

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – April 16, 2018

PUBLIC HEARING

Present: Russ Smith, Vice-Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Robert Day, Alternate Member
Norman Needleman, Ex-Officio

Absent: Larry Shipman, Chairman
Susan Uihlein, Regular Member
Jeffrey Lovelace, Alternate Member
Thomas Carroll, Alternate Member

Also present: Joe Budrow, Zoning Enforcement Official

CALL TO ORDER: Russ Smith, Vice-Chairman called the Public Hearing to order at 7:00 PM. Seated for the public hearing were Regular Members Russ Smith, Bill Reichenbach and Jim Hill. Alternate Rob Day was seated for Larry Shipman. Norman Needleman sat in as Ex-Officio.

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.

This application has been withdrawn until additional information is provided.

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. He has provided language that had been written for Spencer's Corner's application that he is comfortable with.

Since the last meeting, there was a concern about how many apartments could go into a commercial building. Therefore, a cap was put in place for commercial buildings and residential buildings. A habitable space for a commercial building can't be more than 50% of the total space.

Mr. Reichenbach read the legal into the record.

Mr. Needleman thinks that a revision is needed to Section 45 to allow apartments within commercial buildings. He would like the Planning Commission's consent as well. Therefore, he requests to have this meeting continued until next month.

MOTION made by Bill Reichenbach to continue this application until the public hearing on May 21, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

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 height to 35 feet. Mr. Reichenbach read the legal notice into the record.

The Gateway Commission issued a letter of support. The intent of this application is to raise the building heights because the town is finding that 30-foot height restrictions are now causing many variances. If the building height is increased to 35 feet, it should lessen the number of variances by 95%. The 35-foot height is identical to the Gateway Commission's standard and therefore they approve of this text amendment.

Questions and comments were opened up to the public.

Bob Doane, resident and town engineer spoke. He is in favor of the 35 feet height.

Mr. Hill asked a question about objects placed on top of the roof such as copulas, which Mr. Budrow answered.

MOTION made by Bill Reichenbach to close this application. Rob Day seconded the motion. All in favor, **Motion carried, 4-0.**

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 read the new definition to the Commission.

Mr. Doane asked how the Commission defines servicing and repair. He is concerned with sanding and painting of the bottom of boats.

Mr. Budrow does not think that the Commission has a full understanding of what that definition means and should be looked into further.

Mr. Doane is concerned about bottom paint that is lead based. He suggests that a proper procedure is put in place when working with bottom paint on boats.

Mr. Day suggests that Mr. Budrow look into what controls are put into place for this already. There may possibly be procedures already put in place on a state level.

Mr. Budrow said that he will reach out to the local marina to ask if they have standards that they have to adhere by when using bottom paint.

Mr. Needleman stated that it is very important to make sure they have a clear definition put in place. He thinks that there may already be some DEEP guidelines, etc. but does not want to see a significant number of boats outside of the marine district being stored as an inland marina. As long as the definition is clear and proper restrictions are put in place, there should not be any issues. Mr. Budrow will look for statute references to add to the definition. This amendment will restrict boat storage to a rear lot and limit only five RV's on the property. Further definitions to follow.

Susan Malan, town resident and member of the Economic Development Commission was under the impression that no service was going to be done on that property- only storage.

There were no further comments or questions from the audience.

MOTION made by Bill Reichenbach to close this application. Rob Day seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-4 – Keith Knickerbocker– A Petition for a Change to the Town Zoning map adding 23 Charles Street to the VR district.

Mr. Budrow read the legal notice into the record.

Bob Doane, Engineer presented on behalf of the client. He explained how the applicant is proposing a zone change for approximately three acres of land at the end of Charles Street. The northern corner of the property is located in the village residential zone, and the southern corner of the property is located in the rural residential zone. When there is a mixed zone, the applicant must go with the more restrictive zone per regulations. He showed where they feel the village residential property line should be. The zoning would be better served if the zone line followed the property line being proposed.

Mr. Knickerbocker and town resident Dan Rutan had agreed on a land swap at one point in time.

Mr. Smith asked when the lines were originally drawn, if they just made a straight line. Mr. Doane said yes and demonstrated on the map how the original plan was laid out. He explained that they are just trying to define the area around this applicant's property. This would open the property up to two lots because of the square footage.

Mr. Budrow said that the Planning Commission did get a referral for a change to the zoning map and they did come back in favor of this petition.

Mr. Needleman asked if the barn already located on the property would be taken away. Mr. Doane said no, they are planning on keeping it.

Mr. Reichenbach mentioned that he has a special interest in this application because about 90% of the properties in town are currently in the rural district. He asked a question to Mr. Doane regarding the Charles Street property. Mr. Doane explained.

Mr. Hill asked how steep the property is. Mr. Doane demonstrated on the map.

There were no questions or comments from the audience.

MOTION made by Bill Reichenbach to close this application. Rob Day seconded the motion. All in favor, **Motion carried, 4-0.**

REGULAR MEETING

1. **CALL TO ORDER:** Russ Smith, Vice-Chairman called the Regular Meeting to order at 7:57 PM. Seated for the regular meeting were Regular Members Russ Smith, Bill Reichenbach and Jim Hill. Alternate Rob Day was seated for Larry Shipman. Norman Needleman sat in as Ex-Officio.

2. **APPROVAL OF AGENDA**

MOTION made by Jim Hill to approve the agenda of the April 16, 2018 meeting. Rob Day seconded the motion. All in favor, **Motion carried, 4-0.**

3. **RECEIPT OF NEW APPLICATIONS**

Application 18-5 – Janice Liscinski –An application for a Special Exception to locate a Dog Day Care Facility within a commercial space at 23 Saybrook Road.

Ms. Liscinski explained what her vision is for this application. There will be a fenced-in area outside for dogs to use the bathroom. All daycare and training will be done inside.

Mr. Budrow said that a floor plan and site plan was provided with the application which shows the parking spaces and fenced play area. However, the site plan is dated and therefore does not show a parking calculation.

Ms. Liscinski would like to have a Special Meeting for this application due to losing a lot of time from being held up by the landlord of the property.

Mr. Budrow suggested May 7, 2018 for a Special Meeting.

Mr. Smith asked if the fenced in area is on the back side of the building. Ms. Liscinski said yes and that the fencing is six feet height. Mr. Smith also asked if the facility is more than 400 square feet away from the nearest residential structure, per town regulations. Ms. Liscinski confirmed yes.

Mr. Hill asked if it would be a chain link fence. Ms. Liscinski said no, it will be solid vinyl fencing, so the dogs can't see in or out.

MOTION made by Rob Day to continue this application and schedule for a Special Meeting on May 7, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-6 – Signature Contracting Group – An Application to modify Application

16-10 changing a fire pit area to an accessory structure with a grill area.

Mr. Budrow said that the Commission needs to decide if this application should be for a site plan review without a public hearing or not require a site plan review but have a public hearing.

Mr. Smith thinks that this should be reviewed as a site plan with no hearing. This was agreed upon amongst the Commission.

MOTION made by Bill Reichenbach to review this application as a site plan with no public hearing. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-7 – Christine Friel – An application for a Special Exception to locate a food service shop within a commercial space at 10 Main Street, Essex.

The applicant spoke. She is looking to open a coffee shop which will provide coffee, tea and baked off items (no actual baking will be done at the location). She is envisioning a place for people to relax, meet with friends, do work, etc.

Mr. Budrow gave a recap of this application. He has a drawing to show the layout of the building and where the coffee shop is located next to the rear. The plans will be included in the next mailing to the Commission.

MOTION made by Bill Reichenbach to schedule this application for a public hearing on May 21, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-9 – HOPE Partnership, Inc. – An application for a Site Plan review to locate an 18-unit multi-family dwelling development, known as “Spencer’s Corner”, at 90 Main Street, Centerbrook. Application submitted under State Statute 8-30g.

Executive Director Lauren Ashe was present for anyone who had questions. Mr. Needleman asked if the applicant would be willing to wait a month. Ms. Ashe said that having the meeting on May 7, 2018 would help so that they can meet their other necessary deadlines.

Ms. Ashe said that they have had three different legal opinions on this property and whether these units could be considered to fall under Regulation 8-30g.

All units will be on the second and third floor. Hope Partnership will own these residential units and will have a Property Manager to run the day-to-day operations.

Mr. Needleman mentioned that this application really just involves changing the use and improving the inner space. This will not require any modifications to the other buildings that are already there.

Attorney Royston told Mr. Budrow that this application can be accepted as is even though

Section 45 was not approved because Section 830-g bypasses this.

Mr. Day asked if Hope Partnership is a charitable organization. Ms. Ashe confirmed that yes, they are a non-profit organization working within their community to make sure we have affordable housing in town.

Ms. Ashe said that Hope Partnership was approached by Spencer's Corner organization approximately two years ago with the idea of doing a project like this.

MOTION made by Bill Reichenbach to schedule this application for a public hearing on May 7, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-10 – Jane and Keith Bolles – An application to allow an accessory apartment within a house at 8 Squires Lane.

Mr. Budrow gave a summary. The applicants house is compliant with the zoning regulations. They have a request to approve an attached accessory dwelling unit at this address.

An inspection has already been done by Mr. Budrow and the town Sanitarian.

A site plan is provided as well as a floor plan and a Statement of Use, plus a request that the 1990 as-built be received as the site plan as it does accurately show the location of the building and the garage.

Mr. Smith asked if this was built originally without a permit. The homeowner said the apartment was already somewhat finished when they bought the house in 1990 and it was permitted to have finished space above the garage.

Mr. Needleman asked if the original plan had a kitchen space. The homeowner said no, the plan shows a space but does not define it as kitchen space.

The homeowner said that a family would like to buy this house but is critical for the sale that this is changed correctly. The town Sanitarian will soon provide a letter of their findings.

MOTION made by Bill Reichenbach to schedule this application for a public hearing on May 7, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

MOTION made by Rob Day to amend the public hearing for this application and allow to be a site plan review for accessory apartments. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

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.

Application withdrawn until additional information is provided.

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.

Continued until the public hearing on May 21, 2018.

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 height to 35 feet. Mr. Reichenbach read the legal notice into the record.

MOTION made by Jim Hill to approve this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

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. Reichenbach asked for more clarification which the Commission answered. Mr. Needleman suggests approving this amendment now and not waiting. The boat and RV storage needs to be addressed and better defined for this application and for other applications, so as to not allow storage in a front lot. Therefore, Mr. Needleman stated that this would be a two-part text amendment change. Mr. Needleman thinks Mr. Budrow should get more information for the next meeting to see what should be allowed within a non-waterfront district so the Commission knows how to properly restrict it.

MOTION made by Rob Day to approve a text amendment for this application consistent with Sections 120g and 130a of Special Exceptions under the zoning regulations. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-4 – **Keith Knickerbocker**– A Petition for a Change to the Town Zoning map adding 23 Charles Street to the VR district.

The Commission agreed that no property should be located in two districts.

Mr. Budrow said that a super majority vote is necessary because the Planning Commission previously gave an unfavorable comment which is stated in the February meeting minutes.

MOTION made by Jim Hill to approve this application consistent with Sections 120g and 130a of the zoning regulations. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

Application 18-6 – Signature Contracting Group – An Application to modify Application 16-10 changing a fire pit area to an accessory structure with a grill area.

The recreational building being proposed is 12 feet by 24 feet and will have a fire pit area. The building may be used for storage, exercise equipment, etc. This building is to be used by residents of the complex only.

MOTION made by Jim Hill to approve this application consistent with Sections 120g and 130a of the zoning regulations. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

MOTION made by Rob Day to give all approved applications from this hearing an effective date of May 10, 2018. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

5. OLD BUSINESS

None

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Mr. Budrow is working on issues with two blighted properties that neighbors are complaining about. The owner of 1 Oak Street is in conversation with Mr. Budrow. The other owner of two properties is not getting back to Mr. Budrow, so he will soon do a site visit.

MOTION made by Rob Day to sign the Memorandum of Decision for **Application 18-1 – Janice Liscinski** for a text amendment to the zoning regulations. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

MOTION made by Rob Day to sign the Memorandum of Decision for a Special Exception for **Application 18-3** – Peter Decker (Brew Pub). Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

8. OTHER BUSINESS

None

9. APPROVAL OF MINUTES

One correction was made to the minutes for **Application 17-18 – Essex Zoning Commission**. On the last paragraph of page three, Mr. Needleman clarified that he did not say that he is against wholesale construction companies coming in from out of town to do the work. He is in support of this project and in support of wholesale construction companies

but wants to make sure that the text amendment is specific in saying that wholesale construction of apartment complexes is not allowed in town, as to avoid allowing a minor use for a commercial property and a majority use for an apartment building.

10. CORRESPONDENCE AND PAYMENT OF BILLS

None

11. ADJOURNMENT

The next scheduled meeting is May 21, 2018.

MOTION made by Jim Hill to adjourn the regular meeting at 9:04 pm. Rob Day seconded the motion. All in favor, **Motion carried, 4-0.**

Shannon DeLorso,
Zoning Board Clerk