

**ESSEX ZONING COMMISSION
29 WEST AVENUE**

Monday, November 26, 2012
Town Hall – Conference Room A
Essex, Connecticut 06426

MINUTES

PUBLIC HEARING

Acting Chair Susan Uihlein called the meeting to order at 7:02pm. Seated for the public hearing were Susan Uihlein (Vice-Chair/Acting Chair), Larry Shipman (Secretary), Jim Hill, Bill Reichenbach, and Barbara Zernike (seated for Al Wolfgram). In attendance was alternate Rob Connelly. Also in attendance were Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow.

1. Application No. 12-15 – Frank Sciame, Jr. 1 Foxboro Road.

Attorney Terrance Lomme spoke on behalf of the applicant.

Reading of Inter-Board Memorandum Dated August 24, 2012 from the Essex Planning Commission. Essex Planning Commission recommends not approving application.

Comment by Attorney Sipples that because of Planning Commission's Memo, Zoning Commission would need 4/5 vote to approve Application.

Comment by Attorney Lomme to address memorandum. Attorney Lomme stated change will not affect density. That application is to clean-up the lot line.

Open to Commission for questions:

** Why if not increasing density do you want change? Because of a lot having a split zone makes difficult for owner, and proposed change will simplify the lot.

** Discussion of Bill Reichenbach's participation in previous hearings.

** No change in Open Space

** There will be no change in lot lines.

From the public:

Melanie Phoenix spoke in favor of application.

No one spoke in opposition of the application.

Acting Chair stated Commission will not be voting on application tonight and will postpone vote to the December meeting in order to have all regular members seated.

Motion made by Larry Shipman to close public hearing for **Application No 12-15**. Seconded by Jim Hill. All in favor. None opposed. **Motion carried.**

REGULAR MEETING

Seated for the regular meeting were Susan Uihlein (Vice-Chair/Acting Chair), Larry Shipman (Secretary), Jim Hill, Bill Reichenbach, and Rob Connelly (seated for Al Wolfgram). In attendance was alternate Barbara Zernike. Also in attendance were Attorney Peter Sipples, and Zoning Enforcement Officer Joe Budrow.

1 NEW BUSINESS

A. Discussion and possible vote on Application No. 12-15 – Frank Sciame, Jr.

Zoning Commission will not be voting on application tonight and will postpone vote to the December 17, 2012 meeting in order to have all regular members seated.

2. OLD BUSINESS none addressed at this time.

3. RECEIPT OF NEW APPLICATIONS

A. Application No 12-19 – Petition to amend Section 20 (Definitions) of the Essex Zoning Regulations

Motion by Larry Shipman to accept Application No. 12-19 and set public hearing and receipt for the January 28 2013 Zoning Meeting. **Seconded** by Rob Connelly. All in favor. None opposed. **Motion carried.**

B. Application No. 12-20 - Petition to amend Section 80 (Commercial Districts) of the Essex Zoning Regulations

Motion by Larry Shipman to accept Application No. 12-20 and set public hearing and receipt for the January 28, 2013 Zoning meeting. **Seconded** by Rob Connelly. All in favor. None opposed. **Motion carried.**

C. Application No. 12-21 - Petition to amend Section 40 (General Prohibitions) of the Essex Zoning Regulations

Commission comment regarding drive through access.

Motion by Larry Shipman to accept Application No. 12-21 and set public hearing and receipt for the January 28, 2013 Zoning meeting. **Seconded** by Bob Connelly. All in favor. None opposed. **Motion carried.**

D. Application No. 12-22 - Essex Yacht Club - Application to locate two accessory buildings, plus other site work, on property at 13 Novelty Lane, Essex Yacht Club

Application presented by Mathew White and this would be a Special Permit Application. Site plan was reviewed.

** AI reviewed application and emailed a comment regarding the requested waiver on parking. Applicant will supply information regarding parking to clarify.

** Application includes proposal for office space.

Motion by Larry Shipman to accept Application No. 12-22 and set public hearing for December 17, 2012. **Seconded** by Bob Connelly. All in favor. None opposed. **Motion carried.**

4. VISITORS AND GUESTS

A. **Attorney Christopher Smith with Joe Armenia.** Regarding Industrial Park located at 46 Plains Road which was built in 2005. Industrial park does include some contractor's offices. Discussed need for clarification of uses in "Section 90 Limited Industrial Districts". Proposing new use for Contractor's Office in LI (Light Industrial) Zone. Attorney Smith has drafted language

for change in regulations. Mentioned that prospective tenants are not renting available space due to confusing regulations.

Question from Commission:

Limit of number of “contractors” per office? Can clarify in text.

Exterior storage? Mostly use commercial vehicles. Could add text regarding outside storage.

Boat repair not include engine repair? Can add text to clarify.

Anticipate receiving application for text amendment at the December 17, 2012 Zoning Meeting.

5. **REPORT FROM LEGAL COUNCIL and ZONING ENFORCEMENT AGENT**

Review/Approval of Memorandum of Decision.

Motion to approve Memorandum of Decisions for Application Numbers 12-16, 12-17, 12-18 made by Larry Shipman. **Seconded** by Rob Connelly. All in favor. None opposed. **Motion carried.**

Joe Budrow, Zoning Enforcement Agent, report:

** Joe has new Zoning Regulations in binders for Commission Members.

** Joe has toured Valley RR Company. Private entity operating on state property following Town Regulations. Joe Budrow drafted letter for Attorney Sipples and the Zoning Commission to review and edit regarding how Town regulates the VRR.

** 2013 schedule has been done and due for approval.

** Joe stated Duncan Donuts representatives are present. DD is looking to relocate, possibly in the former Debbies Restraunt location. Looking for discussion from Commission regarding Zoning Permit or Special Exception?

Receive a traffic pattern?

There will be no drivethru.

Further discussion considering Special Exception.

Scott Fanning (DD Franchise owner): what would be the special exception for? Review Section 120. Have to review regulations which describes what to come in with

John Whinstein (owner of building): Building is grandfathered as restraint. DD would be less seating than former restraint. If DD was not a restraint, then what is it? Food service shop (which has no seating) is what DD is now. New location DD would be a restraint because has seating.

Attorney Sipples: stated to demonstrate in a proposal the DD is a restraint, and continuing its use as non-conforming. Also need to show not increasing area of restraint or additional seating.

Peter Lacasey (representative for DD owner): stated use of property shows historically was a restraint.

Summary: Submit proof of compliance to continuance of the non-conforming to Joe Budrow and can apply for Zoning Permit.

Melanie Phoenix: commented that before Debbies was Doane Pharmacy which had a restraint. Most current businesses located there are fast paced.

6. **OTHER BUSINESS:**

Presentation of Violation Letters:

Discussion regarding Brooklyn Ice Cream. In violation because needs a list of equipment.

Memorandum of Decision has not yet been signed. Not approved for tables inside. Business is

not a restraint. Business is a retail ice cream. Tables have not been removed at this time.
Request by Commission to have tables removed.

7. APPROVAL OF MINUTES

Motion made by Larry Shipman to approve minutes dated October 22, 2012. **Seconded** by Jim Hill. All in favor. None opposed. **Motion carried.**

8. CORRESPONDENCE and PAYMENT OF BILLS

Review and summary of Legal Fees from Attorney Sipples. Requesting approval for amount of \$4,119.98.

Motion made by Sue Uihlein to approve past due amounts based on availability of funds.
Seconded by Bill Reichenbach. All in favor. None opposed. **Motion carried.**

9. ADJOURNMENT

Motion made by Sue Uihlein to adjourn meeting at 8:30 pm. **Seconded** by Jim Hill. **Motion carried unanimously.**

Respectfully submitted,

Michelle Roise