

TOWN OF ESSEX

ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

REGULAR MEETING MINUTES – **March 21, 2016**

PUBLIC HEARINGS

Present: Larry Shipman, Chairman
Alvin Wolfgram, Vice-chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Susan Uihlein, Regular Member
Alternate Members, Adrienne Forrest, Russ Smith

Absent: Alternate Member Jeffrey Lovelace

Also present: Joe Budrow, Zoning Enforcement Official
Peter Sippes, Commission Legal Counsel

CALL TO ORDER: Larry Shipman, Chairman called the Public Hearing to order at 7:00 PM. Seated for the public hearing were Regular Members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Application 16-2 - Cumberland Farms, Inc., 82 Main Street, Centerbrook – An application for a special exception to remove an existing convenience store and gas fueling operation and rebuild a new and larger convenience store and gas fueling operation.

Seated for the public hearing were Regular Members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Late submissions were read by Mr. Reichenbach:

A report from the town Engineer, Bob Doane was submitted via email to the applicant, Kevin Thatcher regarding his assessment of storm water.

A memo from the town Fire Marshall, Keith Nolan was read. He reviewed DOT site plans and structural drawings. He added that, according to fire codes, additional fire protection shall be provided where required and an appropriate automatic fire suppression system is to be installed where required. Cumberland Farms has added this to the plan already.

Joe mentioned that he had sent an email to the board about the electronic message center on the old sign, not the new sign; therefore the email was to be ignored.

ZEO Joe Budrow mentioned that the current health letter is still in effect. Lisa Facullo from the Health Department is waiting for more septic information, and Joe will explain it all to the commission once she gets this additional info.

Attorney Joseph Williams from Shipman and Goodwin presented. He addressed parking concerns that had come about at the previous meeting:

Parking is being increased because of the existing lot size being a difficult configuration. This new parking will be more optimal and convenient. On the site plan, it's shown that additional parking will be available in addition to the striped spots that already exist.

There will be additional parking spots available beyond the regular spots.

The amount of parking spots offered is adequate based on the store size.

Attorney Williams called Cumberland Farms Area Sales Manager, Joe Mellow, up to speak. He stated that 22 spots should be plenty of parking for this location. He compared this location to other locations in Connecticut. He also mentioned that employees are encouraged to park away from the building so that their customers are able to park closer.

Attorney Williams stated that in the proposed plan, cutting through the parking lot would be discouraged by the landscape design. Drivers would not be able to see across to cut through like they can now at the existing location.

Parking space dimensions were reduced from 9 feet x 20 feet to 9 feet x 15 feet. They already shrank the paved area and store size to improve the amount of landscaping on site. Cumberland Farms is now in compliance with the 15 foot buffer strip for landscaping that coincides with the town zoning requirements.

Mr. Williams discussed the height of the existing sign compared to the proposed sign. He submitted a handout with a picture of the signage to the Commission. Both the existing and proposed sign will be the same height- 12 feet tall. A revised sign plan was submitted at the last meeting that complies with the zoning regulation.

A question was raised at the last meeting on whether the addition of one gas pump requires a variance. Attorney Williams believes the answer is no. Memos were previously submitted to the ZBA on this subject:

Memo to Zoning Board on September 2, 2015 on support of a variance from Shipman and Goodwin

Memos from Joe Budrow to ZBA dated August 18, 2015 and September 7, 2015.

Memo from Attorney Peter Sippes to ZBA dated October 15, 2015.

Mr. Williams mentioned in summary that purchases from the retail store are the primary use and the purchase of gas is an accessory to the retail store. Tanks and systems were upgraded to meet the water resource district regulation. No variance is needed for an additional pump or for the size of the canopy. The copper beach tree has fallen from a result of a recent storm, therefore no longer being a topic of discussion.

Attorney Williams discussed the size of the canopy proposed and how it is not typical. It has already been reduced in size by 6 feet in length, as requested by the Essex community. The fire suppressant system has been removed from the canopy, so as to not be too bulky. Therefore there will be no white fascia on canopy and no nozzles hanging down. There is no requirement by state law to have this. Attorney Williams distributed handouts to the Commission of what the canopy would look like and how there would be no signage on there, therefore making it identical to places like Cape Cod or North Shore MA where they have strict zoning requirements. Cobble stone gray architectural shingles are to be placed all the way around.

Mr. Williams discussed how a normal size canopy has 30 feet of spacing between pumps and 10 feet beyond the edge of the outer pump to protect customers from the elements and protect the fueling station from precipitation. For the Centerbrook location they are proposing 27 foot spacing to allow for a bypass lane in between cars that are fueling. There would be an 8 ½ foot overhang on the ends, therefore not entirely covering the fueling pad (pad is 83.5 feet long, canopy is 80 feet long).

The Deep River location only has overhang of 5 ½ feet. They have a major problem of water in fueling area near overhang of canopy on outside pumps. Attorney Williams showed picture of a wet pump area at the Deep River location. Engineer Kevin Thatcher showed a picture of a canopy in Cape Cod. Attorney Williams submitted an additional handout with the original canopy, showing more detail since the previous meeting.

Mr. Mellow spoke about the Deep River store and why that overhang is not good. Outside lanes are avoided by customers during storms, and the Store Manager has to keep walking outside to look at the pump area and make sure it is water on the ground and not gasoline spillage.

Mr. Williams stated that the proposed canopy in Centerbrook is longer than the Deep River canopy in height but 1 foot shorter in length.

A question was raised by Ms. Susan Uihlein on whether a pass-through between fueling stations was something new because she has not noticed that at other gas stations before. Attorney Williams mentioned that it is fairly common today. Ms Uihlein still has safety concerns on this.

Kevin Thatcher, the Engineer for Cumberland Farms spoke about parking spaces and their location on the premises. The plan calls for 22 functional parking spaces and 10 unofficial type spaces also being available, therefore creating 32 potential spots.

Mr. Thatcher discussed questions addressed at the previous meeting:

He stated that the dimensions of the parking spots and the ease of circulation on site are sufficient.

Septic system plans in question were submitted to the Health Department last week, and he has not gotten a response back yet.

Proposed curb cuts- (One 30 foot curb cut and one 36 foot curb cut have been proposed, which is a reduction from the existing condition.

Mr. Thatcher addressed questions raised in an engineer's memo that he received that afternoon regarding storm water drainage and the possibility of erosion. Thatcher is looking into other measures but does not feel that the runoff would be significant.

Mr. Thatcher discussed the over flow structure for a storm water basin becoming clogged. He does not think that is an area of concern based on the system that would be used. Gas flow into storm water basin would need to be cleaned up immediately but would be in a contained location. Mr. Thatcher presented Cumberland Farms Spill Compliance and Emergency Response document which shows training guidelines and how to handle spills.

The commission began asking questions:

Mr. Wolfgram disagrees with parking. He thinks more parking is needed, and the bypass lane is dangerous. Parking spots are 9 x 18 not 9 x 20. That is the regulations and need to remain that way to decrease the amount of paving.

Ms. Uihlein is concerned about boats and trucks with trailers pulling in and out of the parking lot. Mr. Thatcher mentioned that the new site plan is a better scenario for the majority of customers utilizing the site than is currently available on the site.

Mr. Wolfgram asked why pumps couldn't stay in the same alignment so as to allow for larger vehicles. Mr. Thatcher said that he was confident that the new layout is a better scenario for the vast majority of customers utilizing the site.

Mr. Shipman asked which circulation pattern was safer overall. Mr. Thatcher said the new one is better. He agreed it is more restrictive to larger vehicles and trailers (but still accessible), and offers a better path and circulation for all other vehicles.

Mr. Budrow brought up a memo written on the present day from the Essex Fire Marshall, Keith Nolan. He mentioned that canopy as proposed does contain a fire suppression system which he is happy about. The Essex Fire Marshalls office, going forward, will require fire suppression systems be added to all fuel dispensing stations when they are built or remodeled.

Mr. Budrow then spotted Mr. Nolan in the audience and asked him if he would speak. The initial proposal had a fire suppression system which he says is a major life safety issue. Now he will reissue another memo to the commission and how, going forward, this system will be mandated in the town of Essex. The only way to make the canopy less than what the engineering requires would be to request a modification from the State Fire Marshall. Mr. Wolfgram asked if 20 feet between pumps is adequate, and Mr. Nolan said that is a traffic issue, not a fire suppression issue. Alvin asked if existing canopies on site are adequate. Mr. Nolan does not believe they would be now.

Mr. Reichenbach is wondering if we really need a center pass-through lane and if that could be taken away without interfering with the fluidity of the parking area. Traffic Engineer Maureen Chlebeck from McMahon Associates asked to get up and speak. She said the proposed layout is preferable due to visibility and to give options for circulation so that cars do not need to back up. Trailers and boats would be able to align at pump stations and would be able to maneuver.

Mr. Wolfgram mentioned that she indicated that the distance between pumps is necessary. Ms. Chlebeck stated that this makes for a better safety situation so people can get through and not have to back up on a small site, and allows for better visibility. Mr. Wolgram pointed out that usually one lane travel lanes are 12 feet wide, not 7 ½ feet.

Mr. Hill questioned if we would be providing public restrooms that are used more than the current and if there could be an increase of traffic from this. Attorney Williams said that he hoped not. These restrooms are meant for its customers, not the general population. Mr. Hill is worried about parked cars taking up space while the bathroom is being used.

Ms. Uihlein wondered what percentage of revenue was based at the store versus based at the gas tanks. Attorney Williams said that for the preceding year, on the national average, for every 4 store transactions, there was one gas transaction, therefore 28 % of their gross revenue came from gas operations, and 72% came from store sales.

Mr. Smith asked if one gas pump could be taken away to allow more room for access to pumps. Attorney Williams said that the plans were made to the best of their ability for the space given. The suppressant can be added back in.

Mr. Budrow stated that the Health Director did not yet have time to look over all the plans. She had requested water usage numbers for Centerbrook, but she had received Deep River's plans. Therefore she has not approved anything yet. Mr. Budrow requested to push this forward until the April 18th meeting.

Mr. Wolfgram thinks Cumberland Farms needs to look at length of canopy and offering more parking spaces.

The public made comments and asked questions:

Lori Hernandez spoke. She is concerned with the size of the store, the size of the canopy, and the overall appearance of the site.

Jerome Wilson asked if underground parking could be a possibility. Mr. Budrow said that no consideration had been made for that.

Walt Kritowski is concerned about the traffic pattern due to the extra lane.

Joel Marzi is wondering why the geometric designs of the driveways are not on the traffic plan. Ms. Chlebeck said they did not draw it out but did evaluate site distance lines and they are adequate. Attorney Williams will supply a calculation of what the site distance is and the commission will have it reviewed by Mr. Doane.

Mr. Marzi asked if the commission is going to reflect more on what is an accessory use and what is a principal use on this application. He handed out documents from a 1991 public hearing that pertains to this issue. He is not happy with the size of the canopy, and had concerns for the engineer on the diameter of the fuel storage tank.

Joan Wallace is concerned about lighting being too bright and increased traffic coming in and out of the parking lot. Ms. Chlebeck said the traffic would increase but the traffic signal would be re-timed to help move cars along. Ms. Wallace wants town to have a traffic study done. She also has a concern about the size of the canopy. She's interested in seeing exact figures that pertain to this site for store sales versus gasoline sales.

Ken Bombaci is concerned that the size of the parking spaces is too small and he will not be able to park his big truck or trailer.

Paul Krikowski asked what would happen if gasoline sales exceeded 15% of the revenue of the store due to adding an extra pump and more circulation. He asked if gasoline would then become the primary use instead of being considered an accessory to the store.

Matt Carroll asked if Cumberland Farms would still move ahead with the project with there were only two gas pump stations instead of three. Attorney Williams said no.

Joan Wallace wondered if we could do a cosmetic clean up to the existing site by painting and landscaping. Attorney Williams does not know of any plans to do a renovation to the existing site if this plan is not accepted.

Ron Hernandez has questions about the revenue model.

Paul Krikowski wants to know if there is any idea on landscaping for the area where the tree fell. Mr. Thatcher said site plan proposal does include extensive landscaping.

Strickland Hide commented that he thinks its fine to add another gas tank and make it more convenient for the public.

The Essex Fire Chief, Paul Fazzino Jr. spoke. He thinks the fire suppression system is very important to have.

MOTION made by Susan Uihlein to extend the public hearing to April 18, 2016. Alvin Wolfgram seconded the notion. All in favor, **Motion carried, 5-0.**

Application 15-14 – Signature Contracting Group, LLC - 21, 27 and 29 Plains Road. An application for Site Plan review to construct a multi-family affordable housing development consisting of 52 apartment units in three buildings.

Mr. Budrow mentioned that the Essex Fire Marshall, Mr. Nolan submitted a memo of plans that were drawn in 2015 for this complex and that they do meet the state of CT fire safety code. Also, Bob Doane submitted his report regarding storm water damage and was submitted from Brandon Handfield. (He mentioned that #3 is no longer a concern on the report).

Seated for the public hearing were Regular Members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Attorney John Bennett spoke. His client Northbound Nine LLC is located across the street from this site. They filed an intervention regarding the argued risk of environment degradation with respect to the septic and drainage design.

Associate Attorney Andrea Ghomes from Shipman and Goodwin opened the presentation. She provided supplemental materials, site plans and a summary letter from Brandon Handfield, Civil Engineer.

Mr. Handfield spoke about the revised site plan layout:

Site amenities include:

- Bike racks being added to each building,
- Outdoor fire pit,
- Addition of building height to buildings A, B and C,

The traffic report and emergency access route were reviewed and accepted by David Sullivan of the DOT. For the utilities (water and water service supply), Bob Scully from the Department of Public Health suggested a single service connection.

Mr. Handfield read a letter to the commission from Mr. Doane regarding the septic design.

Landscape architect Don Strait discussed changes in the landscaping plans with addition and removal of trees, and he cleared out a space to make room for a fire emergency lane.

Bennett Brooks, Acoustical Engineer spoke about the impact of the train's whistle sound on the new development. His conclusion is that there is little or no impact. Mr. Reichenback asked Mr. Bennett some additional questions. Ms. Uihlein made statements about the dinner train and North Pole Express running at night. Mr. Brooks still felt that the whistle would not be an issue.

David Giel, Traffic Engineer from CDM Smith found that traffic should not be a major issue. The fire Department has no concerns on the crossing.

Ms. Gomes addressed previous questions and concerns:

A revision to tab 1 of the Affordability Plan was reviewed (Commission was given this in bound package).

Property management responsibilities will be shared between Management at Signature Contracting Group LLC and M.F. DiScala (Property Management and Real Estate Firm out of Norwalk).

Fire system & security system to be monitored by two separate companies at all times.
Landscaping and snow removal will be contracted locally.

Paul Fazzino Jr. spoke about rescues and needing accessibility to remove an injured person or in the case of a fire in the building. Applicant Kevin Daley worked with Mr. Fazzino and Mr. Nolan on solutions to these concerns.

Comments made by Mr. Fazzino:

Building B- Good access to three sides, the fourth side can be reached from an ariel approach.

Building C – Access to three sides.

Removal of two lamp posts was agreed upon in order to offer a bigger turning radius for emergency vehicles.

Mr. Daley has agreed to move the fire hydrant at Mr. Fazzino's request.

Comments made by Mr. Nolan:

Fire alarm systems to be in place in all hallways and common areas.

A localized system is preferred and was agreed upon by Mr. Daley.

A knox box tied to the alarm system is necessary to give the fire Department access to the master key. This was agreed upon by Mr. Daley.

The commission began asking questions:

Ms. Forrest asked a question about if the lack of elevators coincides with the American Disabilities Act. Mr. Daley said they are in compliance. Ms. Forrest is concerned about units with wheelchair access not being available to the handicap public. Attorney Tim Hollister addressed this concern by explaining the Next Available Unit rule, part of the ADA.

Ms. Uihlein had concerns about sound from the train. She asked Mr. Daley if he would be willing to put a sound barrier in if an issue arose in the future. Mr. Daley is willing to make a

stipulation that if an issue arose, it would be their responsibility to handle it and pay for it (not the town or the steam train). Mr. Reichenbach has a concern about the sound, vibration and coal dust from the steam train. Mr. Daley assured him that this should not be an issue.

Mr. Wolfgram reviewed the traffic study from 2011 and had a question for Mr. Giel regarding access management onto Plains Road. Mr. Giel said Management is hoping to reduce the number of curb cuts in order to restrict the number of conflicting vehicle movements. Mr. Wolfgram asked about biking and exercise walkways- four feet is required on side of road according to the transportation manual. Mr. Giel said existing shoulders along Plains Road will be used. Mr. Wolfgram asked Mr. Giel to look at the measurement and see if it is four feet or not. Mr. Wolfgram asked Mr. Fazzino if he had any concerns about the height of the building. Mr. Fazzino did not.

Mr. Wolfgram mentioned the DEEP is looking at the sanitary systems as three different lots. He is wondering if the DEEP will look at it as three lots or one lot. Attorney Hollister said the DEEP stated that this is not a subdivision because it is three existing lots, not three new lots, so will be considered as one.

Mr. Hill reviewed DEEP's report and stated that ground water assessments need to be made between February and May. Mr. Handfield stated that monitors were installed in August with DEEP. He has been monitoring regularly since February. Review will be done by the local Health Department and the State Department of Health, not DEEP.

Mr. Hill asked if the monitoring station in Norwalk for their security and fire systems run 24 hours a day. Mr. Daley said yes, it is a 24 hour operation – people can call in with problems at any time and systems are always monitored.

Mr. Budrow mentioned that the letter to Lisa Facullo regarding water monitoring has not yet been received, so he is encouraging that this gets continued until the next meeting on April 18th.

Mr. Wolfgram mentioned it would be a good idea for our Traffic Engineer and their Traffic Engineer to look at the traffic from Thomas the Train on a Saturday and Sunday and report the findings at the meeting on April 18th. He has concerns about a traffic delay in and out of the apartment complex during special train events.

The public made comments and asked questions:

Ken Bombaci asked about groundwater depths. Mr. Handfield addressed his concerns. Mr. Bombaci had concern about traffic on Plains Road being that it already gets backed up when the train is crossing by. He also has concern about the train whistle being too loud. Mr. Bombaci asked what the daily traffic is on Plains Road. Mr. Giel said that according to the state's last study, there are about 9,000 cars daily. Mr. Bombaci disagreed and thinks it's more than that.

Kay Tucker asked how often people are moving in and out of these units based on their studies. Mr. Dailey said it depends on the location. All are yearly leases.

Matt Carroll asked why it's considered three separate properties and not one. Mr. Handfield said it was already three and will remain the same. Mr. Carroll is concerned about the costs and regulations with the DEEP and wants to make sure we are not short cutting anything.

Ms. Uihlein asked if there are any plans to expand on the project in the next five years. Mr. Daily said that there are no plans.

Mr. Sipples asked if the commission felt there was any more legal advice needed on this topic. Mr. Wolfgram said yes, regarding the traffic for Thomas the Tank and the safety concern from the Fire Marshall regarding no elevators.

Rob Galliet made a statement that we need to preserve the railroad that we have here.

Mr. Reichenbach has concerns on the health and safety of the train for people moving in. Mr. Sipples mentioned it would be a good idea to review the 8-G memo he had previously sent.

Ms. Uihlein is wondering if we have an inventory of what percentage of this population depends on affordable housing. Mr. Sipples said it's 1.5% to 2%. 10% is the goal.

Mr. Hollister assured that Mr. Daley and Signature Contracting Group will take responsibility for any future issues that may arise. He will make sure everything is documented for other facilities looked at that are close to the rail line for the next meeting.

Steven Tagliatela, a Developer spoke about his own affordable housing projects and wonders about the quality for this project. He has concerns about the expense of DEEP. He thinks this is the wrong site for affordable housing and our assets are being threatened. He submitted a letter to the commission.

Paul Krikowski made a comment that he does hear the train whistle where he lives but it does not bother him. He has concerns with the light weight concrete being proposed. He doesn't understand the proposal of no elevator.

Karen Burzin is very much in favor of this project.

MOTION made by Alvin Wolfgram to extend the public hearing to April 18, 2016. Mr. Shipman seconded the notion. All in favor, **Motion carried, 5-0.**

Application 16-1 – Francis D’Urso, 24 Main Street, Centerbrook.

An application for a special exception to locate a food service shop known as *Cannolis On The Run* within a commercial space at 24 Main Street, Centerbrook.

Mr. Reichenbach read the public notice from February 22, 2016.

Kevin Geenty spoke. He and his daughter own the property. The property is located next to Bun on the Run, and this type of business is allowed in the zoning.

Seated for the public hearing were Regular Members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Ms. Uihlein asked question about where the truck will be parked. Mr. D’Urso said it will be garaged at the end of the complex, indoors (two bay garage).

Mr. Shipman asked if there would be any in-shop food service. Mr. D’Urso said he would have enough room for about ten seats. The truck would be kept in the parking lot around back, out of site. Mr. Budrow said ten seats look right according to the floor plan.

A letter was submitted with today’s date from the Valley Industrial Park Condominium Association with regards to the right-of-way that cuts across the property. Mr. Budrow read the letter out loud. The Association is worried that emergency vehicles will not be able to enter the Industrial Park off of Main Street with additional cars parking at the building. If emergency

vehicles have to enter from Westbrook Road, response times will be significantly delayed. Mr. Geenty disagreed and said that the Association only has the right-of-way for one building but not for the other buildings in the park.

Mr. Wolfgram thinks parking space 18 should be removed from its existing location and slid closer to space 16. Mr. Budrow is going to work on an Amendment for this.

Mr. Budrow has approval from Lisa Facullo, Health Department.

Ms. Uihlein asked for the hours of operation. Mr. D'Urso was not sure but thought they would open in the afternoon during the week and earlier on the weekends.

Agreement made between tenant and landlord that Mr. D'Urso would not make any food that would compete with Bun on the Run. Only cannolis and gourmet coffee would be sold.

There were no comments or questions from the public.

MOTION made by Alvin Wolfgram to close this application. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-3 – Francis D'Mello

A petition to amend section 82 of the Essex zoning regulations to allow retail stores in the business district.

Seated for the public hearing were Regular Members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Mr. Budrow had two submissions: A letter from the Essex Economic Development and a letter from the Planning Commission, which were both previously submitted.

Mr. Reichenbach read the letter from the Planning Commission. They are supportive of this application. They would like a cap of 3,000 square feet for special exception retail usage, rather than the proposed 5,000 square feet.

Mr. Shipman said the Essex Planning Commission is in favor of this application with a 3,000 square foot cap for special exception retail usage.

Mr. D'Mello spoke along with his representative Janet Peckinpaugh. He currently owns the Essex Spirit Shop on Main Street. He is looking to buy this new property for a number of reasons: lease is coming up at his current location, monthly rent is high, and he would like a bigger space. This new location has more traffic go by, therefore offering him the opportunity to increase his sales.

Mr. Budrow read a letter from Kathleen Burns, Executive Director of CT Marine Trade Association which is located in the property immediately adjacent to Mr. D'Mello's property.

Mr. Budrow mentioned that a text amendment is being done now, but the property needs approval by the zoning commission as a change of use in order to be a liquor store. If this commission can be convinced that it is a 90% principal retail use then it would not need to be considered a change of use.

The previous owner of this location (a framing shop) is considered a non-conforming retail business.

Mr. Wolfgram expressed concerns on bringing retail to this business zone. He does not want to change the façade.

Mr. Sippes said if they already had a non-conforming retail use before as a framing shop, than they should be able to keep the same use now. Mr. Wolfgram thinks this would be the easiest solution.

MOTION made by AlvinWolfgram to extend the public hearing to April 18, 2016. Ms. Uihlein seconded the notion. All in favor, **Motion carried, 5-0.**

Application 16-5 Paul Cappezone, 104 Main Street, Ivoryton, CT

An application for a special exception to locate a take-out pizza food service shop within a commercial space at 104 Main Street, Ivoryton.

Seated for the public hearing were Regular Members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Present were Paul Cappezone, Will Nuss and John Blake, the owner of the building.

Mr. Blake stated that it will be 100% take-out, no seating will be offered inside. Their goal is to serve forty meals a day with pizza and calzones. Open 4 PM to 9 PM. They will be offering New Haven style pizza.

Mr. Budrow had submitted an amended parking plan prior to this hearing because he had previously numbered them wrong.

Mr. Budrow stated that there are twenty four parking spaces on site. Only five spaces are needed at the pizza shop.

This was already approved by Lisa Facullo, the Health Department Official.

Mr. Wolfgram asked Mr. Budrow if this parking area conforms to the 5 foot sidelines from the roadways. Mr. Budrow said yes.

Mr. Shipman suggested putting a sign in the front of the building stating that there is additional parking available in the rear of the building.

The public made comments and asked questions:

Matt Carroll spoke in strong favor of the applicant.

MOTION made by Alvin Wolfgram to commence the public hearing. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

REGULAR MEETING

1. **CALL TO ORDER:** Larry Shipman, Chairman called the regular meeting to order at 11:25 PM. Seated for the regular meeting were Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

2. **APPROVAL OF AGENDA**

One modification to change **Application 16-4** to **Application 16-5**.

3. **NEW BUSINESS**

Application 16-2 - Cumberland Farms, Inc., 82 Main Street, Centerbrook

Application 15-14 – Signature Contracting Group, LLC - 21, 27 and 29 Plains Road.

Application 16-1 – Francis D’Urso, 24 Main Street, Centerbrook.

An application for a special exception to locate a food service shop known as *Cannolis On The Run* within a commercial space at 24 Main Street, Centerbrook.

Ms. Uihlein would like to make a condition that Mr. D’Urso will not be selling canolis out of his truck in the town of Essex.

Mr. Wolfgram suggested adding a condition that parking be adjusted outside of the CT Water property easement.

MOTION made by Alvin Wolfgram, Vice-chairman to approve **Application 16-1** consistent with the two conditions already mentioned. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Application 16-3 – Frances D’Mello

Application 16-5 – Paul Cappezone, 104 Main Street, Ivoryton, CT

Commission to ask for sign that says additional parking in rear. Size and location to be approved by the Zoning Commission.

MOTION made by Alvin Wolfgram, Vice-chairman to approve **Application 16-5**. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

MOTION made by Alvin Wolfgram to commence the public hearing. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

4. OLD BUSINESS

None

5. RECEIPT OF NEW APPLICATIONS

None

6. VISITORS AND GUESTS

None

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT

None

8. OTHER BUSINESS

Calamari Recycling has a survey in and Mr. Budrow has a meeting scheduled with them on March 30th.

9. APPROVAL OF MINUTES

On page 4, correction to be made to say 52 apartments with 16 being affordable (should not say market rate).

Typo found- Mr. Density was changed to Mr. Daley

MOTION made by Larry Shipman, Chairman to approve the minutes of the February 22, 2016 meeting. Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

Memorandum of Decision- Amendment to Essex zoning map for **Application 15-10**. Present were Regular Members, Larry Shipman, Alvin Wolfgram, Bill Reichenbach, Susan Uihlein and Jim Hill.

Nine parcels to be removed from the business district and added to the industrial district.

MOTION made by Alvin Wolfgram, Vice-chairman to approve the Memorandum for Application 15-10. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

A bill was presented from Attorney Sippes in the amount of \$1,387.20. **MOTION** made by Alvin Wolfgram, Vice-chairman to approve, Susan Uihlein seconded the motion. All in favor, **Motion carried, 5-0.**

11. ADJOURNMENT

The next scheduled meeting is April 18, 2016.

MOTION made by Susan Uihlein to adjourn the meeting at 11:36 PM. Alvin Wolgram, Vice-chairman seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk