

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

**Monday, July 15, 2013
Town Hall – Meeting Room A
7:00 p.m.**

MINUTES

PUBLIC HEARING

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

Seated for the Public Hearing were: Al Wolfgram, (Chair), Larry Shipman (Secretary), Jim Hill, Bill Reichenbach, Alternate Jeffrey Lovelace (for Susan Uihlein, Vice Chair). Also in attendance was Zoning Enforcement Officer – Joe Budrow and Attorney Peter Sipples. Absent: Susan Uihlein (Vice Chair), Alternate Barbara Zernike, And Alternate Adrienne Forrest.

Al Wolfgram indicated that Application No. 12-19 and Application No. 12-21 has been reviewed with regards to Sections 20 and Sections 40 of the Essex Zoning Regulations regarding building height requirements. The CT Gateway Commission would like them to be consistent with other towns. Larry Shipman proceeded to read the letter dated June 28, 2013 to Al Wolfgram from the CT River Gateway Commission regarding this subject. Their request in the letter is to have Essex Zoning Commission approve the revisions regulations to Section 20 (Definition of height) and Section 40 (Prohibitions involving building height), disapprove revisions, or schedule a Public Hearing for other Gateway member towns to hear publicly the changes to these regulations. Once adopted and approved by the Essex Zoning Commission, no further submission to the Gateway Commission will be required.

Larry Shipman made a motion to close public hearings on Application No. 12-19 and Application No. 12-21, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Application No. 13 – 11 – Corporate Row Associates - An Application to allow a physical fitness studio at 26 Saybrook Rd. Larry Shipman read the Notice of Public Hearing (seated for this hearing is stated above). There was no additional correspondence. The Health Director has not received a B100A form; therefore, we will need to extend the hearing. The owner of 26 Saybrook Road spoke on behalf of his tenant who teaches Pilates both one-on-one and group sessions. Al Wolfgram suggested the owner review parking calculations that were done in 2000. Handicap spaces are also not to code and need to be reviewed with Zoning Enforcement Officer, Joe Budrow. Larry Shipman inquired as to when the multiple person classes are held and to include with his review with Joe.

Larry Shipman made a motion to extend public hearing on Application 13-11 to August 19, 2013, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Application No. 13-13 – Alan R. and Faith B. Kerry – An application to allow an attached accessory apartment to be located at 44 Summit Street, Ivoryton, CT. Larry Shipman read the Notice of Public Hearing (seated for this hearing is stated above). Additional correspondence submitted was a letter from the Health Director stating that the soil testing was done in June 2013 and that septic system requirement has been submitted and approved. Owners are requesting application approval for accessory apartment for their elderly parents. Two variances

currently exist on the property and were reviewed by architect. One was a height issue and the other one was a lot coverage issue. The Zoning Board of Appeals guided and reviewed this application and also approved. Joe Budrow, Essex Zoning Enforcement Officer felt everything is in line with this application. Al Wolfgram suggested the architect work on property slope for erosion control.

Larry Shipman made a motion to close public hearing on Application 13-13 – Alan R. and Faith B. Kerr, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

REGULAR MEETING

Called to order at 7:30 p.m.

Seated for the Public Hearing were: Al Wolfgram, (Chair), Larry Shipman (Secretary), Jim Hill, Bill Reichenbach, Alternate Jeffrey Lovelace (for Susan Uihlein, Vice Chair). Also in attendance was Zoning Enforcement Officer – Joe Budrow and Attorney Peter Sipples. Absent: Susan Uihlein (Vice Chair), Alternate Barbara Zernike, And Alternate Adrienne Forrest.

APPROVAL OF AGENDA:

Joe Budrow indicated that for Public Hearing Items No. 3 & 4 that the actual closed hearing dates should have been by August 19, 2013 for both applications (versus July 22, 2013).

NEW BUSINESS: None

OLD BUSINESS:

Discussion and possible vote on Application No. 12-19 – Zoning Commission and Application No. 12-21 – Zoning Commission to amend Section 20 (Definitions) and Section 40 (General Prohibitions). Al Wolfgram read the Final Version (1) for Application 12-19 as well as Final Version (2) for Application 12-21.

Larry Shipman made a motion to approve the amended Section 20 (Definitions) of the Essex zoning regulations consistent with the draft dated June 17, 2013 - Final Version (1). The amendment should be consistent with the conservation and development plan as well as the overall comprehensive plan effective September 1, 2013 on Application 12-19 – Essex Zoning Commission. Motion seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Larry Shipman made a motion to approve the amended Section 40 (General Prohibitions) of the Essex zoning regulations consistent with the draft dated June 17th, Final Version (2). The amendment should be consistent with the conservation and development plan as well as the overall comprehensive plan effective September 1, 2013 on Application 12-21 – Essex Zoning Commission. Motion seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Al Wolfgram thanked the commission for their time, extensive review and making a comprehensive quality change in the final versions of these regulations.

Discussion and possible vote on Application 13-11 – Corporate Row Associates – forwarded to August 19th, 2013 - motion was made to extend public hearing on Application 13-11 to August 19, 2013.

Discussion and possible vote on Application 13-13 – Alan R. and Faith B. Kerry – went through ZBA to get sufficient variances to do what they are proposing.

Larry Shipman made a motion to approve Application 13-13 (with conditions) which complies with Section 45 of Zoning Regulations including variances obtained specifically with ZBA regarding sediment and erosion control, seconded by Bill Reichenbach. Passed unanimously. Motion carried.

Al Wolfgram indicated the owners will need to sign a Memorandum of Decision at next month's meeting on August 19, 2013 and will need to file it with the Town Clerks office.

RECEIPT OF NEW APPLICATIONS:

Application No. 13-15 – Maria Malla – An application to locate a nail salon at 31-33 Main Street, Centerbrook, CT.

Larry Shipman made a motion accept Application 13-15 and set for Public Hearing for August 19, 2013, seconded by Jeffrey Lovelace. Passed unanimously. Motion passed.

VISITORS AND GUESTS: None

REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICER:

Attorney Sipples has been working with Joe Budrow within the last month on the Finkelday situation and working on a Memorandum of Understanding.

Joe Budrow is updating the "enforcement tracker" which will be sent out in a few days. Joe Budrow indicated that Aggie's Restaurant was sold; it will remain a 40 seat restaurant. According to our regulations no one can sell alcohol for consumption on premises if another establishment is within 200 feet of your public entrance. Aggie's door is 175 feet away from public entrance to the Ivoryton Tavern. They will most likely be seeking a variance to this regulation.

Al Wolfgram inquired about considering a regulation amendment for the side yard set back issue, with the property we approved two months ago. Joe Budrow and Attorney Sipples will start working on this as soon as possible.

Al Wolfgram asked Zoning Commission members if anyone would like to serve as liaison on the Wetlands Commission. Jim Hill may consider to serve by next month. This will tie our two commissions together.

OTHER BUSINESS:

Memorandum of Decision for Application 13-12 – Standard Petroleum – Amendment to Special Exception. Special exception granted April 16, 2007. Al Wolfgram read MOD.

Voting: Al Wolfgram & Jim Hill

Al Wolfgram made a motion to approve the MOD, seconded by Jim Hill. All in favor. Motion approved.

APPROVAL OF MINUTES:

A change request from Attorney Sipples regarding a change on Page 2 of the Minutes of June 17, 2013, 3rd paragraph, second sentence to insert year “2012” after “approved in May”.

Motion made by Larry Shipman to accept and approve the minutes of June 17, 2013 (with change). Jim Hill seconded the motion. Passed unanimously. Motion carried.

CORRESPONDENCE AND PAYMENT OF BILLS:

Motion made by Larry Shipman to approve payment of legal fees in the amount of \$1,706.66 based on availability of funds. Bill Reichenbach seconded the motion. Passed unanimously. Motion carried.

ADJOURNMENT:

Motion to adjourn meeting was made by Jim Hill at 7:55 p.m. Jeffrey Lovelace seconded the motion. Passed unanimously. Motion carried.

Respectfully submitted.

Yvonne Roziak