



TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**

*W. T. Furgueson, Chair*  
*W Feirer, Vice Chair*  
*Philip P Schaller, Secretary*

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

**Regular Members**

*B. Sarrantonio*  
*Brian Weinstein*

**Alternate Members**

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

**Unapproved**

**Minutes**

**August 18, 2020 – Zoning Board of Appeals**

**1. Call to Order and Seating of Members**

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, August 18, 2020 at 7:00 p.m. This meeting was made available to the public via Zoom at <https://us02web.zoom.us/j/88964920109?pwd=aGYwMllVbC9wV2UzS1ZmUzZ3Zi9DUT09> Meeting ID: 889 6492 0109. Meeting Password: 701387

EZBA Vice Chairman W Feirer welcomed everyone to the Essex Zoning Board of Appeals public access meeting which was conducted remotely based on the Governor's suspension of the In-Person Open Meeting Requirements.

The Zoning Board of Appeals members 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.

Commission members present: B Sarrantonio, W Feirer, P. Schaller, B Weinstein, G Wendell, and P Beckman. W T Furgueson joined the meeting at 7:15pm

Staff present: Joseph Budrow, Zoning Enforcement Officer, Stella Caione, Recording Clerk and Sylvia Rutkowska, ZBA Legal Counsel.

Audience: There were seven audience members present.

**2. PUBLIC HEARINGS**

**Application No. 20-17** on behalf of Charles Robertson, 36 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 12, VR District, requesting variances to sections 40C, 40D, 50D, 40I.1 and 60B of the zoning regulations to allow a new single family dwelling to a point 22 feet from the south side property line where a 25 feet is required. Also, to allow the building coverage to increase from 10% for the existing house to 13.7% for the new house where 10% maximum building coverage is allowed.

Seated were B Weinstein, P Schaller B Sarrantonio, W Feirer P Beckman.

The property at 36 Riverview Street is a corner lot and is flat. The property is approximately .64 acre in size and contains a single-family dwelling and a detached garage. The applicant wishes to remove the existing house and garage. Proposed is a new house with an attached garage. A proposal was denied by the ZBA on July 21, 2020, with a garage proposed at approximately 14 feet from the south side property line.

The property owners are proposing a new house with an attached garage now to a point 22 feet from that same side property line where 25 feet is required. The proposed building coverage increases to 13.86% of the property where 10% is the maximum building coverage allowed.

Charlie Robertson who presented stated that he has been able to accommodate the comments and recommendations made at the July 2020 EZBA meeting with this new submission.

- 1) Matched the garage wall with this new proposal to the existing garage wall. Removal of shed removes a nonconformity.
- 2) Moved the house forward 5 feet to assist with reduction of the nonconformity allowing garage and driveway to remain in the originally proposed location.
3. Elevations submitted – removed large wall between garage and main part of the house and kept the driveway at the existing footprint.

Robert Doane P.E. who presented stated that the house was moved north and matched the rear corner of the garage which is 22.33 feet away from the property line. The front corner of existing garage is 22.0 feet. The house was squared so the garage wall is parallel to the southern property line.

The agenda description reflects 13.7 % coverage. The requested coverage in this application is 13.9%, and the actual coverage is 13.86%. J Budrow confirmed that the legal notice reflected 13.86% coverage. R Doane offered to amend the application accordingly to reflect the 13.86% coverage.

R Doane referenced the application noting that the listed coverage that surround the property, of neighboring property range from 10% to 13.9%.

Attorney Sylvia Rutkowska noted that the applicant articulated a number of nonconformities and that is a hardship aspect. Reduction of nonconformities is sufficient and no further analysis would be necessary.

R Doane stated that the removal of the shed is the most significant reduction in a nonconformity and matching the garage and sliding it .33 feet north presents a further reduction of nonconformity.

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

There was no comment from the audience.

There was one letter from the CT River Gateway Commission stating that they would not likely oppose the granting of a variance.

There was no further comment from the Board.

**MOTION** made by W Feirer to close the public hearing on **Application No. 20-17** on behalf of Charles Robertson, 36 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 12, VR District at 7:31pm; **SECONDED** by B Weinstein; **IN FAVOR:** B Weinstein, P Schaller B Sarrantonio, W Feirer P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

**Application No. 20-18** on behalf of Jane Siris and Peter Coombs 127 River Road, Essex, CT, Assessor's Map 4, Lot 2, RRR District, requesting a variance to section 101E of the zoning regulations to allow for a swimming pool, patio and a retaining wall within the Gateway Buffer Area.

Seated were W T Furgueson, B Weinstein, P Schaller B Sarrantonio, W Feirer.

The property at 121 River Road is a property with a house built at the front property line, the high point of the property. Behind the house appears to be a large patio area with a retaining wall for support. The terrain slopes downward toward tidal wetlands and a watercourse. A detached garage is also on the property. The property is 2.53 acres in size and is over half tidal wetlands.

The applicant wishes to locate an inground swimming pool within the area of the patio. It is assumed that the patio materials will be replaced with new stone tiling. The patio and pool locations conform with setbacks. The proposal, though, is within 100 feet of the coastal jurisdiction line (or tributary) and per zoning regulation 101E (Gateway Buffer Zone) is not allowed. Recently, applicants have pursued variances to this section while being reviewed by the Gateway Commission.

J Siris who presented stated that she would like to replace the terrace with installation of a pool. J Siris presented photos of her property and pointed out the location of the proposed pool.

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

J Budrow stated that the swimming pool is a new improvement and per the gateway buffer zone reg 1E, is not allowed.

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

A letter from Louise and John Madsen was submitted in support of this proposal. A letter from the CT River Gateway Commission stating no objection to this proposal.

There was no further comment from the Board.

**MOTION** made by W T Furgueson to close the public hearing on **Application No. 20-18** on behalf of Jane Siris and Peter Coombs 127 River Road, Essex, CT, Assessor's Map 4, Lot 2, RRR District at

7:45pm; **SECONDED** by W Feirer; **IN FAVOR:** B Weinstein, P Schaller, B Sarrantonio, W Feirer, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

**Application No. 20-19** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map, 73, Lot 2, RU District, requesting an amendment to a previous approval to allow a garage expansion to be 2 feet higher than previously allowed.

Seated were W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, W Feirer.

The property at 30 Hemlock Drive is a lot that abuts South Cove, facing north. The parcel is flat at the very top but quickly starts a gentle slope to the water. The property is approximately .24 acre in size.

On November 21, 2017, the ZBA approved Application No. 17-19 to allow the house at 30 Hemlock Drive to increase the elevation of the house and to add a single bay to the garage. The garage is in the east side setback area thus was increasing a nonconforming characteristic of the house. As proposed, the garage came to a point 16 feet, 4 inches to its roof peak (a cupola was deemed an exempt architectural feature). At this time the property owners have not gone forward with the height increase of the house but have received all permitting for the garage expansion. The plans submitted with the zoning permit application matched the plans seen by the ZBA. The zoning permit was approved on November 27, 2019.

In July it was observed that garage looked a little taller than proposed. In the end the garage is 18 feet tall at the roof peak (no cupola), 1 foot, 8 inches higher than proposed. This height increase is an unapproved expansion of a nonconformity.

The applicant wishes to amend the Variance granted in 2017 to allow the garage roof peak to increase in height by 1 foot, 8 inches to 18 feet from grade.

Charles Pious who presented on behalf of this application stated that the house originally had a small, one-car garage and was approved a variance for a 2-car garage at a height of 16.5 feet without benefit of cupola. When it was built it came out to 18 feet. This was not done intentionally. C Pious stated that something in the scale was lost between the original plan in process of construction. C Pious speculated that this could have had something to do with the pitch of the roof.

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

There was no comment.

There was no further comment from the Board.

Letter from the CT River Gateway Commission stating no objection to this proposal.

**MOTION** made by W T Furgueson to close the public hearing on **Application No. 20-19** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map, 73, Lot 2, RU District at 7:54pm; **SECONDED** by W Feirer; **IN FAVOR:** B Weinstein, P Schaller B Sarrantonio, W Feirer, W T Furgueson; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

#### **4. REGULAR MEETING**

- **Application No. 20-17** on behalf of Charles Robertson, 36 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 12, VR District.

It was noted that the applicant returned this evening and addressed all of the Board's previously stated concerns. It was noted that the coverage bump is minimal and this new proposal presents a reduction in a nonconformity.

The coverage in this house is between the existing garage and the existing house. This is "filling" in between the house and garage and the coverage has a larger impact. The Board determined that the reduction of the nonconformity of the shed is a sufficient reduction of a nonconformity of the additional interior coverage.

**MOTION** made by W T Furgueson to approve a Variance for **Application No. 20-17** on behalf of Charles Robertson, 36 Maple Avenue, Essex, CT, Assessor's Map 28, Lot 12, VR District, requesting variances to sections 40C, 40D, 50D, 40I.1 and 60B of the zoning regulations to allow a new single family dwelling to a point 22 feet from the south side property line where a 25 feet is required. Also, to allow the building coverage to increase from 10% for the existing house to 13.7% for the new house where 10% maximum building coverage is allowed. There is a reduction in nonconformity, eliminating the shed, going from 12.6% to 22.33% and the applicant has come back and addressed the concerns of the Board as stated at the July 2020 EZBA meeting; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** B Weinstein, B Sarrantonio, W Feirer P Beckman; **OPPOSED:** P Schaller; **ABSTAINING:** None; **MOTION CARRIED** 4-1-0.

- **Application No. 20-18** on behalf of Jane Siris and Peter Coombs 127 River Road, Essex, CT, Assessor's Map 4, Lot 2, RRR District.

Due to the topography of the land it makes it impossible to place the pool anywhere else on the property. This proposal presents no impact to the neighbor's and the CT River Gateway Commission has stated no objection to this proposal.

**MOTION** made W Feirer approve a Variance for **Application No. 20-18** on behalf of Jane Siris and Peter Coombs 127 River Road, Essex, CT, Assessor's Map 4, Lot 2, RRR District, requesting a variance to section 101E of the zoning regulations to allow for a swimming pool, patio and a retaining wall within the Gateway Buffer Area. The hardship associated with this application is the topography of the land. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 20-19** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map, 73, Lot 2, RU District.

**MOTION** made by W T Furgueson to approve a Variance for **Application No. 20-19** on behalf of Charles and Stephanie Pious, 30 Hemlock Drive, Essex, CT, Assessor's Map, 73, Lot 2, RU District, requesting an amendment to a previous approval to allow a garage expansion to be 2 feet higher than previously allowed; This proposal was previously approved and the height expansion was an error in good faith it does not significantly change the original plan, and it does not violate the height requirement. The height error does not constitute a material change; This proposal is approved in accordance with the plans as submitted; **SECONDED** by B Weinstein; **IN FAVOR:** W T Furgueson, P Schaller, B Weinstein, B Sarrantonio, W Feirer; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

## 5. New Business

### Proposed Zoning Regulation Section 140.

J Budrow previously reported that this proposed text amendment would essentially present the Essex IWWC ample opportunity (up to two months) to review a proposal and offer comment to the ZBA prior to said application coming before the Board. B Sarrantonio had asked for additional details be enumerated in the verbiage. No further discussion this evening.

## 6. Old Business

### Approval of Minutes – July 21, 2020.

**MOTION** made by W T Furgueson to approve the July 21, 2020 Minutes with following amendment: 1) Page 2, to read 36 Maple Avenue; 2) Page 1, last sentence to read "15% is maximum building coverage"; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

### a. Other

There was no other business.

## 7. Correspondence and Invoices

There was no correspondence and there were no invoices.

## 8. Adjournment

**MOTION** made by W Feirer to adjourn the meeting at 8:16p.m.to the next regularly scheduled meeting which will be held on Tuesday, September 15, 2020 at 7:00 p.m. location TBD; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, W Feirer, P Schaller, B Weinstein, B Sarrantonio; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Respectfully submitted,  
*Stella A. Caione*  
Stella A. Caione, Recording Clerk