

**ESSEX ZONING COMMISSION
29 WEST AVENUE – ESSEX, CT 06426**

**Monday, January 24, 2011
Town Hall – Room A
Essex, Connecticut
7:00 PM**

PUBLIC HEARING

Present were: Chair Alvin Wolfram, Vice Chair Susan Uihlein, Secretary Larry Shipman, regular members Hope Proctor and Lillian Mosa, alternates Bill Reichenbach, Jim Hill, and Bob Connelly. Also present were Attorney Peter Sipples, Zoning Enforcement Officer Joe Budrow, and Acting Recording Secretary Sandra Meinsen.

Application 10-15 – An application for a special exception for a pastry shop, submitted by William and Jacqueline von Ahnen. The property is located at 31-33 Main Street, Centerbrook, CT and identified on Assessor's Map 44, Lot 28 and located in a commercial zone.

Chair Al Wolfram called the meeting to order at 7:05 pm.

Larry Shipman read the Notice of Public Hearing into the record.
Seated for the Public Hearing were regular members: Al Wolfram, Susan Uihlein, Larry Shipman, Hope Proctor, and Lillian Mosa.

William and Jacqueline von Ahnen presented their application for a pastry shop and answered questions. The layout was reviewed. Hours of operation will be 7 a.m. to 6 p.m. and closed on Monday. Some prepared breads will be brought in, but baking will take place on the premises.

A letter from the Sanitarian has been received. It is an 857 sq. ft. space. There was discussion on whether to have two small tables.

Peter Lucase, agent for the owner of the property, reviewed the Doane Collins inspection of the septic system. It is better than expected.

Discussion followed as to how the change from retail to food service would change the parking requirements. 5 spaces would be needed if there are no tables. The tables are only for waiting.

John Weinstein, owner of the property, noted that the Cheese Shop decision was based on hours of operation. The Cheese Shop opens later than originally planned. The parking in back of the building was discussed. This space does not have a back entrance. There is emergency access to the back door of Debbie's Restaurant. Parking required is 7 spaces. Parking is deficient by sq. ft. standards, but hours of

operation and peak hours affect parking use. The parking requirement needs to be evaluated on the same basis as the Cheese Shop.

John Weinstein, building owner, discussed parking usage based on peak hours for the various businesses. "Regulars" at Debbie's know about the back parking area. There were 5 spaces allotted when it was a medical supply (retail) business. If converted to grocery it goes to a requirement of 7 spaces. Al Wolfgram stated that parking is deficient and this change makes it more deficient. Hope Proctor noted that in the Cheese Shop discussion, the hours of operation and peak hours were considered. While peak hours would be similar to Debbie's, there is enough parking with the availability of the back lot. Delivery trucks would need to park in the back as they do for the liquor store. The need for bathroom availability with sit-down tables led to a decision not to have tables. The only item that would duplicate Debbie's would be coffee. It is strictly baking rather than cooking, with the von Ahnan's as the only employees.

Motion to close the Public hearing was made by Hope Proctor and **seconded** by Lillian Mosa. **Motion carried.**

REGULAR MEETING

Seated for the regular meeting were regular members Al Wolfgram, Susan Uihlein, Larry Shipman, Hope Proctor, and Lillian Mosa.

1. NEW BUSINESS

Application 10-15 – An application for a special exception for a pastry shop, submitted by William and Jacqueline von Ahnen. The property is located at 31-33 Main Street, Centerbrook, CT and identified on Assessor's Map 44, Lot 28 and located in a commercial zone.

Motion made by Larry Shipman to approve the Application 10-15 for a special exception permit. **Seconded** by Hope Proctor.

Conditions were discussed. Susan Uihlein recommended there be no tables or chairs for patrons, and no cooking (as opposed to baking). It is approved by the Sanitarian as a pastry shop and is compliant with health codes. Joe Budrow will ask Brad Cheney, Sanitarian, about "baking" as he approved it as a pastry shop, the concern being use of flour and the septic. Bread will be freshly baked but it will be delivered as dough. Joe Budrow, ZEA, will discuss the sanitation approval with Brad Cheney, and if there are red flags, the Zoning Commission will be notified. Discussion on exits confirmed an emergency exit in the back through a storage area for Debbie's. It is recommended that this application be sent to the Fire Marshall for review, and the Building Official review the exit strategy.

Deliveries should be limited to after 2 p.m. unless trucks park in the back. This would be consistent with the Cheese Shop. Rules for delivery will be consistent with current operating policy, avoiding the morning rush hour for parking in the front. No delivery truck shall park in the front of the facility until after 2 p.m.

Motion carried.

2. OLD BUSINESS

There was none.

3. RECEIPT OF NEW APPLICATIONS

APPLICATION 11-1 – Petition submitted by the Essex Zoning Commission to amend a district boundary for a newly created business zone.

APPLICATION 11-2 – Petition submitted by the Essex Zoning Commission to amend Section 90 of the zoning regulation.

APPLICATION 11-3 – Petition submitted by the Essex Zoning Commission to establish a new section to the zoning regulations for a newly created Business zone.

This proposal is to split the zone on Plains Rd. into 2 zones. This needs to go to the Planning Commission.

Joe Budrow reviewed the information that was distributed regarding these applications. Marian Staye is helping with this and is in the process of comparing old ownership data per every map and lot, as it is necessary to notify property owners.

A hearing date was set for April 18, 2011.

A **motion** was made by Susan Uihlein to receive new applications **11-1, 11-2 and 11-3** to be heard on April 18, 2011. Lillian Mosa **seconded**. **Motion carried.**

A complete written description was waived on the regulations and amended so it could be illustrated on the zoning map. This was done because it is nearly impossible to do metes and bounds and was approved on November 20, 2010.

4. VISITORS AND GUESTS

5. REPORT FROM LEGAL COUNSEL

Attorney Sipples reported that nothing has happened with the Rite Aid appeal.

REPORT FROM ZONING ENFORCEMENT AGENT –

Joe Budrow reported that the office is very busy. Upcoming potential new business is a possible home application on Eagle Ridge and a possible coastal area management approval for a new house application on Mack Lane. The other possibility is a home on a right of way off of New City St.

There has been a complaint of commercial vehicles on Eagle Ridge. It is being monitored.

6. OTHER BUSINESS

Transcription Plus, LLC. was discussed. Joe Budrow reported that the goal is for its use at very long meetings. Al Wolfgram explained the process for its use and the cost. A transcript of every meeting is not necessary. Tapes are available. It would be acceptable for potential litigation. It is not certain if it is mandatory and where the funding is coming from. In legal matters, a transcript is provided (to the court). It is the opinion of the Commission to evaluate use of Transcription Plus when there is possible litigation but not on a regular basis. When Zoning members are absent they can listen to the recording or become sufficiently informed to make decisions on the matter. Members need knowledge of hearings. Al Wolfgram will relay that message to Maria Lucarelli.

Stella Beaudoin has resigned her position in the Zoning office and reorganization is ongoing.

7. APPROVAL OF MINUTES

The December minutes will be approved in February.

8. CORRESPONDENCE AND PAYMENT OF BILLS

Invoices from Legal Counsel were reviewed.

Motion to pay invoices based on availability of funds was made by Susan Uihlein and **seconded** by Hope Proctor. **Motion carried.**

9. ADJOURNMENT

Motion to adjourn at 9:05 was made by Jim Hill and **seconded** by Susan Uihlein. **Motion carried.**

Respectfully submitted,

Sandra Meinsen
Acting Recording Secretary