

- TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – January 22, 2018

PUBLIC HEARING

Present: Larry Shipman, Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Russ Smith, Regular Member
Alternate Member Jeffrey Lovelace (sitting in for Susan Uihlein)

Absent: Susan Uihlein, Regular Member

Also present: Joe Budrow, Zoning Enforcement Official

CALL TO ORDER: Larry Shipman, Vice-chairman called the Public Hearing to order at 7:00 PM. Seated for the public hearing were Regular Members Larry Shipman, Bill Reichenbach, Jim Hill and Russ Smith. Alternate Member Jeffrey Lovelace was also in attendance.

Application 17-15 – Essex Economic Development Commission – A Petition for a Text Amendment of the Zoning Regulations to Section 110 requesting off-street parking exemptions within the Essex Village and Ivoryton Village.

Mr. Reichenbach read the public notice into the record, dated January 11, 2018 and January 18, 2018.

Susan Malan, representative of the Essex Economic Development Commission (EDC) explained that if you own property in the village that has parking, you are forced to meet the town requirement, but if you own property that doesn't have parking, you are not. Therefore the businesses with parking are penalized, and the EDC would like to lift this requirement.

Mr. Reichenbach read a letter into the record from the EDC in which they explain the changes that they think should be made to the current parking regulations.

Pending approval, Mr. Budrow reviewed the new section 1L of the Zoning Regulations with the Commission.

The Commission asked some questions for clarification and expressed some concerns with Mr. Budrow.

Diana Gregory, town resident and owner of Essex Boatworks is wondering why Centerbrook and the Waterfront District are not being considered as part of this parking regulation. Susan Malan of the EDC said that parking in the Waterfront District has not been mentioned as being to the EDC as being an issue. Mr. Budrow said that there has been no issue with off-street parking in Centerbrook, and he's not sure that waterfront has an issue either. Ms. Gregory feels that the waterfront section is part of Essex Village, therefore this section should be made part of the same parking regulations, etc.

Doug Domini, town resident feels that there is plenty of parking to accommodate all the visitors that come to Essex and Ivoryton and is in support of this application.

Diana Gregory also thinks that there is plenty of parking available in the village areas. Susan Malan agreed.

Dave Durrenberger, owner of Essex Post Office building is in favor of the off-street parking regulations.

Peter Decker, town resident also thinks that Centerbrook should be added to the application. Herb Clark, town resident and business owner agrees.

Mr. Budrow will work on a letter to the EDC with the Zoning Commissions recommendation to have all villages (Centerbrook, Ivoryton and Essex) as well as the Waterfront District included on this application.

Mr. Domini asked another question for clarification in which the Zoning Commission answered.

MOTION made by Bill Reichenbach to continue this application to the next meeting on February 26, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-17 – Dave Durrenberger – An application for a Special Exception to locate an art gallery within commercial space at 12 Main Street, Essex, CT.

Mr. Durrenberger spoke to the Commission. He would like to put a Paint and Sip gallery in a space located next door to the Essex Post Office (on the old bank side of the building). There will be catered finger foods offered from various vendors. Beer and wine will be served. A liquor permit will be needed for serving alcohol. Paint sessions will each run a couple hours long.

Mr. Durrenberger will be the hands-on manager.

Mr. Budrow stated that the Town Sanitarian, Lisa Fasulo has approved this application for a change of use.

Mr. Lovelace asked Mr. Durrenberger a few questions in regards to how the operation would be run.

Diana Gregory, town resident and business owner is in favor of this application.

Susan Malan, town resident and member of EDC is also in favor of this application.

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

Application 17-20 – Gary Dayharsh c/o Attorney Michael Dowley – An application for a Special Exception to change the use of the Ivoryton Congregational Church at 57 Main Street, Ivoryton, to a multi-family dwelling.

Continued to next meeting on February 26, 2018.

REGULAR MEETING

1. **CALL TO ORDER:** Larry Shipman, Vice-chairman called the Regular Meeting to order at 7:39 PM. Seated for the regular meeting were Regular Members Larry Shipman, Bill Reichenbach, Jim Hill and Russ Smith. Alternate Member Jeffrey Lovelace was also in attendance.

2. **APPROVAL OF AGENDA**

No changes or modifications were made to the agenda.

3. **RECEIPT OF NEW APPLICATIONS**

Application 18-1 – Janice Liscinski – A Petition for a Text Amendment to Section 81 and 90 of the zoning regulations to add Dog Day Care Facility as an allowed use.

Mr. Budrow explained that the applicant is a trainer and would like to offer a dog training and daycare facility to the town. She will not offer any overnight boarding of dogs.

Ms. Liscinski is looking to add the language to the Limited Industrial and Heritage Gateway districts.

MOTION made by Bill Reichenbach to accept this application and schedule for the next hearing on February 26, 2018. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-2 – Essex Zoning Commission – A Petition for a Text Amendment to Section 20 of the zoning regulations to add a definition for an inland marine.

Mr. Budrow said that this application can be extended to the public hearing on March 29, 2018 if needed.

MOTION made by Bill Reichenbach to continue this application to the public hearing on March 19, 2018. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-3 – Peter Decker – An application for a Special Exception to locate a brew pub at 6 Main Street, Centerbrook.

Mr. Budrow said that initially an application had come in for a brew pub to open in a newly constructed building with a new septic, as well as with the renovation of another building being done. The application has now been changed to add a brew pub to an existing building. (A new building will no longer be built).

Mr. Budrow said that the brew pub is allowed in the Heritage Gateway District where the Witch Hazel complex is located. There are no waivers. Plenty of parking is available.

MOTION made by Jeffrey Lovelace to accept this application and schedule for the next public hearing on February 26, 2018. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

4. NEW BUSINESS

Application 17-16 – **Stephen Cline, Successor Trustee of the ESB Irrevocable Trust** – An application for a Site Plan Review to locate two building additions for Nalas Engineering at 85 Westbrook Road, Centerbrook, CT.

The applicant is looking for approval of a site plan for section 90A(E), Limited Industrial.

Bob Doane presented on behalf of Herb Clark and Nalas Engineering. He has made some plan revisions per the Sanitarian's previous comments.

Mr. Reichenbach read the Sanitarian's letter into the record, in which it states that this application generally complies with the town regulations.

The Commission asked some questions of Mr. Doane.

Mr. Budrow asked Mr. Doane if a floor plan was available to submit to the Health Sanitarian. Mr. Doane said no, but it's all under the same use of manufacturing. Mr. Budrow said that he will request a floor plan.

MOTION made by Bill Reichenbach to approve this site plan while maintaining its compliance with Section 90A(E) and Section 118 of the Zoning Regulations. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-15 – **Essex Economic Development Commission** – A Petition for a Text Amendment of the Zoning Regulations to Section 110 requesting off-street parking exemptions within the Essex Village and Ivoryton Village.

Continued to the next public hearing on February 26, 2018.

Application 17-17 – **Dave Durrenberger** – An application for a Special Exception to locate an art gallery within commercial space at 12 Main Street, Essex, CT.

MOTION made by Russ Smith to approve this application while maintaining its compliance with Section 120 and Section 130 of the Zoning Regulations. Jim Hill seconded the motion.

All in favor, **Motion carried, 5-0.**

Application 17-20 – Gary Dayharsh c/o Attorney Michael Dowley – An application for a Special Exception to change the use of the Ivoryton Congregational Church at 57 Main Street, Ivoryton, to a multi-family dwelling.

Continued to the next public hearing on February 26, 2018.

5. OLD BUSINESS

Mr. Budrow spoke to the Commission and explained that right now the principal use in a Limited Industrial District can exist, while on the side being able to sell a retail product that's accessory to it. There is nothing in our current regulations that say that you can't sell a retail product, therefore Mr. Budrow thinks that something should be put in writing about this.

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Report from Zoning Enforcement:

Mr. Budrow will soon talk to the First Selectmen about the legal counsel we have in mind to work with the Zoning Commission when needed.

Mr. Budrow has been receiving phone calls about piles of dirt being left on a vacant property in town. He is working on this issue.

Cumberland Farms is planning on opening their doors on January 24, 2018. Once a final report comes in from the Engineer then all will be ready to be signed off on by the town, including a Certificate of Occupancy.

Mr. Shipman asked about the neighboring property to Cumberland Farms. The homeowner has been complaining of lights from their building shining into his house. Mr. Budrow said that this will be addressed by the springtime.

Quality Drug in Centerbrook has temporarily closed due to a change of ownership and is planning on reopening soon.

8. OTHER BUSINESS

None.

9. APPROVAL OF MINUTES

No corrections were made.

MOTION made by Russ Smith to approve the minutes from the December 18, 2017 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 26, 2018.

MOTION made by Bill Reichenbach to adjourn the meeting at 8:23 pm. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk