

ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – January 25, 2016

PUBLIC HEARINGS

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

Absent: 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 6:59 PM. Seated for the public hearing were Regular members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Application 15-12 – Rick and Debbie Steele, 29 Pratt Street. – A petition to amend the Town's zoning map to extend the Village District eastward and removing three residential parcels (25, 27 and 29 Pratt Street) from the Waterfront District. (Hearing to be completed by February 29th).

Bill Reichenbach read the notice of the public hearing. Notices were given on the 14th and 21st of January.

Bill Reichenbach read the following correspondence:

- Memorandum from Alan Kerr of Essex Planning Commission in support of the application.
- A letter from Douglas Domenie, General Manager of Brewer Dauntless Shipyard and Marina requesting to keep the application open. Mr. Domenie informs in his correspondence he has contracted to purchase 27 Pratt Street from Mary Churchill. He is out of town for this meeting. He requests the Public Hearing be kept open. He has been in communication with Mr. & Mrs. Steele.

- Correspondence from J. H. Torrance Downes of CT River Gateway Commission requesting to continue the Public Hearing because the commission has not the opportunity to review the petition. Their next meeting is January 28, 2015
- 2 memoranda from owners of other parcels (25 & 27 Pratt Street) who wrote in support of the application

Joe Budrow stated DEEP is in support this change in zone.

Mrs. Debbie Steele spoke at the Public Hearing. She stated they purchased their home in November 2012. She said in discussions with the Town prior to and after purchasing her property there was a general understanding it was the intent of the town to make this zone change. She spoke about the of the 3 single family homes on Pratt Street that are non-conforming use. This change would make their home a conforming use and she states it would be helpful for them if this were to happen. It is her belief it will also help the property values of their homes. It is her understanding in 2005 this change was recommended by the Essex Planning Commission as stated in the memorandum received by them and read tonight. She further states Mr. Domenie, as future owner of 27 Pratt Street and as Vice President of River Properties dba as Brewer Dauntless Shipyard and Marina, supports this map change.

Alvin Wolfgram asked and learned that Mary Churchill (owner of 27 Pratt Street) was not in attendance tonight.

In attendance at the Public Hearing and spoke in favor of the application were the following:

- Judy Schoonmaker of 25 Main Street, spoke about the history of the Pratt Street (i.e. the rope walk which runs behind all of these homes) and is in support of the application.
- Meg Seabird who lives at 28 Pratt Street spoke in support of the application.
- Hal Flagg of 28 Pratt Street spoke stating he has lived here for 55 years. He is in favor of the application.

No one spoke in opposition to this application.

Motion made by Alvin Wolfgram, Vice-chairman that the Public Hearing for **Application 15-12 –Rick and Debbie Steele, 29 Pratt Street**, be kept open until next meeting on February 22, 2016, Bill Reichenbach 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 7:19 PM. Seated for the regular meeting were Larry Shipman, Alvin Wolfgram, Bill Reichenbach Susan Uihlein and Jim Hill.
2. **APPROVAL O F THE AGENDA**

3. NEW BUSINESS

Application 15-12 – **Rick and Debbie Steele, 29 Pratt Street.** – A petition to amend the Town's zoning map to extend the Village District eastward and removing three residential parcels from the Waterfront District. (If hearing completed, decision to be made by March 30th).

No more discussion or vote tonight because Public Hearing was continued to next month.

4. OLD BUSINESS

No old business. (See other business)

5. RECEIPT OF NEW APPLICATIONS

Application 15-14 – **Signature Contracting Group, LLC., 21, 27 and 29 Plains Road**
An application for Site Plan Review to construct a multi-family affordable housing development consisting of 52 apartment units in three buildings. (Public Hearing to be scheduled by March 30th)

Joe Budrow would like to add to record two letters from the owners of three properties consenting to allow Mr. Daley to represent them on their behalf. The application was not received last month because more information was needed.

Attorney Hollister of Shipman & Goodwin, Affordable Housing Attorneys, Mr. Kevin Daly of Signature Contracting Group, LLC and Attorney Robert Rosati of Rosati & Rosati LLP, Real Estate Attorneys were in attendance

Attorney Tim Hollister representing the applicant states he believes application is now complete.

The following issues were discussed:

- Traffic study/engineer or look at a traffic study from past application.
- Looking Peer review for the commission. Joe Budrow states a quote will be given.
- Once application is accepted a Civil Engineer (Bob Doane) will look at this according to Joe Budrow

Attorney Sipples discussed 65 days to complete the hearing from December 21st. Attorney Hollister stated he is ok with the 65 days starting tonight if receiving. Attorney Hollister said he would give an extension letter. A question asked was if the application

was received by statute. Attorney Sipples believes it was received by statute. Mr. Wolfgram states the application wasn't complete last month. The discussion continued as to whether the application will be received tonight or was it received at last meeting. Attorney Sipples states by statute the application was received at last meeting. but they could receive it again tonight (double receive it).

It was noted by Alvin Wolfgram, no waivers are being requested for this application.

Alvin Wolfgram, Vice-chairman requested additional information in regard to the Steam Train and states he wants to making sure there is no negative impact such as noise, emission etc. that could negatively affect impact the development.

Motion made by Alvin Wolfgram, Vice-chairman to accept **Application 15-14** – **Signature Contracting Group, LLC.**, 21, 27 and 29 Plains Road for public hearing to start February 22, 2016, Susan Uihlein seconded the motion, All in favor, **Motion carried, 5-0**

Application 16-1 – **Francis D'Urso**

An application for a special exception to locate a food service shop known as Cannoli's On The Run within a commercial space at 24 Main Street, Centerbrook.

Mr. D'Urso was not in attendance,

Joe Budrow states Mr. D'Urso currently owns a food truck and is talking to the owner of 24 Main Street, Centerbrook, He is looking to give his business a home base. He would make cannolis in the back of the building and have some seating in the middle area. The applicant is requesting a waiver to a full development site plan. According to Joe Budrow redoing a survey would be a deal breaker. Further discussion included the redrawing of the lines for parking. Joe Budrow notes the septic is brand new with an under sink grease trap.

Larry Shipman spoke about the parking confirming the applicant will let the commission know of the total parking as well as the parking for the existing uses.

Alvin Wolfgram stated the parking waiver needs to come off. - 120C 4 1 needs to come off.

Joe Budrow states it is a food service shop and is an allowed use in the commercial district.

Motion made by Alvin Wolfgram, Vice-chairman to accept **Application 16-1** – **Francis D'Urso** with the change in the waivers on parking issue and set public hearing for February 22, 2016, Bill Reichenbach seconded the motion, All in favor, **Motion Carried, 5-0**

Application 16-2 – **Cumberland Farms, Inc.**, 82 Main Street, Centerbrook.

An application for a special exception to remove an existing convenience store and gas fueling operation and rebuild a new and larger convenience store and gas fueling operation.

Joe Budrow states he has no correspondence at this time.

Discussion included:

- That Fire Marshall, Fire Chief and Bob Doane for referrals.
- ZBA gave 7 variances covering 4 topics were granted. Attorney Sipples requested memoranda of decision of the variances.
- Joe Budrow states the traffic studies will be mailed to commission tomorrow
- No waivers are being requested for this application.

Motion made by Alvin Wolfgram, Vice-chairman to accept **Application 16-2** – **Cumberland Farms, Inc.**, and set Public Hearing for February 22, 2016, Bill Reichenbach seconded the motion, all in favor, **Motion Carried 5-0**

Application 16-3 – Frances D’Mello

A Petition to Amend section 82 of the Essex Zoning regulations to allow retail stores in the Business District.

Joe Budrow stated Mr. D’Mello is a businessman in town and would like to relocate to Plains Roads from Essex Village. He responded to an advertisement on a property that read ready for retail. However, retail is not allowed in business district.

Susan Uihlein inquired and learned his business is a package store/liquor store.

Alvin Wolfgram says state law will need to be checked because there may be a maximum of liquor stores per population on state law for the record.

Mr. D’Mello spoke and stated he will do whatever the State liquor commission requires of him.

It was stated this application will need to be referred to the Planning Commission and they will need to be given 30 days. It was also noted, no waivers are being requested.

Joe Budrow requested for February 22, 2016 because of the contract.

Motion made by Alvin Wolfgram, Vice-chairman to accept **Application 16-3** – **Frances D’Mello** and set public hearing for March 21, 2016, Bill Reichenbach seconded the motion, all in favor, **Motion Carried 5-0**

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT

Attorney Sipples reports on Howards Breads. He states he understands withdrawal of the lawsuit has taken affect.

Attorney Sipples reports he two memoranda of decision to be signed. They are as follows:

Motion made be Alvin Wolfgram, Vice-chairman to accept memorandum of decision for **Application 15-11 Bradford and Lindsay Tully**, Susan Uihlein seconded the motion, all in favor, **Motion Carried 5-0**

Motion made be Alvin Wolfgram, Vice-chairman to accept memorandum of decision for **Application 15-10 Amending the Town Zoning Maps**, to be signed and filed with Town Clerk's Office, Jim Hill seconded the motion, all in favor, **Motion Carried 5-0**

Joe Budrow reports on the following:

Oliver's Restaurant was purchased by Adriano Family, who currently own The Back Porch in Old Saybrook. Joe Budrow reports they will be doing extensive renovations on the inside of the restaurant and some expansion out back. The plan is for them to open in October, 2016 under the name Scotch Plains Tavern.

Essex Place: Joe Budrow believes there could be movement soon.

Essex Glenn: Joe Budrow said he has not heard from them.

Alvin Wolfgram, Vice-chairman asked the following about the fire and Calimari's

- Should we look at site plan to see what the building should have been used for
- According to Joe Budrow this commission approved the building for cardboard and concrete
- Joe Budrow has been in contact has been with the State

Joe Budrow states he will re-issue cease and desist and will send a violation letter.

8. OTHER BUSINESS

Calimari Recycling- issues was covered earlier under #7

Zoning Regulations- Alvin Wolfgram reports another meeting occurred last month and the committee is continuing work to consolidate the regulations. Another meeting is scheduled

Elections of officers-

Motion made be Alvin Wolfgram to elect Larry Shipman and Chairman, Susan Uihlein seconded the motion, all in favor, **Motion Carried 5-0**

Motion made by Larry Shipman to elect Alvin Wolfgram, Vice-chairman, Susan Uihlein seconded the motion, All in favor, **Motion Carried 5-0**

Motion made by Larry Shipman to elect Bill Reichenbach, Secretary, Susan Uihlein seconded the motion, All in favor, **Motion Carried 5-0**

Joe Budrow reports there is a meeting scheduled this month with App Geo, Joel Marzi, Town Clerk was in attendance and states he will need a copy.

9. APPROVAL OF MINUTES (from December 21, 2015) –

Motion made by Susan Uihlein to approve the minutes of the December 21, 2015 meeting, Jim Hill seconded the motion, All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

None

11. ADJOURNMENT

The next scheduled meeting is February 22, 2016

Motion made be Alvin Wolfgram, Vice-chairman made a motion to adjourn the meeting at 8:06, Susan Uihlein seconded the motion, All in favor, **Motion carried, 5-0.**

Gayle Capezzzone,
Zoning Board Clerk