

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – February 25, 2019

## PUBLIC HEARING

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

Absent: 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 7:00 PM. Seated for the Public Hearing were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Members Tom Carroll and Rob Day were also present.

**Application 19-2 – Essex Zoning Commission** – A Petition for a Text Amendment to allow retail stores as a principal use in the Business District.

Jim Hill arrived late to the meeting, therefore Rob Day was seated for him on this application.

Mr. Budrow mentioned that the Planning Commission gave an unfavorable opinion of this application. He suggested denying the application without prejudice so it can be brought back for discussion after the Commission has talked with the Town Planner, John Guskowski on what kind of standards they are looking for.

Mr. Shipman does not think the application needs to be withdrawn while it is being worked on. He thinks this application should be put on hold for now.

Mr. Budrow said that he has a meeting with the Town Planner the next day and will discuss this further.

Mr. Carroll asked who began this application. Mr. Budrow said that it was started by a town resident.

Susan Malan, town resident, thinks that a 5,000 square footage allowance is too large and she is opposed to having any retail business in the business district on Plains Road. She also mentioned that retail spaces are filling up in the villages right now.

Mr. Shipman does not have concerns with allowing retail on Plains Road.

Mr. Day's biggest concern is the square footage that is allowed. He thinks it should be a smaller allowance.

Mr. Reeves asked if there is a downside to withdrawing the application. The Commission agreed that there is not. Mr. Reeves said that his initial thoughts are that he does not like the idea of retail being brought in to that section of town due to traffic and congestion that may ensue.

Mr. Budrow spoke with Joel Marzi who is the Town Clerk. He thinks that the 5,000 square foot cap inhibits growth on retail businesses. He doesn't think that many of the lots would be acceptable for retail due to the way that they are already shaped. Mr. Budrow thinks the property layout should be reviewed and the application should be withdrawn for the time being.

**MOTION** made by Rob Day to withdraw this application. Mark Reeves seconded the motion. All in favor, **Motion carried, 5-0.**

**Application 19-3 – Colt Taylor**– An application for a Special Exception proposing to add a culinary school use over a commercial space at 30 Main Street, Centerbrook.

Mr. Budrow read the legal notice into the record.

Mr. Budrow has not yet received a final compliance letter from the Health Department stating that the septic system is compliant with the school use.

Kevin Geenty from Prospero Duo, LLC, the neighboring property owner, submitted a letter to the Commission which Mr. Reichenbach read into the record. He is concerned with restaurant patrons parking on his property during busy times because of an overflow of parking in the restaurant lot.

Mr. Budrow said that all of the approved parking spots for the restaurant are currently being used, based on the number of seats in the restaurant and the number of employees. The Commission later approved a commercial space for the second floor which consists of three rooms. The original plan for that space was to have a potential tenant there during hours that didn't overlap with the restaurant. However a tenant never moved in, and therefore the use is now being proposed as a culinary school.

Mr. Budrow mentioned that the morning sessions for the culinary school would go on until 5 pm, therefore there would be no overlap with the restaurant patrons for parking. The evening

sessions would consist of students working within the restaurant and taking over the regular employees shift. Therefore the students would be using a free parking space that is normally intended for a regular employee.

Mr. Taylor was not present at the meeting. His friend, Mark Marderosian, was in attendance and represented on his behalf.

Mr. Shipman asked Mr. Budrow if a parking count had been completed. Mr. Budrow said that the Fire Marshall has to give him a legal occupancy load for the second floor and he should have this information in time for the next meeting.

Mr. Marderosian mentioned that the funeral home next door has been informally allowing Mr. Taylor to use their lot for overflow parking. Mr. Shipman asked for Mr. Marderosian to talk to Mr. Taylor about having some type of formal agreement drawn up stating that overflow parking is allowed there when necessary.

Mr. Budrow said that if the school is a success, Mr. Taylor may potentially be looking to add dormitories down the road.

Mr. Shipman asked how many students are being looked at for the program. Mr. Marderosian said that Mr. Taylor is looking at anywhere between 15 and 30 students per session, depending on what is approved by the Commission.

Mr. Day suggested that the employees and/or students should first take up the parking spaces at the funeral home so that the patrons do not have to use an overflow lot, therefore potentially parking in other neighboring areas where they shouldn't be.

**MOTION** made by Russ Smith to continue this application to the next scheduled hearing on March 18, 2019. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

### **REGULAR MEETING**

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

Absent:         Jeffrey Lovelace, Alternate Member

Also Present: Joe Budrow, Zoning Enforcement Official

1. **CALL TO ORDER:** Larry Shipman, Chairman called the Regular Meeting to order at 7:31 PM. Seated for the Regular Meeting were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Members Tom Carroll and Rob Day were also present.

2. **APPROVAL OF THE AGENDA**

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

3. **RECEIPT OF NEW APPLICATIONS**

None.

4. **NEW BUSINESS**

**Application 19-2** – **Essex Zoning Commission** – A Petition for a Text Amendment to allow retail stores as a principal use in the Business District.

Application withdrawn.

**Application 19-3** – **Colt Taylor**– An application for a Special Exception proposing to add a culinary school use over a commercial space at 30 Main Street, Centerbrook.

Application continued to the next scheduled hearing on March 18, 2019.

**Application 19-4** – **Geoff Cook, 69 Lynn Road** – An application for a site plan review to locate an accessory dwelling unit within an existing accessory building.

Geoff Cook from Broadreach Builders, the General Contractor for the project, gave an overview of the application. The previous owner that sold the house to the current owner (Jeff Bridges), had converted the three car garage into office space. When he sold the house to Mr. Bridges, he gave the pretense that he had already prepped this garage space and it was designed for and approved to be used as an accessory apartment in the future.

When Mr. Cook came to the Town Hall to get a permit for this apartment, he was made aware that this garage had not been approved for that use by the prior owner.

Mr. Cook stated that he has already worked with Lisa Fasulo from the town Health Department on re-designing the septic for what they originally envisioned. He has gotten approvals from the State Health Board. He also has an approved variance from the Zoning Board of Appeals (ZBA).

Mr. Shipman asked about the variance and what it was for. Mr. Budrow explained that the ZBA needed to allow a variance in order to locate an accessory dwelling unit in an existing accessory building that is not a functioning barn or garage.

Mr. Smith asked what the hardship was considered to be at ZBA. Mr. Cook said the hardship was due to the fact that there were pre-existing conditions with regards to the regulations. An addition, with the way that the regulations are currently written, Mr. Cook could not do anything with the building without making it into a garage or barn.

Mr. Carroll asked if the neighbors have been contacted. Mr. Budrow said that they were previously contacted for the ZBA hearing.

Mr. Budrow said that this application needed one variance, and it is now considered to be compliant from the ZBA.

**MOTION** made by Russ Smith to approve this application, consistent with Section 45 and Section 118 of the Zoning Regulations, conditioned upon the outcome of the variance during the appeal period. Jim Hill seconded the motion. **Motion carried, 5-0.**

## **5. OLD BUSINESS**

### **Regulation Update –**

Mr. Shipman stated that Mr. Budrow has been working with Joel Marzi, Town Clerk, on a formatting structure for the new set of Zoning Regulations that would be more suitable than what is being used at the present time.

Mr. Shipman would like to have Attorney Mark Branse review the regulations and suggest a format to use. Currently Mr. Shipman does not feel that our new proposed regulations flow fluently and he also wants to be certain that the regulations comply with current state laws.

Mr. Shipman was given approval by the Commission to sign the engagement letter for Mr. Branse in order to retain his services for this project.

## **6. VISITORS AND GUESTS**

Susan Malan, town resident, had a concern about our town lighting regulation. There is a business in town, located in a residential district, who has a lit parking lot until late into the night. Mr. Shipman agrees that this lighting is an issue and has been working on this with Mr. Budrow due to a neighbor of the business who has also complained. Mr. Shipman said that just because this business is located in a residential zone, that does not mean that their property is considered to be a residential use. Mr. Budrow is to reach out to Attorney Terry

Lomme to discuss further.

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

None.

8. **OTHER BUSINESS**

**Application 18-19** – Essex Zoning Commission – Memorandum of Decision

Present for this application were Larry Shipman, Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves.

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

**Application 18-21** – Gary Dayharsh – Memorandum of Decision

Present for this application were Larry Shipman, Russ Smith, Bill Reichenbach, Jim Hill and Rob Day.

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

**Application 19-1** – Steve Ariyan – Memorandum of Decision

Present for this application were Larry Shipman, Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves.

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

9. **APPROVAL OF MINUTES**

**MOTION** made by Larry Shipman to approve the minutes of the January 25, 2019 meeting and the February 11, 2019 special 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 March 18, 2019.

**MOTION** made by Jim Hill to adjourn the meeting at 8:16 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,  
Zoning Board Clerk