

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – September 16, 2019

PUBLIC HEARING

Present: Larry Shipman, Chairman
Russ Smith, Vice-Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Mark Reeves, Regular Member
Jeffrey Lovelace, Alternate Member
Tom Carroll, Alternate 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, Bill Reichenbach Jim Hill and Mark Reeves. Alternate Members Jeff Lovelace, Tom Carroll and Rob Day were also in attendance.

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

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

Application 19-14 – Essex Zoning Commission – A Petition for a Text Amendment to add “Pet Grooming Facility” as an allowed use within the Essex Village District, the Commercial District, the Business District and the Limited Industrial District.

Mr. Reichenbach read the legal notice into the record.

No overnight boarding of pets is allowed.

The applicant, Meaghan Davis Lee spoke and said she feels that this business will be a great asset to not only the Essex community but also the surrounding areas.

No questions or comments were made from the public.

Mr. Smith asked if she had any specific location in mind. She said she is looking at a location in Ivoryton that seems very promising.

Mr. Smith asked how many dogs would be there at one time. Ms. Lee said there would be between four to seven dogs per day. If she hires another groomer, the number of dogs will most likely double.

Mr. Budrow said that the abutters, upon an approved zoning permit, will get a letter of such decision and will have the opportunity to give their input.

Ms. Lee said the wellness part of the business will involve veterinary chiropractic, lazer therapy, canine massage, care and skin therapy and treadmill therapy. She may have a small retail area for holistic items.

It was mentioned that if Ms. Lee ever wanted to move downtown, she would need a special permit that the Commission could condition.

MOTION made by Russ Smith to close the public hearing. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 19-16 – Nick Sapia, 130 Dennison Road – An application for a Special Exception to locate a 7,440 square foot office building with associated development at 130 Dennison Road.

Mr. Reichenbach read the legal notice into the record.

Bob Doane, Engineer presented on behalf of the applicant. He is proposing a 6,000 square foot building with a second floor which makes for about 7,400 square feet, divided into five units. (four units would be identical in size and one unit would be smaller. This would be in the center of the building and would not have a second floor). Mr. Doane said that the site is 0.95 acres, would have 37 parking spaces and they are proposing two entrances on Dennison Road. Mr. Doane has reviewed the parking count; therefore it has increased by one space since the last meeting. He has also reviewed the site line for the entrances and has a site line exhibit which he showed to the Commission. The entrance would be on the southern side and the exit would be on the northern side due to the site lines. The northern entrance would be a two-way. The stop bar would be removed and they would put up two signs that say do not enter and entrance only. The width of the driveway would stay the same to allow space for trucks to turn in. A town notice was posted on August 30th.

Mr. Reichenbach read a letter from Lisa Fasulo at the Health Department. The health department had requested additional information from the professional engineer in July, and a revised plan was submitted. However, the letter states that these revised plans do not adequately demonstrate compliance with the town health code, and therefore the health department can not properly endorse the project at this time.

Mr. Carroll asked if it is fully leased out. Nick Sapia, applicant and owner of the property answered. He said that its currently being listed with a broker but needs to get approved from

the Zoning Commission before he can continue. Mr. Reeves asked what the intended use will be. Mr. Sapia said it is all for professional use.

No questions were asked from the audience.

Mark Hennebry, neighbor of property mentioned that he is looking forward to getting rid of the eyesore that's currently there. He is however concerned with the first entrance being that it is located on a tight corner.

Mr. Smith asked Mr. Doane if the second driveway could be moved. Mr. Doane said that it could be moved by fifty feet and used for outgoing traffic.

Mr. Hennebry asked if many people will be coming and going. Mr. Doane said no, this building will be for professional use only and excludes medical practices. (Medical practices require a more stringent parking calculation).

Mr. Reichenbach asked a few general questions which Mr. Doane answered.

Mr. Shipman would like to see the south entrance be eliminated and have the other entrance widened instead. He does not find two entrances to be necessary for this type of business.

MOTION made by Russ Smith to continue this application to the meeting on October 21, 2019. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 19-18 – Scott Harger, 23 Saybrook Road – An application for a Special Exception to locate an indoor golf facility within a commercial space at 23 Saybrook Road.

Mr. Reichenbach read the legal notice into the record. The applicant spoke about his project. He is looking to have 6 golf simulator booths that each accommodate 4 people and will be rented out by the hour. There will be a bar with 9 seats (serving beer and wine) and an outdoor food trailer with 10 seats. This will be a four season room off the entrance and will not be open to the general public. There will be two restrooms, no kitchen. A back door will be installed and the front door area will be wheelchair accessible.

Mr. Reichenbach read a letter from Ms. Fasulo at the Health Department. Additional information is required such as a B-100A application and fee, and a floor plan showing all remaining areas and uses within the building including offices, number of employees and storage areas. Water consumption records from water company within the last 3 years are also needed. An application to open a food service establishment in Essex and all supporting information will need to be submitted. If the food truck is transient, then food service records will need to be furnished. Mr. Harger said he will sit down with Ms. Fasulo to follow up on these items.

Mr. Budrow has an old site plan he will submit at the next meeting which will show the parking. Mr. Harger said there is seating for about 48 people.

Mr. Reeves asked if our site plan needs to be updated. Mr. Budrow said that there have not been any big changes to the plan in many years, therefore he does not see that as being necessary.

There were no questions or comments from the public.

Mr. Carroll asked general questions of Mr. Harger which he answered.

The hours of operation will be from 9 am to 10 or 11 pm during the week. The operating hours will be less during summer months, with peak time being in the winter.

Mr. Reichenbach asked Mr. Harger what his professional background is, which Mr. Harger answered. He also mentioned that this is not a franchise and will be built to suit the space.

MOTION made by Mark Reeves to continue this application to the next meeting on October 21, 2019. Bill Reichenbach 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 7:55 PM. Seated for the Public Hearing were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach Jim Hill and Mark Reeves. Alternate Members Jeff Lovelace, Tom Carroll and Rob Day were also in attendance.

2. **APPROVAL OF THE AGENDA**

Application 19-20 should say Plains Road, not Dennison Road.

The Planning Commission submitted Application 19-23 but it never made it onto Septembers agenda. However Attorney Dave Royston said the application could still be received

MOTION made by Bill Reichenbach to amend the agenda for two items. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

3. **RECEIPT OF NEW APPLICATIONS**

Application 19-20 – Cecil Lyon, 59 Plains Road – An application for a Site Plan Review to locate an apartment in a commercial building at 59 Plains Road.

Whitney Huber, architect, mentioned that the application is for an apartment in a commercial building, not an accessory apartment as the application states. Mr. Budrow confirmed that Mr. Huber is correct.

Mr. Huber explained that the proposal is to construct a new structure (a country carpenters barn) in front of the Leatherman's building. The lower floor will be for accessory retail use and for factory storage, the upper floor will be an apartment. Per the business district, no zoning approval would be needed to move the retail store there. However, the apartment above does need approval.

Currently there are 4 trailers in addition to the main building. The plan is to remove the trailers and put in the new structure with a small shed.

Connie Brown, employee of Cecil Lyon will be the occupant of the apartment. She spoke about the trailers and what is currently in them. They are currently being leased.

800 square feet is to be added all on the second floor. It will have it's own entrance, kitchen, bathroom, etc. A new septic system will be installed for this. Ms. Brown answered questions from the Commission and mentioned that there will be one office for Mr. Lyons' use on the lower level.

Mr. Reichenbach read a letter from Ms. Fasulo into the record. The Health Department cannot give approval until a revised detailed septic system plan is submitted showing where and how a septic system and public water supply can be proposed and installed for the new building.

Mr. Huber said that new plans have been submitted since the letter was written from the Health Department. Now we are waiting on the approval.

Mr. Shipman asked if the parking count is in compliance. Mr. Budrow said yes.

MOTION made by Russ Smith to approve this application with one condition that the septic system must be approved by the town sanitarian. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 19-21 – Essex Zoning Commission – A Petition for a Text Amendment to introduce a newly formatted Zoning regulations book with added and deleted text.

MOTION made by Mark Reeves to accept this application and schedule for the meeting on November 25, 2019. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 19-22 – Essex Glen, LLC, 14 Essex Glen Drive – A minor modification to a previously approved Special Exception to locate a new storm water retention area at the southwest corner of the property, and to propose an island within the south end cul de sac of the common driveway.

Attorney Terry Lomme presented on behalf of the client and presented their plans.

Mr. Budrow said that he recommends referring the plans to the Fire Marshall since he previously had concerns. Mr. Shipman suggested that we ask for approval from the Fire Marshall saying that he approves of the new drainage.

MOTION made by Mark Reeves to approve this application with one condition that the design of the drainage system is approved from the town engineer, Bob Doane. This application is to be approved with or without the cul de sac. All in favor, **Motion carried, 5-0.**

4. **NEW BUSINESS**

Application 19-14 – Essex Zoning Commission – A Petition for a Text Amendment to add “Pet Grooming Facility” as an allowed use within the Essex Village District, the Commercial District, the Business District and the Limited Industrial District.

MOTION made by Mark Reeves to approve this application with two conditions. The application must be consistent with the Plan of Conservation and Development, and this is to be approved by special permit only except in the limited industrial district where it will be a permitted use provided the building is under 2500 square feet, in which case Mr. Budrow will be able to issue a zoning permit.

Application 19-16 – Nick Sapia, 130 Dennison Road – An application for a Special Exception to locate a 7,440 office building with associated development at 130 Dennison Road.

Continued to the next meeting on October 21, 2019.

Application 19-18 – Scott Harger, 23 Saybrook Road – An application for a Special Exception to locate an indoor golf facility within a commercial space at 23 Saybrook Road.

Continued to the next meeting on October 21, 2019.

Application 19-20 – Cecil Lyon, 59 Plains Road – An application for a Site Plan Review to locate an apartment in a commercial building at 59 Plains Road.

MOTION made by Russ Smith to approve this application with one condition that the septic system must be approved by the town sanitarian. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 19-22 – Essex Glen, LLC, 14 Essex Glen Drive – A minor modification to a previously approved Special Exception to locate a new storm water retention area at the southwest corner of the property, and to propose an island within the south end cul de sac of the common driveway.

MOTION made by Mark Reeves to approve this application with one condition that the design of the drainage system is approved from the town engineer, Bob Doane. This application is to be approved with or without the cul de sac. All in favor, **Motion carried, 5-0.**

5. **OLD BUSINESS**

None.

6. **VISITORS AND GUESTS**

None.

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICIAL

Mr. Budrow stated that the Zoning Commission and Health Department were in need of a Declaration of Easements from Carlson's Landing. Attorney Royston asked for a PDF from their attorney. It took a while to come but is now completed. The proposed location of where their sign is supposed to be is not a good location so they are going to ZBA for a variance. It is a condition on their Certificate of Occupancy. The liquor license is in the process of getting approved from the state, and this restaurant should be open within the next couple weeks.

Mr. Budrow mentioned that a resident in Essex, who lives in a home association, is looking to put in a garage but needs approval from the home association first. The ZBA asked if we would consider a regulation that would say if you're in a home association to get your approval before coming to the Land Use office. Mr. Budrow advises against doing this, and Mr. Shipman agreed.

Mr. Day asked if Mr. Budrow knew anything about Wright's Steakhouse reopening. Mr. Budrow said that he does not have any information on this but he is going to look into it.

Mr. Shipman asked about what restaurant is going in at Essex Island where Marley's formerly was. Mr. Budrow said that there is an approved zoning permit for a new restaurant which will be owned by Haywire Burger Bar.

Mr. Day asked about Swanky's and what it is they are offering. (Located in the former Benny's location). Mr. Budrow explained.

Mr. Carroll asked about the house across the street from Swanky's. Mr. Budrow explained that the house is owned by the same owner of the Witch Hazel Complex and they are amongst renovations.

8. OTHER BUSINESS

Memorandum of Decisions:

Present for these applications were Larry Shipman, Russ Smith, Jim Hill and Jeff Lovelace.

Application 19-13 – Albert Leonardo, 50 Dennison Road

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

Application 19-15 – Colt Taylor, 30 Main Street, Centerbrook

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

carried, 5-0.

Application 19-19 – Cait Clark, 104 Main Street, Ivoryton

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

9. **APPROVAL OF MINUTES**

Minutes from the meeting on July 15, 2019 will be reviewed at the October 21, 2019 meeting.

Minutes from the August 19, 2019 meeting have one correction. Tom Carroll should be listed as an absent alternate member on page one.

MOTION made by Russ Smith to approve the minutes from the August 19, 2019 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 October 21, 2019.

MOTION made by Jim Hill to adjourn the meeting at 8:42 pm. Mark Reeves seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk