

Essex Zoning Commission
29 West Avenue, Essex, CT 06426

August 18, 2014
Meeting Minutes

PUBLIC HEARINGS

Seated: Larry Shipman, Chairman, Bill Reichenbach, Secretary, Jim Hill, and Jeffrey Lovelace in for Susan Uilein. Also in attendance Joe Budrow, ZEA, and Attorney Peter Sipples.

CALL TO ORDER: Larry Shipman Chairman, called the meeting to order at 7:00pm.

Application No. 14-6 Essex Zoning Commission - a petition to amend Section 111 (Signs and Lights) of the Essex Zoning Regulations. Joe Budrow is 80% complete with making draft revisions. In September Joe Budrow should have the new proposed draft Section 111.

Application No. 14-7 – Essex Zoning Commission – a petition to amend Section 60 (Village Residence District) regarding minimum lot sizes and maximum building coverage.

Application No. 14-8 – Essex Zoning Commission – a petition to amend Section 61 (Rural Residence District) regarding minimum lot sizes and maximum building coverage.

ZEA gave update for Application No.s 14-7 and 14-8, Zoning was looking for referrals from Planning Commission. Zoning should receive that after Planning reconvenes in September.

Motion made by Bill Reichenbach to continue public hearing for Applications No.s 14-6, 14-7, 14-8. Jim Hill seconded motion. All in favor. None opposed. Motion carried.

Application No. 14-12 – Essex Yacht Club, Inc., 13 Novelty Lane, Essex. – An application for special exception to locate an accessory building within 50 ft of Middle Cove. Bill Reichenbach read the official notice. Jeffrey Lovelace recused himself.

Seated: Larry Shipman, Bill Reichenbach, Jim Hill. ZEA sighted a letter that was received today by Essex Health Dept accepting new location. Only difference is the building is closer than originally approved. No change in septic use or use in building (remains seasonal use only and as an accessory building with water usage). Needs a special exception due to it is now within the gateway limit. Representative from Gary Sharpe & Assoc. discussed new location and why the change happened (confusion with contractor stakes) Inland Wetland Commission approved new location at its last meeting.

Question regarding what “seasonal” use will be?

Plumbing in new building is not insulated. Building will be open during mooring season. And also opened for use of changing rooms during “frost bite” series.

Was septic system altered due to new location? No. System is a pump up and is pumped to more central location on the lot.

Anyone speak in favor?

Rick Minor spoke in favor of the application.

Any opposed?

Question as to how mistake happened? And what can be done to prevent it from happening again? ZEA suggest as-builts could be submitted within 2 weeks of foundation be poured to have building locations confirmed earlier. Procedure would be changed within the Building Department.

Motion made by Jim Hill to close public hearing for Application No. 14-12. Bill Reichenbach seconded motion. All in favor. None opposed. Motion carried.

Application No. 14-13 – Bank Lane, LLC, 8 Main Street, Essex - An application for special exception to locate a retail store known as Walker Loden, Ltd., within the first floor of the building. Bill Reichenbach read official notice.

Seated Larry Shipman, Jim Hill, Bill Reichenbach, Jeff Lovelace.

ZEO read correspondence from Essex Health Dept, stating that septic system use will not change due to building use change and approves application.

Rick Winer dicussed application noting it historically was a retail use.

Business will be selling antiques and gift items and stationary.

Mr. Walker spoke regarding benefits of the store to the area.

Question regarding parking. Plan shows 27 parking spaces. 8 spaces therefore dedicated to Walker Loden. Plenty of other spaces avail.

Anyone speak in favor?

A resident spoke in favor. Thinks shop will be an asset to Essex Community

Any opposed? None

Question as to how much coverage is the space? 1400 sq ft of the first floor. 2nd floor avail for new tenant. Offering 2nd floor as office space. Makes 19 spaces total avail for 1st and 2nd floor combined. ZEA would need to receive deed for file.

Motion made by Bill Reichenbach to close public hearing for Application No. 14-13. Jim Hill seconded motion. All in favor. None opposed. Motion carried.

Application No. 14-14 – Gary Dayharsh, 90 Main Street, Unit 105, Centerbrook – An application for special exception to locate hair salon known as Shear Madness within a commercial space. Bill Reichenbach read official notice. Larry disclosed he is a customer. Seat Larry Shipman, Bill Reichenbach, Jim Hill, Jeff Lovelace.

ZEA referred to ariel photo for property. Joe Budrow read parts of the letter from Essex Health Dept who mentions no problem with current septic system, however, would like water usage record from the building. Essex Health Dept approves the application. Joe mentioned

that, with salon, water usage appears to be maximized for the building. Joe Budrow referred to map showing the parking and states there is adequate space avail for the business. Business would only need 6 spaces.

Mr. Dayharsh spoke in regards of the application. Stated there may be a water leak near the meter box. Water use will be monitored from here forward. But would restrict heavy water usage for incoming tenants. Salon would have air cycled/vented to reduce odor. Space is about 1200 sq ft.

Questions? Owner of space above Unit 105 is concerned about odor. Mr. Dayharsh will review where to vent air properly to resolve any possible odor problems.
Rick Winer spoke in regards of the application & mentioned that he has been a customer of Shear Madness and hasn't experienced any odor problems.

Attny Sipples confirmed who is the listed Owner of property.

Motion made by Bill Reichenbach to close public hearing for Application No. 14-14. Jim Hill seconded motion. All in favor. None opposed. Motion carried.

REGULAR MEETING

Seated: Larry Shipman, Chairman, Bill Reichenbach, Secretary, Jim Hill, and Jeffrey Lovelace for Susan Uilein. Also in attendance Joe Budrow, ZEA, and Attorney Peter Sipples

1. CALL TO ORDER: Larry Shipman Chairman, called the meeting to order at 7:42 pm.

2. APROVAL OF THE AGENDA (additions/modifications)

Motion made to approve August 18, 2014 agenda by Jeffrey Lovelace. Seconded by Jim Hill. All in favor. None opposed. Motion carried.

3. NEW BUSINESS (none)

4. OLD BUSINESS

Applications No.s 14-6, 14-7, and 14-8 – Essex Zoning Commission – No new discussions. All applications to be left open and placed on next meetings agenda.

Application No. 14-12 – Essex Yacht Club, Inc., 13 Novelty Lane, Essex
(Jeffrey Lovelace recused) Seated: Larry Shipman, Bill Reichenbach, and Jim Hill.

Motion made to approve Application No. 14-12 by Bill Reichenbach. Seconded by Jim Hill. Discussion to add condition that application must comply with section 101 (b) along with Sections 120 & 130 within regulations and with the condition that building is identified as "seasonal use". **Bill Reichenbach accepted motion as modified. All in favor. None opposed. Motion passed.**

Application No. 14-13 – Bank Lane, LLC, 8 Main Street, Essex
Seated: Larry Shipman, Jeffrey Lovelace, Bill Reichenbach, Jim Hill

Motion made by Jeffrey Lovelace to approve Application No. 14-13 with condition that ZEA receives a copy of the deed for file. Seconded by Bill Reichenbach. All in favor. None opposed. Motion carried.

Application No. 14-14 – Gary Dayharsh, 90 Main Street, Unit 105, Centerbrook

Motion made by Bill Reichenbach to approve Application No. 14-14 with conditions: 1) to make efforts to add ventilation to reduce odors from salon and 2) applicant to provide water use records based on request from Essex Health Dept. Jim Hill seconded. All in favor. None opposed. Motion carried.

5. RECEIPT OF NEW APPLICATIONS None at this time

6. VISITORS & GUESTS

None

7. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT

Legal Counsel report:

Memorandum of Understanding dated Aug 18, 2014 for Finkeldy Property at 33 Plains Road. Suggest rescind “cease & desist” so applicant can resolve issues. Discussed changing zones and make conforming lots, which is preferred over having a property with 2 zones within it. ZBA meets Aug 19, where ZBA will be looking for guidance from tonight’s Zoning meeting. Commission discussed. Zoning will propose rescinding with the right to pursue again. The owner will therefore have time to make necessary applications for compliance.

Memorandum of Decision for Bell System permit now has owner listed, so that condition has been met.

Motion made by Bill Reichenbach to authorize Larry Shipman, Chairman, to sign Memorandum of Decision special exception Application No 14-11. Jim Hill seconded. All in favor. None opposed. Motion carried.

Motion made by Bill Reichenbach to authorize Larry Shipman, Chairman, to sign Memorandum of Decision special exception Application No. 14-10. Jim Hill seconded. All in favor. None opposed. Motion carried.

Note regarding Application No 14-10: Angle parking plan has been submitted.

Motion made by Jeffrey Lovelace to authorize Larry Shipman, Chairman, to sign Memorandum of Decision special exception Application No. 14-5. Seconded by Jim Hill. All in favor. None opposed. Motion carried.

ZEA Report: Joe Budrow, ZEA, received email from property owner on Herron Pond Road that neighbor is advertising home as Bed & Breakfast. Essex doesn't allow B&Bs. ZEA will give a notice of violation and confirm activity.

8. OTHER BUSINESS

- A. Discussion whether to move forward with request to expand Business District to Saybrook Road** Joe Budrow, ZEA, will review owner letters again to ensure no one is opposed to making the change.
- B. Zoning Commission By-Laws modifications** – Commission has received changes. Attny Sipples has a few more remaining legal wording to work on and will have by next meeting.
- C. Essex Veterinary Hospital** – Clinic wants to add some parking spaces and increase use to 24 hrs a day 7 days a week. In May 2005 the clinic received approval for business use (Application No?). Joe Budrow will ask owners to research previous Memorandum of Decision and come before Zoning Commission for proposed changes.

9. APPROVAL OF ZONING COMMISSION MINUTES

Motion made by Jeffrey Lovelace to approve July 21, 2014 minutes with the change to Item 7(A) should be written "Finkeldy agreed to continuance with ZBA". Jim Hill Seconded. All in Favor. None opposed. Motion carried.

10. CORRESPONDENCE AND PAYMENT OF BILLS

Legal bill received from Attorney Sipples.

Motion made by Jeffrey Lovelace to pay legal bill subject to availability of funds. Jim Hill seconded. All in favor. None opposed. Motion carried.

No independent correspondence received.

11. ADJOURNMENT

Motion made by Jim Hill to adjourn meeting at 8:26 pm. Bill Reichenbach seconded. All in favor. None opposed. Motion carried.

Next Schedule Zoning Commission meeting is Monday September 15, 2014

Respectfully submitted,

Michelle Roise
Interim Recording Secretary