

**ESSEX ZONING COMMISSION  
29 WEST AVENUE – ESSEX, CT 06426**

**Monday, April 16, 2012  
Town Hall – Conference Room A  
Essex, Connecticut  
7:00 PM**

**PUBLIC HEARINGS**

Chair Al Wolfgram called the meeting to order at 7:00. Seated were Chair Al Wolfgram, Susan Uihlein, Larry Shipman, Jim Hill, and Bill Reichenbach. Also in attendance were alternates Jeff Lovelace and Robert Connelly, Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow.

Correspondence regarding Essex Glen-  
ZEO Joe Budrow gave a synopsis of the changes in the Ellington before and after the regulation change process.

**Application 12-1 – Essex Glen, LLC**

- Discussion and possible vote on Application 12-1 – Petition to amend the text to zoning regulations sections 63A.2(J), 63A.2(J)(1), 63B.1, 63B.3, 63B.3(D), 63B.3(H), 63-2 (title), 63-2A, 63A.2(A), 63-2B.1, 63-2B.3, (Public Hearing to be closed by April 23<sup>rd</sup>)

Attorney Lomme presented. He briefly discussed the regulations sent from Ellington. Propose waiver to keep active adult but then the Commission has the right to waive the “over 55” requirement. The “over 55” age restriction is an exemption to the fair housing law, They are acceptable to having 2 sets of regulations; active adult and targeted adult. With an application, it would be up to the Commission to look at an application and decide what to approve. It can be monitored by requiring an annual filing or certification to demonstrate that it meets the regulation.

Attorney Sipples recommended that in order to require the developer or the association to show compliance, it should be done in the form of an amendment.

Call for questions from audience-

Dennis Robida commented on the possibility of an increase in numbers of children This could become a problem for the town and taxpayers.

Attorney Lomme met with the tax assessor and explained that the result of this on the town is that it will produce \$415,000 in taxes.

Lois Ely - The size of 1500-3500 sq. ft. units was referred to, and seems to be large for a 2 bedroom unit.

Mark Levine, principal, stated that there is no intention to change what was approved. This application is responding to marketing and financing issues.

David Zito spoke in favor.

Dennis Robida is opposed to the application.

Closing statement –Attorney Lomme noted the tax advantage, and the traffic study considered 100 units with no age restriction. Based on the Rutgers study, there would be less than 1 student, but even with 2 students it would be offset by taxes. Each application will stand on its own depending on the age bracket they want to attract, the percentage of that age bracket and the amenities added to the site plan.

**Motion to close the Public Hearing by Larry Shipman and seconded by Jim Hill. Motion carried unanimously.**

## **REGULAR MEETING**

Seated for the Regular Meeting were Chair Al Wolfgram, Susan Uihlein, Larry Shipman, Jim Hill, and Bill Reichenbach. Also in attendance were alternates Jeff Lovelace and Robert Connelly, Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow.

## **NEW BUSINESS**

- Discussion and possible vote on Application 12-1 – Petition to amend the text to zoning regulations sections 63A.2(J), 63A.2(J)(1), 63B.1, 63B.3, 63B.3(D), 63B.3(H), 63-2 (title), 63-2A, 63A.2(A), 63-2B.1, 63-2B.3.

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**Motion by Susan Uihlein to continue Application 12-1 until the May 21<sup>st</sup> meeting. Seconded by Bill Reichenbach. Motion carried unanimously.**

## **OLD BUSINESS**

There was none.

## **RECEIPT OF NEW APPLICATIONS**

### **Application 12-4 - River Properties, Inc.**

Petition to amend the text to zoning regulation Section 71 by adding a new section, 71A.2.

This application would take the wording of Regulation 90 A.4 in the LI District and insert it under the waterfront district. This has to go to the Planning Commission as a referral for their review.

**Motion to accept Application 12-4, River Properties Inc. and set the Public Hearing for May 21<sup>st</sup>. Seconded by Larry Shipman. Motion carried unanimously.**

### **Application 12-5 – Ronald Geiras**

An application to locate a barbershop at 42 Main Street in Centerbrook.

A sanitation review is needed as well as a parking review. There are 5 1-hour spaces.

**Motion by Susan Uihlein to accept Application 12-5 and set for a Public Hearing on May 21<sup>st</sup> to address parking and sanitation. Seconded by Larry Shipman. Motion carried unanimously.**

**Application 12-6 – William von Ahnen**

An application to convert a food retail business at 55 Main Street in Centerbrook to a food service shop.

The application is to carry ice cream sales, hot dogs, and sandwich prep. A permit is needed to consider "food prep" to carry sandwiches, since the business currently serves only hot dogs and ice cream and is considered food retail.

**Motion by Larry Shipman to accept Application 12-6 and set for a Public Hearing on June 18. Seconded by Susan Uihlein.** A clear site development plan is needed as well as what was previously approved, a sanitation report and parking review. **Motion carried unanimously.**

**Application 12-7**

An application to amend special permit Application 2107 approved on 12/17/07. The amendment is to remove the language of that application which restricts the age limit of 55 and over.

**Motion by Susan Uihlein to accept Application 12-7 to be heard at the June 18<sup>th</sup> meeting. Seconded by Larry Shipman. Motion carried unanimously.**

**VISITORS AND GUESTS**

none

**REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT**

Attorney Sipples reported on the three Bombaci appeals. The Court has been notified that a temporary settlement has been reached. Contingent upon some paperwork being completed, they are working on creating language that everyone will agree on concerning a non-conforming use.

**Memorandum of Decision for an application for a special exception, Application 12-3.**

**Motion by Larry Shipman and seconded by Jim Hill to approve the signing of the Memorandum of Decision for Application 12-3. Motion carried unanimously.**

**Memorandum of Decision for Application 12-2**

**Motion by Larry Shipman to approve the Memorandum of Decision for Application 12-2, establishment of an accessory apartment in a newly constructed addition. Seconded by Susan Uihlein. Motion carried unanimously.**

Gateway text changes were received. They will be addressed next month.

**APPROVAL OF MINUTES**

**Motion by Susan Uihlein to approve the minutes of the March 19, 2012 meeting and seconded by Larry Shipman. Motion carried unanimously.**

**OLD BUSINESS**

**Motion by Larry Shipman to accept Application 12-8 and 12-9. Seconded by Susan Uihlein. Motion carried unanimously.**

Planning Commission representation has been invited to the next meeting.

There will be a report on the Flea market at next meeting.

**CORRESPONDENCE AND PAYMENT OF BILLS**

Invoice from Attorney Peter Sipples was received.

**Motion by Susan Uihlein and seconded by Larry Shipman to make payment pending availability of funds. Motion carried unanimously.**

**Motion to adjourn at 8:30 p.m. by Jim Hill and seconded by Larry Shipman. Motion carried unanimously.**

Respectfully submitted,

Sandra Meinsen  
Recording Secretary