

**ESSEX ZONING COMMISSION
29 WEST AVENUE**

Monday, December 17, 2012
Town Hall – Meeting Room A
Essex, Connecticut 06426

MINUTES

PUBLIC HEARING

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

Seated for the public hearing were Larry Shipman, (Secretary), Jim Hill, Bill Reichenbach, and Barbara Zernike. In attendance were alternates Robert Connelly (for Susan Uihlein/Vice Chair) and Jeffrey Lovelace. Also in attendance were Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow.

Application - 12-22 – Essex Yacht Club –to locate two accessory buildings, plus other site work, on property at 13 Novelty Lane, Essex Yacht Club

- Statement of Use received 11/16/12
- Sanitarian – verbally approved this project conversing with applicant
This project will not increase flow rate for this location
- Matthew White of Angus McDonald and Gary Sharp and Associates representing the request – reviewed updated site plans – Refer to Supplement.
- Reviewed Coastal Management Site Plan map with and it has been approved by the LI Sound DEP
- Approved by Wetlands Commission in November.

Open to Commission for questions:

No questions

From the public:

Terry Lomme, Novelty Lane, likes the plan and is in favor of it. None against.

Motion made by Larry Shipman to close public hearing for **Application No. 12-22**.
Seconded by Bill Reichenbach. **Motion carried.**

REGULAR MEETING

Seated for the public hearing were Al Wolfgram, (Chair), Larry Shipman, (Secretary), Jim Hill, Bill Reichenbach, and Barbara Zernike. In attendance were alternates Robert Connelly (for Susan Uihlein/Vice Chair) and Jeffrey Lovelace. Also in attendance were Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow.

1. APPROVAL OF THE AGENDA

A. Approval of Agenda with 2 additions to item #5 – Receipt of New Applications

- 1) Application 12-23 – Bestway 2, LLC
- 2) Application 12-24 – New England Commercial Properties, LLC

2. NEW BUSINESS

- Application 12-15 – Frank Sciame, Jr. – Need 4 votes to approve. Decision to be made at next meeting 1/30/12 (incorrect date) to public hearing being held on 1/28/12 meeting.

Motion to move the approval of **Application No.12-15** to January 28, 2013 public hearing made by Larry Shipman, seconded by Jim Hill. **Motion carried.**

- Application 12-22 – Essex Yacht Club – locate two accessory buildings and Coast Area Management Site plan for special exception
- Site plans reviewed – preserved for water dependent uses, and has been approved by DEP

Motion to approve **Application 12-22** for special exception with regard to 13 Novelty Lane for two accessory structures made by Larry Shipman, seconded by Jim Hill under condition it is approved by sanitarian. **Motion carried.**

Motion to approve **Application 12-22** for Coastal Area Management Site Plan review by Larry Shipman at 13 Novelty Lane, and LI Sound DEP has signed off on application. Seconded by Jim Hill. **Motion carried.**

3. OLD BUSINESS – none addressed at this time.

4. RECEIPT OF NEW APPLICATIONS

- A. Application 12-23 – Bestway 2, LLC** – Application to convert 1,769 sq. ft. gross floor area automobile service station to convenience (retail) store and associated site improvements, including parking and landscaping. Represented by Attorney Ed Cassella and Greg Nucci of Dicesare Bentley Engineers.

Motion to accept **Application 12-23** by Larry Shipman and set public hearing for January 28, 2013, **seconded** by Rob Connelly. **Motion carried.**

- B. Application 12-24 – New England Commercial Properties, LLC** - Petition to amend the Zoning Regulations of the Town of Essex, Connecticut to permit the following uses in the Limited Industrial District: 1. contractor use; 2. commercial kitchen use; and 3 boat repair use.

Motion to accept **Application 12-24** by Bill Reichenbach and set public hearing for January 28, 2013 and refer to planning, **seconded** by Rob Connelly. **Motion carried.**

5. VISITORS AND GUESTS

CT River Gateway Commission – distribution of “A Workshop Regarding the 2004 Gateway Standards” – Nancy Fischbach, Vice Chair and Torrance Downs distributed their proposal with their concerns with the Town’s changes. Discussion ensued regarding divisions a, b, and c. Concerns were about why the Town did not accept the gateway zone as presented. Reviewed 9 Standards w/changes – listed below. The Gateway Commission represents 8 towns and it was noted that Essex has had limited representation at Gateway Commission meetings regarding their Standards.

Al Wolfgram concern is with Village and three items – Gateway line was political and not geographical. Suggestion is to go back to State Legislature and change the Statute. Needs backing by Gateway Commission.

Gateway Standards w/changes:

1. Section 101B – General. Division of the Essex Conservation Zone into three areas:
 - A. Essex Village
 - B. Riverfront Areas
 - C. Upland Hill Area
2. Definition of “Developed Area”. The definition for “Developed Areas” is proposed to be removed from the regulations.
3. Section 101E – Gateway River Setback.
4. Site Plan Approval instead of Special Exception Approval wherever Standards call for a Special Exception review or approval.
5. Section 101F. Building Height – 35 feet from “Existing Natural Grade”
6. Section 101F. Exceeding height Maximum for up to 10% of a Roof Area.
7. Section 101G. Required Vegetative Buffer
8. Section 101J. Additional Requirements for Residential Structures over 4,000 Square Feet in Total Floor Area.
9. Definition. Vegetation.

Commission reps wanted to know why we changed the definition that was originally meant to apply to areas where development has precluded or already eliminated any waterfront vegetation of any significance.

Have any other towns used this definition? No

Jim Hill - What is view from the River? What does it appear like from any height? Gateway looks at this during a no leaf season.

Joe Budrow – How many boat trips does Gateway have a year? May need to bring another person from Essex with the Gateway Commission group. Torrance invited members of the Zoning Commission on the boat trip as well.

Larry Shipman and Al Wolfgram asked if they wanted to form as representatives to Gateway and meet at Torrance's office with Nancy Fischbach. Gateway Commission group departed at 8:33 pm.

Al Wolfgram asked the guest in the audience if they had any questions – the guest said no.

6. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Attorney Peter Sipples asked was Debbie's Restaurant an eat in or take out restaurant? Dunkin Donut's is not currently considered a conforming restaurant. Response from Al Wolfgram was if you have seats it's considered a restaurant. May need special exception. More to this approval at this particular site versus a simple zoning permit. Needs to be discussed in greater detail.

Joe Budrow, discussed the complaint of a retail mulch business that was once owned by the ex-owner of such property – Bombaci Tree Service with the ex – owner Ken Bombaci, resident of Essex. Multiple clients inquired about the legality of certain issues at 45 Plains Road, Essex, CT since Bombaci sold the tree business to Bartlett. Attorney Thomas Cronan, Cronan and Sweeney, LLC is looking for response to their clients as to whether the continuation of the selling of mulch under a previous owners name is permitted under Essex Zoning Regulations.

7. OTHER BUSINESS

Election of 2013 Officers

Nominations for Zoning Chair – Jeff Lovelace nominated Al Wolfgram as Chair. **Seconded** by Bob Connelly. There were no other nominations. The **motion was unanimously in favor**.

Nomination for Vice Chair - Al Wolfgram **nominated** Susan Uihlein (Absent) for Vice Chair. Jim Hill **seconded**. There were no other nominations. **The vote was unanimously in favor**.

Nomination for Secretary – Barbara Zernike **nominated** Larry Shipman. **Seconded** by Jim Hill. There were no other nominations. **The vote was unanimously in favor**.

Approval of Schedule for 2013 – Jeff motioned to approve schedule, Rob seconded, passed unanimously.

Motion by Jeff Lovelace and **seconded** by Rob Connelly to approve the meeting schedule for 2013. **Motion carried.**

8. APPROVAL OF MINUTES

Motion by Rob Connelly to approve the minutes of the November 26, 2012 meeting. **Seconded** by Barbara Zernike. **Motion carried.**

9. CORRESPONDENCE AND PAYMENT OF BILLS

Motion made by Larry Shipman to approve payment of legal fees based on availability of funds. **Seconded** by Jim Hill. **Motion carried.**

10. ADJOURNMENT

Adjournment – 9:05 p.m.

Motion made by Al Wolfgram to adjourn meeting at 9:05 pm. **Seconded** by Jim Hill. **Motion carried.**