

The Lofts at Spencer's Corner, LLC  
HOPE Partnership, Inc., Sole Member  
90 Main Street  
Centerbrook, CT 06409

February 19, 2021

Essex Planning & Zoning Commission  
Town Hall  
29 West Avenue  
Essex, CT 06426

RE: Spencer's Corner-CGS 8-30g Special Exception Approval

Dear Commission Members:

On July 16, 2018 the Essex Zoning Commission granted a Special Exception to Hope Partnership to convert existing commercial space on the upper floors of the Spencer's Corner Condominium into 17 Residential Apartments pursuant to the provisions of CGS Section 8-30g.

At its meeting on November 25, 2019 the Essex Zoning Commission approved a new Site Plan dated November 15, 2019 entitled "Exhibit A-3 Improvement Location Survey" prepared by Annino Survey, LLC. Then, at its meeting on December 16, 2019 the Essex Zoning Commission approved a new Affordability Plan based upon 17 Apartments with 33 bedrooms.

The Amended and Restated Declaration of Spencer's Corner Condominium converting the Condominium into a mixed-use project per the approvals, including the above, attached thereto as Exhibits is dated January 21, 2020 and recorded in Essex Land Records commencing at Volume 332, Page 208.

Construction of the 17 Apartments containing 33 bedrooms in accordance with the approvals is near completion. The Lofts at Spencer's Corner, LLC, the owner of the Residential Units containing the 17 Apartments, will be seeking first Certificates of Occupancy for the completed Apartments commencing on or about March 1, 2021.

Most of the work required by the approved November 15, 2019 Annino Site Plan has been completed, per the inspection of the site by Joseph Budrow on January 26, 2021. A minor amount of work is described in his report attached. The estimated cost of the work by Enterprise Builders is \$5000. However, the Site Plan work to be completed needs to be deferred until later this Spring due to weather conditions.

IRREVOCABLE AGREEMENT

Whereas, the undersigned, Loft's at Spencer's Corner, LLC, being the owner of affordable housing units in the Spencer's Corner Condominium, and Spencer's Corner Owners Association, Inc., being the Owner's Association for said Condominium, which property is the beneficiary of a STEAP grant to the Town of Essex awarded on November 9, 2020 and accepted by the Town of Essex on November 10, 2021; and

Whereas, Spencer's Corner Owners Association, Inc., has agreed to contribute \$128,000 as matching funds for the work to be performed under the STEAP Grant to be collected from the commercial unit owners in said Condominium which also benefit from the work to be performed under said STEAP Grant, the letter attached to the STEAP Grant Application dated August 25, 2020; and.

Now therefore Loft's at Spencer's Corner, LLC, being the owner of affordable housing units in the Spencer's Corner Condominium, and Spencer's Corner Owners Association, Inc., being the Owner's Association for said Condominium, hereby assign its rights and obligations under said Grant to the extent required to complete parking lot and site improvements shown on the approved Site Plan for the condominium dated November 15, 2019 and hereby agree that \$10,000 be retained from said Grant and Matching contribution proceeds until the Planning and Zoning Commission certifies that the required to complete parking lot and site improvements shown on the approved Site Plan for the condominium dated November 15, 2019 have been completed.

Dated at Essex, Connecticut, this    of February 2021.

The Loft's at Spencer's Corner, LLC

BY: \_\_\_\_\_  
David Carswell, President  
of HOPE Partnership, Inc.  
Its Sole Member

Spencer's Corner Condominium Association, Inc

BY: \_\_\_\_\_  
Gary Dayharsh, President

**DP&A**  
Dzialo, Pickett & Allen, P.C.

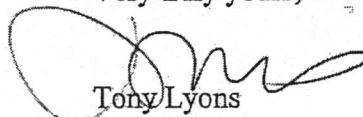
Separate and distinct from the work under the approved Site Plan, there is additional improvements to be made to the site under a STEAP Grant of \$128,000.00 awarded by the Town of Essex by the State of Connecticut on November 9, 2020, with a matching minimum of \$128,000 from the Commercial Unit Owners having been agreed to as part of the Grant. The Town of Essex has accepted the Grant and is awaiting the go-ahead from the State of Connecticut Department of Transportation (DOT) to contract for and to perform the work as soon as weather permits.

The repaving of the outer ring of parking under the STEAP Grant was NOT A REQUIREMENT OF THE SPECIAL EXCEPTION APPROVAL. Rather it was a Grant received after the 2019 approvals, but is work to be performed to further upgrade and benefit the property.

Accordingly, The Lofts at Spencer's Corner, LLC hereby requests that the Essex Zoning Enforcement Officer to certify zoning compliance for the issuance of Certificates of Occupancy conditioned upon completion of the work as described in Joe Budrow's report, without the requirement of a bond, since completion of the work is assured under the STEAP Grant.

Alternatively, Loft's request that the requirement of a surety bond or a cash bond be waived and the attached bond be accepted for this purpose.

Very truly yours,



Tony Lyons

A Director of HOPE Partnership, Inc.,  
Residential Director, Loft's at Spencer's Corner

## JOE BUDROW REPORT BY 1/26/2021 E-MAIL

On July 17, 2018, the Zoning Commission approved the conversion to residential for 17 apartments to be known as The Lofts at Spencer's Corner. As part of that approval an updated site plan was to be submitted showing safety design improvements to the parking lot. Those requirements are listed on the Memorandum of Decision attached.

The updated site plan was submitted to the Land Use office and showed to the Zoning Commission in December. A modified Memorandum of Decision is also attached. Also attached is the site plan showing the requested markings.

As of my site visit on Monday, January 25<sup>th</sup>, the interior of the buildings was compliant with the approval in July, 2018. Outside, the parking lot is far from ready for a final sign-off at this time. Perhaps the Planning and Zoning Commission would consider a Performance Bond with a deadline to have the parking lot marked as required.

As of now:

1. The directional arrows are not painted.
2. The crosswalk leading to a path is not painted. Nor is there signage.
3. The parking spaces on the west end of the lot are very faded and need to be fresh. Also, there are two handicapped space required on this end.
4. The parking spaces along the south border of the parking lot are not even striped.
5. I counted 4 less spaces than the site plan shows. I will revisit the site to see if the spaces are 9 feet wide.

Joe Budrow

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THE ABOVE REFERENCED WORK HAS AN ESTIMATED COST OF \$5000 TO COMPLETE. THE LOFTS AT SPENCER'S CORNER OFFERS THE ATTACHED IRREVOCABLE AGREEMENT AS AN ALTERNATIVE TO NO BONDING OR A CASH BOND



STATE OF CONNECTICUT  
OFFICE OF POLICY AND MANAGEMENT

11/9/2020

Town of Essex  
The Honorable Norman Needleman  
29 West Avenue  
Essex, CT 06426

Dear First Selectman Needleman:

Governor Ned Lamont and I would like to congratulate you and the Town of Essex on your \$128,000.00 grant through the 2020 Small Town Economic Assistance Program (STEAP) for the following project:

PROJECT NAME: Lofts at Spencer's Corner Parking Lot Improvements  
PROJECT DESCRIPTION: Parking lot improvements  
Qualifies for COVID-Related Project Provision: NO  
Other Comments (if applicable): N/A

Please confirm your award no later than 12/9/2020, by contacting Acting Undersecretary Martin Heft at the Office of Policy and Management at [Martin.Heft@ct.gov](mailto:Martin.Heft@ct.gov).

The Department of Transportation will administer your award. We are providing a copy of this letter to Hugh Hayward of Department of Transportation. After confirming your award with Martin Heft, please contact Hugh Hayward, at [Hugh.Hayward@ct.gov](mailto:Hugh.Hayward@ct.gov) as soon as possible to begin the grant contract process.

You should not proceed with any anticipated STEAP-funded project work until you are fully aware of any contractual terms required by the administering agency. This letter does not constitute a contract.

Please keep in mind that your receipt of these STEAP funds will be contingent upon your compliance with the rules and regulations of the agency that administers your award, and reimbursement(s) of funds will not occur without a fully executed agreement between the municipality and the state administering agency.

Thank you and best of luck with your project.

Sincerely,

  
Melissa McCaw, Secretary

C: Martin Heft, Acting Undersecretary, OPM  
Hugh Hayward- Department of Transportation

**Spencer's Corner Condominium  
90 Main St.  
Centerbrook, Ct.  
Mailing Address:  
P. O. Box 820  
Essex, Ct. 06426**

August 25, 2020

To Whom it may concern:

It is the understanding of the Board and Owners of the Spencer's Corner Association that Hope Partnership is applying for a STEAP Grant to be utilized by Hope for parking lot improvements that may include drainage work, Paving, sidewalks, and lighting, etc. This letter shall serve to confirm that it is the intent of the Board and Owners of Spencer's Corner Association to provide matching funds in excess of \$128,000 for this work if Hope does receive the STEAP Grant.

Sincerely,

*Gary Dayharsh*

President