



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**

**September 15, 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, September 15, 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 Chairman W T Furgueson welcomed everyone to the Essex Zoning Board of Appeals public access meeting which was conducted.

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: W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell.

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

Audience: There were three audience members present.

**2. Public Hearing**

- **Application No. 20-20** on behalf of Terri Allegrucci, 3 South Cove Lane, Essex, CT, Assessor's Map 74, Lot 4, RU District, requesting variances to sections 40D, 40E, 50D, 40I.1 and 61B of the zoning regulations to allow for a dormer on a portion of the house that is within the front building setback area. Also to allow a 15' x 21.5' deck within two side setback areas. Also, to allow the building coverage to increase from 13.3% to 16.5% where 15% is the maximum allowed.

Seated were W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell.

The home is located in the RR District and is an existing non-conforming structure as it is located within front rear and side setbacks. T Allegrucci who presented on behalf of this proposal stated that her house is situated on a small lot and the proposed dormers so as to make better use of the room above the garage. The addition of dormers will make the room more useful and would like to add a bathroom and a shower. This proposal also includes the construction of a side deck which will be situated in the same location as the existing patio. Deck will be no higher than 30". The elevation will be the same as that as the first floor of the house.

This proposal creates a safety feature by making the home more handicap accessible for safe traverse of Ms. Allegrucci's aging mother.

J Budrow, zoning enforcement officer stated that it is permissible to create a bedroom with shower over the garage as it is accessible only by entering through the house. There is no external staircase or exit from this room.

The property is situated within the CT River Gateway zone and as such the CT River Gateway Commission was not provided with an opportunity to rule on this proposal. Attorney Rutkowska suggested that this public hearing be continued until such time that Gateway has an opportunity to review this proposal.

There was no further comment from the Board.

**MOTION** made by G Wendell to continue the public on **Application No. 20-20** on behalf of Terri Allegrucci, 3 South Cove Lane, Essex, CT, Assessor's Map 74, Lot 4, RU District, to the October 20, 2020; **SECONDED** by W T Furgueson; **IN FAVOR:** W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 20-21** on behalf of Joseph Zaraschi, 8 Sunset Terrace, Assessor's Map 33, Lot 19-1, VR District, requesting a variance to sections 40 C 40D, 40I.1 & 60B of the zoning regulations for a detached garage to a point 15 feet from the side setback line where 25 feet is required.

Seated were W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell.

Joseph Zaraschi who presented on behalf of this application stated that he has met with J Budrow regarding this proposal and discussed the alignment of this structure to coincide with the existing garage, and the location of the vehicle turn-around area. This structure will be a post and beam construction and the concrete Sonitubes will be situated under the building. The requested 15-foot allowance will provide the opportunity to locate the Sonitubes in a stable area that will support the structure. J Zaraschi noted that there is a good deal of ledge in the area.

The hardship associated with this proposal is the ledge and the topography of the land leaving few options for the location of the garage.

The property is situated within the CT River Gateway zone and as such the CT River Gateway Commission was not provided with an opportunity to rule on this proposal. Attorney Rutkowska suggested that this public hearing be continued until such time that Gateway has an opportunity to review this proposal.

There was no further comment from the Board.

**MOTION** made by W Feirer to continue the public hearing on **Application No. 20-21** on behalf of Joseph Zaraschi, 8 Sunset Terrace, Assessor's Map 33, Lot 19-1, VR District to the October 20, 2020 meeting; **SECONDED** by P Beckman; **IN FAVOR:** W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 20-22** on behalf of Stephen Hare, 33 Gates Road Essex, CT Assessor's Map, 69, Lot 20, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1 & 61B of the Essex Zoning regulations to allow demolition of an existing house and construction of a new house to a point 6" from the southern front property line to a point six feet from the north front property line each where 40 feet is required.

Seated were W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell.

R Doane who presented on behalf of this application stated that the property is 8,000 s.f. and a corner lot on southern end of Gates Road. The existing 175-year-old house which is in a state of disrepair is 3 feet over the line onto State of CT property. A demolition permit has been obtained. R Doane proposes to construct a 20' x 26', one-bedroom house and slide it onto the property thereby eliminating the encroachment onto the State of CT property, and placing the house 6" away from the eastern property line, and about 6' from the Gates Road property line. The shape of the lot is presenting the hardship and this plan proposes a considerable reduction of the existing, major non-conformancy which lies within the location of the house over the property line, onto the adjoining property. R Doane stated that by eliminating the significant noncompliance satisfies the hardship on the property. The house will be comprised of one-bedroom house and the sanitary system is equipped for a two-bedroom system.

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

There was no public comment.

G Wendell noted that at some point over the last 100 years, the State of CT conducted a survey of the property and realized that this house was situated over the property line. R Doane stated that the State of CT acknowledged that this house was constructed prior to the highway being established.

There was no further comment from the Board.

One letter received 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. 20-2** on behalf of Stephen Hare, 33 Gates Road Essex, CT Assessor's Map, 69, Lot 20, RU District at 7:45pm;  
**SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell;  
**OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

### **3. Regular Meeting**

- **Application No. 20-22** on behalf of Stephen Hare, 33 Gates Road Essex, CT Assessor's Map, 69, Lot 20, RU District.

**MOTION** made by W Feirer to approve a Variance for **Application No. 20-22** on behalf of Stephen Hare, 33 Gates Road Essex, CT Assessor's Map, 69, Lot 20, RU District, requesting variances to sections 40C, 40D, 40E, 40I.1 & 61B of the Essex Zoning regulations to allow demolition of an existing house and construction of a new house to a point 6" from the southern front property line to a point six feet from the north front property line each where 40 feet is required. This proposal reduces a nonconformity and the existing house is in violation of the property line of the State of CT-owned property; This proposal is approved in accordance with the plans as submitted;  
**SECONDED** by W T Furgueson; **IN FAVOR:** W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

### **4. New Business**

J Budrow stated that the Board of Selectman will conduct a Public Hearing on September 16, 2020 at 6:30 p.m. to consider a motion to merge the Essex Planning Commission and the Essex Zoning Commission, which if approved, will likely take effect in November 2020.

W Feirer asked if it is possible for Commission members to pick up monthly meeting materials and if so Mr. Feirer asked J Budrow that the Land Use Office provide an email to members announcing when the materials are available.

P Beckman asked that the materials be made available electronically.

### **5. Old Business**

#### **Approval of Minutes – August 18, 2020.**

**MOTION** made by W Feirer to table the review and approval of the August 18, 2020 Minutes to the October 20, 2020 meeting; **SECONDED** by P Beckman; **IN FAVOR:** W. T. Furgueson, W Feirer, P. Schaller, P Beckman, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

#### **a. Other**

There was no other business.

### **6. Correspondence and Invoices**

There was no correspondence.

J Budrow presented an Invoice from Attorney Sylvia Rutkowska in the amount of \$462.50 for legal services rendered to the ZBA during the month of July 2020. W T Furgueson approved the invoice.

## **7. Adjournment**

**MOTION** made by W Feirer to adjourn the meeting at 7:56p.m.to the next regularly scheduled meeting which will be held on Tuesday, October 20, 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