

ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

Regular Meeting Minutes – May 18, 2015

PUBLIC HEARINGS

Seated: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman,
Bill Reichenbach, Secretary
Regular member, Jim Hill
Regular Member, Susan Uihlein

Also Present: Alternate member, Adrienne Forrest
Joe Budrow, Zoning Enforcement Official
Peter Sipples, Commission legal counsel

Absent: Alternate Member, Jeffery Lovelace

CALL TO ORDER: Larry Shipman, Chairman called the Public Hearing to order at 6:59PM. Seated for the public hearings were Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Jim Hill and Susan Uihlein.

Application No. 14-6 – Essex Zoning Commission

A petition to amend Section 111 (Signs and Lights) of the Essex zoning regulations. (Public hearing to be held at the discretion of the Commission).

There was no discussion on this application.

Application No. 15-5 – Essex Glen, LLC. An application for a Special Exception for a 26 dwelling unit active adult community on Lot 1 of the Essex Glen subdivision (Public hearing to be closed by June 22nd).

Bill Reichenbach, Secretary read notice (dated May 7th and May 14th). Attorney Terrance Lomme represents the applicants. The property, he explained, is located on the North side of Bokum Road. This is a new application revising the previously approved application (which was for a single structure 55 units). The current application reduces the number of units to 26 individual units. Attorney Lomme states the property would probably not be visible from Bokum Road except for maybe in the dead of winter. He states the structures are going to be basically 1½ to 2 stories. They will be much lower in height than the original plan. Essex Drive won't change, but they are changing the entrance driveway. He goes on to state because there are ½ as many units as originally projected, there will be a reduction in traffic. They still

anticipate there could be 1 child or less on property and in the school. They are happy to monitor this for a year as was previously required. The property will be supplied by public water and public gas. The homeowners association will restrict recreational vehicles or boat trailers on the property. This plan conforms to a plan of development in that this is an area that has been specifically identified as one that should be used for development. This was a 3 lot subdivision. He also submitted the formal request for the waiver of the age restriction.

Matt White, Engineer from Angus McDonald spoke about the 11 acre lot on lot 1, 26 single family detached units of Essex Glen Drive with a cul de sac. The proposed units are 2 bedrooms each. He discussed storm water collection in a small pipe system. Each of the 26 units will have its own individual septic system with a flow of 7,800 gallons a day. A design report has been submitted to the DEP because it is in the DEP jurisdiction. Mr. White states they have met with DEP already and he goes on to say far as zoning criteria for an active adult community, this project meets all the zoning criteria.

John Beveridge, registered architect spoke about the 2 types of units to be available – one will be all floor living, the other the same but there will be a bedroom upstairs. They are looking to keeping in a colonial style or craftsman style architecture allowing buyers to be able to move the floor plans around. It makes for good living, he states.

John Cunningham a landscape architect from Madison spoke about landscaping and lighting and presented his landscape plan. Joe Budrow, Zoning Enforcement Official requested a PDF of Landscape Boards from Mr. Cunningham. Mr. Cunningham stated he could provide. Joe Budrow, Zoning Enforcement Official also asked if the trees are itemized as to how many will be on the site. Mr. Cunningham stated yes and provided for the record.

Susan Uihlein, Regular Member stated she is somewhat concerned about homeowner's regulations. Attorney Lomme said they are working on them but they are not finished yet.

Larry Shipman, Chairman asked who will own the land and the answers was probably a PUG.

The association will have control over who does what. Joe Budrow, Zoning Enforcement Official asked Mr. White how long for DEEP approval? Will you have DEEP approval of the septic plan in 4 weeks by our next meeting and to allow time for the Essex Health Dept. to look at it? Mr. White answered, probably not. They are looking at this to be a separate approval. The last time they came with the project the Commission approved on the condition of DEEP approval. The board disagreed stating they believed it was a condition of approval last time. It was just understood you can't build without DEEP approval.

Alvin Wolfgram, Vice-chairman asked about 3 lot subdivision and the remaining 2 lots are where? He was shown on the map.

The question was raised if the cul de sac was big enough for buses? It is a town road? So, yes

The last project there was a site line easement from Bombaci, Alvin Wolfgram, Vice-chairman wants it on their current drawing. Alvin Wolfgram, Vice-chairman asked a question about conservation easements related to density? The answer there was no change and it is still on the plan. A question was asked about the heights of buildings. Alvin Wolfgram, Vice-chairman thinks the regulation related to grade for 2 story units needs to be checked. He states there is a definition about the story above grade and this needs to be checked to make sure it matches.

Alvin Wolfgram, Vice-chairman asked about tree at entrance and if there is a site line issues. No issues –they are 25 ft. back from the intersection. Alvin Wolfgram, Vice-chairman asked a question on building 17-14 pavement or cutoff. Alvin Wolfgram, Vice-chairman if there are trees in the pond. The answer was just around it. Bill Reichenbach, Secretary asked why has this project changed from a 55 unit project to a 26 unit project and the answer was market has

changed. Susan Uihlein, Regular Member asked if the units will be built at the same time. The answer was they will be building them as the sell as they will be customized for each owner but there will probably be two model units built originally. Alvin Wolfgram, Vice-chairman asked what is targeted age group of the subdivision? The answer was the targets are adults over 55, but they are asking for a waiver of forced age restriction, because is difficult to market just to the over 55 age group. It was noted there are no things that would be attractive to school age kids, no recreation and no pool. Bill Reichenbach, Secretary read letter about age requirement waiver (that was submitted by Attorney Lomme). Joe Budrow, Zoning Enforcement Official states 4 referrals letters were sent out. River COG, Health Dept., Engineering - a letter was sent to Tim Metcalf but he hasn't responded (there were some issues with him getting the letter), there was some discussion about the road bond and the forth letter was sent to the Fire Department. Chief Fazzino received the plans had some concerns about the driveway. He has not heard back. Joe Budrow, Zoning Enforcement Official will get back to him. The Fire Marshall is also working on his report.

Kathleen Dess, an Administrator from Essex Meadows spoke about the concerns of traffic on Bokum Rd. She wants to hear more about traffic flow studies. Attorney Lomme stated the first traffic study stated it would have a negligible effect for 100 Units.

John Wilson who lives at Essex Meadows spoke about traffic concerns. Speed limit is 25MPH and cars always speed. He is concerned about the adequacy of Bokum Road to handle all of this. In some places there are no speed limit signs. He is concerned about the residents of Essex Meadows.

Attorney Lomme stated we have our assignments for June 15th meeting one of which is the definition of story and grading issue.

Motion made by Alvin Wolfgram, Vice-chairman to extend Application No. 15-5 – Essex Glen, LLC. to the next Zoning Commission meeting on June 15, 2015. Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried**

Application No. 15-6 – MacBeth Ventures. An application for a Petition to Amend the Concept Plan of the Heritage Gateway District to allow a new driveway access at 6 Main Street, Centerbrook. (Public hearing to be closed by June 22nd).

Bill Reichenbach, Secretary read the notice (May 7th and May 14th)

Attorney John Bennet spoke representing the applicant. He states this amendment is to include the maps in the regulations, the maps include an entrance on to Main Street (154) and that is the only change. He believes this to be a minor change and not a significant change to the community. The change is important to his client. He states the uses have no business being involved. Another aspect of this project is the property has environmental problems and clean up (coal and ash). They have wetland permits already to do the work.

Susan Marquardt, Professional Engineer of Angus McDonald Gary Sharpe & Associates spoke about the project. She states the new driveway will improve safety. She talked about past traffic report from 2004-2005 and the current traffic reports which reflects what is happening now on the property. DOT has requested additional site line demonstration plans. Susan discussed the

current traffic report, site line demonstration plans and the environmental clean-up. Susan Uihlein, Regular Member asked what is going to happen to the current entrance, Attorney Bennet responded it will be closed off/gated for emergency use only. Bill Reichenbach, Secretary asked about the dip in road from Essex Hardware. Ms. Marquardt stated site line demonstration was not done from Essex Hardware. Attorney Bennett stated site lines were done from their property and is appropriate. Susan Uihlein, Regular Member asked are you going to raise the level so it is same as road and the answer is yes according to Attorney Bennet. Joe Budrow, Zoning Enforcement Official questioned 2 residents currently have easements to cross the tracks, will they still have the easement, yes according to Attorney Bennett they can use the new entrance. Alvin Wolfgram, Vice-chairman asked about the traffic study from B&L. The study makes 4 recommendations (3 of which have been addressed). The 4th issue relates to a stop bar. Ms. Marquardt did contact DOT about it but did not hear back before tonight's meeting.

Sam Haydock from BL Companies spoke; he stated he spoke to Mr. Greenberg the professional traffic engineer who made the recommendation. He said Mr. Greenberg could not be here tonight, but he has reviewed the report with Mr. Greenberg, who has many years' experience, and he would not have made the recommendations, had he felt it would not be allowed. Alvin Wolfgram, Vice-chairman asked about the sign and site line for car going from right to left site distance. Joe Budrow, Zoning Enforcement Official the sign will have to be 10ft back

Bill Cook of Essex asked about the body of water and what is going to happen to it? Answer was nothing.

The flowing spoke in favor of this project:

Bruce MacMillian, 8 South Winds Dr., spoke and he thinks this solves a potential safety hazard for the town.

Bruce Glowac, a lifetime resident of the area spoke in favor of the project. He stated this property could have been a blight property in town. You should vote in favor of this. He also spoke about the Essex Hardware site line.

Robert Bradway VP Track Superintendent of Valley Railroad spoke in favor for the reason Attorney Bennet stated.

A tenant in the property enters the property in its current situation several times a day. An accident is bound to happen. He is 100% in favor of the project. More clients will be attracted to move in.

Susan Malin, Economic Development Commission submitted a letter from the commission in favor of the property.

Devin Borque employee of HT Partners states the driveway is necessary to do his job properly and in a timely fashion especially in regards to vendors. He always needs access to the property 24-7.

Peter Decker, Essex Resident and VP of MacBeth Ventures spoke about the economic of this property. We all have driveways, we don't have a driveway. They have had numerous issues with mail, including delivery. Call 911, they don't know where to do. The tenant's identity is tied to this development. People are confused when trying to get to the building. It is going to be an asset. Please consider it.

Cindy France, Owner Valley Acupuncture. This is good for business. They children need to be kept safe. She is often asked how I get to your office. It is good for my business and any other businesses.

Ken Bombaci, 86 Ingham Hill Road, Centerbrook, CT spoke in 100% favor. Makes good safety sense and good business sense.

Norman Needleman, First Selectman of Essex: Ditto to what everybody said. Segra railroad traffic from regular traffic makes good common sense. He states you should do it and do it expeditiously and not drag it out.

Recommendation from Planning Commission to approve application. Bill Reichenbach, Secretary read the letter from Essex Planning Commission to encourage the approval of the application. Larry Shipman, Chairman summarized Mr. Bradway's letter in favor of the application-reason being safety and traffic. Bill Reichenbach, Secretary spoke about and alternate entryway, Attorney Bennet stated an alternate is no longer valid. Attorney Bennett spoke about DOT approval 2004/2005, and DOT has giving their blessing now with some suggestions which they are happy to incorporate. Bill Reichenbach, Secretary read May 14th letter from EDC (Lon Siedman) supports the application. Joe Budrow, Zoning Enforcement Official referenced section 81 regarding site line plan submission. Alvin Wolfgram, Vice-chairman – had a procedural question - get more information. Larry Shipman, Chairman prefers to close, this is a public safety issue, it is an enhancement to main street. He would like to push it forward.

Motion made by Larry Shipman, Chairman to close Public Hearing **Application No. 15-6 – MacBeth Ventures**. Bill Reichenbach, Secretary seconded the motion, 3 in favor, 2 opposed. **Motion carried**

Application 15-7 – Bell Power Systems. An application for a Special Exception to allow an outside storage area of approximately 13,000 square feet in the rear of the building (Public hearing to be closed by June 22nd).

Bill Reichenbach, Secretary read notice (May 7th and May 14th)

Mike McNeil spoke about storage in tents that have been there 3years. There was a question of the definition of permanent outside storage; the square footage of tents is about 3,000 square feet. This is helping keeping his sales up because of the ability for extra storage and his ability to fill orders quicker. Alvin Wolfgram, Vice-chairman asked if there a setback, Joe Budrow, Zoning Enforcement Official does not believe there is a setback issue. Susan Uihlein, Regular Member asked applicant, are you maxed out? Yes

Mr. Bombaci, 86 Ingham Hill Road, spoke about Bell Power being a dream business for this town and he is 100% in favor, they are good company and are paying taxes.

Norm Needleman agrees with Ken Bombaci, he supports this application; they pay a lot of taxes and are good corporate citizens of Essex.

Joe Budrow, Zoning Enforcement Official stated the Health Department gives approves of this application.

Motion made by Alvin Wolfgram, Vice-chairman to close **Application 15-7 – Bell Power Systems**. Jim Hill, Regular Member seconded the motion, All in favor, Opposed none. **Motion carried**

REGULAR MEETING

Seated: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman,
Bill Reichenbach, Secretary
Regular member, Jim Hill
Regular Member, Susan Uihlein

Also Present: Alternate member, Adrienne Forrest
Joe Budrow, Zoning Enforcement Official
Peter Sipples, Commission legal counsel

Absent: Alternate Member, Jeffery Lovelace

CALL TO ORDER:

Larry Shipman, Chairman called the Regular Meeting to order at 8:53PM. Seated were same as earlier

1. APPROVAL OF THE AGENDA

The agenda was not modified

2. NEW BUSINESS

No new business was discussed

3. OLD BUSINESS

Discussion and possible vote on **Application No. 15-5** – **Essex Glenn, LLC**. An application for a Special Exception for a 26 dwelling unit active adult community on Lot 1 of the Essex Glenn subdivision (Decision to be made within 65 days of closing the public hearing).

The public hearing on this application has been extended

Discussion and possible vote on **Application No. 15-6** – **MacBeth Ventures**. An application for a Petition to Amend the Concept Plan of the Heritage Gateway District to allow a new driveway access at 6 Main Street, Centerbrook. (Decision to be made within 65 days of closing the public hearing).

Motion made by Larry Shipman, Chairman to approve **Application No. 15-6** – **MacBeth Ventures** and to set the effective date for July 1, 2015. Bill Reichenbach, Secretary seconded the motion. All in favor, Opposed none. **Motion carried**

Discussion and possible vote on **Application 15-7** – **Bell Power Systems**. An application for a Special Exception to allow an outside storage area of approximately 13,000 square

feet in the rear of the building at 34 Plains Road. (Decision to be made within 65 days of closing the public hearing).

Motion made by Alvin Wolfram, Vice-chairman to approve **Application 15-7 – Bell Power Systems.** Susan Uihlein, Regular Member seconded the motion. All in favor, Opposed none. **Motion carried**

4. RECEIPT OF NEW APPLICATIONS

Application 15-8 – A.J. Shea Construction. An application for a Special Exception to allow a detached accessory apartment on a property at 34 Main Street, Ivoryton, CT. (Public hearing to be scheduled by July 22nd).

There was a question is there is another accessory apartment on property, Joe Budrow, Zoning Enforcement Official to check on this.

Motion made by Alvin Wolfram, Vice-chairman to accept **Application 15-8 – A.J. Shea Construction.** And to set the effective date for June 15, 2015, Susan Uihlein, Regular Member seconded the motion, All in favor, Opposed none. **Motion carried**

5. VISITORS AND GUESTS

No visitors and guests

6. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT

Attorney Sipples had 2 memos 1. Under Bark, LLC and 2. Facchini, 6 North Main Street, need to check the conditions.

Motion made by Alvin Wolfram, Vice-chairman for Chairman to approve two memoranda as revised before next meeting. Jim Hill, Regular Member seconded the motion, All in favor, Opposed none. **Motion carried**

7. OTHER BUSINESS

Route 9 signage - Joe Budrow, Zoning Enforcement Official to contact the State about these signs

The Zoning Commission discussed potential revisions to existing bylaws. The discussion lasted for 18 minutes.

Motion made by Alvin Wolfram, Vice-chairman to extended Marijuana moratorium for another 6 months. Jim Hill, Regular Member seconded the motion, All in favor, Opposed none. **Motion carried**

Calimari Recycling

Joe Budrow, Zoning Enforcement Official has a meeting set with him to discuss Special Exception which has expired. Norman Needleman says there is “mountains of debris” on property. Aerials show now on others property. Joe Budrow, Zoning Enforcement Official will keep on agenda.

Finkeldey property, 33 Plains Road

8. **APPROVAL OF MINUTES:** April 20, 2015- Add to the minutes who was also seated for the April 20th meeting (Adrienne Forrest and Jeffery Lovelace) and correct the spelling of Pough Interiors (not Poe)

Motion made by Alvin Wolfgram, Vice-chairman to approve the minutes with two corrections. Susan Uihlein, Regular Member seconded the motion, All in favor, Opposed none, **Motion carried**

9. **CORRESPONDENCE AND PAYMENT OF BILLS**

Motion made by Larry Shipman, Chairman to approve payment of submitted legal fees. Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none, **Motion carried**

10. **ADJOURNMENT**

Motion made by Jim Hill, Regular Member to adjourn the meeting at 9:50 PM. Susan Uihlein, Regular Member seconded the motion, All in favor, Opposed none, **Motion carried**

Respectfully Submitted,

Gayle Capezzone
Essex Zoning Board Clerk