



TOWN OF ESSEX  
**Zoning Board of Appeals**

**Executive Board**

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

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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**  
**December 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, December 15, 2020 at 7:00 p.m. This meeting was made available to the public via Zoom.

EZBA Chairman W T Furgueson welcomed everyone to the Essex Zoning Board of Appeals public access meeting which was conducted via Zoom platform.

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.

Commission members present were: W. T. Furgueson, W Feirer, B Sarrantonio, P Schaller, R Rybak, P Beckman, G Wendell.

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

Audience: There were five audience members present.

**2. Public Hearing**

- **Application No. 20-24** on behalf of Joshua Jones for Thomas and Aurise Gallucci, 22 Pratt Street, Essex, CT, Assessor's Map 47, Lot 107, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a 5' x 9' addition to an accessory structure to a point 1 foot from the rear property line where 25 feet is required. Also, to allow the building coverage to increase from 26% to 26.9% where 10% maximum building coverage is allowed.

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

It was observed that a small addition was being constructed on the subject property, off the east side of the detached structure which the property owner indicated was intended as a tool shed. The property owner was informed that the shed was considered a building addition and required permitting from health, zoning and the building department. Because the structure was within a rear yard setback, a variance would be needed. The property was already over the maximum building coverage.

Joshua Jones who presented stated that he is here this evening on behalf of the property owners who recently purchased the property. Mr. Jones stated that there is no outside tool storage on the property and there is currently a guest house in the property that is up against the property line. The new tool shed is set back from the existing guest house about 18”.

W T Furgueson stated that the building has already been constructed without the benefit of the requisite permitting, and asked for an explanation.

J Jones stated that the original plan was for a prefabricated tool shed with stone base. Mr. Jones stated that he was informed by Carefree shed that anything under 200 s.f. did not require a building permit. Mr. Jones stated that he did not realize that he needed a variance permit in order to build in this location. Mr. Jones stated that Carefree could not deliver the shed for the next several months and J. Jones offered the property owner to instead, construct a structure in place of the Carefree shed.

J Jones stated that the hardship associated with this proposal is the fact that the property owner has no outside storage space. T Gallucci stated that the intent of this structure was to allow for safe access to equipment storage that would be used on a regular basis.

J Budrow confirmed that if a structure is under 200 s.f., issuance of a building permit and health approval is not required.

W Feirer asked Mr. Gallucci if any neighbors have expressed objection to the shed or the placement. Mr. Gallucci stated that he was informed that a neighbor to the south was in objection.

J. Budrow clarified that this neighbor did not object, however he questioned whether the issuance of a building permit was necessary. J Budrow stated that he spoke with two of the neighbors; Frank Masek, the neighbor to the south, who informed Mr. Budrow that he has no opposition to this proposal, and Mr. Budrow spoke with the neighbor to the west, Jackie Wolfe, who stated that she has no opposition to this proposal.

Attorney Rutkowska questioned if this is a request for a Variance from a 5’ setback or from a 30’ setback, noting that this is a free-standing accessory structure that does not house animals or humans. As per regulation 40I.2, except within a Gateway buffer area required in Section 101D.1, detached accessory buildings not more than 15 feet in height, and not used for the housing of humans and animals, may be located in the required rear setback of the principal building to which

they are accessory, but not less than 5' from any lot line, provided that such accessory buildings do not in the aggregate occupy more than 20% of the area or such rear setback.

Attorney Rutkowska questioned if the proposal is consistent with the comprehensive plan and the regulations, as interpreted by the ZEO, noting that this proposal would still need a variance for the coverage however, theoretically there is an avenue to avoid the setback variance. Attorney Rutkowska noted that the applicant could seek a continuance to consider an alternative, and speak with the ZEO about way to eliminate one of the variance requests, or the applicant and the Board can move forward this evening. Attorney Rutkowska stated that she is flagging the existence of regulation 40I.2 for the Board's benefit.

W Feirer stated that he would like to see an updated map.

J Budrow suggested a continuance of this proposal to the January meeting at which time the applicant can provide an updated map.

Atty Rutkowska commented on the use noting the distinction of an accessory structure that houses people vs an accessory structure that does not house animals or people. Attorney Rutkowska noted that an addition to an accessory structure is considered usable space, and there is a distinction.

J Budrow stated that he will visit the property tomorrow and if he ascertains that the accessory structure is 15 feet or less in height, it would fall under the 5' exemption. If the accessory structure is over 15 feet in height, the addition to a detached building must be 30 feet from the rear line. The applicant confirmed that the structure is 19' in height.

W Feirer asked, if the structure were to be moved north, how far would it be to the property line?

W T Furgueson stated that there is enough information to proceed with a decision this evening.

The applicant stated no objection to a condition being placed on the variance related to no living space for human occupancy.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There were no letters submitted on behalf of this proposal.

The Board had no further comments.

**MOTION** made by W T Furgueson to close the public hearing on **Application No. 20-24** on behalf of Joshua Jones for Thomas and Aurise Gallucci, 22 Pratt Street, Essex, CT, Assessor's Map 47, Lot 107, VR District at 7:45pm; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED 5-0-0.**

- **Application No. 20-25** on behalf of Paul Johns, 29 Main Street, Essex, CT, Assessor's Map 47, Lot 59, EV District, requesting variances to sections 40C, 40D and 70B of the zoning regulations to allow a new 20' x 28' detached garage to increase the building coverage from 22.46% to 30% where 25% maximum building coverage is allowed.

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

The applicant proposes to remove the shed and build a new, detached 20' x 28', two-car garage. There are no proposed setback encroachments as the setbacks in the EV District are very small. Paul Johns who presented on behalf of this proposal stated that he would like to install a two-car garage on a poured concrete foundation. Mr. Johns stated that the hardship surrounds the limitations related to the size of the property and noted that the lot predates zoning.

J Budrow stated that the property is so narrow that there is no driveway on premises, and he stated that this is a shared driveway for 4 properties.

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

Walter Harris, 24 Main Street stated his support of this proposal.

There was no further public comment and there were no letter submitted on behalf of this proposal.

There was no further comment from the Board.

**MOTION** made by W T Furgueson to close the public hearing on **Application No. 20-25** on behalf of Paul Johns, 29 Main Street, Essex, CT, Assessor's Map 47, Lot 59, EV District at 7:50pm; **SECONDED** by B Sarrantonio; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, B Sarrantonio, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 20-26** on behalf of AJ Shea Construction for Ted Potter, 51 Comstock Avenue, Ivoryton, CT, Assessor's Map 57, Lot 45, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow an addition to a shed to a point 11 feet from a side property line where 25 feet is required. Also, to allow the building coverage to increase from 11.2% to 11.87% where 10% maximum building coverage is allowed.

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

The property owners are proposing to add on to the larger shed by "filing in" the notch with a 10'3" x 15' addition to a point 11 feet from a side property line where 25 feet is required.

Joseph Shea, AJ Shea construction who presented on behalf of the property owners stated that the shed in the rear of the property, was part of the original property, prior to subdivision. On the right of the shed, there is a right-of-way to the rear of the property. J Shea stated that he wants to fill in

the back corner to square off the shed. The property owner will store a boat in the proposed structure. The hardship surrounds the building which was in place prior to zoning and half of the building is already in the setback. There will be no impact on the neighbors as it is a driveway on the side and on the rear lot line.

W T Furgueson stated that he visited the property which is an odd configuration and lay out.

W T Furgueson asked if anyone wished to speak in favor or in opposition to this application. There was no public comment.

There was no further comment from the Board.

There were no letters submitted on behalf of this application.

**MOTION** made by W T Furgueson to close the public hearing on **Application No. 20-26** on behalf of AJ Shea Construction for Ted Potter, 51 Comstock Avenue, Ivoryton, CT, Assessor's Map 57, Lot 45, VR District at 8:02pm; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

## 2. Regular Meeting

- **Application No. 20-24** on behalf of Joshua Jones for Thomas and Aurise Gallucci, 22 Pratt Street, Essex, CT, Assessor's Map 47, Lot 107.

**MOTION** made by W Feirer to approve a Variance for **Application No. 20-24** on behalf of Joshua Jones for Thomas and Aurise Gallucci, 22 Pratt Street, Essex, CT, Assessor's Map 47, Lot 107, VR District, requesting variances to sections 40C, 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to locate a 5' x 9' addition to an accessory structure to a point 1 foot from the rear property line where 25 feet is required. Also, to allow the building coverage to increase from 26% to 26.9% where 10% maximum building coverage is allowed; The hardship surrounding this proposal is that the property predates zoning and this proposal addresses a safety issue related to access to the basement; This proposal is approved in accordance with the plans as submitted; **SECONDED** by P Beckman; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

**MOTION** made by W T Furgueson to amend the previous motion for **Application No. 20-24** on behalf of Joshua Jones for Thomas and Aurise Gallucci, 22 Pratt Street, Essex, CT, Assessor's Map 47, Lot 107, adding that the variance is granted with the conditions, 1) At no point in the future is the approved structure to be tied into the existing or other structure and expanded, and there will be no ability to create a living space; 2) The property owner will update the map and file it with the zoning enforcement officer; **SECONDED** by W Feirer; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 20-25** on behalf of Paul Johns, 29 Main Street, Essex, CT, Assessor's Map 47, Lot 59

**MOTION** made by G Wendell to approve a Variance for **Application No. 20-25** on behalf of Paul Johns, 29 Main Street, Essex, CT, Assessor's Map 47, Lot 59, EV District, requesting variances to sections 40C, 40D and 70B of the zoning regulations to allow a new 20' x 28' detached garage to increase the building coverage from 22.46% to 30% where 25% maximum building coverage is allowed. The hardship surrounding this proposal is that the property predates zoning. This is a narrow lot and there is an elimination of a nonconformity with regard to rear setback. This proposal is approved in accordance with the plans as submitted; **SECONDED** by W T Furgueson; **IN FAVOR:** W T Furgueson, P Schaller, W Feirer, B Sarrantonio, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Application No. 20-26** on behalf of AJ Shea Construction for Ted Potter, 51 Comstock Avenue, Ivoryton, CT, Assessor's Map 57, Lot 45.

**MOTION** made by W Feirer to approve a Variance for **Application No. 20-26** on behalf of AJ Shea Construction for Ted Potter, 51 Comstock Avenue, Ivoryton, CT, Assessor's Map 57, Lot 45, VR District, requesting variances to sections 40D, 40E, 40I.1, 50D and 60B of the zoning regulations to allow an addition to a shed to a point 11 feet from a side property line where 25 feet is required. Also, to allow the building coverage to increase from 11.2% to 11.87% where 10% maximum building coverage is allowed. The hardship surrounds the fact that the nonconformity is minimal and the property is unique in that it is situated/sandwiched between areas that are conforming; This proposal is approved in accordance with the plans as submitted; **SECONDED** by R Rybak; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, R Rybak; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

### 3. New Business

- **Election of Officers**

**MOTION** made by G Wendell to endorse and support the continuance of the present administration; **SECONDED** by B Sarrantonio; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- **Approval of 2021 Meeting Schedule**

**MOTION** made by W T Furgueson to accept the 2021 ZBA Meeting Schedule as presented; **SECONDED** by B Sarrantonio; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, G Wendell; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

- P Beckman stated asked J Budrow to take a hard look at the maps accompanying an application to be sure that they are accurate. Also, the ZBA is seeing an upsurge in applications where the construction started prior to seeking requisite permitting. P Beckman suggested that Mr. Budrow submit an article to Essex Events reminding people of the necessary permitting that is requisite with various building proposals.

4. **Old Business**

**Approval of Minutes – November 17, 2020.**

**MOTION** made by W T Furgueson to approve the November 17, 2020 Minutes as presented; **SECONDED** by P Beckman; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, B Sarrantonio, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

a. **Other**

J Budrow reported that there will be two new applications before the Board at their January 19, 2021 regular meeting.

5. **Correspondence and Invoices**

There was no correspondence and there were no invoices.

6. **Adjournment**

**MOTION** made by W T Furgueson to adjourn the meeting at 8:23 pm to the next regularly scheduled meeting which will be held on Tuesday, January 19, 2021 at 7:00 p.m., location TBD; **SECONDED** by W Feirer; **IN FAVOR:** W. T. Furgueson, W Feirer, P Schaller, R Rybak, P Beckman; **OPPOSED:** None; **ABSTAINING:** None; **MOTION CARRIED** 5-0-0.

Respectfully submitted,

*Stella A. Caione*

Stella A. Caione, Recording Clerk