



TOWN OF ESSEX  
**Zoning Board of Appeals**

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**Executive Board**

*Paul Greenberg, Chair*  
*W. T. Furgueson, Vice Chair*  
*W. Feirer, Secretary*

**Regular Members**

*Barbara Sarrantonio*  
*William Veillette*

**Alternate Members**

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

**Unapproved**

**MINUTES**

**November 21, 2017 – Public Hearing and Regular Meeting**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, November 21, 2017 at 7:00 p.m. in Room B of the Essex Town Hall. Seated for the meeting were W.T Furgueson, W Veillette, G Wendell, P Beckman, R Rybak.

Staff:

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

Audience members: There were 8 audience members

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

**PUBLIC HEARINGS**

- **Application 17-18** on behalf of Peggy and Greg Brigandi, 27 Partridge Lane, Essex, C, Assessor's Map 46, Lot 66, RU District, requesting variances to sections 40C, 40D and 61B of the zoning regulations to add a 10' x 23' screened in porch addition and a 10' x 12' shed that will increase building coverage from 15% to 16.9% where 15% is the maximum building coverage allowed.

Seated for this application were W Feirer, B Sarrantonio, W.T Furgueson, W Veillette, G Wendell.

The applicant is seeking a variance to construct a screened-in porch addition. In a discussion with the ZEO, the installation of a shed on this property at a future date was considered.

There are no setback issues related to this proposal. The proposed shed location is allowed per regulation section 40I.2. However, if the shed is removed from the discussion then the coverage would be 16.3%

Greg Brigandi who presented on behalf of this proposal stated that he would like to add a 10' x 23' screened porch to the property behind the garage and situated in the proposed location, the garage will not be visible to any of the abutting neighbors. In addition to the proposed garage, the applicant would like to install a 10' x 12' shed. The house was built in 1966 and the previous owners maximized the square footage of the lot during the time of initial construction. G Brigandi stated that the shed would be beneficial for storage, as the existing 2-car garage is extremely narrow and there is no available room remaining for the storage of tools, equipment etc.

The hardship associated with this proposal is that the previous owners maximized the square footage of the lot and the house predates the zoning regulations.

W. T. Furgueson stated that there is not a lot of available space on the property on which to install a shed.

There were no further comments from the Board.

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

There was no public further public comment.

There were no further questions from the Board.

W. T Furgueson closed the Public Hearing at 7:15 pm.

- **Application No. 17-19** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 2, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 90B of the zoning regulations to increase the height of an existing house that is in the front and both side setbacks, also to add an addition to the garage to a point 11 feet, 5 inches from a side property line where 30 feet is required.

Seated for the meeting were W Feirer, B Sarrantonio, W.T Furgueson, W Veillette, R Rybak.

This is an application to locate a 12' x 30.4' garage addition to a point 11 feet 2 ½ inches from the east side property line where 30 feet is required. The house is currently 23.5 feet away. Also, the applicant would like to add height to the house where much of the house is within the front and side setbacks.

C Pious who presented on behalf of this application stated that he purchased the property in July 2017 and the home was constructed in 1964. C Pious stated that there is a small one car-garage at the end of a short driveway and this is a request to add a garage and to raise the roof for the purpose of site lines and aesthetic value.

There will be no storage in the attic of the house and the loft above the garage will be utilized as a storage space. C Pious stated that he is not seeking a height variance and a variance is being sought only for setback.

The hardship associated with this proposal is the topography of the land and the location of the house.

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

There was no public comment.

There were no further questions from the Board.

There was a letter submitted on behalf of this application from the CT River Gateway Commission stating no objection to this proposal.

W. T. Furgueson closed the Public Hearing at 7:26pm.

- **Application 17-20** on behalf of Gary Dayharsh c/p Michael Dowley, 57 Main Street, Ivoryton, CT, Assessor's Map 41 Lot 16 and 17, RUM District, requesting variances of sections 131A.I.D, 131A.4 and 131D of the zoning regulations to allow a 4 dwelling multifamily building on a lot that is currently .29 acre in size.

Attorney Michael Wells recused himself from this application.

Seated for this application was W.T. Furgueson, W. Veillette, W Feirer, B Sarrantonio, G Wendell.

Gary Dayharsh is moving forward with a plan to change the use of the Ivoryton Congregational Church to a four-family dwelling. On Monday October 15, 2017 the Zoning Commission approved a request to extend the RUM District from the north to include the property before the ZBA. The Zone change became effective on November 20, 2017. G Dayharsh is requesting that the ZBA make a decision on whether to allow a multifamily dwelling unit on a piece of property that is smaller than the regulations allow.

Attorney Michael Dowley representing the applicant stated that G Dayharsh proposes to convert the 1820 church into a four-unit condominium. This application went before the Planning Commission who recently conducted a study in which it was determined that condominium housing opportunities are consistent with the Plan of Conservation and Development and the Planning Commission encouraged the Zoning Commission to amend the zoning map to extend the RUM District. The RUM zone now permits multi-family housing.

The hardship associated with this proposal is the small size of the lot and the location in which the church is situated within the zone.

Gary Dayharsh stated that he is under contract and it is his plan to convert the existing building into four condominiums without expanding the footprint. G Dayharsh stated that there will be a second story on the flat roof portion of the classroom building closest to the parking lot and he noted that these condominiums will be larger and pricier than other condos currently within the Town. Each unit will have a garage and the units will vary in size from 1,800 to 2,100 s.f.

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

There was no public comment.

There were no further questions from the Board.

There were no letters submitted on behalf of this application.

W. T. Furgueson closed the Public Hearing at 7:45pm.

### **REGULAR MEETING**

Discussion and possible decision on applications:

- **Application 17-18** on behalf of Peggy and Greg Brigandi, 27 Partridge Lane, Essex, C, Assessor's Map 46, Lot 66, RU District.

Discussion ensued in which it was noted that there is no other location on the property on which to situate the shed other than what has been proposed. The house does predate zoning and there are no proposed setback increases.

**MOTION** made by W. T. Furgueson to approve a variance for **Application 17-18** on behalf of Peggy and Greg Brigandi, 27 Partridge Lane, Essex, C, Assessor's Map 46, Lot 66, RU District, requesting variances to sections 40C, 40D and 61B of the zoning regulations to add a 10' x 23' screened in porch addition and a 10' x 12' shed that will increase building coverage from 15% to 16.9% where 15% is the maximum building coverage allowed. The hardship associated with this proposal is, 1) the house is preexisting to the zoning regulations; 2) this proposal presents a minimal incursion and it does not affect any of the other setbacks; 3) this proposal squares off the house. This proposal is approved with the stipulation that the proposed porch remain a screened in porch and an unheated space. This proposal is approved in accordance with the plans as submitted; **SECONDED** by G Wendell; **IN FAVOR:** W Feirer, B Sarrantonio, W.T Furgueson, W Veillette, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application No. 17-19** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 2, RU District.

Discussion ensued in which it was noted that this proposal improves the neighborhood and as per the zoning regulations, and more particularly the "Hyde" amendment, which was in place to prevent the creation of additional living space over the structure, which this application does not propose. The height increase is purely for architectural purposes.

**MOTION made** by R Rybak to approve, **Application No. 17-19** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map 73, Lot 2, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 90B of the zoning regulations to increase the height of an existing house that is in the front and both side setbacks, also to add an addition to the garage to a point 11 feet, 5 inches from a side property line where 30 feet is required. The hardship associated with this proposal is, 1) the house predates zoning; 2) this proposal improves the safety of the street site line; 3) the height of the structure does not create additional living space and is in place for aesthetics only. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Veillette; **IN FAVOR:** W Feirer, B Sarrantonio, W.T Furgueson, W Veillette, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

- **Application 17-20** on behalf of Gary Dayharsh c/p Michael Dowley, 57 Main Street, Ivoryton, CT, Assessor's Map 41 Lot 16 and 17, RUM District.

A brief discussion ensued in which it was noted that this is a good example of thoughtful, adaptive reuse and it accomplishes the goal of additional multi-family housing. The hardship associated with this proposal is the small size of the lot which predates the zoning regulations.

**MOTION made** by B Sarrantonio to approve **Application 17-20** on behalf of Gary Dayharsh c/p Michael Dowley, 57 Main Street, Ivoryton, CT, Assessor's Map 41 Lot 16 and 17, RUM District, requesting variances of sections 131A.I.D, 131A.4 and 131D of the zoning regulations to allow a 4 dwelling multifamily building on a lot that is currently .29 acre in size. The existing, discontinued use renders the property only suitable for adaptive re-use. The lot as it stands does not allow for any improvement due to the narrow, odd shape and without a development of this sort the property will fall into disrepair. The hardship associated with this proposal is the small lot size which predates the zoning regulations. The motion is to both the acreage, the open space requirement not being met, and the setback. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W. T. Furgueson; **IN FAVOR:** W Feirer, B Sarrantonio, W.T Furgueson, W Veillette, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 5-0-0.

### **NEW BUSINESS**

- **Election of Officers**

**MOTION made** by G Wendell to nominate P. Greenberg, Chair and W. T. Furgueson, Vice Chair; **SECONDED** by B Sarrantonio; **IN FAVOR:** W Feirer, B Sarrantonio, W.T Furgueson, W Veillette, G Wendell, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

**MOTION made** by G Wendell to approve the amended 2018 meeting schedule to reflect the corrected January 15, 2019 meeting date; **SECONDED** by W. T. Furgueson; **IN FAVOR:** W Feirer, R Rybak, B Sarrantonio, W. T. Furgueson, W Veillette, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

### **OLD BUSINESS**

- **Approval of Minutes –Meeting Minutes, October 17, 2017**

**MOTION made** by R Rybak to approve the October 17, 2017 Regular Meeting Minutes with the following amendments; 1) Page 1, 4<sup>th</sup> line from the bottom, change property line to *setback line*"; 2) Page 2, last sentence, "this proposal meets all of the setbacks *but not the coverage requirement*", 3) Page 2, 3<sup>rd</sup> paragraph, "the grade is such that it *slopes* down from South Main Street" and "R Doane stated that to place a garage on the *south* side.."; **SECONDED** W. T. Furgueson; **IN FAVOR:** R Rybak, B Sarrantonio, W. T. Furgueson, W Veillette, G Wendell, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

### **CORRESPONDENCE AND INVOICES**

There were no invoices and no correspondence.

### **PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

**MOTION made** by R Rybak to adjourn the meeting at 8:20.p.m. to the next regularly scheduled meeting which will be held on Tuesday, December 18, 2017 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W. T. Furgueson; **IN FAVOR:** R Rybak, B Sarrantonio, W. T. Furgueson, W Veillette, G Wendell, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED:** 6-0-0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary