

**ESSEX ZONING COMMISSION
29 WEST AVENUE**

**Monday, April 15, 2013
Town Hall – Meeting Room A
Essex, Connecticut 06426**

MINUTES

PUBLIC HEARING

Chairman Al Wolfgram called the meeting to order at 7:00 p.m.

Seated for the first group of public hearings are Al Wolfgram (Chair), Larry Shipman, (Secretary), Jim Hill, Bill Reichenbach, alternate Jeff Lovelace (for Susan Uihlein, Vice Chair), alternate Adrienne Forrest. Also in attendance was Zoning Enforcement Officer Joe Budrow and Attorney Sipples. Absent: Susan Uihlein (Vice Chair), alternate Barbara Zernike.

Al Wolfgram, Chair requested **Application No. 12-19 - Essex Zoning Commission** (Agenda Item #1) to be moved to Agenda Item #4 under Old Business.

Al Wolfgram, Chair requested **Application No. 12-21 - Essex Zoning Commission** (Agenda Item #2) to be moved to Agenda Item #4 under Old Business.

Motion made to move these two Applications by Jim Hill, seconded by Larry Shipman. All in favor. None opposed. **Motion carried.**

Application No. 12-24 – New England Commercial Properties, LLC – request for extension by attorney to next meeting May 20, 2013.

Motion made by Larry Shipman to extend public hearing to May 20, 2013 for **Application No. 12-24**. Seconded by Jim Hill. All in favor. Passed unanimously. **Motion carried.**

Application No. 13-6 – NairCo, LLC – An application to amend the text of Section 80 of the Essex Zoning Regulations to add Artist Studio as an allowed use in Commercial district. Larry Shipman read the Notice of Public Hearing. Correspondence distributed from the Planning Commission dated March 22, 2013. Memorandum to Al Wolfgram from Tom Danyliw, Chairman, Essex Planning Commission, at meeting of March 21, 2013 they agreed that artist studio amendment proposed is an appropriate addition. They see no conflict with the proposed amendment. Recommend approval.

Barbara Nair, co-owner of property at 61 Main Street, Centerbrook, spoke on behalf of her request permission for a tenant to teach art classes (including sculpture, drawing, painting, and some after school programs, etc.). Hours of operation are mostly on the weekend and may graduate into a weekday.

Commission discussed request and suggested the reworded amendment be called “Art Studio” versus “Artist Studio” as a special exception application.

Motion made by Larry Shipman to close public hearing on **Application No. 13-6**. Seconded by Jeff Lovelace. All in favor. Passed unanimously. **Motion carried.**

REGULAR MEETING

Called to order at 7:20 p.m.

Seated for the regular meeting are Al Wolfgram (Chair), Larry Shipman, (Secretary), Jim Hill, Bill Reichenbach, alternate Jeff Lovelace (for Susan Uihlein, Vice Chair), alternate Adrienne Forrest. Also in attendance was Zoning Enforcement Officer Joe Budrow and Attorney Sipples. Absent: Susan Uihlein (Vice Chair), alternate Barbara Zernike.

2. APPROVAL OF THE AGENDA

Added Application No. 13-7, NairCo, LLC – special exception request for an arts studio to go in certain location at 61 Main St. It is not a complete application as yet, more info to come should we schedule a public hearing.

Added Applications 13-8 and 13-9 - Michael Picard for 141 and 147 Saybrook Road. Coastal site plan reviews for both properties.

Application No. 13-10 – Essex Fire Department – will not be presented at this meeting.

Motion made by Larry Shipman to accept changes to agenda. Seconded by Jim Hill. All in favor. Passed unanimously. **Motion carried.**

3. NEW BUSINESS

1. Application 12-19 – Essex Zoning Commission – moved to Agenda Item #4 under Old Business.

2. Application 12-21 – Essex Zoning Commission – moved to Agenda Item #4 under Old Business.

3. Application No. 12-24 – New England Commercial Properties, LLC. – moved to Agenda Item #4 under Old Business.

4. Application 13-6 - NairCo, LLC – discussion and vote on text amendment.

Motion made by Al Wolfgram to accept **Application No. 13-6** amend section 80A.2D changing wording to Art Studio vs. Artists Studio. Amendment wording change takes affect May 19, 2013. Seconded by Larry Shipman. All in favor. Passed unanimously. **Motion carried.**

4. OLD BUSINESS –

Continuation of Public Hearing – all regular members seated as stated above, adding alternate Adrienne Forrest for absent member Susan Uihlein (Vice Chair).

Application No. 12-19 (Definitions), and Application No. 12-21 (Prohibitions). Larry Shipman read notice from Tom Danyliw, Planning Commission dated January 15, 2013 regarding zoning amendments in Sections 20, 40, 80 and 90. Larry also read a memorandum from the Economic Development Commission concerning fast food restrictions.

Proposed draft changes to Town of Essex Zoning Regulations were discussed in great detail and reviewed by Joe Budrow, Zoning Enforcement Officer and the Essex Zoning Commission. Full copy of the existing Regulations are in the Land use Office.

Application No. 12-21 – will be looked at by Attorney Sipples and tabled until next month.

Motion made by Attorney Sipples to extend **Application 12-19 and Application 12-21** to public hearing on May 20, 2013. Seconded by Larry Shipman. Passed unanimously. **Motion carried.**

Application No. 12-24 – New England Commercial Properties, LLC. – request to extend to public hearing on May 20, 2013.

Motion made by Larry Shipman to extend public hearing to May 20, 2013 for **Application 12-24.** Seconded by Jim Hill. All in favor. Passed unanimously. **Motion carried.**

5. RECEIPT OF NEW APPLICATIONS –

Application No. 13-7 - application for Special Exception for an Art Studio

Motion made by Larry Shipman to accept **Application No. 13-7** for Special Exception and set for public hearing on May 20, 2013. Seconded by Jim Hill. All in favor. Passed unanimously. **Motion carried.**

Application 13-8 and Application 13-9 – Michael Picard, 141 & 147 Saybrook Road. Two coastal site plans submitted with application, referral sent to office of Long Island Sound Programs. Should be getting response from them (OLISP) this week.

Tom Metcalf engineer and surveyor for applicant reviewed both applications (as there are two separate properties) now acting as a single property. He reviewed site plans on property. The site work was required due to the fact the driveway and house are within 100 feet of the tidal wetlands. A wetlands permit was

granted for the removal of a house and garage from the front lot. The dwelling is proposed as being to a point of 70 feet from the tidal wetlands. The driveway to a point of 40 feet from them. Referral was received from Marcy Balint, Sr. Coastal Planner from the Office of Long Island Sound Programs. Mr. Metcalf asked for approval with conditions, if possible, pending further comments coming from OLISP.

Mr Picard (property owner) expressed his frustration and discontent with this process and how long it has taken to get this project started. He met three months ago with Joe Budrow, CAM and wetlands. He feels he has complied with all requests in filing all requirements on time. The commission responded that we have 65 days to act on this application.

Al Wolfgram suggested that they look at Section 103 – Special Hazard permit on this application for next month's meeting. They indicated what Mr. Picard will need to bring with him for the next meeting. Attorney Sipples mentioned there could also be a question with regards to a variance on the property of where the new 1-bedroom house will be placed in place of the garage. Attorney Chris Smith will discuss with Attorney Sipples.

- 6. VISITORS AND GUESTS** – George Wendall, new resident of Essex, just wanted to sit in on a few Zoning Commission meetings. Wally Sheekenaker, an alternate to the Gateway Commission discussed upcoming meeting on 4/28 mentioning there could be changes to their regulations. Commission responded with they will wait for Gateway to come back to Essex Zoning Commission.

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT –

Joe Budrow discussed the following:

- Reviewed the rescinded denial letter on zoning permit application to Cronin & Sweeney re: Dunkin Donuts appeal.
- Pilates for Life needs a special exception as they did not receive zoning approval for property at 26 Saybrook Rd.
- Calamari currently looking at new part of property and will submit new application to expand business to new lot.

Memo's of Understanding:

Voting: Al Wolfgram, Larry Shipman, Bill Reichenbach and Jim Hill

Application No. 12-23 – Bestway, LLC – special exception based on conditions of approval – no advertising on Route 9, truck deliveries will comply with site plan and no trucks will back out on Main Street.

Motion by Larry Shipman to approve the signing of **Application 12-23**, seconded by Jim Hill. Passed unanimously. **Motion carried.**

Voting: Al Wolfgram, Larry Shipman, Bill Reichenbach, Jim Hill and Adrienne Forrest.

Application 13-1 – AT&T Mobility – 6 antennae to be installed at 6 Main Street, Centerbrook.

Motion by Larry Shipman to approve the signing of **Application 13-1**, seconded by Bill Reichenbach. Passed unanimously. **Motion carried.**

Application 13-2 – AT&T Mobility – 6 antennae to be installed at 148 Main Street, Ivoryton.

Motion by Larry Shipman to approve the signing of **Application 13-2**, seconded by Bill Reichenbach. Passed unanimously. **Motion carried.**

8. OTHER BUSINESS – None

9. APPROVAL OF MINUTES

Motion by Larry Shipman to approve the minutes of the March 18, 2013 meeting. Seconded by Jim Hill. Jeff Lovelace abstained as he was not present at that meeting. All in favor. Passed unanimously. **Motion carried.**

10. CORRESPONDENCE AND PAYMENT OF BILLS - None

11. ADJOURNMENT

Motion made by Jim Hill to adjourn meeting at 9:15 pm. Seconded by Larry Shipman. All in favor. Passed unanimously. **Motion carried.**

Respectfully submitted,

Yvonne M. Roziak
Recording Secretary