

ESSEX ZONING COMMISSION
29 WEST AVENUE – ESSEX, CT 06426

Monday, July 16, 2012
Town Hall - Conference Room A
Essex, Connecticut
7:00 PM

PUBLIC HEARINGS

Application 12-6 – William von Ahnen

- **An application to convert a food retail business at 55 Main St. Centerbrook to a food service shop.**

Secretary Larry Shipman read the legal notice. It was published in the Hartford Courant on June 7 and June 14th.

Seated for the Public Hearing were Chair Al Wolfgram, Susan Uihlein, Larry Shipman, Bill Reichenbach, and Jim Hill. Also present were alternates Jeff Lovelace and Barbara Zernike.

The applicant is requesting to make sandwiches inside the shop, and serve hot dogs and ice cream. This is to draw in business to stay open through the winter. He is in agreement with the letter from the Health Department. Joe Budrow reviewed. This is the equivalent of a food service retail shop so parking is not regulated.

There were no comments for or against the application. Neil Nichols is happy to see the business have a year round presence, and hot soup. Hours are currently 11 – 10 pm, in the winter they will be 11-8 or 7 pm.

Motion by Larry Shipman and **seconded** by Susan Uihlein to close the Public Hearing. **Motion carried unanimously.**

Application 12-7 – Essex Glen, LLC

- **An application to modify a previous application, No: 21-07**

Seated for the Public Hearing were Chair Al Wolfgram, Susan Uihlein, Larry Shipman, Jim Hill, and Barbara Zernike for Bill Reichenbach. Also present were Jeff Lovelace and Bill Reichenbach.

This was an extension of the Public Hearing from June. Attorney Terry Lomme presented. The applicant is only looking for nomenclature change. He reviewed the original application and stated there will be annual reporting of the demographics. This change is for marketing purposes only. A decrease in the school population has

been identified. This facility will actually increase the tax roles for the town. There was discussion on the potential for school age children.

Attorney Lomme reviewed the plans. There was discussion on what would necessitate sidewalks.

Attorney Lomme was asked how to “over 55” would be targeted. Advertising will be in magazines geared to over 55. The size, and configuration will attract and there are very few places available in town especially for those downsizing from a home.

There is a provision against combining two units into one.

There were no comments for or against the application.

Motion by Susan Uihlein and **seconded** by Barbara Zernike to close the Public Hearing for **Application 12-7 – Essex Glen, LLC - An application to modify a previous application, No: 21-07. Motion carried unanimously.**

Motion by Susan Uihlein and **seconded** by Larry Shipman to move **Application 12 – 8 – Zoning Commission - Petition to adopt the town’s digital map as the Official Town of Essex Zoning Map, a computer based version of the paper map, that shows the newly created business district as well as the re-zoned parcels approved on June 20, 2010 to the August 20, 2012 meeting. Motion carried unanimously.**

REGULAR MEETING

Motion by Susan Uihlein and **seconded** by Jim Hill to move **Applications 12-6 and 12-7** up on the agenda. **Motion carried unanimously.**

Application 12-6 – William von Ahnen

- **An application to convert a food retail business at 55 Main St. Centerbrook to a food service shop.**

Conditions outlined by the Health Department were reviewed.

Motion by Larry Shipman and **seconded** by Bill Reichenbach to approve **Application 12-6 – An application to convert a food retail business at 55 Main St. Centerbrook to a food service shop** and comply with the requirements of the letter by the Health Department.

Discussions on the grease trap in paragraph four of the letter. This will be addressed before the signing of the Memo of Decision.

Motion carried unanimously.

Application 12-7 – Essex Glen, LLC - An application to modify a previous application, No: 21-07

Reporting of the count or demographics was discussed. Susan Uihlein requested that 6 months be the reporting time until all of the units are sold, then annual reporting will take place.

Motion by Larry Shipman and **seconded** by Susan Uihlein to approve **Application 12-7 – Essex Glen, LLC - An application to modify a previous application, No: 21-07** to include 6 month reporting of the demographics until all units are sold and then annual reporting to the ZEO. If the town does not provide a bus stop if there are children then the applicant will provide a sidewalk.
Motion carried unanimously.

- **Work session with Planning Commission – Dr. Tom Danyliw, Chair**
- Discussion of current accessory apartment regulation and the Planning Commission's proposed regulations.

Planning Commission Chair Tom Danyliw was in attendance to discuss this issue. The Planning Commission needs to statutorily address Affordable Housing and accessory apartments may be a viable option. Our regulations are somewhat limited and sometimes more of a barrier to Affordable Housing. Planner John Guskowski revised Section 45 and it is consistent with the Plan of Conservation and Development. This document covers the salient issues regarding accessory apartments and creates a more inviting opportunity for Affordable Housing. The precedent for grandfathering existing nonconforming accessory apartments and enforcement was brought up. Proof that it existed before the approved regulation would have to be demonstrated.

Al Wolfgram shared two "historic" comments and concerns; Zoning regulations increased the lot size (to two acres) with the intent of reducing density, and that has the intent of reducing future population. The questionnaire in the Plan of Conservation and Development is anti-accessory apartment, anti-growth and anti-density. The trend was to be low density and the question was raised as to whether current residents would want to go back to accessory apartments. Tom Danyliw's response was that the questionnaire's responses were heavily weighted in certain areas of town. Regarding density, he commented that there is a significant shift in planning and development of towns toward higher density centers, where large lots throughout town do not lead to a viable center. There is a shift in terms of planning of towns to get away from this uniform larger lot size. Al Wolfgram proposed that 2-acre zoning with a single house and then an accessory apartment added, goes back to 1-acre zoning. He asked if there is an opportunity to resend the questionnaire to see if there is a change in philosophy and to get current data to move forward. Tom Danyliw questioned how would it be funded and whether it would be a representative sample. He suggested floating out a proposed regulation ordinance and having public discussion. Al Wolfgram noted that going back to the 80's, residents don't handle change well. He would like to have a sense of what they need before inviting them to a meeting. A questionnaire could target many areas. Tom Danyliw then asked for a sense of how the Zoning Commission feels on this issue. Al Wolfgram feels the trend is for lower density rather than increasing it and

feels there needs to be some representative information that there is a change in philosophy.

Bill Reichenbach asked what the impact of accessory apartments would be and if there is any idea of how many there are currently. The goal is a 10% affordable housing and we are nowhere near that.

First Selectman Norm Needleman was present and offered that we are risk of a developer coming in building on a property, having it be very dense, without adhering to current Zoning Regulations. Someone could come in and put up 50 units. Tom Danyliw commented that we would probably never meet the target number of units (10%).

Melanie Phoenix commented on her personal experience with her house single-family house with an addition. She brought up having older parents living in or children living in.

Tom Danyliw pointed out the dynamic of lower income workers and young people unable to afford living in this town. The same goal can be accomplished by going back to previous lot size. Attorney Lomme pointed out that a mother-in-law apartment doesn't exactly correlate to density because if you have an accessory apartment in your home, anyone unrelated can't live there. Tom Danyliw reiterated the philosophy is to open up density and the Plan of Conservation and Development, which supersedes the questionnaire, support this. The Plan is a legal document and statutorily stands up.

John Ackerman asked how much space is available throughout town and whether the town could enter into a development arrangement to build Affordable Housing. Selectman Needleman said there are very few areas for potential development.

Cindy Shuck brought up the requirements of the Health Dept. and a certain amount of space for septic, and this has some control over density.

Discussion then turned to the school age population. There should be encouragement for new families to move in, but we have to be cautious about school age numbers. Some opportunity to make things affordable needs to be addressed but we need to be careful with accessory apartments. Old Saybrook is a good example of putting in a number of units appropriately. The school age population is in a bubble right now. Selectman Needleman noted that the trend is for the school population to drop by a third in the next 5 years (2017). This affects property values. We need to find middle ground, and address the issue so something doesn't happen that town doesn't plan for. Does one district offer more opportunity for Affordable Housing than another? Bill Reichenbach asked about the rental potential for an apartment when it is no longer used for original purpose.

Enforcement is always a problem. A negative situation is an accessory apartment that gets closed off, and then becomes two-family house.

Melanie Phoenix sees the use changing from elderly to children coming back home. The discussion then turned to enforcement and how to monitor. Tom Danyliw indicated that accessory apartments would have to be permitted to know what was out there. There is a permit but then there's the issue of enforcement.

Larry Shipman asked how this complies with the state requirement in reaching 10% and how meeting the state requirement is measured.

Proceeding from here, Tom Danyliw will take the questions raised back to John Guskowski for review and then come back to the Zoning Commission.

Discussion and possible vote on Application 12-4 – Petition to amend the text to zoning regulation section 71 by adding a new section, 71A.5

There was discussion on the language of a definition a guard, caretaker or superintendent. The Zoning Enforcement Officer will develop language for the August meeting.

Motion by Susan Uihlein and **seconded** by Bill Reichenbach to extend the discussion on **Application 12-4** – Petition to amend the text to zoning regulation section 71 by adding a new section, 71A.5. **Motion carried.**

Selectman Needleman formally requested that the Zoning Commission look into regulations for food establishments on corner lots and distance to each other.

NEW BUSINESS

- Modified Gateway District regulations discussion

Joe Budrow reviewed the proposed changes to Gateway and the key points and how they would impact.

Al Wolfgram recommended that this document be sent to Gateway and have them come to Zoning with an application. There was consensus among Commission members to send this to Gateway.

There is a petition from citizens in support of the proposed regulations that had been entered in the record previously.

Cynthia David asked about the question raised on legality. This will be addressed if it goes to a Public Hearing.

Wally Schieferdecker asked about procedure and whether the public would have an opportunity to discuss.

Melanie Phoenix commented on Gateway meetings that she has attended.

Neil Nichols discussed full disclosure.

Motion by Susan Uihlein and **seconded** by Larry Shipman to amend the agenda to add **Application 12-15** – Frank J. Sciame Jr. - the Croft property. **Motion carried unanimously.**

OLD BUSINESS

There was none

RECEIPT OF NEW APPLICATIONS

Application 12-14 – Zoning Commission

A petition to add zoning regulations 40V and 40W to section 40 (Prohibitions) and to modify section 80A.2 (E) in section 80 (Commercial Districts).

Motion by Susan Uihlein and seconded by Larry Shipman to remove **Application 12-14 – Zoning Commission** - A petition to add zoning regulations 40V and 40W to section 40 (Prohibitions) and to modify section 80A.2 (E) in section 80 (Commercial Districts) and make it an informational document.

Motion carried unanimously.

12-15 – Frank J. Sciame Jr., the Croft property

Joe Budrow previewed the application and indicated that a district line crosses one lot of the parcel. The applicant is looking to have the line moved to follow lot lines (windmill) rather than to cross a lot.

Motion by Susan Uihlein and **seconded** by Larry Shipman accept to **Application 12-15 - Frank J. Sciame Jr., the Croft property** and set for a Public Hearing on August 20, 2012 pending receipt of the multiple documents. **Motion carried unanimously.**

VISITORS AND GUESTS

REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

Memorandum for 12-9 – text amendment to the Zoning Regulations was signed.

Motion by Larry Shipman and **seconded** by Jeff Lovelace to approve the Memorandum of Decision for **Application 12-12 – Kevin Geenty for Howard Tingue, Jr.- An application to allow a delicatessen within a commercial space at 24 Main Street, Centerbrook.**

Motion carried unanimously.

Motion by Larry Shipman and **seconded** by Susan Uihlein to approve the Memorandum of Decision for **Application 12 – 10 – Kevin Geenty for Charles Domier - An application to allow a music school within a commercial space at 24 Main Street, Centerbrook.**

Motion carried unanimously.

Motion Larry Shipman and **seconded** by Jim Hill to approve the Memorandum of Decision for **Application 12 – 11 – Kevin Geenty for Dr. David Roberts, MD - An application to allow a medical office within a commercial space at 24 Main Street, Centerbrook.**

Motion carried unanimously.

Motion by Larry Shipman and **seconded** by Susan Uihlein to approve the Memorandum of Decision for **Application 12-13 – Sherri Athay - An application to allow a food service shop to be located in a commercial space at 1 and 3 North Main Street, Essex** and adhering to the conditions of the town Health Department. **Motion carried unanimously.**

OTHER BUSINESS

The train station was discussed.

APPROVAL OF MINUTES

Motion by Larry Shipman and **seconded** by Jim Hill to approve the minutes of the June 18, 2012 meeting as amended with the following: On page 3, Application 12-8 was carried forward to July 16, 2012. **Motion carried unanimously.**

CORRESPONDENCE AND PAYMENT OF BILLS

Motion to adjourn by Susan Uihlein and **seconded** by Bill Reichenbach to adjourn at 9:15 p.m. **Motion carried unanimously.**

Respectfully submitted,

Sandra Meinsen
Recording Secretary