

**Essex Zoning Commission  
29 West Avenue  
Essex, CT 06426**

**Special Meeting**

**Monday, September 23, 2013**

**MINUTES**

**PUBLIC HEARINGS**

**Continuation of Public Hearings from September 16, 2013**

Seated for public hearing - Al Wolfgram, Chairman, Larry Shipman, Secretary, Jim Hill, Bill Reichenbach and Alternate Barbara Zernike (for absent Susan Uihlein, Vice Chairman), Alternate Jeffrey Lovelace and Alternate Adrienne Forrest. Joe Budrow, Zoning Enforcement Agent and Attorney Peter Sipples. Absent: Susan Uihlein (Vice Chair).

Call to Order: Al Wolfgram called the meeting to order at 7:02 p.m.

Application No. 13-17 – Quality Care Drug / Centerbrook, LLC – An application for a special exception to locate a pharmacy at 31-33 Main Street, Centerbrook, CT.

Al Wolfgram inquired as to any additional correspondence and Joe Budrow read the Notice of Decision from the Zoning Board of Appeals Meeting held on September 17, 2013 which GRANTED the allowance of thirty-five off-street parking spaces when forty-four parking spaces are required for existing and proposed uses. Noted is the fact that the ZBA didn't think a variance was needed as it was grandfathered clause. Joe Budrow also indicated the Health Department did approve the use of a pharmacy for that property.

John Weinstein from JMP Property, LLC and reiterated that he is pleased with the variance for the parking decision as well as the Health Department approval. Al Wolfgram indicated those were the requirements needed for this application to go forward. Joe Budrow indicated that the decision will be put in the paper two days from now.

Motion made by Larry Shipman to close public hearing on Application 13-17 – Quality Care Drug / Centerbrook, LLC. Seconded by Barbara Zernike. Passed unanimously. Motion carried.

Application No. 13-18 – Essex Fire Department Association, Inc. – An application for a special exception to locate a fire training facility on Plains Road.

Joe Budrow presented additional correspondence which was the Notice of Decision from the Zoning Board of Appeals Meeting held on September 17, 2013 where they were GRANTED the

allowance of a principal use of a fire training facility on the same lot as existing principal use of a recreational ball field. Also noted the ZBA did not feel a variance was required.

Bob Doane on behalf of Essex Fire Department Association, Inc. Mr. Doane expressed his appreciation for the special meeting and also for the approval from the Zoning Board of Appeals.

Seated for this public hearing - Al Wolfgram, Chairman, Larry Shipman, Secretary, Jim Hill, Bill Reichenbach and alternate Adrienne Forrest, (for absent Susan Uihlein, Vice Chairman). Joe Budrow, Zoning Enforcement Agent and Attorney Peter Sipples.

Motion made by Larry Shipman to close public hearing on Application No. 13-18 - Essex Fire Department Association, Inc. Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

### **SPECIAL MEETING**

CALL TO ORDER: Special Meeting called to order by Al Wolfgram at 7:12 p.m.

APPROVAL OF THE AGENDA: No changes to the agenda

OLD BUSINESS:

Application No. 13-17 – Quality Care Drug / Centerbrook, LLC – An application for a special exception to locate a pharmacy at 31-33 Main Street, Centerbrook, CT.

Motion made by Larry Shipman to APPROVE Application No. 13-17 – finding that it complies with Section 120 of the Essex Zoning regulations regarding special exceptions. It being conditioned upon the expiration of the appeal period on the Zoning Board of Appeals decision. Authority to also have the Essex Zoning Commission Chairman sign the Memorandum after that time period. Note – the Zoning Board of Appeals decision was based on their granted Application No.13-22. Seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 13-18 – Essex Fire Department Association, Inc. – An application for a special exception to locate a fire training facility on Plains Road.

Al Wolfgram indicated the applicant has received their approval from ZBA.

Voting: Al Wolfgram, Adrienne Forrest (for absent Susan Uihlein, Jim Hill, Larry Shipman and Bill Reichenbach.

Motion made by Larry Shipman to APPROVE Application 13-18 – finding that it complies with Section 120 of Essex Zoning regulations regarding special exceptions. It being conditioned upon the expiration of the appeal period on the Zoning Board of Appeals decision. Authority to also have the Essex Zoning Commission Chairman sign the Memorandum after that time period. seconded by Adrienne Forrest. Note – the Zoning Board of Appeals decision was based on their granted of Application No.13-24. Passed unanimously. Motion carried.

## REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT:

Attorney Sipples discussed Application No. 13-14 – Connecticut River Foundation at Steamboat Docks from the meeting on August 19<sup>th</sup>, with regards to the Map change and indicating an effective date of November 1, 2013.

Al Wolfgram indicated we need to reopen the hearing as the Zoning Commission had originally voted on this application.

Seated: Al Wolfgram, Barbara Zernike (for absent Susan Uihlein), Larry Shipman, and Alternate Adrienne Forrest for absent member Bill Reichenbach.

Motion made by Barbara Zernike to reopen Application 13-14. Seconded by Jim Hill. Passed unanimously. Motion carried.

Motion made by Jim Hill to add effective date of November 1, 2013 to Application No. 13-14 map change. Seconded by Larry Shipman. Passed unanimously. Motion carried.

Motion made by Larry Shipman to close hearing Application No. 13-14. Seconded by Jim Hill. Passed unanimously. Motion carried.

Joe Budrow, Zoning Enforcement Agent, discussed several initiatives forthcoming to the Commission, Rite Aid expansion. Ivoryton Inn having water issues and Joe will be working with the Town Sanitarian on that. Pharmacy question? Should parking be considered part pharmacy and/or part retail when looking at the parking? Al Wolfgram asked if the expansion is for OSHA requirements or different products. Al Wolfgram suggested to Joe when we receive application, we should notify building official to cover this issue. Attorney Sipples agreed it should be looked at. Joe also indicated that as of this time last year the Zoning office issued 103 permits and as of this time we're at 115.

## CORRESPONDENCE & PAYMENT OF BILLS:

Attorney Sipples will resubmit last month's bill which was approved for payment with total amount due and Al Wolfgram will sign and get to Finance for payment.

Guests arrived at 7:25 p.m. to discuss Application No. 13-18 – Essex Fire Department Association, Inc. The guests indicated tonight's meeting started at 7:30 p.m. versus 7:00 p.m. It was agreed by the Commission to reopen this hearing on this application even though the Applicant is not present.

Seated: Al Wolfgram, Adrienne Forrest, Bill Reichenbach, Jim Hill and Larry Shipman

Motion made by Larry Shipman to reopen Application No. 13-18 for public hearing and deliberation. Seconded by Jim Hill. Passed unanimously. Motion carried.

Statement made by George Wrightman – Plains Road resident for over 60 years has concerns over the fire departments activities at the ball field and the burning of trailers and fire trucks coming in and out of the roadway after 9:00 p.m. He also noted there are other vehicles going in and out of the ball field late and leaving at 3:00 a.m. This is very disruptive and disturbing as a home owner. He is suggesting certain time slots be assigned for these training sessions and that prior notification to local home owners be established indicating the activities that will be taking place and when.

Al Wolfgram suggested that Joe Budrow work directly with the Fire Department to reduce these incidents at the training facility.

Statement made by Michael Ballinger – 70 Plains Road also stressed the difficulties he has had with the Fire Department and / or Police not accepting responsibility for the property and monitoring what is going on especially on the nights that training activities are not scheduled. He suggested moving the gate closer to the road that gets locked when not in use. Al Wolfgram reiterated that the residents should work through Joe, who will work with the Fire Department in resolving some of these concerns.

Fire Chief Steven Olson and Assistant Fire Chief Paul Fazzino entered the meeting and Al Wolfgram discussed the residents concerns. He informed Mr. Olson that Joe will work with the Fire Department to resolve some of these concerns. Mr. Olson indicated the gate will be moved closer to the road and is currently pending this approval in order to proceed. Mr. Olson agreed to cooperate with any issues that come up.

Motion made by Larry Shipman to close hearing on Application No. 13-18 – Essex Fire Department Association, LLC. Seconded by Jim Hill. Passed unanimously. Motion carried.

RETURNING TO OLD BUSINESS – Continuation of discussion on Application No. 13-18 – Essex Fire Department Association, Inc.

Motion made by Larry Shipman to APPROVE Application 13-18 - Essex Fire Department Association, Inc. for a special exception for training facility is in accordance with sections 120 and 130A and that fire department association work with Joe Budrow to facilitate a relationship with adjoining property owners. Seconded by Jim Hill. Passed unanimously. Motion carried.

ADJOURNMENT:

Motion made by Larry Shipman to adjourn at 8:15 p.m. Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Respectfully submitted,

Yvonne Roziak  
Recording Secretary