

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – April 15, 2019

PUBLIC HEARING

Present: Larry Shipman, Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Mark Reeves, Regular Member
Robert Day, Alternate Member

Absent: Russ Smith, Vice-Chairman
Jeffrey Lovelace, Alternate Member
Thomas Carroll, 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, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Member Rob Day was seated for Russ Smith.

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 read correspondence into the record from the Fire Marshall. The culinary school has an occupancy load of 21 people per the floor plan that was previously submitted, the parking requirement needed is 1 space for every 2 people of the occupancy load.

Mr. Taylor discussed the synopsis of their design flow with the Commission.

Mr. Reichenbach read a letter into the record from the Town Sanitarian.

The students of the culinary school will use the second floor for classrooms and will be integrated into the working staff of both restaurants on the first floor as part of the one-year hands on culinary certificate program.

There will be no restaurant dining or customer seating proposed on the second floor of the building.

102 seats are available (including the outdoor deck). 60 spaces are required between the

restaurant and the culinary school, and 63 total spaces are available. Therefore, the applicant has met the parking requirement.

Mr. Reeves asked a question of Mr. Taylor on if he ever decides to expand his restaurant to the second floor. Mr. Taylor said that he does not have

MOTION made by Rob Day to close this application. 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 7:08 PM. Regular Members Larry Shipman, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Member Rob Day was seated for Russ Smith.

2. **APPROVAL OF THE AGENDA**

No changes were made.

3. **RECEIPT OF NEW APPLICATIONS**

Application 19-7 – Sarah Schutz – A Petition for a Text Amendment proposing “Preschool” as a Principal Use allowed in Village Residential Districts.

Application was withdrawn.

Application 19-8 – Gary Dayharsh, 57 Main Street, Ivoryton – An application for a Special Exception to locate a wellness center within the former Ivoryton Congregational Church.

Mr. Dayharsh presented before the Commission. He would like to have a wellness center rent out the space. He said he does not have any major plans to renovate the outside other than a color change to the exterior of the building and a ramp for handicap accessibility. Inside, he plans to upgrade the bathrooms to make them handicap accessible plus split some of the large rooms in half downstairs. He would like to have the building available for use in the fall.

Mr. Budrow said that no waivers are being requested and there are no referrals.

Mr. Budrow mentioned that he has calculated 21 parking spaces as being available. Mr. Budrow would like the business to submit a write up on what the attendance flow will be on a daily/monthly basis. Mr. Shipman would like to know the number of employees that will be present at their highest peak. Mr. Budrow will work with Mr. Dayharsh on what his plans are for lighting and fencing. This will be discussed again at the next zoning meeting and also be shown on the site plan.

MOTION made by Larry Shipman to receive this application and put on the agenda for the next meeting on May 20, 2019. Jim Hill seconded the motion. All in favor, **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.

MOTION made by Mark Reeves to approve **Application 19-3 – Colt Taylor**, subject to Section 120 and Section 80 of the Zoning Regulations and with the following conditions:

1. The application is in compliance with the Plan of Conservation and Development as needed.
2. Housing on the second floor is not allowed at this time.
3. No patrons or alcohol are permitted on the second floor at this time.
4. If a parking requirement is needed in the future, the property owner agreeing to allow parking on their property must submit a letter stating that an agreement is in effect.

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.

The applicant is currently addressing questions from the State.

Continued to the next meeting on May 20, 2019.

5. OLD BUSINESS

Mr. Budrow gave an update from Attorney Mark Branse on the regulation sections that he has reviewed. Mr. Budrow has a meeting scheduled with the rewrite committee to review Attorney Branse's changes and move forward with modifying the draft text.

6. VISITORS AND GUESTS

Alan Kerr from the Planning Commission spoke to the Zoning Commission regarding a Bokum Road overlay district. John Guskowski, the Town Planner has proposed the idea of overlay zones for various nodes, beginning with Bokum Road. The Planning Commission would like to see certain uses be permitted where as they may not have been permitted before in that zone. Mr. Kerr suggested that the applicant should specify a particular parcel that they may want to develop and apply simultaneously for a zoning map change to designate that particular parcel as being found by the overlay zone, as well as apply for a Special Exception process. He emphasized that the Zoning Commission would have a lot of discretion on whether they would want to approve or deny that particular application.

Mr. Kerr said this is not a proposal at this point but he is looking for the Zoning Commission to review and give feedback now. A proposal may be submitted in the future based on the Zoning Commission's feedback.

Mr. Shipman thinks that this is a good idea being that people in the village district would not like the idea of retail spreading into other parts of town, however having it as a mixed use is probably useful.

Mr. Budrow will place this on the next agenda.

Joel Nucci, town business owner was present to discuss multi-family housing in a village residential district. Mr. Nucci said that he has bought a house in Centerbrook with two apartments. He has a basement that he would like to turn into a studio apartment, but he is unable to do so with the current zoning regulation.

Mr. Budrow said that Mr. Nucci can either decide not to make the basement apartment or ask the Zoning Commission to potentially add multi-family homes as a use allowed in the multi-family district. Currently, multi-family use is only allowed in the expansive rural multi-family district. Mr. Budrow said that up to two accessory apartments are allowed in the commercial district in any single family dwelling.

Mr. Nucci is looking for the Zoning Commission's opinion on whether this is worth moving forward with a text amendment.

Mr. Shipman said there's no possibility of a variance under this circumstance and it really can't be considered a hardship. A multi-family overlay may be a possibility to make his properties and surrounding multi-family properties legally conforming without affecting the other village residences around town.

Attorney Day said that if this was to be considered, he suggested having public hearings to give people in town a chance to attend and express their opinion.

Mr. Reeves suggests getting some legal advice and conducting a type of demographic study.

Mr. Nucci will talk to the Town Assessor to see if this concept could negatively affect other properties.

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICIAL

Mr. Budrow mentioned a house on Saybrook Road that was formerly an antique store. It was recently bought by someone with an art gallery. The owner would like to sell furniture from her basement two days a week and Mr. Budrow inquired with the Commission regarding giving out a certificate of occupancy for the owner to do this.

Also on Saybrook Road, there is someone interested in putting in an indoor golf facility. The current regulation does not list golf as being part of an indoor recreational facility. Mr. Shipman suggested that we amend our regulation to include indoor golf facilities as well.

8. **OTHER BUSINESS**

Memorandum of Decision – Application 19-5, Jason Wilcox

Present were Larry Shipman, Bill Reichenbach, Jim Hill and Mark Reeves and Rob Day.

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

9. **APPROVAL OF MINUTES**

One correction was made: Page 4, item 7, 3rd line down, the word “edition” should be “addition”.

MOTION made by Larry Shipman to approve the minutes of the March 18, 2019 meeting as amended. Rob Day seconded the motion. All in favor, **Motion carried, 5-0.**

10. **CORRESPONDENCE AND PAYMENT OF BILLS**

None.

11. **ADJOURNMENT**

The next scheduled meeting is May 20, 2019.

MOTION made by Rob Day to adjourn the meeting at 8:13 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk