



TOWN OF ESSEX
Zoning Board of Appeals

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

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
November 21, 2023 – Zoning Board of Appeals

Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, November 21, 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 Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman, S Feaster, R Rybak, G Wendell.

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

W T Furgueson, 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.

1. Public Hearing

- **Application No. 23-14** on behalf of Emme L. Deland, **17 West Avenue** Essex, CT, Assessor's Map 32 Lot 34, VR District, requesting variances of Sections 40C, 40D, 40I.1, 50D, and 60B for an addition to an existing house expanding the footprint by 12 ft, resulting in 29 sq ft in the setback, having a side setback of 22 ft 4 inches where 25 ft is required.

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

This application requests a variance for addition to an existing house to expand the living room at the rear of the house. The expanded footprint would be 12 ft by 26 ft and 29 sq ft of the addition would be in the setback and would be 22' 4" at the closest point from the property line where 25 ft is required.

The property is 0.96 acres and contains a single-family home that was built in 1855.

Gateway has provided comments and does not object to the variance request.

Previous variance requests: Application #19-29, request to add dormers to a detached garage extending within the side setback to a point 7 ft where 25 is required. Also to allow the same detached garage located within 15 ft of the side property line to have an accessory dwelling unit by eliminating the garage function. Approved for the dormers but denied for the elimination of the garage function and conversion into an accessory dwelling unit.

Variance granted September 16, 2003 to extend the porch resulting in an increase in coverage and encroachment into the setbacks.

Variance granted July 15, 2003 to demolish the existing garage and replace with a larger garage, resulting in an encroachment into the side setback.

Variance granted August 17, 2004 to construct a garage and extend a porch addition within the setback. It appears that this variance application replaced the ones granted in 2003.

Joseph Shea from A.J. Shea Construction presented on behalf of the applicant. He explained the house was built before zoning in 1855. The owner is proposing an addition that would encroach 29 sq ft into the setback.

Mr. Shea, stated that the hardship associated with this application is that the house pre-dates zoning and in order to maintain the architectural integrity of the house the addition encroaches slightly into the setback.

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

A letter from CT River Gateway Commission states they do not oppose this application.

Notice of the meeting was sent to the abutters.

MOTION by W T Furgueson to close the public hearing on **Application No. 23-14** on behalf of Emme L. Deland, **17 West Avenue** Essex, CT, Assessor's Map 32 Lot 34, VR District, requesting variances of Sections 40C, 40D, 40I.1, 50D, and 60B for an addition to an existing house expanding the footprint by 12 ft, resulting in 29 sq ft in the setback, having a side setback of 22 ft 4 inches where 25 ft is required; **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. 23-17** on behalf of 9197CCAS LLC, **91 Pond Meadow** Ivoryton, CT, Assessor's Map 88 Lot 2, RU District, requesting variances of Sections 40D, 40E, and 50C for reconstruction and expansion of an existing single-family house on a lot with a second single family house where only one dwelling is allowed.

This application requests a variance for reconstruction and expansion of an existing single-family house on a lot with a second single family house where only one dwelling is allowed.

The property is 21.53 acres and contains two single-family homes; built in 1890.

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

Christian Morales, property owner, spoke about the existing home that was built in 1890 and is in poor condition. The foundation is made of boulders and is crumbling. His proposal is to demolish the existing house and barn and rebuild a new single-family house on the lot. The new house would be shifted slightly from the existing house location, and would comply with setbacks, coverage, and height.

Discussion occurred about the condition of the house and what the owner saw at the time of the walkthrough.

The existing total square footage of the house and barn (both proposed to be demolished) equals 2,635 sq ft and the proposed new house with a garage would equal 2,431 sq ft, resulting in slightly less square footage of buildings on the lot.

Notice was mailed to the abutters including the adjacent town, Westbrook, since the property is located within 500 feet of the town line.

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. 23-17** on behalf of 9197CCAS LLC, **91 Pond Meadow** Ivoryton, CT, Assessor's Map 88 Lot 2, RU District, requesting variances of Sections 40D, 40E, and 50C for reconstruction and expansion of an existing single-family house on a lot with a second single family house where only one dwelling is allowed; **SECONDED** by W Feirer; **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.

W T Furgueson and B. Sarrantonio recused themselves from Application No. 23-18.

- **Application No. 23-18** on behalf of Essex Yacht Club Inc., **13 Novelty Lane** Essex, CT, Assessor's Map 50 Lot 5, WF District, requesting variances of Sections 40D, and 101E for an addition of an elevator shaft to allow for access to the second floor of the building located within 100 feet of the coastal jurisdiction line.

This application requests a variance for addition of an elevator shaft at Essex Yacht Club requiring an improvement within 100 feet of the coastal jurisdiction line.

The property is 3.05 acres and contains the yacht club building and several out-buildings used for storage. The structure was built in 1959 and the property is surrounded by water on three sides.

Seated for this application: W Feirer, P Schaller, P Beckman, S Feaster, and R Rybak.

Paul Riggio, Richard Riggio and Sons, represented the property owner. P Riggio explained that the Essex Yacht Club is looking to add an elevator to the existing building to enable handicap access to the second floor. The proposed location for the elevator shaft was decided upon due to the fact that an interior elevator would require cutting into the pilings and existing floors which would be challenging. An exterior location reduces some of the complications. Locating the shaft on the north side of the building has less of a visual impact to views from the River as opposed to locating it on the southern side of the building. The proposed location is the furthest the elevator shaft can be from the Coastal Jurisdiction Line, while still being able to service both the first and second floors of the building.

Gateway Conservation Commission reviewed the application and did not have an objection to the proposed project.

Referral was provided to the Essex Inland Wetlands and Watercourses Commission and they did not have any additions to the proposed erosion and sedimentation controls proposed.

The Essex Harbor Management Commission commented that they did not have any objection to the proposed project.

P Riggio explained that the soils in this area of the property are sandy and are not expected to contain any oil contamination.

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

MOTION by W Feirer to close the public hearing on **Application No. 23-18** on behalf of Essex Yacht Club Inc., **13 Novelty Lane** Essex, CT, Assessor's Map 50 Lot 5, WF District, requesting variances of Sections 40D, and 101E for an addition of an elevator shaft to allow for access to the second floor of the building located within 100 feet of the coastal jurisdiction line; **SECOND P Schaller IN FAVOR** W Feirer, P Schaller, P Beckman, S Feister, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

2. Regular Meeting

- Discussion and possible decision on variance **Application No. 23-14** on behalf of Emme L. Deland, **17 West Avenue** Essex, CT.

- **Deliberation:** It was noted that this is a minor change to this property, and the encroachment is needed in order to maintain the integrity of the architectural features of the house which predates zoning.

MOTION made by P Beckman to approve **Application No. 23-14** on behalf of Emme L. Deland, **17 West Avenue** Essex, CT, Assessor’s Map 32 Lot 34, VR District, requesting variances of Sections 40C, 40D, 40I.1, 50D, and 60B for an addition to an existing house expanding the footprint by 12 ft, resulting in 29 sq ft in the setback, having a side setback of 22 ft 4 inches where 25 ft is required; The hardship associated with this proposal is the house predates zoning and the proposal maintains the comprehensive plan, and the incursion is minimal; This proposal is approved in accordance with the plans as submitted; **SECONDED;** P Schaller; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- Discussion and Possible Decision on **Application No. 23-17** on behalf of 9197CCAS LLC, **91 Pond Meadow** Ivoryton, CT.

Deliberation: It was discussed that the house is unsafe and not able to be renovated as is. There is a slight reduction in the non-conformity by reducing the number of buildings on the property.

MOTION made by W Feirer to approve a variance for **Application No. 23-17** on behalf of 9197CCAS LLC, **91 Pond Meadow** Ivoryton, CT, Assessor’s Map 88 Lot 2, RU District, requesting variances of Sections 40D, 40E, and 50C for reconstruction and expansion of an existing single-family house on a lot with a second single family house where only one dwelling is allowed. The hardship associated with this proposal is the houses predate zoning. There is a requirement that the new single family home be substantially compliant with the proposed floor plan as submitted; **SECONDED;** B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, B Sarrantonio, P Beckman, P Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- Discussion and Possible Decision on **Application No. 23-18** on behalf of Essex Yacht Club Inc., **13 Novelty Lane** Essex, CT

Deliberation: It was discussed that the elevator is needed for ADA compliance to provide access to the second floor of the building.

- **MOTION** made by R Rybak to approve a variance for **Application No. 23-18** on behalf of Essex Yacht Club Inc., **13 Novelty Lane** Essex, CT, Assessor’s Map 50 Lot 5, WF District, requesting variances of Sections 40D, and 101E for an addition of an elevator shaft to allow for access to the second floor of the building located within 100 feet of the coastal jurisdiction line; The hardship associated with this proposal is the proposal provides handicap accessibility to the second floor of the building; **SECONDED;** S Feaster; **IN FAVOR:** W Feirer, P Beckman, P Schaller, R Rybak, S Feaster; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

3. Old Business

- Approval of Minutes – October 17, 2023

MOTION made by W Feirer to approve the October 17, 2023 Minutes with following amendment; Page 3, 2nd paragraph to read, “*who* he noted, has approved....”; Page 5 8th paragraph to read, “...and it would be considered *permissible* were it...”; Page 6 2nd paragraph to read “...topo to the north which was *provided as a valid basis for hardship*” **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

4. **New Business** – There was no new business.

5. **Correspondence** – There was no correspondence.

6. **Adjournment**

MOTION made by W T Furgueson to adjourn the meeting at 7:58 pm to the next regularly scheduled meeting which will be held on Tuesday, December 19, 2023 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 Schaller; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

Respectfully submitted,

Carey Duques, Substitute Recording Clerk