

ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – September 21, 2015

PUBLIC HEARINGS

Seated: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Alternate member, Adrienne Forrest

Absent: Susan Uihlein, Regular Member
Alternate member Jeffrey Lovelace

Also present: Joe Budrow, Zoning Enforcement Official
Peter Sipples, Commission legal counsel

CALL TO ORDER: Larry Shipman, Chairman called the Public Hearings to order at 7:00 PM. Seated for the public hearing was Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Jim Hill, Adrienne Forrest seated for Susan Uihlein.

There were no public hearings scheduled

REGULAR MEETING

1. **CALL TO ORDER:** Larry Shipman, Chairman called the regular meeting to order at 7:03 PM. Seated for the regular meeting was Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Jim Hill, Adrienne Forrest seated for Susan Uihlein.

2. **APPROVAL OF THE AGENDA**

The agenda was not modified.

3. **NEW BUSINESS**

No new business at this time.

4. **OLD BUSINESS**

They are covering old business under other business.

5. RECEIPT OF NEW APPLICATIONS

Application 15-9 – Kim Thomas: An application for a Special Exception for a food service shop at 90 Main Street in Centerbrook (Public Hearing to be commenced by November 25th)

Applicant is not present. Joe Budrow states the applicant has been looking for 2 ½ years for a location in Essex and she had now found a location in Spencer's Corner. The unit is owned by Community Music School next to Howards Bread. Kim Thomas needs a change of use special exception for her food service shop, Savor Cafe and Bakery. The commission discussed parking and whether it is an issue. Joe Budrow stated he does not think parking is an issue. Alvin Wolfgram wants to make sure about the parking. He said they need a baseline parking and possibly show some reserve parking. Larry Shipman stated he too wants to know what the parking is and would like a parking count. Larry Shipman thinks they should know this for this applicant as well as for future applications. It was requested that Joe Budrow get a count.

Waiver requests were discussed. It was discussed they will need to file a B100 through the Health Department.

Motion made by Alvin Wolfgram to receive **Application 15-9 – Kim Thomas** and set the public hearing for the next meeting, October 19, 2015. Alvin Wolfgram stated realizing no waiver request, but also realizing some of the information may be needed for the sanitarian and also making sure the parking issue is addressed. Bill Reichenbach seconded the motion, All in favor, Opposed none. **Motion carried**

6. VISITORS AND GUESTS

There were no visitors or guests

7. REPORT FROM LEGAL COUNSEL and ZONING ENFORCEMENT AGENT

Attorney Sipples stated the town overpaid his office, so there will no bill until October (3 months without a bill).

The second issue Attorney Sipples wanted to discuss is the Cumberland Farms expansion. Joe Budrow had contacted Attorney Sipples about some issues. Topics discussed were that 5-7 variances are going to be needed by the applicant with ZBA. It was Attorney Sipples belief this commission was planning to oppose this application, particularly because of the possible damage to the water resources. Joe Budrow stated it was his understanding they are not looking to oppose but rather help with the zoning questions. Joe Budrow doesn't think they are looking for an opinion from this commission. Larry Shipman asked about the process for the application. Joe Budrow states the applicant is going to ZBA for 7 variances that cover 4 subjects. Joe Budrow stated should they (Cumberland Farms) get an approval from ZBA they have to come before this commission to expand the retail store. Alvin Wolfgram asked Attorney

Sipples if they can discuss this application here tonight and ask questions about it at this meeting. Attorney Sipples said yes, as he is waiting for some guidance as to how this commission wants him and Joe Budrow to approach the situation. Larry Shipman further stated the question is can we discuss something that is not an application before this commission. Attorney Sipples says yes as it is going to come back to this commission. Alvin Wolfgram asked Joe Budrow why he is being called in. Joe Budrow responded he wrote 3 memoranda to ZBA as he usually does for a variance. The memoranda that Joe Budrow prepared were murky so he and Attorney Sipples were asked to clarify the districts and what they are going for. Alvin Wolfgram states Attorney Sipples should just clarify the facts in his letter to ZBA. Attorney Sipples needs to validate Joe Budrow's opinions in the letter. Alvin Wolfgram asked about parking and expanding the building and he states Cumberland Farms has been used as a minimum for other applications. It is his opinion with an increase use they should increase parking. It was stated Cumberland Farms has asked for an extension to October. Finally, discussion involved that Attorney Sipples will prepare a memorandum and send to Joe Budrow and Larry Shipman for review and tone.

Joe Budrow reports he is currently fighting the war on the plume signs. He feels they should be gone by this Wednesday.

Joe Budrow also reported he has two businesses that the landlord won't get the permits in.

Other topics of discussions were:

Gather-A new guy is going in there

Estate Treasurers of Old Saybrook – Joe Budrow sent him a letter limiting him to 4 events per year.

Calimari Recycling- A cease and desist was issued on September 17, 2015. Calimari did call Joe Budrow in response to the order and they want to meet ASAP. A meeting is scheduled for this Wednesday in Joe Budrow's his office. He wants to get the deeds lined up with maps. Joe Budrow hopes Calimari Recycling can appear before this commission in October.

Alvin Wolfgram asked about Porky Pete's going in the Ivoryton Inn. Joe Budrow reports they are going in as a restaurant use with zero take out. Currently it is allow a 40-44 seat restaurant with a potential beer garden. Alvin Wolfgram also asked above Blue Hound Tap Room. Joe Budrow explained it is an extension of the restaurant which will include shuffle board and darts. He states they did get a parking variance about 8 months ago.

8. OTHER BUSINESS

Route 9 signage - Joe Budrow reports he has called the State 3 times and has never heard back. Alvin Wolfgram says there is a need to pay attention to it because the commission

has 2 memoranda of decision that say no signage on Route 9. The question for the State is if the Town says no; can the State put up the signs anyway? The State needs to clarify. It was possible this commission needed to send them notice on the Town's signage regulation.

Finkeldey Property, 33 Plains Road - Joe Budrow states he is taping the breaks because he has heard the property is for sale with a potential buyer. It was discussed that a cease and desist order had been previously ordered for the property. It was suggested Joe Budrow send a gentle reminder of the cease and desist to the owner so potential buyer may learn of it and the reminder will also let the current owner know it is still on record with the Town. It was also discussed that it is good to have on the record that a reminder was sent.

Zoning regulations – Joe Budrow gave a handout on the process for amending the town's zoning regulations. It is a suggestion to form a subcommittee. Alvin Wolfgram stated it was his notion that the committee was going to look at towns that have recently revised their format and not particularly change the substance. Further discussed was the possibly the commission should look at some changes. Discussion involved reformatting vs. redoing the regulations. Joe Budrow's ideas are on page 2 of handouts. Bill Reichenbach stated he would like to be on the subcommittee. Larry Shipman says he doesn't think he has the time right now. Alvin Wolfgram indicated he would also like to be on the subcommittee. Alvin Wolfgram states a list of towns roughly the size of Essex would be helpful, and he would like to get started. He noted if more than 2 commission members were meeting, the meeting would have to be advertised. Joe Budrow will coordinate a meeting with Attorney Sipples, Alvin Wolfgram and Bill Reichenbach.

Gateway District – Alvin Wolfgram did prepare a letter. It was discussed that The Gateway District is made up of 8 towns. Essex did adopt the regulations in the 1970's, but in 2004 they did nothing. The question discussed was by not doing anything did that mean they accepted the regulations?

The Commission discussed the bottom line is the only way The Distrust can actually stop development is to purchase property. Larry Shipman and Alvin Wolfgram are going to co-sign and send the letter, but change it to add Essex Village area "as referenced in map". Discussion ensued The Commission is not stating an interest in pulling out of Gateway at this time but the questions raised was regarding a withdrawal and will it have to be by town referendum? Also discussed was should they invite the Gateway District for the October meeting? It was decided to send the letter and see the response.

9. **APPROVAL OF MINUTES** (from August 17, 2015) - **Motion** made by Alvin Wolfgram to approve the minutes of the August 17, 2015 meeting with no changes, Jim Hill seconded the motion, All in favor, Opposed none. **Motion carried,**

10. CORRESPONDENCE AND PAYMENT OF BILLS

No legal bills

11. ADJOURNMENT

Motion made by Larry Shipman to adjourn the meeting at 7:59, Bill Reichenbach seconded the motion, All in favor, Opposed none. **Motion carried.**

Respectfully submitted,

Gayle Capezzone
Zoning Board Clerk