

Town of Essex - Zoning Commission

29 West Avenue

Essex, CT 06426

June 16, 2014 – Regular Meeting

MINUTES

Public Hearings

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

CALL TO ORDER: Larry Shipman, Chairman called the meeting to order at 7:00 p.m.

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.

The applicant was not at the meeting as she was on site conducting an art class, however, was represented by her husband. Decision pending on district revision. Question on table is the use okay in the eyes of fire marshal and building official. Keith Nolin, Fire Marshal, response was if no exits are changed that are in place at this time, he would not need anything new for fire protection. David DeLeeuw, Building Official, responded that if the building code states there is not a change in use, he concurs with Keith they would not need anything new. Al Wolfgram asked if there were any appeals and Joe Budrow responded that there were none.

Al Wolfgram made a motion to close Application 14-5 – Ann Gaffey, seconded by Adrienne Forrest. Passed unanimously. Motion carried.

Application 14-6 – Essex Zoning Commission – A petition to amend Section 111 (Signs and Lights) of the Essex zoning regulations.

Joe Budrow mentioned since the last public hearing there were two written submissions from the Essex Planning Commission and the Economic Development Commission indicating their opinions to Section 111. Joe Budrow met with Ivoryton Alliance last week and discussed how we can prohibit certain LED signs, but not all LED signs. The Economic Development Commission is concerned with window lighting coverage and banners. Joe Budrow has no changes to the text for the Commission tonight. Joe Budrow asked Bill Reichenbach, Secretary to read both letters from the Essex Planning Commission and the Economic Development Commission. Larry Shipman asked the Zoning Commission for any comments. Al Wolfgram suggested he and Joe look at Madison and Guilford's regulations and review whether or not this should be more restrictive. Larry Shipman suggested we clean up the latest language and get out to both Commissions versus the strike out revised copy. Bill Reichenbach pointed out several things in Sections 111b, 111c, 111d and 111e that he had comments on.

An audience member asked that the small businesses keep appropriate business signs in the Village. Joe Budrow indicated that the foldable signs are allowed, however, they can't have two or three of them. This resident also mentioned that the new street lights are an annoyance and the Village people are not happy with them. Al Wolfgram suggested they go to the First Selectmen's office with that concern.

Al Wolfgram made a motion to extend public hearing on Application 14-6 – Essex Zoning Commission to July 21, 2014, seconded by Adrienne Forrest. Passed unanimously. Motion carried.

REGULAR MEETING

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

CALL TO ORDER: Meeting was called to order by Larry Shipman, Chairman at 7:30 p.m.

APPROVAL OF THE AGENDA: Joe Budrow had one modification to agenda. SDI Properties CT, LLC – 34 Plains Road is applying for expansion of the facilities of Bell Power. Application arrived today – June 16, 2014 and Joe Budrow is asking that the Commission receive it tonight as **Application No. 14-11** under Item #5 – Receipt of New Applications.

Al Wolfgram made a motion to approve the agenda and Application No. 14-11 - SDI Properties, LLC under Receipt of New Applications, seconded by Jim Hill, Passed unanimously. Motion carried.

NEW BUSINESS:

Application No. 14-10 - Company of Fifers and Drummers - A site plan review request versus a special exception for outdoor concerts. David Hooghkirk, Trustee of the Company discussed their request as well as his memo dated June 9, 2014 to Joe Budrow and their continuance in the nonconforming use regulation. Joe Budrow contacted the surrounding abutters via a letter letting them know of this request and whether or not they wanted this request to go to Public Hearing. He has not gotten any responses. Attorney Sipples indicated he reviewed this and this is not allowable by a site plan review and has always been by special exception but would check the regulations to see if an amendment to a special exception would apply. Attorney Sipples read several sections that concurred that this special exception amendment would be allowable. Al Wolfgram requested the parking be rearranged to park on an angle and that there be signed handicap spaces available. Larry Shipman suggested we extend this special exception and site plan amendment based on the current concert schedule as well as the items above.

Al Wolfgram made a motion to accept as a special exception and to approve a site plan amendments on Application 14-10 - The Company of Fifer's and Drummers (subject to revising the parking to angle parking, no changes to the schedule and to go to a maximum of ten years), seconded by Jim Hill. Passed unanimously. Motion carried.

OLD BUSINESS:

Discussion and possible vote on the following applications:

Application No. 14-5 – Ann Gaffey – An application for a special exception to locate and art studio in a space at 5 Essex Square, Essex. CT.

Al Wolfgram made a motion to approve Application No. 14-5 – Ann Gaffey following the recommendations of the fire marshal, building official and the Congregational Church (with regards to the parking), seconded by Jim Hill. Passed. Motion carried.

Application No. 14-6 – Essex Zoning Commission - this application was extended to the July 21, 2014 meeting.

RECEIPT OF NEW APPLICATIONS –

Application No. 14-7 – Essex Zoning Commission – a petition to amend section 60 (Village Residence District) regarding minimum lot sizes and maximum building coverage.

Al Wolfgram made a motion to accept Application No. 14-7- Essex Zoning Commission and to go to public hearing on August 18, 2014, seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 14-8 – Essex Zoning Commission – petition to amend section 61 (Rural Residence District) regarding minimum lot sizes and maximum building coverage.

Al Wolfgram made a motion to accept Application No. 14-8 - Essex Zoning Commission and to go to public hearing on August 18, 2014, seconded by Jim Hill. Passed unanimously. Motion carried.

Application No. 14-11 – SDI Properties CT, LLC – a proposal to expand the facilities of Bell Power from 33,871 sf by 11,301 sf to 45,172 sf. The proposed expansion is shown in detail on the submitted site plan. The use will remain the same.

Al Wolfgram made a motion to accept Application No. 14-11 – SDI Properties CT, LLC and to go to public hearing on July 21, 2014, seconded by Jeff Lovelace. Passed unanimously. Motion carried.

VISITORS AND GUESTS – One resident guest in audience thanked the Commission for allowing public comment. No name recorded.

REPORT FROM LEGAL COUNSEL AND ZEA:

Attorney Sipples discussed the appeal regarding 33 Plains Road, Essex that will be heard tomorrow night at the Zoning Board of Appeals meeting. Attorney Sipples and Joe Budrow have been familiarizing themselves with all the amendments to present their defense including Memorandum of Decisions.

OTHER BUSINESS:

Joe Budrow discussed some short topics with regards to going forward to expand the business district on Saybrook Road. He has been receiving requests as to who conforms to this district and who conforms to the Limited district. The Commission will review Joe Budrow's list of those who are in these districts to determine who is in conformity to each district.

Zoning Commission By Laws – Joe discussed that several of them need updating and rewording. Fees are also in need of updating. Joe Budrow will send out to the Commission the current Commission By Laws for further review and discussion.

Question on Home Rentals and Bed and Breakfasts has come up with regards to whether or not we should we regulate them. Al Wolfgram indicated that house rentals should be referred to an attorney and if someone wants to change a regulation with regards to B&B's, they can apply for a change regulation.

Clearance sales within Limited and Business districts would we allow a once a year or every six months allowable resale to a retailer or to the public on the premises. Al Wolfgram would be hesitant to allow this multiple times within a year.

Enforcement issue at Corinthian Yacht Club –“Fitness on the Water”. This business is non-conforming being in the Maritime district, however, is using “general office” as the purpose for the business. The Maritime area is very restrictive. Joe Budrow will try to resolve it immediately.

APPROVAL OF MINUTES:

Motion made by Al Wolfgram to approve the Minutes of May 19, 2014, seconded by Jim Hill. Passed unanimously. Motion carried.

CORRESPONDENCE AND PAYMENT OF BILLS:

Received Memorandum of Decision on Application No. 14-2 – Christopher and Rene Gosman – for an accessory apartment. This application complies with the Essex Zoning Regulations.

Motion made by Al Wolfgram to approve Memorandum of Decision on Application No. 14-2 - Christopher and Rene Gosman, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Attorney Sipples also discussed the Memorandum of Decision on the Application No. 14-3 - Affordable Housing LLC. This has been approved and signed by Al Wolfgram including the addition for the easement to be graded, additional language for affordable housing and senior housing and including the letters from the Fire Marshal and Health Department that they are in compliance.

Motion made by Al Wolfgram to approve the payment of legal bills for a total of \$3,296.00 of new charges, based on the availability of funds, seconded by Jim Hill. Passed unanimously. Motion carried.

ADJOURNMENT:

Motion made by Larry Shipman to adjourn the meeting at 9:00 p.m., seconded by Jim Hill. Passed unanimously. Motion carried.

Respectfully submitted,

Yvonne Roziak
Recording Secretary