

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – June 20, 2016

PUBLIC HEARINGS

Present: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman
Susan Uihlein, Regular Member
Jim Hill, Regular Member
Bill Reichenbach, Secretary
Alternate members, Russ Smith, Jeffrey Lovelace

Absent: Alternate Member Adrienne Forrest

Also present: Peter Sipples, Commission Legal Counsel
Joe Budrow, Zoning Enforcement Official

CALL TO ORDER: Larry Shipman, Chairman called the Public Hearing to order at 7:00 PM. Seated for the public hearing were Regular Members Larry Shipman, Alvin Wolfgram, Susan Uihlein, Jim Hill and Bill Reichenbach.

Application 16-4 – Essex Zoning Commission – An application to amend section 20 of the zoning regulations to change the definition of a rear lot.

Seated for the public hearing were Regular Members Larry Shipman, Alvin Wolfgram, Susan Uihlein, Jim Hill and Bill Reichenbach.

The regulations were changed approximately three years ago to state that every lot must border a street. Joe Budrow would like it changed to how the regulation was previously stated, in that an interior lot can be accessed from an exterior lot and does not need to border a street.

Mr. Budrow provided handouts to the board. Mr. Wolfgram mentioned making sure subdivision regulations are reviewed and adhered to.

MOTION made by Larry Shipman, Chairman to extend the public hearing to July 18, 2016. Alvin Wolfgram, Vice-chairman seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-6 – ECC Realty, LLC, 30 Main Street, Centerbrook - An application for a special exception to locate a restaurant within the first floor of an existing building.

Mr. Budrow submitted the following correspondence:

A letter from a neighboring property at 24 Main Street is in support of the application.

A letter from the Essex Health Department in approval of the change of use on the first floor of the building from a professional office to a 130 seat restaurant.

The new Site Plan was submitted, now showing three handicapped parking spaces, as previously there were only two.

Colt Taylor, the owner of the restaurant briefly presented to the Commission by introducing himself and the other members of his team. His father and co-owner Michael Hannofin was present, along with Colt's mother Melissa.

Campbell Hudson, Attorney for the applicant presented to the Commission and described what their plans are for the building. He submitted to the Commission a deed to file.

22 Main Street, owned by Norman Needleman, has also verbally authorized approval of this project according to Attorney Hudson.

John Schroeder who is the architect for the project, and the builder were also present.

Mr. Taylor talked about their bio-degradable food composter and bringing a restaurant into Essex that holds this town to its true form.

Mr. Schroeder presented to the Commission. He stated that no work is being done on the second or third floor, only the first floor. Parking and traffic flow, plus the layout for the restaurant are all in good standing.

The fence is about 5 feet wide and will be around the existing condensers as well as around the garbage cans in the rear of the building.

The composter hooks up like a washing machine and will be inside the building.

Hours of operation for dinner will be from 11:30 AM to 11 PM.

Improvements include doing work to the patio, putting in a new walkway and painting the building.

The third floor will only be used for office space and file storage.

The public made comments:

Dave Sousa from Economic Development Commission is in support of the application.

Selene Speck, co-owner of Porky Pete's BBQ is in support.

Chef Armstrong from Coastal Cooking Company is in support.

Kelli Stack, Essex resident is in support.

Marianne Alexander, Essex resident is in support.

Mr. Wolfgram, Vice-chairman, asked a question about the lighting on the patio. Mr. Shipman, Chairman asked a question about the sign location.

Motion made by Alvin Wolfgram, Vice-chairman to close the application. 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 7:35 PM. Seated for the public hearing were Regular Members Larry Shipman, Alvin Wolfgram, Susan Uihlein, Jim Hill and Bill Reichenbach.

Motion made by Alvin Wolfgram, Vice-chairman to move **Application 16-2 – Cumberland Farms** to be first on the agenda. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Cumberland Farms and their traffic and site engineer, Milone & MacBroom feel that having a 15 degree pump angle would not cause any major issues but may confuse the traffic flow pattern so that it seems that it is a one-way circulation instead of a two-way circulation.

Peter has requested an amendment to the Memorandum, yet to be signed, which states that pursuant to the findings by Milone & MacBroom, the pumps may be perpendicular.

Motion made by Alvin Wolfgram, Vice-chairman for the Chairman to sign the amended Memorandum of Decision for **Application 16-2 – Cumberland Farms**. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-7 – Michael and Angela Halperin, 11 Foxboro Road, Essex - An application for a Coastal Area Management Site Plan Review for a new single family home with swimming pool and patio.

Joe Wren, Architect for the project spoke about the plans with the home, windmill and pool. The Wetlands Department has approved this project and the Gateway Commission has provided a letter of no opposition.

The Town Sanitarian has not yet approved the septic system.

Russ Smith asked a question about the surrounding trees.

Mr. Wolfgram had a question about restrictive height zones.

Mr. Reichenbach had a question about view easements. Mr. Wren stated that no building will be constructed within the view easements.

Mr. Uihlein asked a question about moving the structure if necessary. Mr. Wren mentioned that several builders have looked at it and said that it is possible to be moved.

Mr. Budrow is waiting for a letter from the DEEP and OLISP (Office of Long Island Sound Programs) and is expecting to have it within the next 4 weeks.

Mr. Budrow read a letter from the Gateway Commission with a condition that the applicant installs plantings between the structure and the embankment to provide some visual buffering.

Mr. Budrow is to get more details from the Gateway Commission on what kind of vegetation they would like to have planted.

Mr. Wolfgram feels that with moving the windmill to the house, the windmill will conform with regulations since it is just being moved and not changed.

Jeffrey Lovelace had a concern about other houses in Foxboro Point looking to do a similar layout as the Halperin's in the future. Mr. Wren said that this would be difficult for others to do because of the regulations.

Mr. Wolfgram asked a question about the roof drain and footing drain.

Motion made by Alvin Wolfgram, Vice-chairman to extend **Application 16-7** until the next meeting on July 18, 2016. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-6 – ECC Realty, LLC, 30 Main Street, Centerbrook - An application for a special exception to locate a restaurant within the first floor of an existing building.

Two conditions were decided upon by the Zoning Commission:

- 1) The second and third floors will not be used for anything other than storage and as an office space for the restaurant, provided they do not use more than 2 parking spaces. Any further plans for this space will need prior approval from the Zoning Commission.
- 2) Any exterior lighting is to be cut-off lighting.

Motion made by Alvin Wolfgram, Vice-chairman to approve **Application 16-6** with two conditions. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 15-14 – Signature Contracting Group, LLC, 21, 27 and 29 Plains Road, Essex – An application for site plan review to construct a multi-family affordable housing development consisting of 52 apartment units in three buildings.

Due to Mr. Wolfram’s absence at May’s meeting, he has listened to the recording and is able to participate in the discussion.

Mr. Sipples handed out a draft “Motion to Deny” and a draft “Motion to Accept” that he had prepared. Mr. Reichenbach read the handout out loud. The Commission discussed the “Conditions of Approval” and made some revisions and two additions, resulting in a total of ten conditions for the applicant.

Motion made by Alvin Wolfgram, Vice-chairman to deny an intervener application from Attorney John Bennett representing Northbound Nine LLC. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Motion made by Larry Shipman, Chairman to approve the draft “Motion of Approval” from Attorney Sipples. Alvin Wolfgram, Vice-Chairman seconded the motion. All in favor, **Motion carried 5-0.**

Motion made by Larry Shipman, Chairman to amend Attorney Sipples draft of a “Motion of Approval” and accept newly added conditions 9 and 10, giving a total of ten conditions. Alvin Wolfgram, Vice-Chairman seconded the motion. All in favor, **Motion carried 5-0.**

Motion made by Larry Shipman, Chairman to approve **Application 15-14 – Signature Contracting Group, LLC** with ten conditions. Alvin Wolfgram, Vice-chairman seconded the motion. All in favor, **Motion carried 4-1.**

Susan Uihlein left the meeting at 10:08 PM. Russ Smith sat in for her.

2. APPROVAL OF AGENDA

Agenda was approved with no changes or modifications.

3. NEW BUSINESS

None

4. OLD BUSINESS

None

5. RECEIPT OF NEW APPLICATIONS

Application 16-8 – An application from the Planning Commission for a text amendment with regard to an accessory apartment.

MOTION made by Alvin Wolfgram, Vice-chairman to accept and schedule this application as part of the public hearing at the August 15th meeting, and also refer to the Planning Commission and WPCA. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

None

8. OTHER BUSINESS

Oliver's will re-open under new ownership and with a different name this coming fall.

Mr. Budrow is still working on reports for Calamari Recycling.

9. APPROVAL OF MINUTES

One revision was added to the April 25, 2016 minutes. It is a direct quote from Attorney Joe Williams who is representing Signature Contracting Group LLC, and it reads:

“At most what the gentleman said was maybe some of the smoke would hit the buildings. Maybe some can get into a window if people nearest the property left their window open. That was the most that I’ve heard. And if that’s the case, you know, those people there would know to deal with that”.

MOTION made by Alvin Wolfgram to approve the minutes of the April 25, 2016 meeting with one revision. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Larry Shipman, Chairman to approve the minutes of the May 16, 2016 meeting. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

A bill was presented from Attorney Sipples in the amount of \$2,107.20. **MOTION** made by Alvin Wolfgram, Vice-chairman to approve, subject to availability of funds. Larry Shipman, Chairman seconded the motion. All in favor, **Motion carried, 5-0.**

11. ADJOURNMENT

The next scheduled meeting is July 18, 2016.

MOTION made by Jim Hill to adjourn the meeting at 10:08 PM. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk