CT, Assessor's Map 31 Lot 39, VR District, requesting variances of Sections 40D, 40E, and 60B for a pergola constructed over an existing deck The proposal is making the detached accessory structure less non-conforming; the hardship is the topography of the land make this location the best for a pergola; **SECONDED** by P Beckman; **IN FAVOR** W T Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED**: None; **ABSTAINING**: None; **MOTION CARRIED 5-0-0. Discussion**: No further discussion.

3. Old Business

- Approval of Minutes – January 16, 2024

MOTION made by W Feirer to approve the January 16, 2024, Minutes with the following changes: page 3: 12th paragraph word president should say precedent; Page 6: 9th paragraph should read “D Royston stated that the court ruled the board cannot substitute its judgement as a better interpretation of the regulation.” **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, P Schaller, B Sarrantonio, P Beckman, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

4. New Business – No new business

5. Correspondence – There was no correspondence.

6. Adjournment

MOTION made by W Feirer to adjourn the meeting at 7:32 pm to the next regularly scheduled meeting which will be held on Tuesday, March 19, 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, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

Respectfully submitted,

Carey Duques, Substitute Recording Clerk