

ESSEX ZONING COMMISSION

29 WEST AVENUE-ESSEX, CT 06426

Monday, May 21, 2012
Town Hall – Conference Room A
Essex, Connecticut

PUBLIC HEARINGS

Chair Al Wolfgram called the meeting to order at 7:00 p.m.

Present were Chair Al Wolfgram, regular members Larry Shipman, Jim Hill, and Bill Reichenbach. Also in attendance were alternates Jeff Lovelace and Barbara Zernicki, Attorney Peter Sipples and Zoning Enforcement Officer Joe Budrow. Absent were Vice Chair Susan Uihlein and alternate Robert Connelly.

Application 12-4 - River Properties, Inc.

- Petition to amend the text to zoning regulation section 71 by adding a new section, 71A.5 (Public hearing to be closed by May 21)

Seated for this hearing were Chair Al Wolfgram, Jeff Lovelace for Susan Uihlein, regular members Larry Shipman, Jim Hill, and Bill Reichenbach,

Notice was read by Secretary Larry Shipman. Petition to amend the text to zoning regulation 71 to allow dwelling for guards, caretakers and superintendents in the waterfront district. It was published in the Hartford Courant on May 10 and May 17.

Douglas Domenie from River Properties aka Dauntless Shipyard, presented. The first draft was amended and is in line with the Planning Commission response, which will be addressed later in the meeting. Provisions were put in to limit size. The waterfront business district does not allow for accessory apartments. The proposed language reads: Any accessory use or improvement including the dwelling of a guard, caretaker or superintendent providing it is less than 1500 ft. and is w/in an existing building and does not constitute more than 5% of the total gross floor area of all buildings on such parcel.

The Planning Commission response was read. They recommended that this proposal be rejected for reasons of the proposed language not being specific enough in regards to the apartment and structure and the occupant and parking. The Planning Commission is in favor of expanding mixed use particularly with accessory apartments. The Planning Commission requested that a previously submitted proposed accessory apartment modification be considered.

Mr. Domenie responded that this proposal would be a special exception. Joe Budrow feels it would be easy to regulate the resident as an employee of the boatyard. Doug Domenie confirmed that the person would reside there for oversight purposes.

Attorney Sipples felt that this was significant enough of a change that it should be moved to the June meeting and it should be reworked to state that it should be a single employee. There were no comments for or against the proposal.

Motion by Larry Shipman and **seconded** by Bill Reichenbach to extend the Public Hearing for **Application 12-4** - River Properties, Inc. until June 18. **Motion carried unanimously.**

Application 12-5 – Ronald Gieras

- Application for a special exception to locate a barbershop within a commercial space at 42 Main Street in Centerbrook. (Public hearing to be closed by May 21)

Larry Shipman read the notice, which was published in the Hartford Courant on May 10 and 17.

Seated were Chair Al Wolfgram, regular members Larry Shipman, Jim Hill, Bill Reichenbach, and alternate Barbara Zernike for Susan Uihlein.

Ronald Gieras, the applicant, was present.

The septic is allocated 60 gallons per day, which would allow 1 chair for the property, which then means 2 parking spaces. The applicant noted that he would park at 41 Industrial Park Rd., which has extra spaces.

There were no comments in favor or against the application.

Motion to close the Public Hearing made by Larry Shipman and **seconded** by Bill Reichenbach. **Motion carried unanimously.**

REGULAR MEETING

Seated were Chair Al Wolfgram, Larry Shipman, Jim Hill, Bill Reichenbach, and Jeff Lovelace for Susan Uihlein.

NEW BUSINESS

Discussion possible vote on **Application 12-1** - Petition to amend the text to zoning regulations sections 63A.2(J), 63A.2(J)(1), 63B.1, 63B.3, 63B.3(D), 63B.3(H), 63-2 (title), 63-2A, 632A.2(A), 63-2B.1, 63-2B.3

The application was extended so that Susan Uihlein could review the changes.

Motion by Larry Shipman to extend **Application 12-1** until June 18, 2012. **Seconded** by Jeff Lovelace. **Motion carried unanimously.**

Discussion and possible vote on 12-5 - Application to locate a barbershop at 42 Main Street in Centerbrook.

Seated were: Chair Al Wolfgram, Larry Shipman, Bill Reichenbach, Jim Hill, and Barbara Zernike for Susan Uihlein.

The issues reviewed for this application were 1 chair and parking of the owner's vehicle at his other business (off site).

Motion by Larry Shipman to approve **Application 12-5** to locate a barbershop at 42 Main St., Centerbrook, with the condition that there will be only one barber's chair and the owner will park at his other location. **Seconded** by Jim Hill. **Motion carried unanimously.**

Motion by Larry Shipman to move item 3, Receipt of New Applications, ahead of item 2, Old Business. **Seconded** by Bill Reichenbach. **Motion carried.**

RECEIPT OF NEW APPLICATIONS

Joe Budrow submitted papers to review before the next meeting to accompany the following applications:

Applications 12-10 – Kevin Geenty, applicant

- To locate a music school at 24 Main Street, Centerbrook

Application 12-11 - Kevin Geenty, applicant

-To locate a medical office at 24 Main Street, Centerbrook

Application 12-12 - Kevin Geenty, applicant

-To locate a delicatessen at 24 Main Street, Centerbrook

Joe Budrow reported that upon review, of the six current tenants, 3 need special exceptions and 3 need zoning permits.

Kevin Geenty, representing the applicants and the owner, presented. The potential new owner was also and present. The current owner is Rolls-Royce Naval Marine. There would be no new site changes and all current tenants will stay. There was some discussion related to the parking and the status of the right-of-way. Attorney Sipples reviewed a letter from Attorney Howard Gould, which did not clarify the status. It was recommended that he be present at the next meeting.

Al Wolfgram recommended taking roadways and parking out of the waiver.

Motion by Jim Hill to accept **Applications 12-10, 12-11 and 12-12** and to accept four waivers, but not the 5th and to set the Public Hearing for June 18, 2012. **Seconded** by Larry Shipman. **Motion carried unanimously.**

Application 12-13 – Sherri Athay, applicant

- To convert a food service retail shop to a food service shop

Joe Budrow reported that the business would sell a retail food item but now wants to prepare the product on site. The septic use was a question. All parking is on the street. Roadways and parking waiver should be removed.

Motion to set **Application 12-13** for June 18, 2012 Public Hearing and accept all waivers except the parking waiver. **Seconded** by Jeff Lovelace. **Motion carried unanimously.**

OLD BUSINESS

Brief discussion on Gateway postponed that item until July.

REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICER

Attorney Peter Sipples discussed certification of a valid nonconforming use, identified by Joe Budrow, in the Bombaci matter. If this is acceptable to the Commission, then Attorney Sipples will submit it to the court and will request that the 3 appeals be withdrawn. Bombaci, through Attorney Chris Smith, will put the legal notice in the paper, and after 30 days with no appeal, will drop the 3 appeals.

Motion to accept certification of a valid nonconforming use regarding the property at 52 Plains Rd., Assessor's map 52 Lot 1. **Seconded** by Bill Reichenbach.

Motion carried unanimously.

ZEO Joe Budrow reported that a cease and desist was issued to Ivoryton Inn regarding the flea markets. This offers them 2 choices, to either take down the signs and cease activity or have 30 days to appeal to ZBA.

He also reported that in 2007, ZBA gave a use variance to the Art Gallery at 85 Main St., Centerbrook. The Notice of Decision after the public hearing stated that use, and that there would possibly be an art school, but the minutes did not reflect that. It is a use not approved or allowed in the VR district. Joe Budrow will go forward with a letter that they are not an allowed use. He will also contact ZBA and their attorney about their intention when it was approved. Joe Budrow had a tour of the Connecticut Valley Railroad. Al Wolfgram would like something in the record to clarify what they have existing now.

Joe Budrow is working on an accounting of all existing businesses in town.

APPROVAL OF MINUTES

Motion to approve the minutes of the April 16, 2012 meeting by Larry Shipman. **Seconded** by Bill Reichenbach. **Motion carried unanimously.**

CORRESPONDENCE AND PAYMENT OF BILLS

Letters from Nancy Arnold and Torrance Downes regarding the Gateway were reviewed.

Motion to approve payment of bills pending availability of funds made by Larry Shipman and **seconded** by Bill Reichenbach. **Motion carried unanimously.**

Motion by Larry Shipman and **seconded** by Jim Hill to adjourn at 8:15 pm.

Motion carried.

Respectfully submitted,

Sandra Meinsen
Recording Secretary