

ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – October 19, 2015

PUBLIC HEARINGS

Seated: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Alternate member, Adrienne Forrest

Absent: Susan Uihlein, Regular Member
Alternate member Jeffrey Lovelace

Also present: Joe Budrow, Zoning Enforcement Official
Peter Sipples, Commission legal counsel

CALL TO ORDER: Larry Shipman, Chairman called the Public Hearings to order at 6:58 PM. Seated for the public hearing was Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Jim Hill, Adrienne Forrest seated for Susan Uihlein.

Application 15-9 – Kim Thomas - An application for a Special Exception for a food service shop at 90 Main Street in Centerbrook (Public Hearing to be commenced by November 25th)

Daniel J. Kroeber, P.E., Associate of Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06419 was present to represent that applicant, Kim Thomas. Mr. Kroeber is a Lead Project Engineer, Civil. The site for the proposed change is in Spencer's Corners. His discussion included a presentation of a redrafted the site plan which he prepared. He mentioned the previous site plan had been done in 2006 by Doane-Collins Engineering Associates, LLC. He described the proposed site in detail. His discussion included the parking at Spencer's Corner. He described the different units and stated the unit they are speaking about is Unit 110, this is where this proposed use of Savour Café & Bakery will be. He states that Howard's Bread is currently wholesaling out of the space next door. He says The Community Music School is currently using the proposed space as a music studio use and they are proposing to change the use of this space to a food service shop. He says Savour Café will be a prepared food market and serving breakfast and lunch and prepared dinner food as well as a bakery. He says it will be similar to Mystic Market in Old Saybrook. He talked about how Ms. Thomas has looked for 2 years and chose this space because of parking, good accessibility from the road, visibility in the corner and Essex being a desirable market because there are not a lot places to eat.

Mr. Kroeber says he review files relating to the septic and in 2001 there was a repair made to the septic and a grease trap was installed. He also reviewed the B100A application and it looks like there is sufficient capacity for this site to handle this use. As it relates to the septic it is his opinion and the opinion of the town sanitarian (a letter was submitted from Lisa Fasulo) there is capacity to support this use as far as the septic.

Mr. Kroeber says that parking was also reviewed. Parking requirements for a restaurant are 1 space per employee and 1 space per 3 people seated eating. There will be 6 employees and 20 seats. The 20 seats count was decided using regulations percentages for a food service shop. 150 square feet of seating space, the applicant believes, is adequate for 20 seats allowing for a couple of seats outside as well. All and all, according to Mr. Kroeber ,13 parking spaces are needed for Savour Café. A parking study was done and it was determined there are 169 parking spaces available including reserve. Peak demands were studied by the uses of the tenants and it was calculated 168 spaces are needed for the current uses parking demand. Mr. Kroeber states this may sound close to the actual parking allotment but it is worth noting this space has been here for a long time and parking has never been a problem and if you go there and look at the parking it is nearly vacant. He believes the reason for this is the peak demands for the uses of the tenants fall at different times of the day. Additionally, he sates the needs for Savour Café parking are not much more than the parking that is already required for the space, possibly just a couple more spaces. All in all, it is his opinion, parking is not going to be a problem as a result of this change in use.

Joe Budrow, Zoning Enforcement Official thanked the applicant for preparing the parking table. Joe Budrow, Zoning Enforcement Official talked about the fitness center and stated he gave them a total of 12 parking space allotment for now. He said he is happy with the calculation of 168 parking spaces.

Alvin Wolfgram, Vice-chairman asked about the vacancies listed on the current tenant list and parking calculation spread sheet and questioned what happens if you fill all the vacancies with required parking spaces than the number is over the number of spaces available. Joe Budrow, Zoning Enforcement Official replied yes.

Joe Budrow, Zoning Enforcement Official had a letter from Lon Seidman, Essex Economic Development Chairman and has requested Bill Reichenbach, Secretary read the letter before the hearing ended.

Joe Budrow, Zoning Enforcement Official received a letter from Howard's Breads which states she owns the underground grease trap and thus has the rights for whoever uses it. Joe Budrow, Zoning Enforcement Official wanted to give the letter to Attorney Sipples.

Larry Shipman, Chairman asked if the applicant was aware of the issue with the grease trap.

Bill Reichenbach, Secretary read the letter from Howard's Bread for the record. At issue is the owner of Howard's Breads states the grease trap is the property of her unit #109. Alvin Wolfgram, Vice-chairman states this is really an issue between the tenants and the sanitarian, not really an issue for this commission. Attorney Sipples said easement may be needed. Bill

Reichenbach, Secretary asked for clarification about the location within Spencer's Corner for this new establishment.

Bill Reichenbach, Secretary read the letter from Lisa Fasulo, Essex Director of Health and Registered Sanitarian for the record. The letter dated October 16, 2015 to the Essex Zoning Commission. The letter states the Health Department approves of Savour Café & Bakery but it will be required the Grease Tank be pumped quarterly.

Pauline Kaplan owner of Howard's Breads spoke. She states water usage of Howard's Bread will be going up soon because it is her intention to open a catering bakery and deli not unlike what the applicant is proposing. Larry Shipman, Chairman stopped Mrs. Kaplan from continuing because the meeting was not in the public comment portion just yet. Larry Shipman, Chairman is not sure any of this is relevant to this applicant, but he does ask her where the tank/trap is located. She said she was told by her lawyer the trap is connected, she believes, to unit 3. She believes the grease trap is hers because she purchased everything from Seafloor Foods. Suzanna McCauley, Esq. gave legal advice as far as she knows.

Larry Shipman, Chairman spoke a bit about condominium law, and he states the sanitarian has looked at the issues and water usages as was satisfied. Mrs. Kaplan spoke about the potential future water uses of her unit, but was told that is whole different issues by Larry Shipman, Chairman and Alvin Wolfgram, Vice-chairman. Attorney Sipples spoke about the use of grease trap trap/tank and stated it is a personal matter and then he said to Kim Thomas, the buyer, she should double check about the grease trap. Alvin Wolfgram, Vice-chairman advises the buyer to go talk to the sanitarian again.

Alvin Wolfgram, Vice-chairman asked about the sizes of the parking spaces, and questioned if they are 9x18 or 10x20. Joe Budrow, Zoning Enforcement Official responded he believes they are 10x20. Alvin Wolfgram, Vice-chairman states the new regulations are 9x18 so there may be more parking spaces there than shown on the list. Joe Budrow, Zoning Enforcement Official points out that Mr. Kroeber's parking table shows 29 reserved parking but actually there are 38. Attorney Sipples states this applicant is ok with parking.

Larry Shipman, Chairman asks if table seating is for breakfast and lunch and dinner will only be take out? Yes was the answer. He also asked (stating he was not sure if it was relevant) if she would be buying or renting the unit and she answered purchasing the unit.

Questions of the applicant:

Pauline Kaplan owner of Howard's Bread questioned about the parking. She questioned bakery vs. restaurant wording that was used. Mr. Kroeber answered he said restaurant because that was how they calculate the parking. Ms. Kaplan asked about the hours of Savour Café and Mr. Kroeber answered the parking calculations don't require specific hours. Larry Shipman, Chairman states the commission is satisfied that there is adequate parking for both Howard's Bread and Savour Café.

The following individuals spoke in Favor of the application:

Robin Andreoli, Executive Director of Community Music School spoke in favor of the applicant.

Keith Crehan, Essex resident and owner in Spencer's Corner spoke in favor if they can work out the issues with the grease trap/septic.

Erin Drejer, an Essex resident spoke in favor.

Paula Merek, spoke in favor.

Aude Knickerbocker, spoke in favor.

Susan Malan of Essex Economic Development Commission, spoke highly in favor of the application.

Nancy Pilon, Executive Director of Incarnation Center, spoke in favor.

Other comments:

Pauline Kaplan questioned "is it going to be like a Pasta Vita"? She brought up grease trap up again. Commission states the grease trap is not the issues of the commission.

Bill Reichenbach, Secretary read for the record the letter from Lon Seidman of Economic Development Commission, dated October 16, 2015 supporting the application

Bill Reichenbach, Secretary read the notice of public hearing for the record. The notices were published two times in the Hartford Courant – October 8, 2015 and October 15, 2015.

Motion made by Alvin Wolfgram, Vice-chairman to close **Public Hearing 15-9- Kim Thomas**, Jim Hill, Regular Member seconded the motion. All in favor. **Motion carried, 5-0.**

REGULAR MEETING

1. **CALL TO ORDER:** Larry Shipman, Chairman called the regular meeting to order at 7:46 PM. Seated for the regular meeting was Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Jim Hill, Adrienne Forrest seated for Susan Uihlein.

2. **APPROVAL OF THE AGENDA**

Joe Budrow, Zoning Enforcement Official stated he would like to add **Application 15-10** to extend the business district.

Motion made by Bill Reichenbach, Secretary to accept **Application 15-10** and set the public hearing for December 21, 2015, Alvin Wolfgram, Vice-chairman seconded the motion, all in favor, opposed none, **motion carried, 5-0**

Correction the next scheduled meeting is November 23, 2015.

3. **NEW BUSINESS**

No new business at this time.

4. **OLD BUSINESS**

Application 15-9 – Kim Thomas, An application for a Special Exception for a food service shop at 90 Main Street in Centerbrook .

Motion made by Alvin Wolfgram to approve **Application 15-9- Kim Thomas**, with conditions that it conforms to the letter from the Sanitarian dated 10/16/2015 and noting the reserved parking may have to be installed, Bill Reichenbach, Secretary seconded the motion. All in favor. **Motion carried, 5-0.**

5. RECEIPT OF NEW APPLICATIONS

Application 15-10 was received

6. VISITORS AND GUESTS

There were no visitors or guests

7. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT

Attorney Sipples stated he finally has a bill in the amount \$948.80

Attorney Sipples reported Cumberland Farms application is going before ZBA and is down to 4 variances. Attorney Sipples also reported he did prepare a clarifying letter and circulated it among the members of the ZBA. Joe Budrow, Zoning Enforcement Official reports he is going to attend the ZBA meeting tomorrow night.

Motion made by Alvin Wolfgram, Vice-chairman to approve payment of legal fees subject to availability of funds, Bill Reichenbach, Secretary seconded the motion. All in favor, **Motion carried, 5-0**

Joe Budrow, Zoning Enforcement Official discussed the zoning map and amendments. The maps have been officially adopted.

8. OTHER BUSINESS

Route 9 signage – Joe Budrow, Zoning Enforcement Official reports no update, Joe Budrow, Zoning Enforcement Official stated he would have something for next month

Calimari Recycling- Joe Budrow, Zoning Enforcement Official reports since last Commission meeting 2 meetings have happened, one with president and one with engineer, the next step is an on-site visit.

Zoning Regulations- Alvin Wolfgram reports an organizational meeting happened last Tuesday, the committee (Alvin Wolfgram, Bill Reichenbach, Joe Budrow, Zoning

Enforcement Official and Attorney Sipples) are meeting again tomorrow, it was stated that the committee is proceeding.

Gateway District –Joe Budrow, Zoning Enforcement Official will print out the letter on town letterhead, the letter will be signed by Larry Shipman, Chairman and Alvin Wolfgram, Vice-chairman.

- 9. APPROVAL OF MINUTES** (from September 21, 2015) - **Motion** made by Alvin Wolfgram, Vice-chairman to approve the minutes of the September 21, 2015 meeting with the following 11 modifications:
- pg 3, 1ST paragraph change “what they are going for” to “for which they are seeking a variance”
 - pg 3 should read: It was stated Cumberland Farms has asked for **an** extension
 - pg 3 spelling corrected to Estate **Treasures**
 - pg 3 change to read A meeting is scheduled for this Wednesday in Joe Budrow, Zoning Enforcement Official office,
 - pg 3 change to read Currently it is **allowed** a 40-44 seat restaurant
 - pg 3 change shuffle board to shuffleboard
 - pg 4, change It was possible this commission needed to send them a notice **of** the Town’s signage regulation
 - pg 4, correct spelling to **tapping the brakes** in regard to Finkelday Property
 - pg 4 change Further discussed was the **possibility** the commission should look at some changes
 - pg 4 change The Distrust to **The District**
 - pg 4 change pulling out of Gateway at this time but the **question** raised

Jim Hill seconded the motion, All in favor, Opposed none. **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

Payment of legal fees, they were approved under report from legal counsel

11. ADJOURNMENT

The next scheduled meeting is November 23, 2015

Motion made by Alvin Wolfgram, Vice-chairman to adjourn the meeting at 8:09, Bill Reichenbach, Secretary seconded the motion, All in favor, Opposed none. **Motion carried, 5-0.**

Respectfully submitted,

Gayle Capezzone
Zoning Board Clerk

