



# TOWN OF ESSEX PLANNING and ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426  
Essex Town Hall

**REGULAR MEETING**  
Tuesday, May 7, 2024 7PM

Meeting will be hybrid: held both in person and via zoom.

**In person meeting will be held at Essex Town Hall in Conference Room A located on the 3<sup>rd</sup> floor.**

## **DRAFT MINUTES**

### **1. Call to Order and Seating of Members**

Chairman Smith called the meeting to order at 7:05 p.m. Seated for the meeting were Members Jane Siris, Robert Day, Gary Riggio, and Chris Riley. Seated for Member Mark Reeves was Alternate David Rosengren. Also in attendance were Land Use Official Carey Duques, Commission Counsel Larry Shipman, and Town Planner John Guskowski.

### **2. Approval of the Minutes**

- April 2, 2024 Regular Meeting

**Motion to approve the minutes of April 2, 2024 by Gary Riggio, seconded by Jane Siris. Motion carried unanimously, with Chris Riley and Robert Day abstaining.**

Chairman Smith noted that two text amendment applications with an ongoing public hearing had been continued to the June PZC meeting and would not be heard this evening.

### **3. Public Hearings**

- **PZC Application 24-5 Special Exception** under 70A.2(H) of the Essex Zoning Regulations regarding adding seating at Privateers Pizza at **53 Main Street Essex also known as 55 Main Street Essex**. *Applicant: John Hajnal and Owner: Carlson Landing I LLC*

Applicant John Hajnal stated that the restaurant had already received health and fire approval for the expanded seating and were just pursuing the special exception to formalize the approval. Carey Duques stated that there was never a special exception permit provided, so this is just essentially an administrative step. There were no issues presented. David Rosengren asked about the pizza restaurant's parking, which is owned and managed by Carlson's Landing, the restaurant landlord. Carey Duques reviewed the parking allocation on the site plan. There was no other testimony from the public.

**Motion to close the public hearing by Robert Day, seconded by Gary Riggio. Motion carried unanimously.**

### **4. Unfinished Business/Action Items**

- **PZC Application 24-5 Special Exception** under 70A.2(H) of the Essex Zoning Regulations regarding adding seating at Privateers Pizza at **53 Main Street Essex**

also known as 55 Main Street Essex. Applicant: John Hajnal and Owner: Carlson Landing I LLC

**Motion to approve the special exception for Application 24-5 by Jane Siris, seconded by Robert Day. Motion carried unanimously.**

- **PZC Application 24-6 Site Plan** under 101J.1. of the Essex Zoning Regulations for a 45 sf addition to the single family home that exceeds 4,000 sf total floor area at **10 Benson Lane Essex**. Applicant: Attorney Edward Cassell; Owner: Marc and Elizabeth Schnitzer

Architect Dan Fink represented the application. He presented the site plan, describing the small (45 square foot) addition including a new Bilko door. The work is beyond the 100' Gateway buffer area. Carey Duques stated that the Gateway Commission had no concerns about the proposed addition.

**Motion to approve Site Plan application 24-6 by Jane Siris, seconded by Gary Riggio. Motion carried unanimously.**

- **PZC Application 24-7 Site Plan** under 101J of the Essex Zoning Regulations for modifications to the existing single-family home that exceeds 4,000 sf total floor area including an addition to the southern side, addition of a chimney to the southern side of the house, alteration to the existing garage and modifications to the second-floor balcony at **159 River Road Essex**. Applicant/Owner: Norman and Sarah Livingston

Carey Duques introduced the application, which was a very minor addition within the Gateway area. The addition may not even be visible from the River. Applicant Norman Livingston reviewed the proposed minor addition with the Commission. The house already exceeds 4,000 square feet. The application was approved by the Wetlands Agency and Gateway Commission had no concerns.

**Motion to approve application 24-7 by Jane Siris, seconded by Robert Day. Motion carried unanimously.**

- **PZC Application 24-8 Site Plan Review:** Proposed one-bedroom sleeping unit on the second floor of a commercial office building at 190 Westbrook Road, Applicant: Tiffany Brook Condominium Association/Sunny Day Old Saybrook, LLC

Carey Duques noted that this is a residential use proposed in a Commercial Zone, in a commercial building. It meets the size limits and capped percentage of the commercial use. It still requires approval from the Building, Health, and Fire officials. She further noted that the Regulations may require a Special Exception, but for compliance, this may need a public hearing. Attorney Shipman pointed to a section regarding residential units and they discussed the difference between residential units and accessory apartments, which are covered in Section 80. Applicant David Bickerman discussed the proposal's compliance with Section 45-1. Jane Siris stated that the Commission could decide by consensus to proceed with the Site Plan approach. Mr. Bickerman is awaiting approval from the sanitarian. The Commission asked general questions about the facility and location. Jane Siris encouraged the application to add additional apartment units in the future. Gary Riggio recused himself from participating in a decision.

**Motion to approve application 24-8 as a Site Plan contingent on receiving health department approval by Jane Siris, seconded by Robert Day. Motion carried unanimously, with Gary Riggio recusing himself from the decision.**

5. Receipt of New Applications

- **PZC Application 24-9 Site Plan:** under 101J.1 of the Essex Zoning Regulations for construction of a single-family home and carriage house exceeding 4,000+ square feet of residential buildings at 63 South Main Street, Essex. *Applicant/Owner: Jan Slomkowski*

Architect Denise Von Dassel stated that the property was the former Essex Spa on South Main Street, and would be constructing a 5300 square foot residence with a 1200 square foot carriage house, in excess of the Gateway threshold. Formal building and site plans are still pending. Several properties along Mack Lane block the view of the subject property from the River. Jane Siris clarified that this application included the merger of two of the three lots of a prior subdivision, and the total square footages would actually be reduced from the prior approvals and therefore she believed that this should be a Site Plan review. Carey Duques stated that Gateway has not reviewed the application yet. The Commission discussed the visibility of the application.

**Motion to receive the application as a Site Plan and review the matter in June by Jane Siris, seconded by David Rosengren. Motion carried unanimously.**

**Motion to amend the agenda to receive applications 24-10 and 24-11 by Robert Day, seconded by Jane Siris. Motion carried unanimously.**

- **PZC Application 24-10 Special Exception:** Storage shed 10' x 20' for Connecticut River Museum boat and waterfront equipment at 65 Main Street, Essex. *Applicant: Connecticut River Foundation at Steamboat Dock, LLC*

Carey Duques stated that the CT River Museum would like to install a small storage building within 100' of the Coastal Jurisdiction Line. This requires a Special Exception under 101.E.

**Motion to receive the application and schedule a public hearing on June 4 by Jane Siris, seconded by Gary Riggio. Motion carried unanimously.**

- **PZC Application 24-11 Site Plan Review:** New pool house/cabana with attached pergola at 18 Hemlock Drive. *Applicant: Christine & Kevin Stone*

Carey Duques stated that this recently-submitted application from applicants who own property directly on the River, but the proposed construction is outside the 100' Gateway restriction area. Jane Siris noted that there was a fairly significant amount of work proposed in the application and this should not be decided this evening. John Guskowski and Attorney Shipman discussed the options of reviewing as a Site Plan or deeming it a Special Exception. The Commission discussed their application and public hearing calendar.

**Motion to accept the application as a Special Exception and schedule a public hearing at the July PZC meeting by Robert Day, seconded by Gary Riggio. Motion carried unanimously.**

6. New Business

- **Discussion regarding possible resubdivision of 6 Main Street, Centerbrook**

Peter Decker, representing MacBeth Ventures, discussed the possibility of separating the water tower at the Witch Hazel Works from the remainder of the property. The use of the tower is almost exclusively the domain of the CT Siting Council under telecommunications infrastructure. The taxes and maintenance costs of that facility create a documentation issue. He suggested that the tower “property” could be considered a “municipal use” and therefore exempt from the traditional definition of subdivision. He noted that the legal separation would help clean up the regulatory compliance as well as the property estate. The Commission discussed the process of creating a lot outside of the subdivision process. John Guskowski discussed the exemption of “municipal use” for the subdivision definition and the Commission considered this argument. Peter Decker suggested that separating the tower as a separate property would help protect the integrity of the rest of the complex. The Commission discussed a similar division that occurred with the water tower at the Piano Factory in Ivoryton in 2011. Peter Decker stated that the tower property was formerly described and treated as a separate lot, but it was deemed merged at some point by the Town. He discussed some history of the property and stated that some other correction measures could be taken to the Regulations as well. The Commission asked Attorney Shipman to investigate potential solutions with the Assessor and make recommendations on proceeding.

- **Modification of Approved Subdivision Foster Lane, Ivoryton**

Carey Duques stated that she and Chairman Smith attended the Conservation Commission meeting in March to discuss this matter and learned that the Commission did not have any records of the easement on this property, but did not take any action regarding the condition or necessity of leaving the easement on the subdivision documents. She suggested that perhaps the owner could return to the Planning & Zoning Commission with an application to amend the existing subdivision approval to remove the additional easement as recorded on the subdivision map. Attorney Shipman reviewed the Commission's options, which included allowing the easement to stand or revise what might be allowed in that area on a judgement basis or to entertain a modification application to the subdivision. Cameron Evangelisti, the property owner, stated that he would prepare a revised map along with an application. The Commission agreed to entertain the application as a minor modification to the approved subdivision.

7. **Appointments/Reports from Committees and Officers**

- Lower CT River Valley Council of Governments Regional Planning Committee
  - o Regional Housing Committee: David Rosengren stated that the Housing Committee had been reviewing other states’ policies regarding housing to look for models applicable to Connecticut.
- Economic Development Commission: Robert Day stated that he missed the prior meeting and had no update.
- Plan of Conservation and Development: There was no report on this matter. Carey Duques discussed the importance of public outreach during the pending update to the PoCD.

8. **Staff Reports**



- Town Planning Consultant: John Guskowski reported that he assisted the Selectman's office in submitting a Congressionally Directed Spending application of \$1.4 million for the improvements and restoration of the Centerbrook Meeting House. The final Harbor Management Plan has been distributed to DEEP and Army Corps reviewers for comments and anticipates adopting the new plan in June. He also noted that he and Carey Duques did a presentation to Essex Meadows on the proposed Bokum Corner Special Development District.
- Land Use Official – Carey Duques stated that the footings for the River Road pedestrian bridge were being installed currently and the bridge is projected to be installed in July. There will be a community informational meeting on Hubbard Field improvements on May 22, which is not a PZC matter.
  - o Essex Glen Update: Carey Duques distributed a quick update, including a letter from the Homeowners' Association attorney, stating that the HOA believes the Town is responsible for controlling erosion and grounds stability and that the developer is responsible for the retaining wall. There are still orders from the Town on remaining improvements. The Town Engineer received a request for bond reduction from the developer. The Town Attorney recommended that the PZC vote to deny the request for bond reduction due to the unknown extent and cost of the remaining items, including the wall, as well as voting to call the bond at the June meeting.

**Motion to deny the bond reduction request for Essex Glen and to place the question of calling the bond by the Town at the July PZC meeting by Robert Day, seconded by Jane Siris.** The Commission discussed the items remaining on the task list and what could be completed by June. **Motion carried unanimously.**

Jane Siris led a discussion on placing time limits on Commission meetings, including hearing testimony lengths and meeting management.

- o Short Term Rentals: The new Town Ordinance was approved in April. Carey Duques reviewed some details of the new law with the Commission.

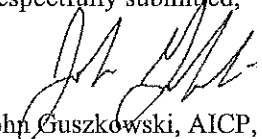
**9. Correspondence**

There was no additional correspondence.


**10. Adjournment**

**Motion to adjourn by Jane Siris, seconded by Gary Riggio. Motion carried unanimously.**  
Meeting adjourned at 9:00 p.m.

Respectfully submitted,

  
John Guskowski, AICP, CZEO  
Town Planner (Consulting)

**Received For Record**

  
May 8, 2024 10:02 am  
Assist. Town Clerk, Essex, CT 5