



TOWN OF ESSEX  
**Zoning Board of Appeals**

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**Executive Board**

*W. T. Furgueson, Chair*  
*B. Sarrantonio, Vice Chair*  
*W. Feirer, Secretary*

**Regular Members**

*Phillip P Schaller*  
*Brian Weinstein*

**Alternate Members**

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

**Unapproved**

**Minutes**  
**August 20, 2019 – Zoning Board of Appeals**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, August 20, 2019 at 7:00 p.m. in Room B of the Essex Town Hall. Present at the meeting were W. T. Furgueson, Ward Feirer, Phillip Schaller, Phillip Beckman, Barbara Sarrantonio, George Wendell, Richard Rybak.

**Staff:**

Michael Wells, Esq., Legal Counsel  
Stella Beaudoin, Recording Secretary

W T Furgueson, Chair called the meeting to order at 7:00 p.m.

**1. PUBLIC HEARINGS**

- **Application No. 19-18** on behalf of Richard Lennon, 12 Foxboro Road, Essex, CT, Assessor's Map 16, Lot 4, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations for a 26' x 46' addition to an existing detached garage to a point 10 feet, 4 inches from a side property line where 30 feet is required. (Continued from May 21, 2019)

Seated for this proposal were WT Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman.

Joseph Wren, P.E. who presented on behalf of this proposal stated that this project was presented as application #19-18 at the May 2019 ZBA meeting. There have been no changes since the May 2019 presentation. J Wren stated that this is the only practical placement of the garage on the property, not affecting aesthetics or functionality. The existing garage can hold four cars and the rear garage which can accommodate 4 cars currently houses lawn equipment. The proposed garage will accommodate another 4 vehicles.

J Wren stated that the hardship associated with this proposal is the physical constraint to any other location of the property as relates to environmental setbacks, flood zone, topography, septic placement, etc.

Members commented on the lack of true hardship associated with this presentation. Commissioners presented reasonable alternatives to this proposal.

J Brian Buckley, Architect who presented on behalf of this proposal stated that it is the belief of the property owner that this meets the legal definition of a hardship as relates to topography, uniqueness and in-keeping with the neighborhood. T Buckley stated that the desire to put it someplace else has no basis in the legal definition of a hardship. We are expanding a nonconforming feature that was allowed and passed by zoning without a variance, and expands to minimize the effect on the whole property.

M Wells reiterated that it is Mr. Buckley's indication that the Town allowed this, so the applicant has therefore gained rights. M Wells stated that it may have been legal when it was built however now the regulations have changed. The question is, is there a hardship, could it be placed anywhere else on the property, and the answer is yes. What the law requires and what the law will permit; A nonconforming feature and nonconforming building is not relevant.

W T Furgueson stated that there are other locations on which to place the structure and the applicant does not wish to move the proposal from the current proposed location.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed at 7:29 p.m.

- **Application No. 19-19** on behalf of Tonya Cutolo, 8 Lookout Hill Road, Essex, CT, Assessor's Map 1, Lot 14, RRR District, requesting variances to sections 40C, 40D, 40I.1 and 64B of the zoning regulations to locate a detached 2-car garage to a point 30 feet from a front property line where 40 feet is required.

Seated for this proposal were Seated for this proposal were W T Furgueson, B Sarrantonio, W Feirer, P Schaller, R Rybak.

Tonya Cutolo who presented on behalf of this proposal stated that the site is located on a hill, the vehicle entrance is to the north and to the side of the house. T Cutolo is asking for a variance to place a 2 car garage 30-feet from front property line where there is a 40-foot setback requirement. The well is located on the east side of the property. The existing garage will be expanded and converted into kitchen space. The existing kitchen is substandard and therein lies the hardship.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed at 7:41 p.m.

- **Application No. 19-20** on behalf of Joshua Schulman, 28 River Road, Essex, CT, Assessor's Map 10, Lot 22, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 10' x 12' shed to a point 7' 6" from the north side property line, and 13 feet from the west side property line, each where 30 feet is required. Also, to allow the building coverage to increase to 10.4% from 9.8% where 10% is the maximum building coverage allowed.

Seated for this proposal were WT Furgueson, B Sarrantonio, W Feirer, P Schaller, G Wendell.

Joshua Schulman who presented on behalf of this proposal stated that there is a one-car garage on the property and a chicken coop with a narrow entrance. J Schulman is looking for approval to install a 10' x 12' shed which will be utilized for lawn equipment. J Schulman stated that the neighbors have expressed no objection to this proposal. Kloter farm will handle the installation of the shed will be placed on a bed of crushed stone. The hardship lies within the topography of the land and the corner lot which under the current regulations reflect the building setback lines and are a good deal smaller.

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

There was no public comment.

There was one letter received on behalf of this application from Shane Eddy stating no opposition to this proposal.

There was no further comment from the Board.

The public hearing closed at 7:55 p.m.

- **Application No. 19-21** on behalf Tom and Cindy Schroeder, 24 Walnut Street, Ivoryton, CT, Assessor's Map 63, Lot 2, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate an 8' x 12' shed to a point 7 feet from the south side property line where 25 feet is required.

Seated for this proposal were Seated for this proposal were WT Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman.

Cindy Schroeder who presented stated that she proposes to replace an 8' x 12' chicken coop structure utilizing the existing footprint, with a slightly larger Kloter Farms shed on the which will be placed on

crushed stone. The property is a corner lot comprised of a good deal of ledge and the proposed location is the only logical location for the shed placement.

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

There was no public comment.

There were no letters received on behalf of this application.

There was no further comment from the Board.

The public hearing closed. At 8:01 p.m.

### **REGULAR MEETING**

- **Application No. 19-18** on behalf of Richard Lennon, 12 Foxboro Road, Essex, CT, Assessor's Map 16, Lot 4, RU District.

Members discussed the lack of hardship and the several reasonable alternatives to this proposal.

**MOTION** made by W T Furgueson to deny based on lack of hardship for **Application No. 19-18** on behalf of Richard Lennon, 12 Foxboro Road, Essex, CT, Assessor's Map 16, Lot 4, RU District, requesting variances to sections 40D, 40E, 40I.1, 50D and 61B of the zoning regulations for a 26' x 46' addition to an existing detached garage to a point 10 feet, 4 inches from a side property line where 30 feet is required; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **ABSTAINING:** None; **MOTION TO DENY CARRIED 5-0-0.**

- **Application No. 19-19** on behalf of Tonya Cutolo, 8 Lookout Hill Road, Essex, CT, Assessor's Map 1, Lot 14, RRR District.

It was noted that the land is on an uphill incline and the impact on the setback will be minimal and this is a reasonable request.

**MOTION** made by R Rybak to approve **Application No. 19-19** on behalf of Tonya Cutolo, 8 Lookout Hill Road, Essex, CT, Assessor's Map 1, Lot 14, RRR District, requesting variances to sections 40C, 40D, 40I.1 and 64B of the zoning regulations to locate a detached 2-car garage to a point 30 feet from a front property line where 40 feet is required. The hardship associated with this proposal surrounds the unusual configuration of the land, the slope and the position of the current house and retaining wall; This proposal is approved in accordance with the plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, R Rybak; **OPPOSED:** P Schaller; **ABSTAINING:** None; **MOTION CARRIED 4-1-0.**

- **Application No. 19-20** on behalf of Joshua Schulman, 28 River Road, Essex, CT, Assessor's Map 10, Lot 22, RU District.

It was noted that this is a reasonable proposal and the proposed location is not visible from the street and the existing garage is extremely small.

**MOTION** made by G Wendell to approve **Application No. 19-20** on behalf of Joshua Schulman, 28 River Road, Essex, CT, Assessor's Map 10, Lot 22, RU District, requesting variances to sections 40C, 40D, 40I.1 and 61B of the zoning regulations to locate a 10' x 12' shed to a point 7' 6" from the north side property line, and 13 feet from the west side property line, each where 30 feet is required. Also, to allow the building coverage to increase to 10.4% from 9.8% where 10% is the maximum building coverage allowed. The hardship associated with this proposal is the corner lot with no rear setback and the lack of alternative location on which to situate the shed. This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 19-21** on behalf Tom and Cindy Schroeder, 24 Walnut Street, Ivoryton, CT, Assessor's Map 63, Lot 2, VR District.

It was noted that this is a reasonable proposal and this is a fair and reasonable use.

**MOTION** made by W T Furgueson to approve **Application No. 19-21** on behalf Tom and Cindy Schroeder, 24 Walnut Street, Ivoryton, CT, Assessor's Map 63, Lot 2, VR District, requesting variances to sections 40C, 40D, 40I.1 and 60B of the zoning regulations to locate an 8' x 12' shed to a point 7 feet from the south side property line where 25 feet is required. The hardship associated with this proposal is the topography of the land; the shed will not be moving any closer to the adjoining property line; the shed will be replacing an existing structure that is no longer functional; the proposed shed is slightly larger than existing, however will be placed no closer to the existing structure; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Schaller; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

## **2. NEW BUSINESS**

There was no new business.

## **3. OLD BUSINESS**

- Approval of the June 18, 2019 Minutes.

**MOTION** made by G Wendell to approve the June 18, 2019 Minutes with the following amendment: 1) Page, 5<sup>th</sup> paragraph 3 to read, the *current structure* will remain within the footprint; 2) Page 4, 4<sup>th</sup> paragraph, second line to read, "*on the property*"; 3) page 5, 3<sup>rd</sup> line down, Motion made by *B. Sarrantonio*; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, Phillip Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

## **4. CORRESPONDENCE AND INVOICES**

There was no correspondence or submission of invoices.

## 5. ADJOURNMENT

**MOTION** made by W T Furgueson to adjourn the meeting at 8:15 p.m. to the next regularly scheduled meeting which will be held on Tuesday, September 17, 2019 at 7:00 p.m. at the Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT; **SECONDED** by W Feirer; **IN FAVOR:** W. T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

Stella C Beaudoin  
Recording Secretary