

Town of Essex - Zoning Commission

29 West Avenue

Essex, CT 06426

May 19, 2014 – Regular Meeting

MINUTES

Public Hearings

In attendance: Larry Shipman, Chairman, Al Wolfgram, Jim Hill, and Alternate Jeffrey Lovelace for absent member Bill Reichenbach, Alternate Adrienne Forrest for absent member Susan Uihlein. Also in attendance, Joe Budrow, ZEA and Attorney Peter Sipples. Absent: Susan Uihlein, Vice Chairman, Bill Reichenbach, Secretary and Alternate Barbara Zernike.

Called to order: 7:02 p.m. by Larry Shipman

Larry Shipman opened the meeting by thanking Al Wolfgram for all of his hard work over the years as Zoning Commission Chair and also thanked him for remaining on the Commission as a regular member.

Larry Shipman requested that Application No. 14-5- Ann Gaffey be moved up to be item #1 under Public Hearings.

Motion to move Application No. 14-5 – Ann Gaffey to item #1 made by Al Wolfgram, seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

Application No. 14-5 – Ann Gaffey - an application for a special exception to locate an art studio and office in a space at 5 Essex Square. Ms. Gaffey is here to request a change of use approval for her studio entitled PaintStix which is also a mobile painting business. She is an artist and currently teaches in restaurants and homes. She is requesting a special exception to make 5 Essex Square (3rd Floor) a private art studio as well as be able to teach classes. There would be approximately 6-8 people per class in the evenings and possibly during the day.

Al Wolfgram asked Joe Budrow, ZEA as to whether or not he has received approval from the Health Department and Fire Marshall regarding this application. Joe Budrow will get a letter from the Health Director regarding the septic system to be in compliance with this type of business. He will also check with the Building Official and Fire Marshall with regards to the number of people that may be in the studio at any given time. Joe will follow up with Dave DeLeeuw and Keith Nolin regarding this question.

Joe Budrow, ZEA also read a letter from the First Congregational Church in Essex, UCC confirming permission for patrons/students to park in the lower lot of the church.

The grounds and buildings keeper at the Church was in attendance and spoke on behalf of Ms. Gaffey's request and indicated he would be able to handle anything that might come up and was in support of the request for exception.

Joe Budrow, ZEA, commented that there also appears to be sufficient parking available in the back of the building.

Al Wolfgram inquired as to how many other business' or people are located on the 3rd floor of 5 Essex Square. Ms. Gaffey stated currently there is a newspaper reporter and a photographer.

Attorney Sipples indicated that with this exception request, the amendment needs to be approved first for the Village, then published. Therefore, the Commission cannot approve the special exception at this hearing. He will draft a Memorandum of Decision as long as parking is available offsite.

Al Wolfgram made a motion to extend Application No. 14-5 – Ann Gaffey to the next Zoning Commission meeting on June 16, 2014, seconded by Adrienne Forrest. Passed unanimously. Motion carried.

Motion to move Application No. 13-24 back to Item #2 under Public Hearing, seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

Application No. 13-24 – Essex Zoning Commission – A petition to amend Section 70 (Essex Village District) of the Essex zoning regulations.

Joe Budrow discussed the changes to Section 70 (Essex Village District) – he noted the last version received February 24, 2014 from the Planning Commission had comments regarding 70A.3B – ANIMALS. The keeping of livestock and poultry, or the keeping of any other animals except as household pets. Changes also made included under 70A.3 Accessory Uses and are reflected in the updated version dated April 21, 2014. Discussion continued on Section 70 changes and several suggestions for wording were made by Commission members and Joe will update accordingly. The Planning Commission's comments re authority to prohibit vs. restricted regarding Tattoo Parlors and Pawn shops, a grey area and is bit more complicated. Attorney Sipples will further research and get back to the Commission with his findings. Attorney Sipples also inquired about changes to 70A.2. Special Principal Uses – refer to Zoning Regulations Text Amendment DRAFT with noted changes dated April 21, 2014.

Motion made by Al Wolfgram to close Application No. 13-24 – Essex Zoning Commission, seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

Application No. 14-4 – Essex Zoning Commission – A petition to amend Section 60 (Village Residence District) of the Essex Zoning Regulations.

Joe Budrow discussed the Planning Commission's memo and their comments on family day care. They wanted it to fall under Special Principle Use as they felt the uses were expansive enough to fall under this category. The Planning Commission suggested that under this Zoning Regulation all applications, including non-expansionary existing homes, should be regulated as Special Principle Uses under Section 60A.2.

Larry Shipman inquired as to why do we not require a special permit for this type of business. His concern is a Special Principle Use gives neighbors at least an opportunity to be aware of the fact there is a day care center in the vicinity. Joe Budrow stated that this was discussed two months ago and the only notice for a non-public hearing administrative approval is after the zoning permit is granted. Larry Shipman continues to feel a special permit should be required for this type of business.

Audience member Jane Kelly expressed her opinion on this topic and she cautioned the Commission that they should not allow a child day care to open without the surrounding neighbors being notified in the residential district.

Al Wolfram proposes to eliminating section 60A.1F and modifying section 60A.2H, taking out words "with proposed expansion." And under 60A.2 under Special Principal Uses add Section 120 (in addition to Section 130). Attorney Sipples suggested revamping the wording to indicate "a copy of the day care's state license to operate such a facility should be submitted to the ZEA." Attorney Sipples also read the Section 8-3e Community Residence to see if this would apply in this situation. Larry Shipman mentioned that this section refers to being a group home versus a day care business. Joe Budrow will go back to the Planning Commission and give them these updates to their original concerns.

Al Wolfram made a motion to close Application No. 14-4 – Essex Zoning Commission, seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

Application 14-6– Essex Zoning Commission – A petition to amend Section 111 (Signs and Lights).

Al Wolfram read the notice. Joe Budrow reviewed the text draft amendment dated March 17, 2014. Advertising regarding Section III, Signs and Lights will be forthcoming. Joe also stated that Essex Events will contain an article on this topic as well as the next e-newsletter. The purpose of this section is to regulate signage and lighting in such a way as to protect the character throughout the Town of Essex by limiting the location, quantity, size, design, construction, illumination and use of such structures. All signs shall conform to the standards set forth in this section as well as to any conditions set forth as part of a site plan or special exception. Joe Budrow also attended the Economic Development Committee Meeting and discussed the LED internal signage versus prohibiting LED lighting. This particular lighting is being used more and more as a cost efficient way of lighting signs. The EDC will be putting together a letter to the Zoning Commission regarding this topic. Joe proceeded to review the text amendment draft dated March 17, 2014 and the proposed changes. Section 111G.4 references language with regards to signs that are prohibited including streamers, pennants and banners, unless expressly approved by the Board of Selectmen and/or traffic authority.

Al Wolfram made a motion to continue public hearing on Application No. 14-6 - Essex Zoning Commission to the June 16, 2014 meeting, seconded by Jim Hill. Passed unanimously. Motion carried.

REGULAR MEETING

In attendance: Larry Shipman, Chairman, Al Wolfram, Jim Hill, and Alternate Jeffrey Lovelace for absent member Bill Reichenbach, Alternate Adrienne Forrest for absent member Susan Uihlein. Also in attendance, Joe Budrow, ZEA and Attorney Peter Sipples. Absent: Susan Uihlein, Vice Chairman, Bill Reichenbach, Secretary and Alternate Barbara Zernike.

CALL TO ORDER: Meeting was called to order at 9:00 p.m.

APPROVAL OF THE AGENDA: - Moved Application No. 14-5 – Ann Gaffey up to #1 position under Public Hearing.

NEW BUSINESS: None

OLD BUSINESS:

Discussion and possible vote on the following applications:

Application No. 13-24 – Essex Zoning Commission

Jim Hill made a motion to approve with suggested changes Application No. 13-24 with an effective date of June 15, 2014. Seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

Application No. 14-4 – Essex Zoning Commission

Jim Hill made a motion to approve with suggested changes Application No. 14-4 with an effective date of June 15, 2014. Seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

Application No. 14-5 – Ann Gaffey – this application was deferred to the June 16, 2014 meeting.

Application No. 14-6 – Essex Zoning Commission - this application was deferred to the June 16, 2014 meeting.

RECEIPT OF NEW APPLICATIONS - None

VISITORS AND GUESTS - None

REPORT FROM LEGAL COUNSEL AND ZEA:

Attorney Peter Sipples and Joe Budrow continue to work on the cueist and desist with the Zoning Board of Appeals. The next ZBA meeting will be held on Tuesday, May 20, 2014. The property owner in question may apply for an extension at that meeting.

Attorney Sipples did a Memorandum of Decision for accessory apartment on Application No. 14-2 for the Gosman's which needed to be redone. He asked if Al Wolfgram could sign the MOD as he was Chairman of the Zoning Commission at the time.

Motion made by Larry Shipman to allow Al Wolfgram to sign the Memorandum of Decision for Application 14-2, seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

Motion made by Al Wolfgram to approve the Memorandum of Decision for the minor modification to Application No. 14-9 as read by Attorney Sipples, seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

OTHER BUSINESS:

Joe Budrow, ZEA discussed that the Spectrum Gallery that just opened in Centerbrook would like to run classes in the gallery and retail section until such time as she secures funding for the rear of the store where the studios are planning to be held. Al Wolfgram reviewed the regulations under Commercial District Regulations regarding this request and Larry Shipman said she would need to apply for a modification of a special exception application. Joe will assist her with the application.

Joe Budrow discussed retailers wanting to sell bottled propane in limited industrial areas and he discussed with the Commission as to whether or not this should be looked at it as a retail item.

Joe Budrow discussed a sign that was hung in the Village and a complaint that was made by a neighbor and the sign was removed and has since been replaced with a shorter sign with less language.

Attorney Sipples reviewed his memo to Al Wolfgram dated February 11, 2014 regarding Subdivision and Non-Subdivision Lots. Based on a request from Al Wolfgram, this memo is a review of the current law in

the State of CT concerning various types of residential lots. He listed the relevant Connecticut General State Statutes 8-2h, 8-26a, 8-28a, and 8-28b. The Commission then re-reviewed the Essex District Characteristic Chart and Joe will update accordingly. Al Wolfgram requested to Joe that these district updates be received as new applications at the next meeting.

Al Wolfgram discussed approved applications for site plans and that at times during construction they get changed. Al would like language drafted that states site plans cannot be changed once approved. Any changes to site plans must come back to the Zoning Commission and the Zoning Enforcement Agent.

APPROVAL OF MINUTES:

Motion made by Jeffrey Lovelace to approve the Minutes of April 21, 2014, seconded by Adrienne Forrest. Passed unanimously. Motion carried.

CORRESPONDENCE AND PAYMENT OF BILLS:

Motion made by Al Wolfgram to approve the payment of legal bills one for a total of \$1,200.00 and a second bill for \$1,760.00, based on the availability of funds, seconded by Jeffrey Lovelace. Passed unanimously. Motion carried.

ADJOURNMENT:

Motion made by Larry Shipman to adjourn the meeting at 9:50 p.m., seconded by Jim Hill. Passed unanimously. Motion carried.

Respectfully submitted,

Yvonne Roziak
Recording Secretary