

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – May 21, 2018

PUBLIC HEARING

Present: Larry Shipman, Chairman
Russ Smith, Vice-Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Jeffrey Lovelace, Alternate Member
Robert Day, Alternate Member
Thomas Carroll, Alternate Member

Absent: Susan Uihlein, Regular Member

Also present: 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, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Tom Carroll was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Rob Day were also in attendance.

MOTION made by Russ Smith to amend the agenda to have **Application 18-11** be presented first. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-11 – Joseph and Karen DiRenzo, 3 New City Street – An application for a site plan review to locate an accessory dwelling unit within an existing detached garage.

Karen DiRenzo stood before the Commission and said they are looking to add a unit within a detached garage. She has an elderly mother who will live in the apartment. She has been through the Zoning Board of Appeals and has received a coverage variance of eight feet variance actually is for 7 feet]. Ms. DiRenzo mentioned that they have also met the Sanitarian's requirements.

Mr. Budrow said he has a copy of the Form B100a from the town Sanitarian from January 2018 stating that the applicant needed a new septic system which must obtain approval from the town sanitarian.

Mr. DiRenzo stood and gave an overview of their plans to the Commission and the audience.

MOTION made by Russ Smith to approve this application in compliance with Section 45 of the Zoning Regulations. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

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.

Seated for this application were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Jeffrey Lovelace was seated for Susan Uihlein. Alternate Members Tom Carroll and Rob Day were also in attendance.

Joe explained that they are adding apartments into the accessory dwelling unit section 45 so that apartments are allowed, through a Special Exception, to be within commercial buildings, or if on the same premises as commercial uses.

Mr. Lovelace asked a question about the chosen language in Section 45. Mr. Budrow is to review it again and possibly make changes. A referral will be written to the Planning Commission.

There were no questions or comments from the audience.

MOTION made by Bill Reichenbach to continue this application until the next public hearing on June 18, 2018. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

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.

Seated for this application were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Tom Carroll were also in attendance.

The legal notice was read into the record at a previous hearing.

Mr. Budrow gave an overview of this application and what the current status is. The town Sanitarian has looked at the septic system and concluded that it needs to be repaired.

Mr. Budrow read off six conditions that the Zoning Commission put in place for the applicant to adhere by.

Mr. Shipman asked what the plan is regarding waste disposal. Mr. Budrow and Ms. Liscinski answered. Ms. Liscinski assured that there will always be an employee outside with the dog to pick up after them as necessary.

Mr. Reichenbach asked how many employees she plans on having. Ms. Liscinski said that she plans to start with 4 employees but may increase as ratios change.

Mr. Lovelace asked if there is enough parking. Mr. Budrow stated that there are currently nine spaces but additional parking can be made available if needed. Ms. Liscinski mentioned that people ordinarily drop off and pick up their dogs, therefore not parking for a long period of time.

Mr. Shipman asked Mr. Budrow to contact the town Sanitarian to obtain a letter stating that she will approve the septic system once the septic system repair is completed.

Mr. Reichenbach read a letter into the record from Lisa Fasulo, town Sanitarian.

Bob Nussbaum, town resident and member of the Essex Land Trust spoke. He is not protesting this application but asks for people from this facility to be respectful of the land (Crosslots property).

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

Application 18-9 – HOPE Partnership, Inc. – An application for a Site Plan review to locate a 17-unit multi-family dwelling development, known as “The Lofts at Spencer’s Corner”, at 90 Main Street, Centerbrook. Application submitted under State Statute 8-30g.

Seated for this application were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Tom Carroll were also in attendance.

Attorney Ed Cassella from Cloutier & Cassella represented for the client. Executive Director of HOPE Partnership Lauren Ashe was also present. They are requesting a continuance to their application as they await approval from the town Sanitarian.

Attorney Cassella addressed a concern from a neighbor at the prior meeting on May 15, 2018 regarding creating additional space. He said that the changes they are making are minor and within the confines of the building. Section 8-30g allows for them to make these changes.

Mr. Budrow asked Attorney Cassella a question about a text amendment that was submitted under Schedule E and if it needs to be referred to the Planning Commission as a text change. Mr. Cassella said no, because it’s not actually changing the regulations. The Commission then discussed if an attorney should be consulted on this.

There were no questions or comments from the audience.

Mr. Lovelace expressed a concern about the price of the rents to Attorney Cassella. He said that with the limits of income being raised, he thinks the rent will cost too much for people. Attorney Cassella said that 100% of the 17 units are considered affordable. (Only 6 units need to be affordable under statute 8-30g). At least 3 of the units will be affordable for people making 60% of the state median income and 3 of the units will be affordable for people making 80% of the

state median income. The exact number of units per percentage cannot be configured until the funding is finalized.

There were no questions or comments from the audience.

MOTION made by Bill Reichenbach to continue this application until a date no later than June 18, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-8 – Essex Zoning Commission – A Petition for a Text Amendment to introduce a new formatted book of regulations with some additions and deletions of the current zoning regulations.

Mr. Budrow read the legal notice into the record. He then handed out a synopsis to members of the audience.

Seated for this application were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Tom Carroll was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Rob Day were also in attendance.

Alvin Wolfgram, Chairman of the Rewrite Subcommittee for Zoning Regulations spoke regarding what their mission is and how they have been working on the new regulations. This has been in the works for over two years.

Mr. Shipman asked if each change going forward would have to be treated as a text amendment. Mr. Wolfgram said no, it would be acted on as just a new regulation to be followed.

Mr. Wolfgram discussed the details of the synopsis.

Mr. Shipman asked how the regulations should be reviewed by the Commission. Mr. Budrow said that 98% of what's there is in the current regulations. Mr. Wolfgram reviewed what the major changes were with the Commission and audience.

The Gateway Commission has submitted a letter of support, pending on agreement that the standards the Gateway Commission are about to adopt are to be put in place as already agreed upon with the Zoning Commission. Mr. Budrow stated that the Commission is in agreement.

Mr. Budrow mentioned there is a letter from DEEP in support of the changes being made, however they are requesting to add a couple comments.

The Planning Commission is waiting for their synopsis and they will discuss this at their next meeting.

Other referrals were made to all the abutting towns. Mr. Budrow has not heard anything back.

A letter will be coming from the River COG once it is completed. The River COG had a concern about district changes that touch our town lines.

Questions and comments from the audience:

Claire Matthews, town resident asked how long the Commission expects to be reviewing the new regulations for. Mr. Wolfgram and Mr. Shipman answered.

Joe Montana, town resident has a concern about the regulations concerning signage and is hoping to be able to find out when the Commission will be discussing that so he can attend.

Mr. Smith had an idea of splitting the regulations up by sections to make it easier to for the Commission to review and make it easier for the public to know when each regulation is being discussed.

Mr. Wolfgram mentioned that it would be beneficial to have an editorial secretary to review the new regulations for punctuation, etc. before finalization.

A town resident asked a question about retail use in an industrial zone. Mr. Budrow answered.

Joe Montana, town resident asked if the Commission has considered alerting people in town of meetings coming up rather than by only posting in the newspaper. Mr. Budrow said that he will talk to Betsy D'Amico who works in the First Selectman's office on getting a notice out in her email blasts.

Judy Bombaci, town resident spoke in favor of adding small retail stores to Plains Road.

Ken Bombaci, town resident spoke in favor of adding small retail stores to Plains Road.

A town resident asked for clarification on what the Gateway Commission is. Mr. Shipman answered him. Claire Matthews a representative for the Gateway Commission also explained what the Commission is there for. Mr. Shipman and Mr. Wolfgram clarified what the Heritage Gateway zone is and what the Gateway Commission is.

MOTION made by Russ Smith to continue this application until June 18, 2018. Jim Hill 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 8:46 PM. Seated for the public hearing were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Jeffrey Lovelace was seated for Susan Uihlein. Alternate Members Tom Carroll and Rob Day were also in attendance.

2. **APPROVAL OF THE AGENDA**

MOTION made by Bill Reichenbach to approve the agenda as modified. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

3. **RECEIPT OF NEW APPLICATIONS**

None.

4. **NEW BUSINESS**

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 June 18, 2018.

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.

MOTION made by Russ Smith to approve this application with two conditions: application must be consistent with Section 120G and Section 130A of the Zoning Regulations under Special Exceptions, and Section 90 of the Zoning Regulations, under Special Permitted Use in an Industrial Zone. Also conditioned that no zoning permit be approved for the use until the Town Sanitarian approves Form B100a, with a waste disposal plan included with the zoning permit. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-11 – Joseph and Karen DiRenzo, 3 New City Street – An application for a site plan review to locate an accessory dwelling unit within an existing detached garage.

Approved.

Application 18-9 – HOPE Partnership, Inc. – An application for a Site Plan review to locate a 17-unit multi-family dwelling development, known as “The Lofts at Spencer’s Corner”, at 90 Main Street, Centerbrook.

Continued until the public hearing on June 18, 2018.

Application 18-8 – Essex Zoning Commission – A Petition for a Text Amendment to introduce a new, formatted book of regulations with some additions and deletions of the current zoning regulations.

Continued until the public hearing on June 18, 2018.

5. **OLD BUSINESS**

None.

6. **VISITORS AND GUESTS**

None.

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

Mr. Budrow will provide an updated monthly report at the next meeting on June 18, 2018.

8. **OTHER BUSINESS**

Application 18-10 – Jane and Keith Bolles – Memorandum of Decision

Seated were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Tom Carroll were also in attendance.

MOTION made by Russ Smith to give approval for Larry Shipman, Chairman to sign the Memorandum of Decision for this application. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-6 – Signature Contracting Group – Memorandum of Decision

Seated were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Tom Carroll were also in attendance.

MOTION made by Russ Smith to give approval for Larry Shipman, Chairman to sign the Memorandum of Decision for this application. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-4 – Keith Knickerbocker – Memorandum of Decision

Seated were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill.

Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Tom Carroll were also in attendance.

MOTION made by Russ Smith to give approval for Larry Shipman, Chairman to sign the Memorandum of Decision for this application. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-2 – Essex Zoning Commission – Memorandum of Decision

Seated were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Tom Carroll were also in attendance.

MOTION made by Russ Smith to give approval for Larry Shipman, Chairman to sign the Memorandum of Decision for this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 17-19 – Essex Zoning Commission – Memorandum of Decision

Seated were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach and Jim Hill. Alternate Member Rob Day was seated for Susan Uihlein. Alternate Members Jeffrey Lovelace and Tom Carroll were also in attendance.

MOTION made by Russ Smith to give approval for Larry Shipman, Chairman to sign the Memorandum of Decision for this application. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

9. APPROVAL OF MINUTES

Corrections on April 16, 2018 minutes:

- **Top of page two, first sentence** should read, “Mr. Reichenbach read the legal notice into the record”.

In the original minutes, the word “notice” is missing.

- **Page two, fourth paragraph**, the minutes should read “Mr. Budrow thinks that the Commission has a full understanding of what that definition means and should be looked into further”.

The original minutes said that “Mr. Budrow does not think that the Commission has a full understanding”.

- **Page three, bottom of the ninth paragraph**, the sentence should read, “this could open the property up to two lots because of the square footage.

The original minutes stated, “this would open the property up to two lots because of the square footage”.

- **Page three, second to last paragraph:** “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”.

The minutes should read, “Mr. Reichenbach noted that most of the property is in the rural residential zone, but he believes that the owner should be free to choose the village residential zone”.

- **Page five, paragraph eight** should say “The Lofts at Spencer’s Corner”.

The original minutes refer to refer to Application 18-9 as a development known as “Spencer’s Corner” but does not say “The Lofts”.

- **Page five, last paragraph** should read, “Attorney Royston spoke to Mr. Budrow via telephone and said that this application can be accepted as-is even though Section 45 was not approved, because Section 830-g bypasses this.

The original minutes read “Attorney Royston said to Mr. Budrow”.

- **Page six, third paragraph**, should be HOPE Partnership (capitalized) rather than Hope Partnership.
- **Page eight, section nine**, a parenthetical should be added. The parenthetical should read “HOPE Partnership’s The Lofts at Spencer’s Corner”.

MOTION made by Russ Smith to approve the minutes from the April 16, 2018 meeting with corrections. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

None

11. ADJOURNMENT

The next scheduled meeting is June 18, 2018.

MOTION made by Jim Hill to adjourn the Regular Meeting at 9:24 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk