



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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**Regular Members**  
*B. Sarrantonio*  
*Philip J Beckman*

**Alternate Members**  
*George Wendell*  
*Richard Rybak*  
*Susan Feaster*

## Unapproved

### Minutes March 19, 2024 – Zoning Board of Appeals

#### Call to Order and Seating of Members

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, March 19, 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 Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman, R Rybak. Members seated were W T Furgueson, B Sarrantonio, W Feirer, P Schaller, and P Beckman.

Staff present: Carey Duques, Zoning Enforcement Officer.

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

#### 1. Public Hearing

**Application No. 24-6** on behalf of the Town of Essex, **69 North Main Street Essex, CT**, Assessor's Map 28 Lot 72, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, and 60B, for replacement of the existing two sheds with one 32 ft X 36 ft structure to house two accessible bathrooms, a concession stand, and storage area.

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

Engineer Bob Doane on behalf of the Town of Essex presented the proposed addition. The town would like to replace the existing sheds with a new structure containing two ADA compliant bathrooms, a concession stand, and storage area for the purpose of improving amenities in the field.

The town is asking for a variance in a 10-foot side setback for sections 40 C, 40D, 40E, and 60B. The town wants to create a 32 foot by 36 foot building with the aforementioned bathrooms, concession stand, and storage area.

By removing two sheds that are 5 feet from the property line, B Doane says that this replacement is reducing violations and that the coverage is 0.63%. Additionally, the replacement would be reducing non-conformities by removing the two non-conforming structures.

W T Furgueson asked for clarification on the concession store.

B Doane clarified that the concession store is planned to be opened for ball games and did not anticipate it being open any other time.

W T Furgueson asked for clarification on whether the bathrooms would always be open.

B Doane reassured him that the bathrooms would always be open.

W T Furgueson opened the hearing to the public.

Brian Mirante (resident) of Essex supported the project. Additional members of the public number raised their hands in support, numbering roughly twelve.

Jonathan Gordon (resident) of Maple Avenue asked for clarification about the building's ground coverage regarding the building's porch.

B Doane assured him that the coverage was less than the 65% impervious ground coverage but that it was not the focus of the application.

C Duques clarified that the application's proposed change is the building therefore the building lot coverage was looked at and not a proposed change of lot coverage regarding the impervious surface. She also clarified that the use of the parcel remains unchanged and therefore, to answer Jonathan's concerns about parking, that there is no change in requirement for parking.

Anne Penniman (resident) of North Main Street cited inconsistencies about the building's size, saying it was 2 ½ stories and then 1.5 stories elsewhere.

B Doane provided her with an application blueprint of the planned building and showed it was 1 ½ stories.

APenniman(resident) of North Main Street then confirmed that there was new septic and asked about whether or not there was reserve septic.

B Doane said that there was no reserve since there is already an existing septic, but that there is plenty of reserve area for septic in the park.

A Penniman(resident) asked if there would be composting toilets in the building.

B Doane says that there would not be.

A Penniman (resident) also expressed concern about drainage right around the area of the new building where the catch basin overflows and asked if there would be an issue with the septic due to the drainage system.

B Doane says that they do plan to fix and improve the drainage system.

Mare Beyen (resident) of 50 Grove Street asked what purpose improving the building had.

B Doane explained that the building's purpose is to make the bathrooms meet the building code and make them ADA compliant, accessible to everyone. In addition, the plan is to create storage and a concession stand.

M Beyen (resident) then asked why the concession stand is larger.

B Doane explained that it is bigger because it will be more efficient for park events. It was further explained that the stand will have electricity and water in the building.

M Beyen (resident) expressed concerns about the building bringing increased use and noise to the street.

Susan Dee (resident) expressed concern about the usage of the improved building and that it will accommodate more than it needs to.

Anthony Mosa of the Park and Rec Commission clarifies that the building is not intended to increase traffic to the park and that it is to improve a building that is not health compliant and the concession is not meant to attract more people.

Bill Colihan (resident) of 79 North Main Street asks for clarity about the building's open bathroom policy.

B Doane corrects his previous statement of the bathrooms being open all the time to say that they may be locked while the park is in its off-hours.

Liam Aiken (resident) asks about whether the 5-foot sidewalk is being considered when the building has a 10-foot setback .

B Doane clarifies that the sidewalk is not included as part of the building's dimensions and is for the building's accessibility.

L Aiken (resident) asks about how many lights the building will have and how long they will be on for.

B Doane responds that the building will have lights on the outside and inside and that they will be on during hours and while games are going on.

Lee Dorrington of 67 North Main Street asks about when there will be another meeting concerning the building outside of just the building's application.

W T Fergusson responds that this meeting is specifically about the variance and non-conformity of the proposed building and that meetings further discussing it will be a Board of Selectmen meeting followed by a public hearing and then a town meeting.

**MOTION** by W T Fergusson to close the public hearing on **Application No. 24-6** on behalf of the Town of Essex, **69 North Main Street Essex**, CT, Assessor's Map 28 Lot 72, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, and 60B, for replacement of the existing two sheds with one 32 ft X 36 ft structure to house two accessible bathrooms, a concession stand, and storage area. **SECONDED** by W Feirer; **IN FAVOR**; W T Fergusson, 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.

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

Andrew Guziewicz of 10 Collins Lane presented this proposed addition. He explained that the proposed construction of a dry-laid raised stone patio with in-ground pool and spa and reconstructed open deck will reduce coverage from 10.8% to 10.6%. The work is proposed within 100 feet of the coastal jurisdiction line and the improvements will result in a reduction of improvements within 50 feet of the coastal jurisdiction line.

Joe Wren, a professional engineer from Indigo Land Design, gave a presentation about the address's structural design and the plan's details. J Wren goes on to explain that any changes made to the house inside of the Gateway Buffer require a variance, which is what this application is asking for, and the hardships that are what require the improvements.

B Sarrantonio asked why they are applying for an inground pool and not an above-ground pool.

J Wren explained that Gateway Buffer prefers inground pools since they are less visible and cannot be seen from the river.

W Feirer asked what the mean high-water mark of the cove was compared to the bottom of the inground pool.

J Wren answered that the pool is 5 feet deep and that it is much higher than the mean high-water mark because it is about a 2.6 feet buffer.

W Feirer expressed concerns about when water rises above the mean high-water mark and the issues it poses to the pool, to which J Wren again explained that the buffer's height is sufficient.

Denise VonDassel, the project architect of KV Designs, gave a presentation of the existing conditions of the area around 10 Collins Lane. She explains that they are proposing to renovate the house and garage but not expand them in any way, only the indoor windows and stairs. They propose removing the stairs from the upper deck to give square footage coverage. They would also remove the existing garage access to the upstairs and change the access by adding a three-foot wide staircase to the second floor of the garage while conforming to the setbacks.

W T Furgueson asked for clarity on where the stairs would be.

D VonDassel clarified that the stairs would be on the outside and that they would not violate any codes with it because it would be conforming to the setbacks. She continued that they would remove the two-story deck and propose the lower level will have the new raised patio and the second floor will have the open deck. This will reduce the size of the deck since it will become a one-story deck.

W Feirer asked what the structural changes to the house were and if they required variance.

D VonDassel said that they were all within 100 feet and did not require variance.

W T Furgueson asked where the non-conformity was being removed.

D VonDassel clarified that the stairs and the two-story deck were the non-conformities that were being removed.

W T Furgueson asked if the pool that was being used was a saltwater pool.

A Guziewicz responded that saltwater had not been considered. J Wren added that the pool would be self-maintained by a pool company and that there was no risk of the pool water backwashing to the river.

P Beckman asked for clarity on why there is no frontage on the road.

A Guziewicz responded that it made the property more unique compared to the properties surrounding it.

C Duques asked on behalf of the Wetlands Commission about the stockpile and whether it would be located outside of the 100-foot location for precautions against storms and to prevent material getting into the resource area.

J Wren said that there would be two stockpiles which would mostly be topsoil and would be protected by two layers of silt fences and temporary seeding. He went on to explain that the proximity to the proposed construction is for workers to use effectively and that moving them further away from the site would cause it to approach the driveway and the septic system. He said it is possible to have one stockpile instead of two but he said that he did not know if that would be done.

W Feirer asked about the hardship of adding to the pool and what the hardship would be if there was not a pool.

J Wren said that it is not just the pool itself in the variance and that it is everything in the zone that requires the variance, like raising the patio and the deck. He goes on to explain that the pool's construction site has to be in its proposed area because there is nowhere else for it to be built on the property.

W Feirer asked A Guziewicz if when he purchased the property that he knew that he was in a restricted area.

A Guziewicz said that he knew when he purchased the property that there was a design for a pool that had been intended to be installed by a prior owner, though not the seller.

W T Furgueson opened the hearing to the public.

John Forster of 6 Collins Lane expressed concern that the landscaping plans of 10 Collins Lane will add trees obstructing the view from his house to the cove and devalue his property. His issue lies not with the construction and improvements of the house but with the landscaping and position of added trees.

J Wren offered to review J Forster's concerns with the landscaping with Mark Kwan, the landscaping architect.

W T Furgueson asked that the applicants give a brief overview of what they plan to do with the landscaping.

A Guziewicz said that two diseased trees were previously removed from the area that J Forster claimed would have been obstructed if new trees were placed there, to which J Forster refutes that his property has always had a view of the cove.'

Mark Kwan of MK Designs, LLC then explained that the trees being added were meant to add privacy from neighbors or other passersby when the pool, patio, or deck is in use. He assures that the trees proposed to be added can be controlled height-wise if their height presents an issue, while allowing privacy and viewing over the trees.

W T Furgueson asked what that ideal height would be.

M Kwan says that he believes it should be 12 to 14 feet high and elaborates on their ease of height control. He then goes on to speak about the addition of native plants to the house for improvements before assuring that the trees can be controlled.

W T Furgueson asked J Forster if he had an idea in mind for the height of the trees, to which J Forster said that trees about the height of the upper deck would be sufficient for A Guziewicz. M Kwan also adds that Gateway may ask that the trees be added to screen fences and structures visible from the river, but J Forster responds that he attended the Gateway meeting for this

application and claimed that there was one member who claimed not to care about the trees. He also goes on to say that a member of the Gateway Commission commented that there is a concern of the view in both directions to and from the river.

A Guziewicz claims that J Forster's interpretation of what one of the Gateway Commission's comments is misguided. He believes that the removal of trees and the exposure of structures and land is the opposite of what the Gateway Commission is trying to represent and that there is no authorization from Gateway to preserve views of homeowners of the water.

P Beckman brings up that the Gateway Commission is not supporting but also not denying the application says that the property owner A Guziewicz may have limited location sites for the patio and pool, and leaves determining hardship to the Zoning Board of Appeals.

A Guziewicz says that Gateway used this language to allow the Zoning Board of Appeals the freedom to make a motion in approval of the application that was not something they wanted to go on record doing.

P Beckman elaborates that Gateway Commission has a policy not to support new structures in the 100-foot structural or 50-foot repairing buffer setback, hence why they did not approve nor deny this application.

**MOTION** by W T Furgueson to close the public hearing on **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. **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. 24-5** on behalf of Richard and Eleanor Bravman, **22 West Ave Essex**, CT, Assessor's Map 32 Lot 65, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50C.2, 50D, and 60B, for an addition to the second floor of an existing home located within the setbacks.

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

Amy Latva-Kokko on behalf of Richard and Eleanor Bravman presented the application to request variances for an addition of a main bedroom over the existing kitchen. The height of the structure would be increased at the rear of the building and would match the height of the existing 1 ½ story ridgeline.

A variance is needed because the existing structure is located within side setbacks, but the footprint of the building will not change.

The proposal would remove an existing shed within the setback and assist in reducing the building coverage which is currently over the permitted 10%.

A Latva-Kokko noted that there is an existing non-conformity in the side yard on the east side of the property. The existing side yard is a garage and the existing non-conformity cuts through the dining room and kitchen. She also explained that the property has enough septic for three bedrooms while the house currently has two.

A Latva-Kokko explained that the addition of the bedroom will not increase lot coverage. The hardship is that the second floor has skylights and the bedroom cannot be made because there is not a proper egress. What A Latva-Kokko is proposing to solve this is that the 1 ½ story build should have its roofline raised. She wants the hip of the main room to be collinear with the existing building.

B Sarrantonio asks for clarity that it is not the main house that is not the issue requiring variance. A Latva-Kokko clarifies that it is just the kitchen area that requires variance.

C Duques asked if there was any variance request for the guest house, to which A Latva-Kokko answers there is not.

P Beckman asked if there were any hardships and A Latva-Kokko responded that there is only the aforementioned hardship that the third bedroom on the second floor cannot be built because the skylights are not acceptable for egress windows.

W Feirer asked why the third bedroom had to be built on a second floor and not on the first floor.

A Latva-Kokko explained that building in another direction would increase the nonconformity of another area and increase the lot coverage.

W T Furgueson opened the hearing to the public.

Geoffrey Paul (resident) supported the project.

**MOTION** by W T Furgueson to close the public hearing on **Application No. 24-5** on behalf of Richard and Eleanor Bravman, **22 West Ave Essex, CT**, Assessor's Map 32 Lot 65, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50C.2, 50D, and 60B, for an addition to the second floor of an existing home located within the setbacks. **SECONDED** by B Sarrantonio; **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.

## 2. Regular Meeting

Discussion and possible decision on applications:

- **Application No. 24-6** on behalf of the Town of Essex, **69 North Main Street Essex**

The Board agreed that there are no issues with the application.

**MOTION** by W Feirer to approve **Application No. 24-6** on behalf of the Town of Essex, **69 North Main Street Essex, CT**, Assessor's Map 28 Lot 72, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, and 60B, for replacement of the existing two sheds with one 32 ft X 36 ft structure to house two accessible bathrooms, a concession stand, and storage area. The proposed



concession stand will be replacing two non-conforming structures that are located 5 feet from the property line. The new concession stand will include two ADA accessible bathrooms, improving a safety issue, resolve drainage issues and reducing a non-conformity; This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **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 Ln Essex**.

The Board discussed the presence of hardships on the property, whether the Board judges hardships, and their interpretation of the Gateway Commission's regulations.

**MOTION** by P Beckman to approve **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. The hardship is pre-existing non-conforming lot, house was prior to zoning, house is entirely within the 100 foot Gateway Conservation Zone, and the topography of the site, and location of septic limits the location of the pool; This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Sarrantonio; **IN FAVOR**; W T Furgueson, B Sarrantonio, P Beckman; **OPPOSED**: W Feirer and P Schaller; **ABSTAINING**: None; **MOTION DENIED**: 3-2-0. **Discussion**: No further discussion.

- **Application No. 24-5** on behalf of Richard and Eleanor Bravman, **22 West Ave Essex**.

**MOTION** by W Feirer to approve **Application No. 24-5** on behalf of Richard and Eleanor Bravman, **22 West Ave Essex, CT**, Assessor's Map 32 Lot 65, VR District, requesting variances of Sections 40C, 40D, 40E, 40I.1, 50C.2, 50D, and 60B, for an addition to the second floor of an existing home located within the setbacks. Reduction of a non-conformity by removal of the existing shed. The hardship is the size of the lot is non-conforming; This proposal is approved in accordance with the plans as submitted; **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. **Discussion**: No further discussion.

### 3. Old Business

- Approval of Minutes – February 20, 2024  
approve the minutes, no changes

**MOTION** made by W T Furgueson to approve the February 20, 2024 Minutes as submitted **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.

### 4. New Business – No new business

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

**6. Adjournment**

**MOTION** made by W T Furgueson to adjourn the meeting at 9:06pm to the next regularly scheduled meeting which will be held on Tuesday, April 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 B Sarrantonio; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

Respectfully submitted,

Elson Guo, Recording Clerk