

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – March 18, 2019

PUBLIC HEARING

Present: Larry Shipman, Chairman
Russ Smith, Vice-Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Mark Reeves, Regular Member
Jeffrey Lovelace, Alternate Member
Thomas Carroll, Alternate Member

Absent: Robert Day, Alternate Member

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, Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Members Jeff Lovelace and Tom Carroll were also present.

Application 19-3 – Colt Taylor– An application for a Special Exception proposing to add a culinary school use over a commercial space at 30 Main Street, Centerbrook.

Mr. Budrow submitted an email from the town Fire Marshall which Mr. Reichenbach read into the record.

Mr. Budrow stated that the second-floor use would require 14 spaces as proposed with the floor plan that classrooms and offices. Currently 63 spaces are approved (from 2016). Also, in 2016, the Health Department approved 100 seats. Mr. Budrow thinks that there are now 70 seats and 9 bar seats which calculates to 38 parking spots, leaving 25 available. With 8 restaurant employees, there would be 17 remaining spots available.

The applicant was not present at the hearing.

MOTION made by Russ Smith to continue this application to the next scheduled meeting on April 15, 2019. 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 7:35 PM. Seated for the Regular Meeting were Regular Members Larry Shipman, Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Members Jeff Lovelace and Tom Carroll were also present.

2. **APPROVAL OF THE AGENDA**

No changes were made.

3. **RECEIPT OF NEW APPLICATIONS**

Application 19-5 – Jason Wilcox, 66 Lynn Road – An application for a Site Plan Review to locate an accessory dwelling unit within a detached garage.

Mr. Wilcox was present. Mr. Budrow said that the garage was built in 2010. His daughter is currently living in an apartment above the garage. When Mr. Budrow last visited the property, it was a two-car garage with a great space over top of the garage. They signed off for health, zoning and building. Since then, the town has found out about an apartment being above the garage. Mr. Wilcox has worked with Ms. Fasulo from the town Health Department to get the septic system compliant with the state and local health code. Mr. Budrow does not have a letter of approval from Ms. Fasulo, but he does have a signed permit to discharge for the house and the detached garage which he submitted for the record. He also submitted for the record a Notice of Exception from the State of CT to allow 2 buildings on one system.

Mr. Budrow mentioned that this application conforms to all the current zoning regulations.

Mr. Wilcox said that he didn't apply for the permit for the apartment- the contractor did. His original plans showed the apartment, and he thought it was for the apartment.

MOTION made by Bill Reichenbach to approve this application conditioned upon approval from the Town Health Inspector. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Application 19-6 – Essex Yacht Club, 13 Novelty Lane – An application for a Coastal Area Management Site Plan for a proposed retaining wall within 20 feet of the Coastal Jurisdiction Line.

This application has been referred to the DEEP.

Mr. Budrow explained that the Yacht Club is getting a new septic system.

MOTION made by Larry Shipman to continue this application until the next scheduled meeting on April 15, 2019. Bill Reichenbach seconded the motion. **Motion carried, 5-0.**

4. NEW BUSINESS

Application 19-3 – Colt Taylor – An application for a Special Exception proposing to add a culinary school use over a commercial space at 30 Main Street, Centerbrook.

Continued to the next meeting on April 15, 2019.

Application 19-5 – Jason Wilcox – An application for a Site Plan Review to locate an accessory dwelling unit within a detached garage.

Approved with one condition.

Application 19-6 – Essex Yacht Club, 13 Novelty Lane – An application for a Coastal Area Management Site Plan for a proposed retaining wall within 20 feet of the Coastal Jurisdiction Line.

Continued to the next meeting on April 15, 2019.

5. OLD BUSINESS

Zoning Regulations Update- Mr. Shipman mentioned that there is a meeting scheduled for March 25, 2019 with Attorney Mark Branse, whom the Zoning Commission has retained to review our regulations.

6. VISITORS AND GUESTS

Susan Malan, town resident and Mr. Moncovich, town resident were each there to speak about the lighting in a parking lot of a local business (church) that is located in a residential district in town. Ms. Malan's issue is not only the church but that we don't have residential lighting regulations. Mr. Shipman said he thinks the intention is to get something amended for the new regulations. Once they meet with Attorney Branse on March 25th they will address the issue.

Mr. Moncovich is disappointed that there was not already a village residential zoning regulation put in place in the current regulations. Mr. Shipman said that he was contacted through Jeff Lovelace on this issue and that the representatives for the business never came before the Zoning Commission, which the Commission will raise with Attorney Terry Lomme (representing the business) to review and act on.

Mr. Reichenbach asked if a town commission had previously approved the parking lot. Mr. Shipman said that the parking spaces were approved through a zoning permit, but lighting was never brought up at that time.

Mr. Moncovich said that him and his wife have been dealing with this since even before the church was redone. He said that the lights are on every night and the parking lot is empty approximately 80 to 90 percent of the time when the lights are on. He thinks that there should be timers, motion lights, guards, etc. put in place. He said they did some to adjust it approximately 8 months ago but did not do much to solve their problem. Their lights go off

at 9 but makes it hard for them to enjoy their house and yard. He said that the new lights only go on in the back sometimes, and then the brightness doubles or triples throughout the parking lot.

Richard Mullaney, town resident said that the lights are way too bright according to other people in the area. Mr. Moncovich said that he has spoken to nearly every neighbor who can see the church from their property, and almost everybody is upset about the new lights. Mr. Mullaney said that the new lights are off for the most part, but the existing lights that shine on Mr. Mullaney's property are still an issue.

Mr. Shipman said that him and Mr. Budrow will meet with Attorney Branse to raise the issue of non-residential lights in a residential district with him and see if he has any recommendations of how to work that in to the new regulations. Mr. Shipman mentioned that he will reach out Attorney Lomme to see if his available to come for a meeting next week.

Jeff Sund and Jane Piro, residents at 8 High Street, are also unhappy with the lighting at the church and would also like to see the lighting regulations get updated.

The Commission made some comments and asked some questions of the neighbors. Mr. Shipman asked Mr. Budrow to talk to the Father who runs the church.

Mr. Shipman advised the neighbors to talk an attorney to see what their privacy rights, nuisance rights, etc. are, rather than only approaching a local commission.

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICIAL

Mr. Budrow had a meeting with Bob Doane, Town Engineer. He mentioned that there's a house on Dennison Road that has merged with a vacant lot next door to them. Before they bought the house, they asked Mr. Budrow if they could do an edition with an accessory apartment on the end. Mr. Budrow said yes and instructed them that they would need to get a variance for their setback issue. Now the owners are thinking of having a detached accessory dwelling unit with no barn and no garage. Mr. Doane is going to talk to them more about this. Mr. Budrow stated that even if Zoning Board of Appeals approves this, it doesn't mean that the Zoning Commission has to.

Mr. Budrow mentioned that he will soon be attending a meeting regarding the new brewery at the Witch Hazel complex. They would like to make changes to their plan and expand on their kitchen.

Mr. Budrow mentioned Gary Dayharsh who owns old church in Ivoryton. He has an applicant who wants to put a wellness center in there.

Mr. Budrow stated that there is a woman who is interested in putting a preschool in the basement of the Lutheran Church in Centerbrook. He told her that a text amendment is needed for a preschool to be a use within a village residential district.

8. **OTHER BUSINESS**

Memorandum of Decision – Application 19-4, Geoff Cook

Present were Larry Shipman, Jim Hill, Bill Reichenbach, Russ Smith and Mark Reeves. **MOTION** made by Mark Reeves to give approval for Larry Shipman to sign the Memorandum of Decision. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

9. **APPROVAL OF MINUTES**

MOTION made by Bill Reichenbach to approve the minutes of the February 25, 2019 meeting. Mark Reeves seconded the motion. All in favor, **Motion carried, 5-0.**

10. **CORRESPONDENCE AND PAYMENT OF BILLS**

Mr. Budrow mentioned a letter that the Planning Commission submitted. They would like to create an overlay zone in a number of parts of town where are regulations call them “nodes”. They are currently looking at Bokum Center and would like to get on a future agenda of the Zoning Commission’s.

11. **ADJOURNMENT**

The next scheduled meeting is April 15, 2019.

MOTION made by Bill Reichenbach to adjourn the meeting at 7:58 pm. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk