

# **TOWN OF ESSEX ZONING COMMISSION**

29 WEST AVENUE – ESSEX, CT 06426

## **REGULAR MEETING MINUTES – March 19, 2018**

### **PUBLIC HEARING**

Present: Larry Shipman, Chairman  
Bill Reichenbach, Secretary  
Jim Hill, Regular Member

Absent: Russ Smith, Vice-Chairman  
Susan Uihlein, Regular Member  
Jeffrey Lovelace, Alternate Member

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Also present: Joe Budrow, Zoning Enforcement Official

**CALL TO ORDER:** Larry Shipman, Chairman called the Public Hearing to order at 7:02 PM. Seated for the public hearing were Regular Members Larry Shipman, Bill Reichenbach and Jim Hill.

**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. Budrow consulted with the town planner, John Guzkowski, and worked on some new language for the zoning regulation. Mr. Reichenbach agrees with Mr. Guzkowski, Mr. Shipman disagrees. It the purpose of this is to develop businesses in the town, not a good idea to take away parking from existing buildings. Mr. Shipman also thinks this should be limited even further to exclude the exemption from any of the residences so they still have to maintain the same parking are that they already have.

Mr. Reichenbach and Mr. Shipman discussed their sides on this topic.

Ed Cook, Vice President of the Essex Economic Development Commission spoke. He doesn't think that the town should encourage more parking. No off-street parking would cause a reduction in cars and increase pedestrian traffic.

Susan Malan, representative of the Essex Economic Development Commission (EDC) thinks that the businesses that already own parking in town should be left alone, but the owners who don't have parking should continue to not have it.

Mr. Shipman has some concerns. He wants to make sure that the existing properties are being protected if they ever wanted to expand, etc.

Mr. Shipman said that if a residence in the village has parking available, they should not be allowed to park on the street.

Mr. Shipman thinks that parking at businesses should be convenient for customers coming in to town. If the store has a parking area, let the employee park on the road so the customers can use their parking lot.

Ms. Malan mentioned that there's already an issue of people coming in to town now and not just parking once and walking through town. Instead they will move their car from business to business through the village. Mr. Shipman thinks that this shows that parking is not really an issue in downtown Essex and doesn't know if the regulation should be changed.

Mr. Shipman asked Mr. Budrow to talk to Mr. Royston and get his ideas on this concept to make sure that a regulation such as this is fair to all parties.

**MOTION** made by Bill Reichenbach to continue this application until the next public hearing on April 16, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 3-0.**

**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.

Mr. Reichenbach read the legal notice into the record.

Frank Magnotta, a Consulting Engineer presented for the client. He explained what the proposed layout of the building is. They are looking to have a four-dwelling unit (two 2 bedrooms units and two 1 bedroom units) with plenty of garages and parking being offered. The landscaping plans were also reviewed. They are now working with the sanitarian to get the health code resolved.

Mr. Reichenbach read a letter into the record from Lisa Fasulo, Health Director.

Mr. Budrow asked a few questions of Mr. Magnotta and then gave a recap of the application to the Commission. The front setback and rear setback for all proposed structures (decks and garages) have gotten a variance.

Mr. Magnotta explained how the property has multiple variances. A density criteria was met to allow four units on a one acre property. This property was changed to an RUM zone.

Mr. Shipman opened up the application. The public did not have any questions.

Mr. Shipman asked Mr. Magnotta about the proposed lighting on site. Mr. Magnotta explained.

Tom Ortoleva, Old Lyme resident, asked a question about the proposed garages. Mr. Magnotta explained that the plans call for eight garages with scattered parking spaces based on the multiple entrances to the building.

Mr. Budrow thinks that the garages may be open, but he is going to look into it further to be sure.

Larry Freunlich, resident of Essex asked about the flood zones in that area. Mr. Magnotta answered. Mr. Budrow mentioned that there is a letter of map amendment from FEMA showing that this property is not in the flood zone. Mr. Magnotta also mentioned that a professional surveyor would be presenting an elevation certificate, which is a FEMA document, in order to determine where the flood water is versus the building elevation.

Loretta McCluskey, Ivoryton resident said that she has seen that building flood multiple times and wondered if anything had been done to address any of the issues. Mr. Magnotta answered that no, nothing had been done yet but all issues of that nature will be addressed by the owner.

**MOTION** made by Bill Reichenbach to continue this application until the next public hearing on April 16, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 3-0.**

**Application 17-18 – Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations section 45 adding language to allow apartments within commercial buildings.

Mr. Budrow gave a recap of this application so far. He said that they were very close to having a new section 45 in which apartments are not made accessory or connected in any way to the business within the same building or on the same premises. This application was originally being held up due to the property being located in what was considered to be a Limited Industrial district, but is now considered as being in a Commercial district.

Mr. Budrow is working with Attorney Ed Cassella (representative for the client) to inject some language in the current revision.

Attorney Cassella presented for his client, Hope Partnership and explained what the basic plans are for the building. He said that Spencer's Corner is a commercial condominium building and the Hope Partnership has been working with the owners of many of the units to take over the second and third floors.

Attorney Cassella reviewed the modifications that he and the applicant are looking to make for the proposed amendment. He explained that they are looking to have housing availability for a variety of different people. Hope Partnerships goal is to have 16 to 18 units which are one to two bedrooms with possibly some three bedrooms.

Norman Needleman, First Selectmen of Essex gave his opinion. He is in support of this project, but wants to be very careful of not having a wholesale construction company coming in from out of town to do the work.

Mr. Reichenbach asked Mr. Cassella if the applicant actually owned the property. Lauren Ashe, Executive Director of Hope Partnership addressed the commission. She said that their architects have been looking at this property for two and a half years. They plan on owning the percentage of the building that carries the residential units. The commercial units will be owned separately. They are hoping to draw in a population that is 50, 60 or 70% of the median area income. They have Letters of Intent on 13 units there, with plans to ultimately build approximately 17 units of affordable housing.

Mr. Shipman asked if this will be one hundred percent affordable. They are intending to reach a population that is 50, 60 or 70% of the median area income, but may also have one to two fair market units as this may help them with the financing.

Mr. Needleman asked if any of the other owners were looking to put apartments in. Ms. Ashe answered no, only Hope Partnership is interested. He feels that within this application, we should follow Section 830G of the regulations.

Ms. Ashe is hoping to have their architectural plans finalized by next week and is planning on talking to the Director, Lisa Fasulo soon.

Ms. Ashe that the association is in very poor shape right now and have not been keeping up with condo fees in order to make improvements on the building. They came to the Hope Partnership to help. Hope would be making improvements to these units if the project goes through.

Mr. Shipman asked what zone this complex is in. Mr. Budrow said it is located in a commercial zone.

**Audience in support of application:**

- Mike Kaczorowski, Essex resident
- Brett Hertzog Betkoski, Pastor of Trinity Lutheran Church in Centerbrook
- Town resident of Ferry Crossing
- Larry Freunlich, town resident
- Ed Cook, town resident and Vice President of the Essex Economic Development Commission.
- Bill Attridge, employed in town
- Loretta McCluskey, Ivoryton resident and employee of the Hope Partnership.

**MOTION** made by Bill Reichenbach to continue this application until the next public hearing on April 16, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 3-0.**

**Application 17-19 – Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations sections 60, 61, 63, 64 and 80 increasing building heights to 35 feet.

The applicant is looking to increase the building height restriction to 35 feet. This covers most residential zones that are not 35 feet and the commercial district.

According to Mr. Budrow, his referral has not yet been reviewed by the Gateway Commission but will be done this week. Therefore, the application should be continued.

**MOTION** made by Bill Reichenbach to continue this application until the next public hearing on April 16, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 3-0.**

**Application 18-2 – Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations section 20 to add a definition for “Inland Marine”.

Mr. Budrow said that a new use was allowed months ago for this applicant to have an inland marine on his property, but no specific definition was drawn up. Therefore Mr. Budrow feels it is important to add language so that an inland marine is mostly nautical, therefore capping the amount of RV’s that can be stored on the property.

Mr. Shipman asked if this should be limited to 10% of the storage space available.

Mr. Needleman is worried that if this language is written as a percentage, then many RV’s could be stored on the property depending on how much land the property owner has available. Therefore, he thinks that a specific number of RV’s should be used as a limit, such as not more than five RV’s being allowed on the property at once.

Mr. Shipman asked if we should write the language as not more than five be on the property and the RV’s must be stored to the rear most portion of the property. He doesn’t want to see RV’s parked up by the street.

Mr. Budrow suggested not putting in the rear part but making it a condition for any future applications that aren’t an interior lot such as this application is.

Mr. Needleman feels that more thought needs to be put into writing this regulation to ensure that the town is being protected.

Mr. Reichenbach read the legal notice into the record.

This application will be continued to the next meeting on April 16, 2018.

### **REGULAR MEETING**

1. **CALL TO ORDER:** Larry Shipman, Chairman called the Regular Meeting to order at 9:06 PM. Seated for the regular meeting were Regular Members Larry Shipman, Bill Reichenbach and Jim Hill.

### **2. APPROVAL OF AGENDA**

No changes or modifications were made to the agenda.

**MOTION** made by Bill Reichenbach to approve the agenda of the March 19, 2018 meeting. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

### **3. RECEIPT OF NEW APPLICATIONS**

**Application 18-5** – **Essex Zoning Commission** – A Petition for a Text Amendment to the Zoning Regulations by submitting a new set of zoning regulations with a new format, additions and deletions.

Mr. Budrow handed out the new regulations to the Commission but wants to make it easier to read without as many italics, so he will hand out a new set of regulations next month.

**MOTION** made by Bill Reichenbach to accept this application and schedule for a public hearing on May 21, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 3-0.**

### **4. NEW BUSINESS**

**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. Needleman expressed that he thinks it's ok to improve parking for people in the village, but does not want to make it worse for existing businesses and residences.

Continued to the next public hearing on April 16, 2018.

**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.

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**Application 17-19** – **Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations section 60, 61, 63, 64 and 80 increasing building heights to 35 feet.

Continued to the next public hearing on April 16, 2018.

**Application 18-2** – **Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations section 20 to add a definition for “Inland Marine”.

Continued to the next public hearing on April 16, 2018.

**5. OLD BUSINESS**

None

**6. VISITORS AND GUESTS**

Mr. Needleman said that the Democratic Town Committee is in the process of approving an alternate member for the Zoning Commission. This will get discussed/approved at the Board of Selectman meeting in April, but rather than waiting that long, Mr. Needleman may call a Special Meeting.

**7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT**

None

**8. OTHER BUSINESS**

Mr. Budrow explained that currently accessory dwelling units are allowed as detached within functioning garages or barns. Mr. Budrow had a person approach him who wants to build an accessory detached building as strictly residential. Mr. Budrow said that no, the building must have two functions according to our regulations. The resident who's inquiring wants to build an apartment above her detached garage for her parents. Mr. Budrow is asking if this can be allowed, does the apartment (which can't be more than 850 square feet) have to equal or be less than the garage space? Mr. Shipman said that an exception cannot be made because we do not want to allow a separate residential structure on the property. Mr. Shipman asked if the resident could add the in-law apartment to the main house, but Mr. Budrow said that the resident does not want to do so.

**9. APPROVAL OF MINUTES**

One correction was made to the minutes:

Application 17-15, paragraph six to be reworded to the following, "Mr. Reichenbach referenced the Planning Commission's suggestion that owners of properties with off-street parking be required to continue to provide such parking. He believes that it may not be permissible or fair to restrict a portion of such properties simply because that portion is currently being used for parking".

**MOTION** made by Bill Reichenbach to approve the minutes from the February 26, 2018 meeting with one correction. Jim Hill seconded the motion. All in favor, **Motion carried, 3-0.**

**10. CORRESPONDENCE AND PAYMENT OF BILLS**

None

## 11. ADJOURNMENT

The next scheduled meeting is April 16, 2018.

**MOTION** made by Bill Reichenbach to adjourn the meeting at 9:27 pm. Jim Hill seconded the motion. All in favor, **Motion carried, 3-0.**

Shannon DeLorso,  
Zoning Board Clerk