

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – June 18, 2018

PUBLIC HEARING

Present: Larry Shipman, Chairman
Russ Smith, Vice-Chairman
Jim Hill, Regular Member
Jeffrey Lovelace, Alternate Member
Thomas Carroll, Alternate Member

Absent: Bill Reichenbach, Secretary
Susan Uihlein, Regular Member
Robert Day, Alternate 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 and Jim Hill. Alternate Member Jeffrey Lovelace was seated for Bill Reichenbach. Alternate Member Tom Carroll was seated for Susan Uihlein.

MOTION made by Larry Shipman to amend the agenda to have **Application 18-11** from **Receipt of New Applications** to be presented first. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-11 – **Dong Kim, 31 Main Street, Centerbrook** – An application for a Special Exception to locate a dry-cleaning drop-off/pick-up facility.

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

Peter Lucchese, Broker, presented on behalf of the applicant. He explained how Mr. Kim has a facility in Hamden and is looking to locate a drop off and pick up only location for dry-cleaning, tuxedo rental and shoe repair. No cleaning or repairs would be done on site.

Mr. Budrow said that he asked the applicant to request a waiver for a new site development plan because Mr. Budrow had found a 2010 site plan already in the file that is still suitable to use.

MOTION made by Jeffrey Lovelace to accept this application and schedule for a public hearing on July 16, 2018. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

Application 18-9 – HOPE Partnership, Inc., 90 Main Street, Centerbrook

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

Attorney Ed Cassella presented on behalf of the applicant. Lauren Ashe, Executive Director of HOPE Partnership and Greg Nucci from Point One Architects were also present.

Attorney Cassella gave an overview and update of the project. Mr. Shipman read a letter from Lisa Fasulo, Town Sanitarian into the record. She is waiting for a complete and official site development plan before a formal review and approval can be given.

Attorney Cassella has provided an updated bedroom count. Plans for 29 bedrooms were previously submitted but with additions of second floor space, they are now proposing 36 bedrooms. The project will still have the same unit count, square footage, and other plans as previously proposed.

Greg Nucci from Point One Architects next presented. He explained that the code requires that the entire second floor that's serviced by an elevator must have a bedroom. Therefore, the units had to be reconfigured to meet the code requirement. He has met with Mr. Budrow, the Building Inspector and the Fire Marshal. Mr. Nucci said the Fire Marshal did not seem to have any concerns moving forward. Per the building code, if the building has an elevator, the first level of accessibility must carry all type B requirements, which consists of a sleeping area and bathroom.

Mr. Shipman asked if they are anticipating a school bus pick up and drop off at this location. Ms. Ashe said that the Elementary School children would walk, being that the school is located next door. The middle school and high school would have a bus pickup. Mr. Shipman was concerned with safety in the parking lot and thought that a speed bump or something of that nature could be beneficial. Attorney Cassella said that the buses would most likely not be pulling into the parking lot, and instead would just stop on the road by the entrance to the complex. Mr. Shipman expressed that something should still be done to slow down circulation in case a child wanders off and is playing in the parking lot near the entrance to the complex.

Mr. Carroll agrees that the parking lot is a safety issue being that it is a mixed-use property. He thinks there should be signage making people aware that there are also residents living in the complex. Attorney Cassella does not see signage or safety as being a significant issue for this project.

Mr. Shipman thinks that it is important for at least the first several months to have signs posted in the parking lot to notify people of residents living there, kids at play, etc. Keith Crehan, tenant at Spencer's Corner said that there have been speed bumps in that parking

lot in the past and they did not seem to help with slowing people down.

Mr. Lovelace is also concerned with children getting hit by a car in the parking lot.

Mr. Crehan said that there are already hundreds of kids going into that parking lot every week with the Community Music School and there has never been a problem before. Attorney Cassella mentioned that there is a path that runs from the school to Spencer's Corner.

Mr. Smith asked if the building has fire sprinklers or do they need to be put in. Mr. Nucci said that the building has fire sprinklers and they will be making a few modifications. The Fire Marshall has already made an approval.

Mr. Lovelace asked how much the apartments will cost. Attorney Cassella said that the affordability plan needs to be modified to reflect the proposed affordability in order to see what the different breakdowns are of units, etc. He does not know the final numbers until the project gets closer to obtaining a zoning permit and state funding. Mr. Lovelace is concerned with the affordability of these units to the residents. Attorney Cassella said that the standard is to pay no more than 30 percent of your monthly income toward rent.

Mr. Carroll asked if there is a state residence requirement to be a tenant in this complex. Attorney Cassella said no. Ms. Ashe said that based on her past experiences and the fair housing laws, there are two different approaches that can be taken in tenant selection. One is to base it on a first come first serve basis, as long as the applicant meets all the requirements. The other approach is having a tenant selection plan based on points.

Mr. Budrow discussed a letter that was submitted by Attorney Jane Marsh on behalf of Joan Wallace, neighbor to the Spencer's Corner property. She has concerns that in 1995 Spencer's Corner got a Special Exception, with conditions, of the complex being for all office (business) use. She is worried that if The Lofts get a permit for a mixed use, this will violate the Special Exception. She feels that the applicant should be coming in for an amendment to the Special Exception prior to getting an approval on this. Attorney Cassella said that because this is a fully permissible use of the property, and as long as the conditions don't cause a concern for public health and safety, the applicant can move forward due to this project being covered under Section 830-g,

There were no questions from the audience.

Keith Crehan, resident and tenant of Spencer's Corner is in favor of this project.

Mr. Carroll asked if a legal opinion was necessary for the Commission. Mr. Shipman does not think it would be necessary.

MOTION made by Russ Smith to close this application. Jeffrey Lovelace 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. Articles I, II, V, VIII and the Apendicii to be discussed.

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

Alvin Wolfgram, Chairman of the Rewrite Subcommittee for Zoning Regulations reviewed the proposed changes of the select Articles and Apendicii with the Commission. The Commission asked questions along the way. Norman Needleman, First Selectman was also present to follow along and ask questions.

Articles III and IV are to be discussed at the next meeting.

MOTION made by Larry Shipman to continue this application until the next public hearing on July 16, 2018. Jeffrey Lovelace 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 residential apartments on the same property as commercial uses.

Mr. Shipman asked a couple questions of Mr. Budrow. Mr. Needleman feels that an accessory apartment should be approved through the Zoning Commission, but feels that the Commission should work on finding a more refined process to make it an easier process for the applicant.

The Planning Commission would like to have apartments in all zones. The Zoning Commission has restricted the Industrial zone for this use. The Planning Commission has four sections of the current Section 45 that they would like the Zoning Commission to look at.

Mr. Budrow asked Joel Marzi, Town Clerk and former Zoning Member to review this new regulation. He found a few small changes to be made.

Mr. Budrow reviewed the changes that the Planning Commission would like to see. Those changes are reflected in the current draft. No change was made to the current definition. Mr. Budrow is in favor of making all the changes that the Planning Commission would like, except to the definition, and Mr. Budrow said he can attend the next Planning Commission meeting so he can explain why.

Mr. Budrow thinks that language should be added to this section so that the apartment is not accessory to the commercial use.

Mr. Needleman thinks that having accessory apartments is helpful for people who cannot afford to live here otherwise.

Mr. Budrow is wondering if we can limit, for example, 850 square feet or less with an attic space, so as to not have a bunch of small homes all around. Mr. Budrow would like to take out the “functioning” language which the Commission agrees with.

Mr. Carroll is concerned that this will open up a door for bigger issues in the future. He is afraid that someone will take their second-floor garage space and make it into three bedrooms. He feels that by changing this regulation, we will be creating opportunities for people to expand where they shouldn't be.

Mr. Shipman does not think that the school population will rise from this. Mr. Needleman is concerned about having a supply and demand issue.

Mr. Budrow said that the town now allows a detached garage with a space above. Mr. Budrow is concerned with people putting in septic systems and adding living space without the town knowing about it.

The Planning Commission thinks there should be two bedrooms allowed in an accessory apartment. (The Zoning Commission had changed it to one bedroom).

Mr. Budrow said that this could be a site plan review instead of a Special Exception to allow apartments on commercial properties.

The Planning Commission still believes that all accessory dwellings and apartments should only require a Zoning permit.

MOTION made by Russ Smith to continue this application until July 16, 2018. Jeffrey Lovelace 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 9:38 PM. Seated for the regular meeting were Regular Members Larry Shipman, Russ Smith and Jim Hill. Alternate Member Jeffrey Lovelace was seated for Bill Reichenbach. Alternate Member Tom Carroll was seated for Susan Uihlein.
2. **APPROVAL OF THE AGENDA**
(Amended agenda was approved at the beginning of the public hearing).
3. **RECEIPT OF NEW APPLICATIONS**

Application 18-12 – **Tom Evans, 26 Main Street, Essex** – A Petition for a Change to the Town zoning map to allow 26 Main Street, Essex to be entirely within the Essex Village District.

The applicant would like approval to be entirely in the Essex Village district. Essex Village has 5-foot setbacks, whereas the Village Residential district has 25-foot districts. This is an interior lot off of Main Street and is not sub-dividable. The majority of the lot is currently in the Village Residential district.

Mr. Budrow will give a zoning map to the Commission to show what the new zone would look like if this application were to be approved. He will also do a history of why the Essex Village district looks like it does.

MOTION made by Russ Smith to schedule this application for the next regular meeting on July 16, 2018. Jeffrey Lovelace seconded the motion. All in favor, **Motion carried, 5-0.**

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 residential apartments on the same property as commercial uses.

Continued until the next meeting on July 16, 2018.

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.

Mr. Lovelace still has safety concerns such as the flow of the parking lot, outdoor lighting, signage and speed bumps. The Commission agreed. Mr. Budrow will write up a draft motion with a Memorandum of Decision with these conditions which will be presented at the next meeting on July 16, 2018.

Mr. Shipman does not feel there are significant reasons to hold back on approving this application due to the nature of Section 830-g. Mr. Needleman agreed.

The Commission agreed it should be mentioned under “Use Approved” that the apartments are to be in mixed use with the downstairs commercial units.

Mr. Lovelace asked if all adjacent property owners have been notified. Mr. Budrow said yes, and he can provide the Commission with the list that his Administrative Assistant used and an example of the letter that was sent.

This application has been continued until the next meeting on July 16, 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 next meeting on July 16, 2018.

5. **OLD BUSINESS**

None.

6. **VISITORS AND GUESTS**

None.

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

Mr. Budrow mentioned that he was told that it would be best to have somebody on call for legal counsel of this Commission. Ideas are being considered.

8. **OTHER BUSINESS**

Application 18-10 – Joseph and Karen DiRenzo, 3 New City Street, Essex –
Memorandum of Decision

MOTION made by Jeffrey Lovelace to allow Larry Shipman to sign the Memorandum of Decision once the application number is amended. (Currently the Memorandum of Decision incorrectly lists this application as number 18-5). Tom Carroll seconded the motion. All in favor, **Motion carried, 5-0.**

9. **APPROVAL OF MINUTES**

None

10. **CORRESPONDENCE AND PAYMENT OF BILLS**

None

11. **ADJOURNMENT**

The next scheduled meeting is July 16, 2018.

MOTION made by Jim Hill to adjourn the Regular Meeting at 10:08 pm. Russ Smith seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk