

Essex Zoning Commission
29 West Avenue, Essex, CT 06426
Monday, December 16, 2013
7:00 p.m. – Meeting Room A

PUBLIC HEARING

Seated for hearing: Al Wolfgram, Jim Hill, Bill Reichenbach, Alternate Jeff Lovelace for absent member Larry Shipman, Alternate Barbara Zernike for Susan Uihlein and Alternate Adrienne. Also in attendance is Joe Budrow, Zoning Enforcement Agent.

CALL TO ORDER: Al Wolfgram called the meeting to order at 7:00 p.m.

Application No. 13-23 - Essex Zoning Commission – A petition to amend Section 40 (General Prohibition) of the Essex Al Wolfgram read the Public Hearing Notice. Joe Budrow, ZEA read the State of CT Public Act that was recently passed allowing medical marijuana for palliative use on medical marijuana production, processing and dispensary applications. Many towns are going towards moratoriums as the new law is so new that they need time to review it.

Al Wolfgram is suggesting that the wording be more restrictive where it says “and / or producers” it should include and / or cultivation, producing, processing, distribution and selling. This is specific wording in the CT State Statutes. The Planning Commission also had the following comments in a memo to Al Wolfgram dated December 16, 2013 from Tom Danyliw, Chairman, Essex Planning Commission. “By consensus, the Planning commission endorses the proposed moratorium to be added to Section 40.”

Jim Hill made a motion to close Application No. 13-23, seconded by Barbara Zernike. Passed unanimously. Motion carried.

Application 13-24 – Essex Zoning Commission – petition to amend Section 70 (Essex Village District) of the Essex zoning regulations. Seated for Al Wolfgram, Jim Hill, Bill Reichenbach and Adrienne Forrest for absent member Susan Uihlein and Barbara Zernike for absent member Larry Shipman. Al Wolfgram read the Public Notice.

The Planning Commission also commented on the amendment and has several questions of clarification for the Zoning Commission to respond:

1) What is the reasoning behind the 1,600 square foot cap for retail stores in §70A.2 (D)? Is there significance behind that number? Joe Budrow’s response is that we have a cap on all retail uses and as a general principal use for a zoning permit you’re allowed 1,800 sq. ft. in a Commercial district if you go over that you come to the Zoning Commission. Joe Budrow researched various village retailers and capped it at 1,600 sq. feet using one of the larger retail stores in the village. Do not want to create non-conforming to existing retail.

2) Why is “watch repair” being singled for elimination as an allowed use? Answer: Al Wolfgram that the thinking may have been that watch repair may be an accessory use for a jewelry store versus stand alone.

3) Why is the prohibition of drive-up windows in §70A.2 (H) being lifted? Answer: this is already covered under Prohibitions.

4) Has the Commission's attorney reviewed the legality of entirely prohibiting specific businesses, such as tattoo parlors, head shops, check-cashing facilities, and massage parlors? Answer: Joe Budrow indicated that these establishments would not be in conformance with the village. Joe Budrow will put together a memo to Economic Development Commission and present our responses to the above concerns. Essex Planning Commission also recommends that consolidating signage regulations under a single section is a good idea; the Commission recommends that the individual sign regulations should not be deleted prior to the creation of a new section. Rather, this deletion should be done concurrently with the creation of a new section. Al Wolfgram indicated that since we are extending this to next month, we should have the new sign regulations in here for an application for next month to be consistent.

Al Wolfgram reverted back to Item No. 1 and asked the Commission if they wanted to leave it as is or change the wording to some on the lines of "no new retail may exceed 1,600 sq. feet for new structures" and asked Joe to come up with the appropriate language as well as the others. Al suggested to Joe that he also keep the Economic Development Commission included on our response to the Essex Planning Commission.

Susan Malan acting as consultant from the Economic Development Commission was in attendance and inquired about the current (non used) drive up window at the Essex Post Office which was originally used for a Financial Institution. Al Wolfgram responded that it is an existing drive up window. Susan Malan asked if someone wanted to use it for something other than a financial institution or cash transactions what would need to be done. Al said we may have to amend that section of the regulations to use it for a difference use.

Jim Hill made a motion to extend to discussion to the January 27, 2013, seconded by Adrienne Forrest. Passed unanimously. Motion carried.

Application No. 13-25 – Essex Zoning Commission- a petition to amend section 80 (Commercial District) of the Essex zoning regulations.

Seated: Al Wolfgram, Jim Hill, Bill Reichenbach and Adrienne Forrest for absent member Larry Shipman and Jeff Lovelace for absent member Susan Uihlein. Al Wolfgram read the Public Hearing Notice.

Joe Budrow read the comments from the Planning Commission memo to Al Wolfgram with regards to Section 80 (Commercial District). Several of the questions were repeated from Section 40 (General Prohibitions) above. The Commission discussed the licensing required of such "massage parlors" as distinct from therapeutic massage treatment, day spas or other similar services. Joe Budrow will research this and all of their concerns and respond accordingly.

The Planning Commission also inquired about the Zoning Commissions attorney review the legality of entirely prohibiting specific businesses, such as tattoo parlors, head shops, check-cashing facilities and massage parlors? Answer: Al Wolfgram responded that Attorney Sipples reviews everything before it is approved.

The Planning Commission also had questions with regards to what the ultimate definition of "Indoor recreational Facility"? Answer: Al Wolfgram reviewed Zoning Regulations Section 90.A.3 (E-1) and indicated we should adapt this language for commercial as well to be consistent.

Section 80.A.2(S) was also questioned by the Planning Commission and Joe Budrow suggested we add language to what a public school versus private school. Al Wolfgram suggested adding public and private schools to the language in section(S) and (V) will be left alone at this time.

The Planning Commission had additional comments on Section 80 and Joe Budrow will write up the Zoning Commissions response to all of the comments and questions for approval.

Jim Hill made a motion to extend the public hearing on Application No. 13-25 to January 27, 2014, seconded by Jeff Lovelace. Passed unanimously. Motion carried.

REGULAR MEETING

Seated for this hearing: Al Wolfgram, Chairman, Jim Hill, Bill Reichenbach, Barbara Zernike for absent member Larry Shipman and Adrienne Forrest for absent member Susan Uihlein.

CALL TO ORDER: Al Wolfgram called the meeting to order at 7:57 p.m.

APPROVAL OF THE AGENDA: No Changes or modifications to Agenda

NEW BUSINESS: None

OLD BUSINESS:

Application No. 13-23 - Petition to amend Section 40 (General Prohibitions). Barbara Zernike and Jeff Lovelace sat for this application. Al Wolfgram suggested specific language to be inserted as stated above.

Jim Hill made a motion to approve the application with changes to the wording in Section 40, effective date of January 15, 2014, in that the 12 month moratorium would be until January 14, 2015, seconded by Bill Reichenbach, Passed unanimously. Motion carried.

RECEIPT OF NEW APPLICATIONS: None

VISITORS AND GUESTS: None

REPORT FROM LEGAL & ZEA:

Joe Budrow. ZEA, discussed a Cease & Desist Notice on an Essex property and Attorney Peter Sipples suggested the property owner get an attorney and go forward with an appeal.

OTHER BUSINESS:

Jeff Lovelace asked Joe Budrow, ZEA, what is going on at Foxboro Point? Joe Budrow reiterated there was a complaint that came in with allegations of rehab center being run at one of the residences. Joe Budrow has contacted the property owner and will be meeting with the person leasing the property and set a date and time to visit the property after the holidays.

New sign regulations will be presented by Joe Budrow, ZEA and Al Wolfgram at next meeting. Accessory apartments are also being looked at for the spring.

APPROVAL OF MINUTES:

Motion made by Barbara Zernike to approve the minutes of the November 25, 2013 meeting, seconded by Jim Hill. Passed unanimously. Motion carried.

CORRESPONDENCE & PAYMENT OF BILLS:

Motion made by Jim Hill to approve payment of legal fees based on availability of funds for the

attorney in the amount of \$2,720.00, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Motion to approve by Barbara Zernike a Memorandum of Decision for map amendment regarding Application No. 13-14 with regards to the village for the CT River Museum. Voting: Al Wolfgram, Jim Hill, Barbara Zernike and Adrienne Forrest. Seconded by Jim Hill. Motion carried.

Motion to approve by Adrienne Forrest a Memorandum of Decision for Application No. 13-22 for special exception for the expansion of Rite Aid. Voting: Al Wolfgram, Jim Hill, Bill Reichenbach and Adrienne Forrest. Seconded by Jim Hill. Passed unanimously. Motion carried.

ADJOURNMENT:

Motion made by Bill Reichenbach to adjourn meeting at 8:15 p.m., seconded by all. Passed unanimously. Motion carried.

Respectfully submitted,

Yvonne Roziak
Recording Secretary