

Zoning Commission Meeting

Essex Town Hall – Meeting Room A – 7:00 p.m.

March 17, 2014

MINUTES

PUBLIC HEARINGS

Seated: Al Wolfgram, Chairman, Larry Shipman, Secretary, Jim Hill, Bill Reichenbach, Alternate Barbara Zernike, and Alternate Adrienne Forrest for absent member Susan Uihlein. Also in attendance Joseph Budrow, ZEA. Absent: Susan Uihlein, Vice Chair, Alternate Jeffrey Lovelace and Attorney Peter Sipples.

Al Wolfgram, Chair, called the meeting to order at 7:01 p.m.

Application No. 13-24 – Essex Zoning Commission – A petition to amend Section 70 (Essex Village District) of the Essex zoning regulations. Joe Budrow, ZEA, indicated there is not additional correspondence at this time as nothing has changed as proposed. Al Wolfgram suggested we extend this application until next month.

Bill Reichenbach made a motion to extend Application No. 13-24 – Essex Zoning Commission to the next regular meeting on April 21, 2014. Seconded by Adrienne Forrest. Passed unanimously. Motion carried.

Application No. 13-25 – Essex Zoning Commission – A petition to amend Section 80 (Commercial District) of the Essex zoning regulations.

Joe Budrow, ZEA, reviewed the memo dated March 14, 2014 to Al Wolfgram from Tom Danyliw, Chairman, Essex Planning Commission with regards to Section 80. The memo states that the Planning Commission's concerns have been addressed; however, a review of the latest revisions generated a few more comments from the Planning Commission. See attached memo – Appendix A.

Jim Hill made a motion to close public hearing on Application No. 13-25 – Essex Zoning Commission. Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Application No. 14-1 – Essex Zoning Commission – Section 60 – (Village Residence District) – Larry Shipman read the Legal Notice. The above mentioned Planning Commission memo to Al Wolfgram dated March 14, 2014 addressed the language under Section 60 and the Planning Commission agreed that under (D) Municipal buildings, parks and playgrounds that adding to the language "A municipal office building, which may include a police station" would bring Town Hall into conformance." See attached memo – Appendix A.

Larry Shipman made a motion to close Application No. 14-1 – Essex Zoning Commission – including language "which may include a police station." Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Application No. 14-3 – Essex Elderly and Affordable Housing, Inc. Larry Shipman read the Legal Notice. Joe Budrow, ZEA, indicated that they were still waiting on the letter from the Health Department; however, Attorney Ed Casella, representing Essex Elderly and Affordable Housing, Inc. presented a copy of a letter stating the health department had approved the application. Janice Atkeson, President of Essex Housing, spoke on behalf of this group. She indicated that the Board of Selectman approves of this proposed new unit. Two special exception approvals were applied for and approved. Ms. Atkeson indicated that the Town of Essex has not met the 10% requirement rule to offer elderly affordable housing. With this addition, this would bring Essex up to .2% which is still far off from the actual affordable housing that is available.

Mr. Thomas Arcari, AIA, of Quisenberry Arcari Architects LLC discussed the site plan with regards to the parking. There will be 27 parking spaces for the 22 unit building for a total of 46 parking spaces shared between both Essex Court and Essex Place. Mr. Arcari then reviewed the building plans by floor. Upper level will feature 9 units; four of the units will be two bedrooms. Mr. Arcari distributed a letter from Fire Marshal, Keith Nolan indicating the Town's requirements with regards to emergency vehicles entry and exits.

Mr. Arcari introduced Mark Fisher, from landscape architecture and design to review the landscaping for the property.

Mr. Arcari then introduced Stephen Giudice, Principal from Harry Cole & Son who reviewed the septic system design for the site. Mr. Giudice reviewed the perc tests for runoff and other infrastructure tests that were performed are in accordance with the Health Department requirements. He indicated there have been no issues as yet with groundwater standpipe readings. The system will be a 5,000 gallon septic system. He indicated that things are moving well with CT Water, CL&P and the State of CT.

Mr. Scott Hesketh, Owner of F.A. Hesketh & Associates (Civil Engineers) discussed the traffic study performed and his detailed analysis. Mr. Hesketh predicts a 6% growth in Essex/Centerbrook through 2015. He indicated that this property review was treated as a single family housing development and that there would be no significant delays entering or exiting the established proposed property.

Mr. Arcari closed his (and the presenter's) presentations and asked the commission for any questions. Bill Reichenbach inquired to Ms. Atkeson to discuss the non-profit allowable benefits. Steve Elson, from the Women's Institute indicated that this project received a \$500k grant towards the development as well as a subsidized loan. This represents a third to a half of the funding amount needed. They will reapply for additional funding with CT Dept. of Housing.

Maria DeMarco, from DeMarco Management who currently manages Essex Court also spoke on behalf of the property. She indicated the under canopy parking will be a lottery system and based on need. Outdoor lighting exposure will be minimal to close neighbors. Al Wolfgram asked to see a detailed lighting plan. Tammy Mesite, Property Manager at Essex Court discussed the need for lawn space and needing it for outside activities. She indicated that this does not appear to be a current issue nor is one foreseen.

Al Wolfgram inquired as to the fire lane and moving the dumpsters as well as the grass pavers to make sure that emergency vehicles, specifically a fire truck can get through as they have heavier axels vs. regular trucks. Al Wolfgram also requested the architect to move back a few parking spaces to meet the 5' rule. Al would like the fire marshal to review the new site plan with these changes, sign and date it. He also requested a review of the summer traffic also be included in the overall traffic review. An audience member inquired as to whether these additional requests will increase the architect's fee

based on the additional filings being asked of the Commission. The response from Mr. Arcari was that his fee will not be affected by the Commissions requests.

Attorney Ed Cassella recapped the requested deliverables from the Zoning Commission regarding emergency vehicle access, a new site plan for review by the fire marshal, parking, lighting, a review of summer traffic as well as a look at storm water vs.? (in audible on tape).

Note: Seven audience members spoke in favor of this application.

Barbara Zernike made motion to extend Application No. 14-3 – Essex Elderly and Affordable Housing, Inc. to the next regular meeting April 21, 2014. Seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 14-4 – Essex Zoning Commission – Section 60 – (Village Residence District) of the Essex zoning regulations. Larry Shipman read the Public Notice.

Further review of the draft regarding Section 60, the Zoning Commission members decided to add into the regulations under USES PERMITTED – 60A.1 GENERAL PRINCIPAL USES ITEM (E) Family Day Care Home (as defined in CGS Sec. 19a-77) into an existing residence to add “***no more than 6 children***”- and to keep it specific to single family homes.

Adrienne Forrest made a motion to extend Application No. 14-4 – Essex Zoning Commission to the next regular meeting on April 21, 2014. Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

REGULAR MEETING

Seated: Al Wolfgram, Chairman, Larry Shipman, Secretary, Jim Hill, Bill Reichenbach, Alternate Barbara Zernike, and Alternate Adrienne Forrest for absent member Susan Uihlein. Also in attendance Joseph Budrow, ZEA. Absent: Susan Uihlein, Vice Chair, Alternate Jeffrey Lovelace and Attorney Peter Sipples.

Al Wolfgram called the meeting to order at 8:50 p.m.

APPROVAL OF AGENDA – No changes

NEW BUSINESS – None

OLD BUSINESS:

Application No. 13-24 – Essex Zoning Commission has been extended to the April 21, 2014 meeting.

Application No. 13-25 – Essex Zoning Commission – the above hearing was closed.

Barbara Zernike made a motion to approve Application 13-25 – Essex Zoning Commission – A petition to amend Section 80 (Commercial District). Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Application No. 14-1 – Essex Zoning Commission – the above hearing was closed.

Larry Shipman made a motion to approve Application 14-1 – Essex Zoning Commission – A petition to amend Section 60 (Village Residence District) to include under Municipal buildings, parks and playgrounds additional language “which may include a police station.” Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Application No. 14-3 – Essex Elderly and Affordable Housing Inc. has been extended to the April 21, 2014 meeting.

Application No. 14-4 – Essex Zoning Commission has been extended to the April 21, 2014 meeting.

RECEIPT OF NEW APPLICATIONS:

Application No. 14-5 – Ann Gaffey – an application for a special exception to locate an art studio and office in a space at 5 Essex Square, Essex, CT. The Commission reviewed several waivers on the application. Al Wolfram requested that Joe Budrow, ZEA get the minimum of parking at that location and to determine what else is housed in the building, etc.

Larry Shipman made a motion to accept Application No. 14-5 – Ann Gaffey (to include waivers) and set for public hearing on May 19, 2014. Seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 14-6 – Essex Zoning Commission – Petition to amend Section III (Signs and Lights) of the Essex zoning regulations.

This application is a proposal to update and modify the regulation of signage within the Town of Essex. The format of the proposed section mirrors the format used in many other towns. Many of the proposed text changes are to existing sections. Some definitions were added for the section and there is a focus on sign types proposed. A new section highlighting prohibited signs is new and seen as section 111G. Also, there is a proposal to add a fine for the retrieval of removed disallowed signs. Also, lighting doesn't get major attention but some language regarding direct visibility of illumination onto neighboring lots is covered.

Larry Shipman made a motion to accept Application No. 14-6 – Essex Zoning Commission and set for public hearing on May 19, 2014. Seconded by Jim Hill, passed. Motion carried.

VISITORS AND GUESTS – None

REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT:

Joe Budrow discussed a recent cease and desist case and has indicated it is being appealed and will be discussed at the ZBA meeting on March 18, 2014.

OTHER BUSINESS:

Election of Officers (Chairman, Vice Chair and Secretary). Seated and voting for new officers were: Alternate Barbara Zernike, Jim Hill, Bill Reichenbach, Larry Shipman, Al Wolfram and Alternate Adrienne Forrest served as moderator.

Al Wolfram made a motion to nominate Larry Shipman as the Chairman of the Essex Zoning Commission effective immediately. Seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Vice Chair – Susan Uihlein – no vote needed – leave as is.

Larry Shipman made a motion to nominate Bill Reichenbach as Secretary effective immediately to the Essex Zoning Commission. Seconded by Al Wolfgram. Passed unanimously. Motion carried.

APPROVAL OF MINUTES:

Al Wolfgram made a motion to approve the minutes of February 24, 2014. Seconded by Jim Hill. Passed unanimously. Motion carried.

CORRESPONDENCE AND PAYMENT OF BILLS:

A bill for legal fees totaling \$5,060 (which includes some carryover) has been submitted for payment.

Al Wolfgram made a motion to pay submitted legal bill subject to availability of funds. Seconded by Jim Hill. Passed unanimously. Motion carried.

ADJOURNMENT:

Larry Shipman made a motion to adjourn at 9:53 p.m. Seconded by Al Wolfgram. Passed unanimously. Motion carried.

Respectfully submitted,

Yvonne Roziak

Attached / Appendix A



Inter-Board Memorandum

To: Al Wolfgram, Chairman, Essex Zoning Commission

From: Tom Danyliw, Chairman, Essex Planning Commission

TD/JTC

Date: March 14, 2014

Re: Proposed Amendments to Zoning Regulations (Sections 60, 70, 80)

At its meeting on March 13, 2014, the Essex Planning Commission reviewed and discussed the following recent referrals from the Zoning Commission:

- 1) Proposed amendment to Section 60, adding Municipal Office Building as a permitted use in the Village Residence District;
- 2) Proposed text amendments to Section 6, adding Family Day Care Homes as a permitted use in the Village Residence District.
- 3) Proposed text amendments to Section 70 and 80, changing several permitted uses in the Essex Village District and Commercial District; and

The Planning Commission has the following comments on these proposed amendments:

- Relative to the first above-referenced proposed change to Section 60, while the Planning Commission agreed by consensus that a municipal building would be appropriate for the Village Residence District and endorses its addition to the Regulations, the specific proposed phrasing: "A municipal office building, to include a police station" seems to require a police station be included with any proposed municipal office. Further, a police station would seem to be an unambiguous municipal office use. In addition, the Commission noted that while this regulation would bring Town Hall into conformance, the playgrounds and facilities present at Grove Street Park would still be subject to Special Exception. The Planning Commission therefore recommends that the amendment adding a new General Principle Use in the Village Residence District read:

(D) Municipal buildings, parks, and playgrounds.

- Relative to the proposed addition of Family Day Care Homes as a permitted use to the Village Residence District, the Planning Commission agreed, by consensus, that this is not as low-impact a use as the Cover Memo for this amendments suggests. While these Day Care facilities are tightly defined and regulated by the State of Connecticut, the character of the Village Residence District is such that these should not simply pop up administratively. The potential noise and other impacts from a home-based commercial use could have repercussions on neighboring residential properties.

Accordingly, the Planning Commission recommends that while Family Day Care Homes can be appropriate uses for the Village Residence District, all applications, including non-expansionary existing homes, should be regulated as Special Principle Uses under Section 60A.2.

- Relative to the proposed revisions to Sections 70 and 80, the Planning Commission recognizes and appreciates that efforts have been made by the Zoning Commission to address their prior comments on revisions to these sections. It appears that most of the Planning Commission's concerns have been addressed. A review of these latest revisions generated a few more comments from the Planning Commission. These are:
 - o The proposed removal of the phrase "but not including" at the end of Section 70A.3, "Accessory Uses," seems to essentially reverse the allowance for having Signs or Animals, and instead prohibits them. The Zoning Commission should look carefully at how this reads relative to the intent of the Regulation.
 - o It is not clear what is the difference between "Livestock," which is a defined term being removed from this portion of the Regulations and "Animals" which is being added without definition. It is also not clear why this change of wording is needed.
 - o The question marks (???) at the end of Section 80A.2(V) should be removed before the final revisions are approved.
- Finally, the removal of the NOTE at the end of Section 80C that allows for a building height above 30' in the Commercial District is directly in conflict with the Plan of Conservation & Development (PoCD). The Planning Commission adopted an interim revision to the 2005 PoCD that adopts the recommendations of the December 2011 Architectural Design Review Subcommittee report. These recommendations read, in part, "Change the current height cap of 30' to 35' above mean grade level for commercial structures to encourage more attractive facades and streetscapes in keeping with the neighborhood." The original NOTE at the end of this section very much reflected the spirit of this recommendation, and as a result, the Planning Commission is strongly opposed to this proposed deletion from the Regulations.

Please feel free to contact me or John Guskowski if you have any questions about the Planning Commission's position on these matters.