

# TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

## REGULAR MEETING MINUTES – February 26, 2018

### PUBLIC HEARING

Present: Larry Shipman, Chairman  
Bill Reichenbach, Secretary  
Jim Hill, Regular Member  
Russ Smith, Regular Member

Absent: Susan Uihlein, Regular Member  
Jeffrey Lovelace, Alternate Member

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Also present: Joe Budrow, Zoning Enforcement Official

**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, Bill Reichenbach, Jim Hill and Russ Smith.

**Application 17-15 – Essex Economic Development Commission** – A Petition for a Text Amendment of the Zoning Regulations to Section 110 requesting off-street parking exemptions within the Essex Village and Ivoryton Village.

Susan Malan, representative of the Essex Economic Development Commission (EDC) stated that the Commission would like to only discuss Essex Village at this time and not include Ivoryton Village (or Centerbrook) since they are considered to be a separate zoning district.

Mr. Shipman has some concerns. He wants to make sure that the existing properties are being protected if they ever wanted to expand, etc.

Doug Dumane, resident, asked a question of the Commission which Mr. Shipman answered.

Mr. Budrow thinks that it's a good idea for these other districts (including waterfront) to be considered separate from this application.

Mr. Reichenbach also has concerns for the existing properties that currently have parking in the village. He doesn't feel that it's ok to take their option away to ever expand their business, etc. since they will no longer be able to take ownership for that parking area anymore. He feels that we are limiting the use of their property in an unlawful way.

Peter Decker, town resident and member of the Essex Economic Development Commission

(EEDC), as well as Ms. Malan, discussed their points of view with Mr. Reichenbach.

Mr. Dumane spoke in agreement with Mr. Reichenbach.

Mr. Budrow suggested that if somebody wants to expand their property and reduce their parking spaces, they will need a Special Exception from the Zoning Commission.

Mr. Decker suggested having an attorney review this application for legality purposes and incorporate the language that the Zoning Commission is trying to accomplish.

Mr. Decker said that he's reluctant to be adding Special Exceptions to any of our applications because it causes enormous hurdles and burdens to the town.

Mr. Shipman said he would like to get an opinion from legal counsel.

Mr. Budrow will ask the First Selectman Norm Needleman if he can send a letter to Attorney Royston to review his proposed language based off of the Planning Commissions Memorandum.

Russell Campaigne, Chairman of the Planning Commission for Guilford discussed the parking requirements that Guilford residents have, plus the requirements in the surrounding towns.

Mr. Budrow had Mr. Decker sign an extension request form granting an approval for a 21-day extension.

**MOTION** made by Jim Hill to continue this application until the next public hearing on March 19, 2018. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

**Application 17-20** – Gary Dayharsh c/o Attorney Michael Dowley– An application for a Special Exception to change the use of the Ivoryton Congregational Church, at 57 Main Street, Ivoryton, to a multi-family dwelling.

The applicant requested a continuance for this application.

**Application 17-18** – Essex Zoning Commission – A Petition for a Text Amendment of the Zoning Regulations section 45 adding language to allow apartments within commercial buildings.

Mr. Reichenbach read the legal notice into the record.

Mr. Reichenbach read aloud correspondence from Alan Kerr, Chairman of the Planning Commission. They find it to be harmonious with the plan of Conservation and Development and will issue a positive referral with one proposed modification. They would like for any apartments proposed to be in the Limited Industrial District, be subject to the Special Exception permit process rather than a sight plan process.

Mr. Budrow discussed the text amendment that he created to Section 45. The Planning Commission's proposal did not fit in with the Zoning Commission's regulations; therefore Mr. Budrow has crafted new language for these regulations. Accessory units will only be residential

(due to being accessory to a residential home) but apartments and accessory dwelling units will be allowed in all the districts including the Limited Industrial District. Apartments shall not exceed 850 square feet. The number of apartment shall be limited by the public health code.

Mr. Shipman and Mr. Reichenbach do not think that apartments should be allowed in the limited Industrial District due to health and safety reasons.

Mr. Smith and Mr. Hill are in favor of Mr. Budrow's amendment.

The public had no further comments or questions.

**MOTION** made by Bill Reichenbach to continue this application to the public hearing on March 19, 2018. Russ Smith seconded the motion. All in favor, **Motion carried, 4-0.**

**Application 17-19 – Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations sections 60, 61, 63, 64 and 80 increasing building heights to 35 feet.

The Commission has decided to continue this application to a later date.

**Application 18-1 – Janice Liscinski** – A Petition for a Text Amendment of the Zoning Regulations sections 81 and 90 to add Dog Day Care Facility as an allowed use.

Mr. Reichenbach read the legal notice into the record.

Ms. Liscinski explained her mission: to provide positive dog training to the towns in this area being that there is no training of this kind being offered in this area presently.

Rather than this application being considered a special principle use, Mr. Budrow planned on making this a general principle use (Section J within the Limited Industrial section 90.A1(E)).

Mr. Shipman believes that this application should be considered a special principle use and be published so that the area property owners get notification of this.

Mr. Budrow said that if it is decided to do a Site Plan review, this application will fall under section 90.A3(F) for a special principle use.

The public spoke in favor of this application.

Mr. Budrow read a memo into the record from the Planning Commission. They find this application to be favorable but do have an opinion that one dog per fifty square feet may be high. Mr. Budrow has researched other towns regulations and finds that one dog per seventy square feet is suitable.

**MOTION** made by Russ Smith to close this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

**Application 18-3 – Peter Decker** – An application for a Special Exception to locate a brewpub on the property of 6 Main Street in Centerbrook.

Bill Reichenbach read the legal notice into the record.

Russell Campaigne with CPA Architects presented for the client.

Mr. Campaigne reviewed the site plan. The applicant has plans for seating 75 people indoors, 30 people outdoors, and 20 staff members. The existing septic system has the capacity for this.

Part of the existing gravel parking area will be paved and lined to allow for 42 additional parking spaces. 169 spaces are being requested but the applicant is planning on creating 182 parking spots soon.

Traffic flow should not be an issue as the restaurants peak hours are different from the surrounding businesses peak hours.

The interior will have exposed brick and the exterior will have an insulation wrap with a stucco treatment on part of the building.

Two new garage doors will be installed. A grain silo is listed on the proposal but may not be put in the restaurant right away.

Mr. Budrow reviewed the sign regulations with the Commission and the applicant.

Mr. Campaigne mentioned that pizza and salad will be served.

The existing bathrooms will be refurbished and used for the restaurant.

The brewery area takes up about a third of the overall space.

Mr. Reichenbach asked why the brick face can't be left on both the interior and exterior of the building. Mr. Campaigne said that they are just adhering to the insulation energy code given by the State.

Mr. Smith asked a question about the district lines and who the neighbors are. Mr. Campaigne answered.

Mr. Reichenbach asked a question about the existing nearby properties. Mr. Campaigne and Mr. Decker answered.

Mr. Campaigne shared that they are also applying for a beer garden with live entertainment.

Mr. Budrow discussed what the regulations are on noise levels.

Mr. Shipman asked what the hours would be. Mr. Campaigne said that although he doesn't know what time the brewpub will decide to close at night yet (depends on the volume of late night business), they have proposed to close at 1 A.M. during the week and 2 A.M. on the weekends.

An on-site brewery is in its own category of licenses, therefore not needing a full liquor license. Only craft beer will be served. Some will be brewed on site, some will not.

Michael Harking of Harkin Engineering presented for the applicant. He reviewed the site plan as well.

Mr. Harkin has looked into the required health departments tasks and surveyed the existing septic system. It has been found that there is a sufficient capacity to have seating for 75 people plus 20 employees, and not have to upgrade the system.

The flows from the waste of the brewing process will go into a tight tank. There will be two pump-outs a month. The town Sanitarian has reviewed this application and is pleased with the finding.

The waste from the tight tank will be picked up by the town of Deep River once it's approved in their town. (Not all towns have a facility that can handle this type of waste like Deep River can).

Mr. Smith asked if there was room for backup (future systems) if ever needed. Mr. Harkin said there is plenty of sufficient space for a reserve area.

An on-site sub surface system for this waste may be installed in the future.

Mr. Budrow read a letter from Lisa Fasulo, town Sanitarian that states that the Health Department supports the change of use with three conditions.

Donald DiMugno, tenant in the proposed building, is in support of this project. Chris Carlin, nearby business owner has concerns with the noise and traffic in the area, but overall he is in support of the project. He asked how the seating will be monitored to assure that the restaurant is not over capacity. Mr. Harkin said that it will be monitored by the town fire department and by the state.

Ms. Malan spoke in favor of this application as a town resident.

**MOTION** made by Russ Smith to close this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0.**

### **REGULAR MEETING**

1. **CALL TO ORDER:** Larry Shipman, Chairman called the Regular Meeting to order at 9:05 PM. Seated for the public hearing were Regular Members Larry Shipman, Bill Reichenbach, Jim Hill and Russ Smith.

2. **APPROVAL OF AGENDA**

No changes or modifications were made to the agenda.

3. **RECEIPT OF NEW APPLICATIONS**

**Application 18-4** – **Keith Knickerbocker** – A Petition for a Change to the Town Zoning Map to add 23 Charles Street to the Village Residence District.

Bob Doane of Doane Engineering represented on behalf of the client. Currently the property is part of two districts, but the applicant would like to make a change to the map so that his property is considered to be entirely under the Village Residential district.

**MOTION** made by Bill Reichenbach to accept this application and schedule for a public hearing on April 16, 2018. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

#### **4. NEW BUSINESS**

**Application 17-15** – **Essex Economic Development Commission** – A Petition for a Text Amendment of the Zoning Regulations to Section 110 requesting off-street parking exemptions within the Essex Village and Ivoryton Village.

Continued to the next public hearing on March 19, 2018.

**Application 17-20** – **Gary Dayharsh c/o Attorney Michael Dowley**– An application for a Special Exception to change the use of the Ivoryton Congregational Church, at 57 Main Street, Ivoryton, to a multi-family dwelling.

Applicant has requested to continue this until the next hearing on March 19, 2018.

**Application 17-18** – **Essex Zoning Commission** – A Petition for a Text Amendment of the Zoning Regulations section 45 adding language to allow apartments within commercial buildings.

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**Application 18-1** – **Janice Liscinski** – A Petition for a Text Amendment of the Zoning Regulations sections 81 and 90 to add Dog Day Care Facility as an allowed use.

**MOTION** made by Russ Smith to approve a text amendment to Section 90A.3 of the Zoning regulations, revising paragraph F to allow for a dog day care facility as a special permitted use. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

**Application 18-3** – **Peter Decker** – An application for a Special Exception to locate a brew pub at 6 Main Street, Centerbrook.

**MOTION** made by Russ Smith to approve this application with compliance of Sections 120 and 130 of the Zoning Regulations and subject to the Sanitarians conditions. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

## **5. OLD BUSINESS**

Mr. Budrow reported that Cumberland Farms is behind on product sales but on track with fuel sales. On-site traffic seems to be going well. Lighting is to be discussed at a later date in an interest of the neighboring properties.

## **6. VISITORS AND GUESTS**

None

## **7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT AGENT**

### **Report from Zoning Enforcement:**

Mr. Budrow mentioned that red signs have been up in the area that read “Ban Fracking Waste”. Mr. Budrow will be working on a text amendment specifically relating to fracking waste and coal ash. First Selectman Norm Needleman agreed with Mr. Budrow.

Mr. Needleman mentioned to the Commission that he has talked to the Board of Selectman and it is agreed that the Planning Commission and Zoning Commission should combine at some point in the near future. Being that Essex is a fully developed town, it is no longer necessary to have a separate Commission for Planning.

Mr. Needleman thinks there may be two additional members joining the Commission soon.

## **8. OTHER BUSINESS**

None.

## **9. APPROVAL OF MINUTES**

Two corrections were made to the minutes:

- Under Call to Order, Jeffrey Lovelace should be listed as being seated as an Alternate Member for Susan Uihlein.
- On page two, third line, the words “as being” need to be taken out of the sentence.

**MOTION** made by Bill Reichenbach to approve the minutes from the January 22, 2018 meeting. Russ Smith seconded the motion. All in favor, **Motion carried, 4-0.**

## **10. CORRESPONDENCE AND PAYMENT OF BILLS**

**MOTION** made by Bill Reichenbach to authorize the signing of a Memorandum of Decision for **Application 17-17, Dave Durrenburger**. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0.**

**MOTION** made by Bill Reichenbach to authorize the signing of **Application 17-16, Stephen Cline, Successor Trustee of the ESB Irrevocable Trust**. Jim Hill seconded the motion. All in favor, **Motion carried, 4-0**.

**11. ADJOURNMENT**

The next scheduled meeting is February 26, 2018.

**MOTION** made by Jim Hill to adjourn the meeting at 9:53 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 4-0**.

Shannon DeLorso,  
Zoning Board Clerk