

**ESSEX ZONING COMISSION
29 WEST AVENUE
ESSEX, CT 06426**

**Monday, May 20, 2013
Town Hall – Meeting Room A
7:00 p.m.**

MINUTES

PUBLIC HEARING

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

Seated for Public Hearing were: Al Wolfrgram (Chair), Larry Shipman (Secretary), Jim Hill, Bill Reichenbach, and Alternate Jeffrey Lovelace (for Susan Uihlein, Vice Chair). Also in attendance was Zoning Enforcement Officer – Joe Budrow and Attorney Peter Sipples. Absent: Susan Uihlein (Vice Chair) and alternate Barbara Bernice.

Al Wolfrgram requested **Application No. 12-19** and **Application No. 12-21** be extended and go to public hearing on June 17, 2013.

Motion made by Jeffrey Lovelace to extend to public hearing **Application No. 12-19** and **Application No. 12-21**, seconded by Larry Shipman. Passed unanimously. **Motion carried.**

Continuation of Public Hearing Application 12-24- New England Commercial Properties, LLC

Chris Smith, Attorney, with Shipman & Goodwin LLP, distributed copies of the revised wording under Section 90 in the Essex Zoning Regulations. This was a clarification of a new use for Limited Industrial District in the Industrial Park on Plains Road.

Motion was made by Larry Shipman to close public hearing, seconded by Bill Reichenbach. Passed unanimously. **Motion carried.**

Application 13-7 – NairCo, LLC – An application to allow an art studio at 61 Main Street, Centerbrook.

Joe Budrow received a letter from Health Director of Town. Building 3 at 61 Main Street has a sub surface sewage disposal system that accommodates the proposed use.

Barbara Nair, Exec. Director Arts Center, Killingworth and co-owner of property at 61 Main Street, Centerbrook. Ms. Nair spoke on behalf of the Art Center she's representing and requesting special exception for an Art Studio. Hours of Operation would be Tues-Friday 11-6, Saturday's 10-6, Sunday's 12-6. Joe Budrow reviewed site plan of parking as it stands today that shows 65 parking spaces within the entire plaza. Original site plan was illegible and another site

plan will be put in the record as to the parking that is available for the businesses in that plaza. Last month's request for Zoning Regulation change was not appealed by anyone. Ms. Nair would like to encourage the signage of the other tenants be one sign versus several. Zoning Commission can make a recommendation to consolidate the businesses onto one sign.

Motion made by Larry Shipman to close public hearing on **Application 13-7**. Seconded by Jim Hill. Passed unanimously. **Motion carried.**

REGULAR MEETING

1. CALL TO ORDER

Chairman Al Wolfgram called the regular meeting to order at 7:25 p.m.

Seated for Regular Meeting: Al Wolfgram, Larry Shipman, Bill Reichenbach, Jim Hill and Alternate Adrienne Forrest for Susan Uihlein (Vice Chair) – other than the public hearing issues and Alternate Jeffrey Lovelace. Also in attendance was Zoning Enforcement Officer – Joe Budrow and Attorney Peter Sipples. Absent: Susan Uihlein (Vice Chair) and alternate Barbara Bernice.

2. APPROVAL OF THE AGENDA

Chairman Al Wolfgram requested a change in the agenda under Old Business to move **Application 13-7** to follow **Application 12-24**.

Motion made by Jim Hill to accept changes to agenda, seconded by Larry Shipman. Passed unanimously. **Motion carried.**

3. NEW BUSINESS: None

4. OLD BUSINESS:

Applications No. 12-19 and 12-21 previous request to extend to public hearing on June 17, 2013.

Application No. 12-24 – New England Commercial Properties, LLC – a petition to amend section 90 (Limited Industrial District) of the Town's zoning regulations.

Motion made by Larry Shipman to approve **Application 12-24 – New England Commercial Properties, LLP**, with a June 18, 2013 effective date. Seconded by Jim Hill. Passed unanimously (4 Regular Members voted – Al Wolfgram, Bill Reichenbach, Jim Hill and Jeffrey Lovelace for Susan Uihlein). **Motion carried.**

Application 13-7 – NairCo, LLC – An application to allow an art studio at 61 Main Street, Centerbrook.

Motion made by Larry Shipman to approve **Application No. 13-7** (adding a recommendation to consolidate signs on site), seconded by Bill Reichenbach. Passed unanimously. **Motion carried.**

Application No. 13-8 – Michael Picard, 141 Saybrook Road - Coastal Area Management Site Application review.

Motion made by Larry Shipman to approve **Application 13-8 - Michael Picard, 141 Saybrook Road** that the CAM Site Plan is in compliance with Section 102 of the zoning regulations. Seconded by Jim Hill. Passed unanimously. **Motion carried.**

Application No. 13-9 – Michael Picard, 147 Saybrook Road Coastal Area Management Site Application review.

Motion made by Larry Shipman to approve **Application 13-9 - Michael Picard, 147 Saybrook Road** that the CAM Site Plan is in compliance with Section 102 of the zoning regulations. Seconded by Adrienne Forrest (for Susan Uihlein) Passed unanimously. **Motion carried.**

RECEIPT OF NEW APPLICATIONS:

Application No. 13 – 10 – Essex Fire Department – An application to amend the text of section 90 of the Essex zoning regulations to add “Fire Training Facility” as an allowed use in a Limited Industrial District (Public hearing to be held by July 24th).

Bob Doane appeared and spoke on behalf of the Essex Fire Department and requested to add Fire Training Facility into the current zoning regulations. He indicated it is not site specific; therefore, no site plan was required.

Al Wolfgram inquired as to what the planning commission’s input was and to go forward and set the public hearing for June 17, 2013.

Motion made by Larry Shipman to accept **Application No. 13-10 – Essex Fire Department** and to go to public hearing on June 17, 2013. Seconded by Bill Reichenbach. Passed unanimously. **Motion carried.**

Application No. 13 – 12 – Standard Petroleum – An application to modify a previous approval with a plan to expand the existing convenience store and relocate the Dunkin Donuts operation within same building. (Public hearing to be held by July 24th).

Tom McLaughlin, Attorney with Cloutier & Cassella spoke on behalf of his client and the current application for modification of special exception by Standard Petroleum for property

known as 23 Main Street, Centerbrook and owned by 23 Main Street, LLC. This would be to renovate the existing building by taking out the florist shop and replace it with Dunkin Donuts, thereby expanding the current convenience store.

Al Wolfgram suggested to Attorney McLaughlin that they look at the current parking and to renumber the drawings as they are currently both the same number.

Motion was made by Larry Shipman to accept **Application No. 13-12 – Standard Petroleum** and to go to public hearing on June 17, 2013. Seconded by Bill Reichenbach. Passed unanimously. **Motion carried.**

2. **VISITORS & GUESTS** – Wally Schieferdecker from Gateway Commission inquired about the replacement and / or repair of structures with existing structures. Joe Budrow responded that you can replace the same footprint without a variance if non-conforming. An act of nature/God is also replaceable without a variance.

3. **REPORT FROM LEGAL COUNSEL & ZONING ENFORCEMENT AGENT**

Al Wolfgram mentioned that the setback/variance issue on the CAM site plans needs to be done. Commission many need to tighten up on these types of issues. May need to require someone to go back to ZBA if it stays in setback/variance. Attorney Sipples suggested some registration of the demolition on existing property.

Joe Budrow mentioned three new expansions in pipeline – Rite Aid request to expand where Karate school was in Bokum Center. Essex Court request to build 20 more units and they will be going forward with application and Bell Power – behind Riverview Press will be going to Wetlands first.

4. **OTHER BUSINESS** – None

5. **APPROVAL OF MINUTES**

Motion was made by Larry Shipman to approve the minutes (with corrections) of April 15, 2013. Bill Reichenbach seconded the motion. Passed unanimously. **Motion carried.**

6. **CORRESPONDENCE AND PAYMENT OF BILLS**

Motion was made by Larry Shipman to approve the payment of legal fees \$480.00 based on availability of funds. Bill Reichenbach seconded the motion. Passed unanimously. **Motion carried.**

Memorandum of Understanding to **Application 13-6 –NairCo, LLC** - amendment to Zoning Regulations 80A2D to add Art Studio.

Motion made by Larry Shipman to approve signing of amendment to regulations (w/name correction) on **Application 13-6**. Al Wolfgram, Larry Shipman, Jeffrey Lovelace, Jim Hill and Bill Reichenbach voted to approve. Motion carried.

7. ADJOURNMENT

Motion to adjourn meeting was made by Al Wolfgram at 8:35 p.m. Larry Shipman seconded the motion. Passed unanimously. **Motion carried.**

Respectfully submitted,

Yvonne Roziak