



TOWN OF ESSEX
Zoning Board of Appeals

Executive Board
W. T. Furgueson, Chair
W Feirer, Vice Chair
Philip J Schaller, Secretary

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Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members
B. Sarrantonio
Philip J Beckman

Alternate Members
George Wendell
Richard Rybak
Susan Feaster

Unapproved

Minutes
January 18, 2022 – 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, January 18, 2022 at 7:00 p.m. at the Essex Town Hall, Meeting Room A and also public access via online through Zoom. Members in attendance were W T Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman, G Wendell, R Rybak and S Feaster.

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

Chairman W T Furgueson welcomed everyone to the Essex Zoning Board of Appeals meeting.

The members of the Essex Zoning Board of Appeals 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.

2. Public Hearing

MOTION made by W T Furgueson to continue the public hearing for **Application No. 21-46** on behalf of Essex House, LLC, **63 South Main Street, Essex, CT**, Assessor's Map 46 Lot 33, RU District, requesting modification of variances granted on December 4, 2001 and February 4, 2005 to allow no more than eight overnight clients; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Beckman, P Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

Application No. 21-48 on behalf of Joseph Shea, **32 Plains Road, Essex, CT**, Assessor's Map 45 Lot 18, B District, requesting variances to Sections 40C, 40D, 40E, 40I.1, and 82C for two

modified front dormers and a new rear dormer to be located 33 feet from the property line where 50 feet is required.

Seated for this application, W T Furgueson, B Sarrantonio, W Feirer, P Schaller, P Beckman.

Joseph Shea who presented on behalf of this application stated that he is the owner of the property subject to this application and he is the contractor. Mr. Shea stated that he would like to install a dormer in the back of the house to facilitate a second bathroom, and change the pitch of the roof. Mr. Shea stated that the whole house is situated in the setback and he noted that there will be no expansion in the footprint associated with this proposal. The number of bedrooms will not change. The hardship surrounding this proposal is the preexisting, nonconforming nature of the property.

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

There were no letters submitted on behalf of this application.

There was no further public comment and no further comment from the Board.

MOTION made by W T Furgueson to close the public hearing for **Application No. 21-48** on behalf of Joseph Shea, **32 Plains Road, Essex, CT**, Assessor's Map 45 Lot 18, B District, requesting variances to Sections 40C, 40D, 40E, 40I.1, and 82C for two modified front dormers and a new rear dormer to be located 33 feet from the property line where 50 feet is required, at 7:11p.m.; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Beckman, P Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Application No. 21-47 on behalf of Christopher Hansen, **3 Dogwood Drive, Essex, CT**, Assessor's Map 55 Lot 5, RU District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 40I.2, and 61B for a shed to be located 32 feet from the property line where 40 feet is required.

W T Furgueson recused himself. Seated were B Sarrantonio, W Feirer, P Beckman, P Schaller and G Wendell.

Christopher Hansen who presented on behalf of this application stated that the shed color will match the house color and the shed will be utilized for storage of gardening equipment. The subject property is a corner lot with two front and two side setbacks. The hardship associated with this proposal surrounds the location of the septic in the backyard, and to avoid the septic and move the shed further toward house would require removal of trees, and would then infringe on the well and the leaching fields. The location of the well and leach fields make this the only location on which to situate the shed.

Mr. Hansen stated that there are 7 letters of support from neighbors; these were submitted to the ZEO and will be added to the file.

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

There was no further public comment and no further comment from the Board.

MOTION made by W Feirer to close the public hearing for **Application No. 21-47** on behalf of Christopher Hansen, **3 Dogwood Drive, Essex, CT**, Assessor's Map 55 Lot 5, RU District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 40I.2, and 61B for a shed to be located 32 feet from the property line where 40 feet is required, at 7:28p.m.; **SECONDED** by B Sarrantonio; **IN FAVOR:** B Sarrantonio, W Feirer, P Beckman, P Schaller, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

2. Regular Meeting

- **Application No. 21-47** on behalf of Christopher Hansen, **3 Dogwood Drive, Essex, CT**, Assessor's Map 55 Lot 5, RU District.

MOTION made by P Beckman to approve issuance of a variance for **Application No. 21-47** on behalf of Christopher Hansen, **3 Dogwood Drive, Essex, CT**, Assessor's Map 55 Lot 5, RU District, requesting variances to Sections 40C, 40D, 40E, 40I.1, 40I.2, and 61B for a shed to be located 32 feet from the property line where 40 feet is required. The hardship associated with this proposal is the house is unique from the other homes in neighborhood; there are two front setbacks and two side setbacks, and the property is situated on a corner lot. The septic system is located in the backyard, and the location of the well and leach fields make this the only location on which to situate the shed. This proposal is approved in accordance with plans as submitted; **SECONDED** by Feirer; **IN FAVOR:** B Sarrantonio, W Feirer, P Beckman, P Schaller, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

- **Application No. 21-48** on behalf of Joseph Shea, **32 Plains Road, Essex, CT**, Assessor's Map 45 Lot 18, B District.

MOTION made by B Sarrantonio to approve issuance of a variance for **Application No. 21-48** on behalf of Joseph Shea, **32 Plains Road, Essex, CT**, Assessor's Map 45 Lot 18, B District, requesting variances to Sections 40C, 40D, 40E, 40I.1, and 82C for two modified front dormers and a new rear dormer to be located 33 feet from the property line where 50 feet is required. The hardship associated with this proposal is, the house predates zoning, the proposed changes are improvements and small incursions, and there is no change to the footprint. This proposal is approved in accordance with plans as submitted; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, B Sarrantonio, W Feirer, P Beckman, P Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0. Discussion:** No further discussion.

3. Old Business

Approval of Minutes – December 21, 2021

MOTION made by W T Furgueson to approve the December 21, 2021 Minutes with amendments; 1) Page 1, include W T Furgueson in the, Call to Order; 2) Page 3, Phil Schaller was not at the meeting,

however W T Furgueson was at the meeting. 3) Page 3, strike first sentence in 1st paragraph on Page 3; 4) Page 2, 3rd paragraph, first sentence to read, “from *the* property line”; 5) Page 3, 3rd paragraph from bottom of page to read, “eight overnight *clients*.” **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, B Sarrantonio, P Beckman, W Feirer, P Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

4. New Business

- Discussion regarding updating ZBA Variance Application

As requested at the December 2021 meeting, members provided C Duques in advance of this evening’s meeting, with comments related to the proposed changes to the Variance Application.

A brief discussion ensued related to the verbiage and content. C Duques and S Rutkowska will re-work the language in consideration of the input at this evening’s meeting.

Attorney Sylvia Rutkowska stated that DPA will be merging with Howard McMillan & Tycz, and moving forward, will be known as Arch Law Group.

5. Correspondence

There was no correspondence and there were no invoices.

6. Adjournment

MOTION made by W T Furgueson to adjourn the meeting at 8:08 pm to the next regularly scheduled meeting which will be held on Tuesday, February 15, 2022 at 7:00 p.m., at the Essex Town Hall, in Meeting Room A, and accessible via online. Refer to Town of Essex website for the Zoom link and related information; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, B Sarrantonio, P Beckman, W Feirer, P Schaller; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0. **Discussion:** No further discussion.

Respectfully submitted,

Stella A Caione