

## Unapproved

### Town of Essex - Zoning Board of Appeals

29 West Avenue  
Essex, CT 06426  
[essexct.gov](http://essexct.gov)

## MINUTES

### September 18, 2012 – Regular Meeting

The Essex Zoning Board of Appeals conducted their regularly scheduled meeting on Tuesday, September 18, 2012 at 7:30 p.m. in Room A of the Essex Town Hall. Members present were Stu Ingersoll, Al Daddona, Michael Noto, Lynn Faulstick and Doug Demarest. Staff: Michael Wells, Legal Counsel to the Board.

Mr. Ingersoll called the meeting to order at 7:30 p.m.

Consideration of **Application #12-22 on behalf of William O. LaPlace, property located at 7 Charles Street, Centerbrook, CT, Assessor's Map 43, Lot 48, VR District** requesting a variance to Sections 40I.2 and 60B of the Essex zoning regulations to locate a 15 foot high 8ft x 12ft shed 3 feet from the side property line where 5 feet is required and to increase lot coverage to 10.24% where 7.55 is maximum allowed.

William LaPlace presented on behalf of this application. Mr. LaPlace stated that he is seeking approval for an existing 8' x 12' storage facility which is comprised of three windows and an alpine roof. This structure has replaced a 12' x 20' temporary storage shed. The 8' x 12' structure currently sits on top of solid concrete blocks and two, 6 x 6 landscape ties that are 12 feet long.

Mr. LaPlace stated that he did not realize that he was required to obtain permission to construct the storage facility as it is only 96 square feet and he did not realize that there was a restriction on height or that this structure required a permit.

Mr. LaPlace stated that the hardship is that the lot is small and there is no other location to store equipment. The property is comprised of just under one-quarter of an acre.

Mr. Wells stated that the applicant is correct in that a building permit is not required for a structure that is less than 100 s/f in size, however the zoning regulations do require a permit for the construction of a roofed structure.

Mr. Ingersoll asked the Board if they had any questions.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition to this application.

Mr. Ingersoll closed the public portion of this application.

Consideration of **Application #12-23 on behalf of Teri Cagianello at 22 Grandview Terrace, Essex, CT, Assessor's Map 27, Lot 100, VR District** requesting a variance to section 60b of the Essex zoning regulations to allow the addition of a 14ft x 20ft deck to increase building coverage to 8.52% where 7.5% is maximum allowed.

Ms. Cagianello presented on behalf of this application. Ms. Cagianello stated that she recently constructed a garage on her property however the patio was removed in order to facilitate the

location of the garage. Ms. Cagianello now wishes to construct a faux-wood deck on the side of the house, to replace the patio. The deck will not be enclosed. The hardship is the fact that the existing patio was demolished in order to facilitate the location of the garage. The house was built in 1922 and the topography of the property does not allow the placement of the patio in any other location.

Mr. Ingersoll asked the Board if they had any questions.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition to this application.

Mr. Ingersoll closed the public portion of this application.

Consideration of **Application #12-24 on behalf of Best Way at 1 Saybrook Road, Centerbrook, CT, Assessor's Map 33 Lot 25 C District**, requesting a variance to Section 40U of the Essex zoning regulations to allow the retail sale of grocery items to exceed 50 square feet within an existing gas station.

This is an application seeking approval to locate a convenience store within the building at 1 Saybrook Road. Historically the building has been used for an auto repair business throughout the years. Since 1992 the zoning regulations have prohibited the sale of grocery items at a location with a gas or service station. This application is for the conversion of a convenience store, not for the location of the gasoline filling station.

Cliff Brown, Bentley engineers presented on behalf of this application. Mr. Brown stated that situated on this property is a gas station that has been closed for some time. The building is comprised of a 3-bay service station with 3 overhead doors, a small office and small rooms for storage, along with rest room facilities. The five existing gas pumps and canopy will remain in place. The applicant will introduce more green into the site and increase the landscaping. The storm drainage system will be upgraded to current standard. The applicant will further remove the above-ground waste oil tanks and remediate the area. The new exterior structure will consist of a brick façade, wood shingles and accents along the top of the windows.

Attorney Ed Cassella presented on behalf of this application. Mr. Cassella stated that this property is unique in its configuration. It is situated on a one-quarter lot and it is adjacent to the hardware store. On a good portion of three sides, it is abutted by railroad and highway. Mr. Cassella stated that this type of use with the retain component, is suited for the area and the property is unique because of its history of being used as a gasoline filling station and because of its proximity to the Route 9 interchange. Mr. Cassella stated that this proposal will enhance the site and make it productive, and a gas station use would be a benefit, which is in keeping with the Plan of Conservation and Development in that this use is consistent with the area and will provide better aesthetics to the location.

Mr. Ingersoll commented on a letter from Essex Zoning Enforcement Agent, Joe Budrow in which Mr. Budrow states that this application is not for the location of the gasoline filling station. That application will come before the ZBA at a future date. Mr. Cassella stated that the variance request for the convenience store is the first step in the process.

Mr. Ingersoll stated that this application is for the convenience store only and ZBA approval is the first essential step in following the application through to the various needed commission approvals.

Attorney Wells stated that the use is a permitted use but the variance is required because of the sale of gasoline. Is it a use variance because in this proposal, the applicant is requesting more

than 1,800 s/f. If a variance is granted allowing more than 40 s/f, the applicant will then still need a special exception from the Zoning Commission. A Certificate of Location is not necessary if you are not repairing cars.

Attorney Wells informed the Board that if they were to grant a variance, it is to allow the use of 2000 s/f for retail sales.

The hardship is related to the fact of the location with respect to the proximity to Route 9 and Route 154 and the Valley Railroad. This business was previously utilized as a gasoline service station and that limits the potential uses for this site. A gas station is the most optimal course on which to proceed.

Mr. Cassella stated for the record that Best Way Food Store LLC is the contracted purchaser of the property and Best Way is authorized to make this application which is before the ZBA and Mr. Cassella is authorized to speak on behalf of the applicant.

Mr. Ingersoll asked the Board if they had any questions.

Mr. Ingersoll asked if anyone wished to speak in favor or in opposition to this application.

Mr. Ingersoll closed the public portion of this application.

### **Deliberation**

Consideration of **Application #12-22 on behalf of William O. LaPlace, property located at 7 Charles Street, Centerbrook, CT, Assessor's Map 43, Lot 48, VR District** requesting a variance to Sections 40I.2 and 60B of the Essex zoning regulations to locate a 15 foot high 8ft x 12ft shed 3 feet from the side property line where 5 feet is required and to increase lot coverage to 10.24% where 7.55 is maximum allowed.

**Motion** made by Al Daddona to approve a Variance for Consideration of **Application #12-22 on behalf of William O. LaPlace, property located at 7 Charles Street, Centerbrook, CT, Assessor's Map 43, Lot 48, VR District to Section 60B of the Essex zoning regulations. However the variance request to Section 40I.2 for location is denied.** This application is to locate a 15 foot high 8ft x 12ft shed three feet from the side property line where five feet is required and to increase lot coverage to 10.24% where 7.55 is maximum allowed.

The stipulation on the approval of a variance to Section 60B, is that the structure will be relocated a minimum of five feet from the property line. The hardship is the size of the lot and the preexisting house location which is set on a property that would require a variance for any type of improvements. This proposal is approved in accordance with the plans as submitted.

**Motion** seconded by Lynn Faulstick and passed unanimously.

Consideration of **Application #12-23 on behalf of Teri Cagianello at 22 Grandview Terrace, Essex, CT, Assessor's Map 27, Lot 100, VR District** requesting a variance to section 60b of the Essex zoning regulations to allow the addition of a 14ft x 20ft deck to increase building coverage to 8.52% where 7.5% is maximum allowed.

**Motion** made by Michael Noto to approve a Variance for **Application #12-23 on behalf of Teri Cagianello at 22 Grandview Terrace, Essex, CT, Assessor's Map 27, Lot 100, VR District** requesting a variance to section 60b of the Essex zoning regulations to allow the addition of a 14ft x 20ft deck to increase building coverage to 8.52% where 7.5% is maximum allowed.

The variance is approved based on the hardship surrounding the topography of the lot which is such that there is no other location on the property on which to construct the patio and the applicant has eliminated a patio and replaced it with the deck. The variance is approved in accordance with the drawing and picture as submitted.

**Motion** seconded by Lynn Faulstick and passed unanimously.

Consideration of **Application #12-24 on behalf of Best Way at 1 Saybrook Road, Centerbrook, CT, Assessor's Map 33 Lot 25 C District**, requesting a variance to Section 40U of the Essex zoning regulations to allow the retail sale of grocery items to exceed 50 square feet within an existing gas station.

**Motion** made by Michael Noto to approve a variance for **Application #12-24 on behalf of Best Way at 1 Saybrook Road, Centerbrook, CT, Assessor's Map 33 Lot 25 C District**, requesting a variance to Section 40U of the Essex zoning regulations to allow the retail sale of grocery items to exceed 50 square feet within an existing gas station to a maximum of 2,000 square feet in the existing building

The configuration of the lot and its location is unique. The fact that it is a dedicated use as a gas station, that configuration, location and dedicated use is the basis for hardship. This existing gas station limits the use of this property. The variance is subject to the drawings submitted and made part of the application

**Motion** seconded by Lynn Faulstick and passed unanimously.

#### **Approval of Minutes – Public Hearings and Regular Meeting of August 21, 2012**

**Motion** made by Al Daddona to accept the August 21, 2012 regular meeting Minutes as presented.

**Motion** seconded by Michael Noto and passed unanimously.

#### **Correspondence / New Business:** None

**Motion** made by Lynn Faulstick to adjourn at 8:16pm.

**Motion** seconded by Doug Demarest and passed unanimously.

Respectfully submitted,

Stella C. Beaudoin, Recording Secretary

The next Public Hearing and regularly scheduled meeting of the Essex ZBA will be conducted on October 16, 2012.

The audio proceedings from this meeting were recorded on one card and can be obtained in the Essex Land Use office.