

TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**

*Paul Greenberg, Chair  
Vacancy, Vice Chair*

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29 West Avenue • Essex, Connecticut 06426  
Telephone (860) 767-4340 • FAX (860) 767-8509

**Regular Members**

*Barbara Sarrantonio  
W. T. Furgueson  
William Veillette  
Ward Feirer*

**Alternate Members**

*Peter Decker  
Philip J. Beckman  
George Wendell  
Richard Rybak*

**Unapproved**

**MINUTES**

**September 27, 2016 – Public Hearing and Special Meeting**

The Essex Zoning Board of Appeals conducted a special meeting on Tuesday, September 27, 2016 at 7:00 p.m. in Room A of the Essex Town Hall. Attending Members were W. T. Furgueson, W Veillette, W Feirer, P. Beckman, Alternate seated for the meeting and G. Wendell, Alternate seated for the meeting.

Staff:

Stella C. Beaudoin, Recording Clerk  
Michael Wells, Esq., Legal Counsel

W. T. Furgueson, Acting Chair called the meeting to order at 7:00pm

- **Application No. 16-19** on behalf of Michael Hannifan c/o Peter Boorman, Esq., 30 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 18, C District, requesting variances to sections 40D, 40E, 40I.1, 50D, and 80C of the zoning regulations to locate a 20'-2" x 23'-2" square foot deck to a point 10 feet from a front property line where 30 feet is required.

Seated for this proposal were W. T. Furgueson, W Veillette, G Wendell, P Beckman, R. Rybak.

Presenting on behalf of this proposal was Cole Taylor, Chef of the Essex Restaurant. C. Taylor stated that the building in which is restaurant will be situated is currently preexisting in the setback. The restaurant will offer a casual lunch menu, a market and an upscale dining with intricate kitchen. C. Taylor stated that the patio will add an aesthetic to the property line and offer outdoor dining in the summer.

C Taylor stated that he initially intended to drop a stone outdoor patio at grade, which would not require a variance, however, that plan was taken off the table due to the location of the Black Walnut Tree on the property. C. Taylor stated that the Building Official, Dave DeLeeuw, advised against the installation of the stone patio as 70 percent of the area in which the patio is to be situated would be taken up by the requisite ADA installation of a handicap ramp. C. Taylor stated that he wishes to install an elevated deck which is an extension of the existing deck and to bring it out to the corner of the building. There will be a seating capacity of 120. Forty seats will be devoted to a fine dining room, and 32 seats will be devoted to an old school bourbon bar, and 42 seats will be devoted to casual dining and an open market that will offer

sandwiches and take out dinners.

W. T. Fergusson read into the record a letter from Dave DeLeeuw, Building Official related to the change in occupancy on first floor of the structure, and per building code requirement, accessible routes will be located in same area as the circulation path.

C. Taylor stated that an attractive element and an asset to the surroundings will be added to Main Street in Centerbrook by adding to the site line with the outdoor dining.

The Architect for this proposal stated that this property is unique because the building and parking occupy the property in its entirety. The footprint of the deck is the same as if it were a patio on grade. The Black Walnut Tree will be preserved throughout the construction of the deck. There will be no enclosure to the deck.

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

There was no public comment.

There were no further questions from the Board.

W. T. Fergusson closed the Public Hearing at 7:21pm

- **Application No. 16-20** on behalf of Steve Elek, 99 Book Hill Road, Essex, CT, Assessor's Map 6, Lot 14, RU District, requesting variances to sections 40C, 40D, 40I.1, and 61B of the zoning regulation to locate a 24 x 24 detached garage to a point 12 feet from a side property line where 30 feet is required.

Seated for this proposal were W. T. Fergusson, W Veillette, G Wendell, P Beckman, W. Feirer.

Steve Elek presented on behalf of this proposal. S. Elek stated that he and his wife purchased their home in May 2016 and they would like to build a garage where the current driveway is situated, on the right side of the house. There is a septic system located behind the house and there is a retaining wall situated on the left side of the property, making this is the only feasible location for the installation of the garage.

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

There was no public comment.

There were no further questions from the Board.

CT River Gateway Commission submitted a letter stating no opposition to this proposal.

W. T. Fergusson closed the Public Hearing at 7:30pm

- **Application No. 16-21** on behalf of Jon and Amity Goss, 7 Hillside Drive, Essex, CT, Assessor's Map 68, Lot 4-1B, RU District, requesting variances to sections 40C, 40D, 40I.1, and 61B of the zoning regulation to locate a 24 x 24 square foot detached garage to a point 20 feet from a side property line where 30 feet is required.

Seated for this proposal were W. T. Fergusson, W Veillette, G Wendell, P Beckman, W. Feirer.

Jon Goss presented on behalf of this application. J. Goss stated that he presented to the ZBA in July 2016 seeking a variance for the installation of a garage eight feet off of the side property line. J. Goss stated that the Board suggested that he relocate the structure and he has shifted the location of the garage to be situated 20 feet off of the property line. J. Goss stated that he would like to keep garage located at the end of driveway and in order to gain the 20 feet off of the property line, he took the garage and twisted it so that it is at an angle which is parallel with the property line. J. Goss stated that the Board also suggested the relocation of the garage to other locations on the property. J. Goss stated that the proposed location is the only feasible location for the garage as the septic system interferes in one of the locations proposed by the Board. J. Goss stated that the hardship associated with this proposal is the location of the septic and the topography of the property.

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

There was no public comment.

There were no further questions from the Board.

W. T. Furgueson read into the record, three letters from adjoining neighbors who are in favor of this proposal; Kathleen and Sade Esfanian, Jeannette Wiggins, 47 Cedar Grove Terrace and Nancy and Thomas Haney, 12 Hillside Drive.

The CT River Gateway Commission submitted a letter stating no opposition to the proposal.

W. T. Furgueson closed the Public Hearing at 7:42pm.

- **Application No. 16-22** on behalf of Richard Helzel, 23 King's Lane, Essex, CT, Assessor's Map 28, Lot 16, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a dormer on a roof of a detached garage that is located within a side yard setback area.

Seated for this proposal were W. T. Furgueson, W Veillette, G Wendell, P Beckman, W. Feirer.

Hope Proctor, Architect presented on behalf of this application. This is a proposal to allow a dormer on the roof of the detached garage which is located in the side yard setback. H. Proctor stated that on May 27, 2016 a zoning permit was approved for interior improvements to an interior garage.

M. Wells stated that the applicant submitted this plan and testified that the original plan, which received approvals from the building department is the same as what is shown this evening. M. Wells indicated that at that time of approval, the building department should have informed the applicant that a variance was required for the dormer. The application was never properly referred to the ZBA until after the construction was completed.

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

Bob Stowe Maple Avenue, stated that the applicant has done an excellent job of improving the property and he is in favor of this proposal.

Jennifer Gill, 25 Kings Lane, stated no objection to the proposal.

There were no further questions from the Board.

The CT River Gateway Commission submitted a letter stating no opposition to the proposal.  
W. T. Fergusson closed the Public Hearing at 8:00pm

- **Application No. 16-23** on behalf of Joshua Schulman and Andrea Schreiber, 28 River Road, Essex, CT, Assessor's Map 10, Lot 22, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to allow a 54 square foot addition to a point 27 feet from a front property line where 40 feet is required.

Seated for this proposal were W. T. Fergusson, W Veillette, G Wendell, P Beckman, W. Feirer.

Joshua Schulman presented on behalf of this proposal. This is an application to construct a covered portico in the location of the main entrance of the house. The main entrance is situated on River Road, however that entrance has never been used. The house predates zoning and it is situated on a corner with a 40-foot setback. J. Schulman noted that 50% of the house is in violation of the front setback. When the house was built, the road was six feet higher and the front entrance was accessible. Now the access to the house is the side kitchen door off of the driveway and the applicant would like to re-create an appropriate front entrance. The hardship associated with the proposal is the safety standpoint of entering the home in inclement weather.

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

There was no public comment.

There were no further questions from the Board.

W. T. Fergusson read a letter into the record from Gary and Margaret Dayharsh, 6 Book Hill Road stating no objection to this proposal.

The CT River Gateway Commission submitted a letter stating no opposition to the proposal.

W. T. Fergusson closed the Public Hearing at 8:05pm

- **Application No. 16-24** on behalf of Dana McFadden, 22 Mack Lane, Essex, CT, Assessor's Map 46, Lot 31, VR District, requesting a variance to section 40Q of the zoning regulations to allow a swimming pool to a point 13 feet from a property line where 20 feet is required.

This application has been postponed to the October 2016 meeting.

- **Application No. 16-25** on behalf of Susan Paul, 9 Pratt Street, Essex, CT, Assessor's Map 47, Lot 113, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a 430 square foot garage addition to a point 2.5 feet from a side property line where 25 feet is required. Also, to allow the existing building coverage to increase from 18.4% to 20.1% where 10% is the maximum building coverage allowed.

Seated for this proposal were W. T. Fergusson, W Veillette, G Wendell, P Beckman, W. Feirer.

Whitney Huber, Architect presented on behalf of this proposal. W. Huber stated that the applicant would like to construct an attached garage onto the property. There is a pool house on the rear of the property which will be demolished and in doing so a nonconformity will be eliminated. The proposed garage will be

136 s.f. which is larger than the existing pool house. W. Huber stated that the applicant would like at some point to extend her master bedroom to the second story of the garage, however the plans before the Board this evening do not reflect that extension. W Huber stated that the garage door is proposed to be situated in the front and to the rear of the garage. This application before the Board this evening does not include the second floor bedroom.

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

There was no public comment.

There were no further questions from the Board.

The CT River Gateway Commission submitted a letter stating no opposition to the proposal.

W. T. Furgueson closed the Public Hearing at 8:17pm

- **Application No. 16-26** on behalf of Carlson Landing, LLC, 9 Ferry Street, Essex, CT, Assessor's Map 47, Lot 17, WF District, requesting variances to sections 40C, 40D, 40I.1, 71B and 101D of the zoning regulations to allow a 140 square foot shed to a point 6 inches from the front property line where 40 feet is required. Also, to allow the existing building coverage to increase from 48.4% to 48.6% where 25% is the maximum building coverage allowed.

Seated for this proposal were W. Veillette, G. Wendell, W. T. Furgueson, W. Feirer, P. Beckman, R. Rybak.

M Wells stated that he represents Rick Carlson who owns Carlson Landing, LLC, the applicant subject to this proposal.

Presenting on behalf of this proposal was Diane Gregory, Comptroller of Essex Boat Works. This is a proposal to construct a 10' x 14' seasonal shed with electric, which will be used as a ship store. The proposed location is set in a position where it will have Ferry Street access. D. Gregory stated that the shed will be nonconforming wherever it is situated. D. Gregory stated that the hardship is that this is a preexisting, nonconforming structure and it takes up all of the buildable area.

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

There was no public comment.

W. T. Furgueson read thirty-one letters into the record in support of this proposal.

There were no further questions from the Board.

W. T. Furgueson closed the Public Hearing at 8:40 pm

## **SPECIAL MEETING**

Discussion and possible decision on applications:

- **Application No. 16-19** on behalf of Michael Hannifan c/o Peter Boorman, Esq., 30 Main Street, Centerbrook, CT.

It was noted that the hardship associated with this proposal is the location of the Walnut Tree and the ADA accessibility requirement, making this proposal for the construction of a deck, the most reasonable alternative.

**MOTION** to grant approval to **Application No. 16-19** on behalf of Michael Hannifan c/o Peter Boorman, Esq., 30 Main Street, Centerbrook, CT, Assessor's Map 44, Lot 18, C District, requesting variances to sections 40D, 40E, 40I.1, 50D, and 80C of the zoning regulations to locate a 20'-2" x 23'-2" square foot deck to a point 10 feet from a front property line where 30 feet is required. The hardship associated with this proposal is the existence and the orientation of the Black Walnut Tree and the ADA requirement. The Variance is approved in accordance with the plans presented; **MADE** by P. Beckman **SECONDED** by W. Veillette; **IN FAVOR:** W. T. Furgueson, W. Veillette, R. Rybak, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-20** on behalf of Steve Elek, 99 Book Hill Road, Essex, CT.

**MOTION** to grant approval to **Application No. 16-20** on behalf of Steve Elek, 99 Book Hill Road, Essex, CT, Assessor's Map 6, Lot 14, RU District, requesting variances to sections 40C, 40D, 40I.1, and 61B of the zoning regulation to locate a 24 x 24 detached garage to a point 12 feet from a side property line where 30 feet is required. The hardship is the location of the septic system and the topography of the land making this the only feasible location to situate the proposed structure. The Variance is approved in accordance with the plans presented; **MADE** by G. Wendell **SECONDED** by W. T. Furgueson; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-21** on behalf of Jon and Amity Goss, 7 Hillside Drive, Essex, CT.

**MOTION** to grant a variance to **Application No. 16-21** on behalf of Jon and Amity Goss, 7 Hillside Drive, Essex, CT, Assessor's Map 68, Lot 4-1B, RU District, requesting variances to sections 40C, 40D, 40I.1, and 61B of the zoning regulation to locate a 24 x 24 square foot detached garage to a point 20 feet from a side property line where 30 feet is required. The hardship associated with the proposal is the topography of the land making this the only feasible location on which to situate the proposed structure. The homeowner has taken exhaustive measures to insure that the proposed structure was removed from the setbacks. The Variance is approved in accordance with the plans presented; **MADE** by G. Wendell **SECONDED** by P. Beckman; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-22** on behalf of Richard Helzel, 23 King's Lane, Essex, CT.

It was noted that this application and associated drawings were previously presented to the building official depicting the completed project. Informing the applicant after-the-fact that a variance was needed for the dormer was an oversight on the part of the building department. This proposal is in harmony with the neighborhood.

**MOTION** to grant a variance to **Application No. 16-22** on behalf of Richard Helzel, 23 King's Lane, Essex, CT, Assessor's Map 28, Lot 16, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a dormer on a roof of a detached garage that is located within a side yard setback area. The hardship associated with this proposal is the as-is, existing building. The existing structure has a staircase that requires a dormer and the original building permit was issued with the understanding

that the dormer would be installed and in conformity with the building code at that time. The Variance is approved in accordance with the plans presented; **MADE** by W. Feirer **SECONDED** by W. T. Furgueson; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-23** on behalf of Joshua Schulman and Andrea Schreiber, 28 River Road, Essex.

**MOTION** to grant a variance to **No. 16-23** on behalf of Joshua Schulman and Andrea Schreiber, 28 River Road, Essex, CT, Assessor's Map 10, Lot 22, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations to allow a 54 square foot addition to a point 27 feet from a front property line where 40 feet is required. The hardship associated with this application involves the safety issue. This proposal has no major impact on the neighborhood and the abutting neighbor is in favor. The Variance is approved in accordance with the plans presented; **MADE** by W. Feirer **SECONDED** by P. Beckman; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-25** on behalf of Susan Paul, 9 Pratt Street, Essex, CT.

It was noted that the only application before the Board this evening is for the construction of a one-story garage. An extension on the second floor is not being considered. The applicant is reducing a nonconformity and they are eliminating a rear yard setback nonconformity. However, with the new structure, a nonconformity to the side yard is being created. The property is preexisting to zoning and it is so narrow nothing can be built on it.

**MOTION** to grant a variance to **Application No. 16-25** on behalf of Susan Paul, 9 Pratt Street, Essex, CT, Assessor's Map 47, Lot 113, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow a 430 square foot garage addition to a point 2.5 feet from a side property line where 25 feet is required. Also, to allow the existing building coverage to increase from 18.4% to 20.1% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is the elimination of a nonconformity on the rear of the property and the configuration of the property does not allow for any additional building. This variance is approved for a one-story garage. The Variance is approved in accordance with the plans presented; **MADE** by W. Feirer **SECONDED** by W. T. Furgueson; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 16-26** on behalf of Carlson Landing, LLC, 9 Ferry Street, Essex, CT.

It was noted that this is a preexisting business and a shipyard, dealing with the use of cranes. As such, there would be a safety concern and a high risk to place this structure anywhere else on the property.

**MOTION** to grant a variance to **Application No. 16-26** on behalf of Carlson Landing, LLC, 9 Ferry Street, Essex, CT, Assessor's Map 47, Lot 17, WF District, requesting variances to sections 40C, 40D, 40I.1, 71B and 101D of the zoning regulations to allow a 140 square foot shed to a point 6 inches from the front property line where 40 feet is required. Also, to allow the existing building coverage to increase from 48.4% to 48.6% where 25% is the maximum building coverage allowed. The hardship associated with this proposal is the existing marina with preexisting violations in the setbacks, and the configurations of the business to include the use of the cranes on-premises, making the proposed location the only safe, viable option for the shed. The Variance is approved in accordance with the plans presented; **MADE** by P. Beckman

**SECONDED** by R Rybak; **IN FAVOR:** W. T. Furgueson, W. Veillette, R. Rybak, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

## **OLD BUSINESS**

Approval of Minutes – July 19, 2016

**MOTION** to approve the July 19, 2016 Meeting Minutes as presented; **MADE** by W. Veillette; **SECONDED** by W. Feirer; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, P. Beckman, G. Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

## **CORRESPONDENCE AND INVOICES**

There was a discussion on the new requirements related to the amendments of the Zoning Regulations.

## **ADJOURNMENT**

**MOTION** to adjourn the meeting at 9:20 p.m. to the next regularly scheduled meeting which will be held on Tuesday, October 18, 2016 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **MADE** by W. Feirer; **SECONDED** by P. Beckman; **IN FAVOR:** W. T. Furgueson, W. Veillette, W. Feirer, G. Wendell, P. Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary