

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

## SPECIAL MEETING MINUTES – October 30, 2017

### PUBLIC HEARINGS

Present: Alvin Wolfgram, Chairman  
Larry Shipman, Vice-chairman  
Bill Reichenbach, Secretary  
Jim Hill, Regular Member  
Alternate Member Adrienne Forrest  
Alternate Member Russ Smith  
Alternate Member Jeffrey Lovelace (sitting in for Susan Uihlein)

Absent: Susan Uihlein, Regular Member  
David Royston, Commission Legal Counsel

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Also present: Joe Budrow, Zoning Enforcement Official

**CALL TO ORDER:** Alvin Wolfgram, Chairman called the public hearing to order at 7:00 PM. Seated for the public hearing were Regular Members Alvin Wolfgram, Larry Shipman, Bill Reichenbach and Jim Hill. Alternate Member Jeffrey Lovelace sat in for Susan Uihlein.

**Application 17-12 – Gary Dayharsh** – A Petition for a change to the Town zoning map proposing to add two Ivoryton properties to the RUM District.

Mr. Budrow entered correspondence into the record:

- A Memorandum from the Planning Commission.
- Letter from a gentleman in support of the applicant and his project.

Mr. Reichenbach read a memo addressed to Mr. Wolfgram from Alan Kerr, Chairman of the Planning Commission, dated September 15, 2017. The Planning Commission found the proposed map change to be in harmony with the goals of the Essex Plan of Conservation and Development 2015-2025. However, the Planning Commission would encourage an increased allowable density beyond one unit per acre.

Mr. Wolfgram entered into the record two drawings dated August 21, 2017, a proposed amendment to the zoning change for Application 17-12.

Attorney Mike Dowley presented for the applicant. He explained that the amendment proposes to eliminate the line that runs through the Rivers Edge Condominium property so that one property will no longer have two different zones. Attorney Dowley referenced the September 14, 2017 minutes from the Essex Planning Commission and cited a paragraph that states that having two different zones for one property is not an ideal solution, therefore the change of district they have requested “is in harmony with the goals of the Essex Plan of Conservation and Development”.

Attorney Dowley also mentioned for clarification purposes that the Planning Commission’s September minutes reference a Housing Needs survey. This survey was adopted at their June 2017 board meeting.

Mr. Reichenbach asked if a consent had been given from the Rivers Edge Condominium owner. Mr. Dayharsh said that he had spoken to the Rivers Edge Condominium Board President and the Property Manager, and a consent should have been given but he is unsure of the current status.

Mr. Wiggam, current resident of the Rivers Edge Condominiums and former Board Member said he is in favor of this application.

Questions of fact from the audience:

Town resident James McGovern raised concerns about a nearby pond and the limited use on the property being discussed. With the applicant’s vision of building a four unit residential condominium on the property, Mr. McGovern questioned how these residences will be protected. Mr. Wolfgram said that this application is only for expanding a zone into two lots at this time and does not pertain to anything else to do with the future of the property.

Salma McManus, resident and Board Member of the Rivers Edge Condominiums introduced herself to the board and said she was attending this hearing for fact finding purposes. She is in agreement with changing the zoning lines.

Another town resident had a question about the existing zoning lines on the property and surrounding area.

The Commission reviewed the town zoning map and where the current RUM district is. Mr. Budrow clarified that the term VR represents a property that is meant for a single family with one accessory apartment. RUM represents a multi-family district. Currently the Falls River Condominiums are located in half of a VR district and in half of a RUM district, and therefore the buildings on the southern side of the property are not in conformance at the current time. Mr. Budrow stated that if anyone ever wanted to do an external repair or expand on these existing buildings, a variance would be required.

Salma McManus asked the Commission for affirmation that this application is only for a change in zoning, and not for any other future plans of the project. Mr. Wolfgram assured her that yes, this application is only for a change in zoning lines.

Mr. Dayharsh reassured the audience that he is available to answer any questions or concerns, and he wants to do a good job for the town.

Mr. Reichenbach thought that it seemed awkward to change a zone that involves another property when there is no consent from the property owner of Falls River Condominiums.

Mr. Dayharsh assured the Commission that he would have no problem accepting an approval of his application contingent on a letter of approval from the Falls River Condominium Association.

Town resident Bob William, abutting land owner and Member of the Board of Trustees of the Ivoryton Congregational Church is in favor of this application as a resident and member representing the board.

Salma McManus was not able to speak on behalf of the Falls River Condominium board without any other members being present, but is happy with the suggestion of approving this application, contingent on a letter of consent from the Falls River Condominium Association.

Mr. Shipman asked if making this change to the zoning map would allow for the condominium property to be fully conforming. Mr. Wolfram replied yes, and said that it would just be a continuation of a zone and would not create a spot zoning issue or the cutting into of another zone.

**MOTION** made by Larry Shipman to close this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

### **REGULAR MEETING**

1. **CALL TO ORDER:** Alvin Wolfram, Chairman called the regular meeting to order at 7:23 PM. Seated for the regular meeting were Regular Members Alvin Wolfram, Larry Shipman, Bill Reichenbach and Jim Hill. Alternate Member Jeffrey Lovelace sat in for Susan Uihlein.
2. **NEW BUSINESS**

**Application 17-12** – **Gary Dayharsh** – A Petition for a change to the Town zoning map proposing to add two Ivoryton properties to the RUM District.

Mr. Wolfram reviewed the conditions set forth by Attorney Peter Sipples Memorandum dated March 17, 2008, and stated that these standards must be in conformance for approval of this application. However, he does not think there can be a condition of approval put into place when it pertains to another property owner, such as in this situation. Being that a notice was given and the property owner chose not to submit a letter or attend the public hearing, the Commission feels it is acceptable to move forward with approval of this zoning map change.

**MOTION** made by Larry Shipman to approve this application and find that it is compliant with the conditions set forth by Attorney Peter Sipples Memorandum dated March 17, 2008 pertaining to changes to the Zoning map. Being that this application is in conformance with the Plan of Conservation and Development; the Planning Commission found that it would be a valuable change and use for the property. This application will have an effective date of November 20, 2017. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

### **3. ADJOURNMENT**

The next scheduled meeting is November 27, 2017.

**MOTION** made by Alvin Wolfgram to adjourn the meeting at 7:28 pm. Larry Shipman seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso  
Zoning Board Clerk