

TOWN OF ESSEX ZONING COMMISSION

29 WEST AVENUE – ESSEX, CT 06426

MEETING MINUTES – May 20, 2019

PUBLIC HEARING

Present: Russ Smith, Vice-Chairman
Bill Reichenbach, Secretary
Jim Hill, Regular Member
Mark Reeves, Regular Member
Robert Day, Alternate Member
Thomas Carroll, Alternate Member

Absent: Larry Shipman, Chairman
Jeffrey Lovelace, Alternate Member

Also Present: Joe Budrow, Zoning Enforcement Official

CALL TO ORDER: Russ Smith, Vice-Chairman called the Public Hearing to order at 7:00 PM. Seated for the Public Hearing were Regular Members Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Member Tom Carroll was seated for Larry Shipman.

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. Reichenbach read the legal notice into the record.

Mr. Dayharsh presented before the Commission. He explained that his plan is to paint the exterior, add some lighting in the parking lot and install some handicap ramps. On the interior, he would like to mostly leave it the same as it currently is. The main goal is to divide a couple of the large rooms and make the bathrooms ADA accessible. Mr. Dayharsh mentioned that he intends to merge the two parcels of land together.

Privé Swiss currently operates in Essex but would like to move to this location. This business specializes in mediation, yoga and counseling services.

Mr. Reichenbach read a letter into the record from Lisa Fasulo, town sanitarian. She is considering this property to be used as primarily an office space with occasional small group classes. These activities are not expected to increase the capacity of waste water discharge beyond the allowable limit, therefore Ms. Fasulo does not oppose this project.

Mr. Dayharsh stated that clients will be able to take part in a wellness program, which includes staying at the Copper Beach Inn. A small private gym and small kitchen will be made available. Clients are seen by appointment only. The parking is more than acceptable to meet all clients needs.

Mr. Budrow said there are 32 or 33 parking spaces on the property. Currently the use is allowed in the zone but is not listed in the parking regulations, therefore Mr. Budrow does not yet know how many parking spaces are required.

Mr. Dayharsh has put together a spreadsheet for each room and what the uses will be. There will be two full time employees plus outside counselors and fitness instructors that come in on an appointment basis. There is the possibility for a maximum of 19 total people on the upper level at one time and a maximum of 10 total people on the lower level at one time. The maximum number of clients attending at one time is 22.

Mr. Daly asked what the businesses operating hours are. Mr. Dayharsh said the business will be open Monday through Friday, 9 am to 8 pm.

Heidi Kunzli, owner of Privé Swiss spoke before the Commission regarding the operation of her business. She is hoping to open at this location on September 1st.

Mr. Budrow asked if there would be any external activities that could affect the neighbors in any way, such as loud noises, etc. Mr. Dayharsh said no.

Questions of fact from the public:

Keith Prozesky, town resident, asked about signage as well as the lighting plan for the parking lot. Mr. Dayharsh said that the plan is to have a sign in the same place where the church sign used to be and make it a similar size. Mr. Dayharsh said there is currently a light on the front steps which will remain and they are also planning on putting in a couple lights on posts which will be shut off when the business closes at 8 pm.

Betty Loiacono, neighboring resident has a concern with Ms. Kunzli someday outgrowing this space and a new business possibly moving in at this location. She also asked that if Ms. Kunzli's business was to grow and she needed more space, therefore looking to expand at this property location, would Ms., Kunzli have to come before the Zoning Commission again. Mr. Budrow said that any change of use on a property in town comes back to the Commission 90% of the time.

Suzanne Cutler lives in a neighboring property and is worried about 19 clients coming in and going every few hours, with traffic crossing as people come and go. Mr. Dayharsh said that the 19 clients are really at a maximum amount and many of those people will be there for the day, not only for an hour or two. Ms. Cutler asked why Ms. Kunzli would like to move her business from Main Street in Essex. Ms. Kunzli said that her decision has been based on the high cost of rent downtown.

Mr. Budrow asked if a referral is necessary to participate in the services being offered. Ms. Kunzli, said no, and mentioned that everything is by appointment only.

Mark Reeves asked what the total number of people in a day will be entering the property. He is thinking that there will be more than 300 gallons of water used per day for septic purposes. Ms. Kunzli explained that there will be approximately 12 to 16 clients per day, plus two employees and one or two outside professionals coming in, depending on the day.

Carlton Barlow, town resident, thinks that this is a poor idea and the business will not survive in Ivoryton.

Maryann Pleva, town resident, asked if the sanctuary will be open to the public. Mr. Dayharsh said that this would be fine as long as it doesn't cause a conflict with the business at that time.

Kay Tucker, town resident asked if the professionals coming in to provide services are considered to be sub-contractors renting the space. Mr. Dayharsh said that they are licensed professional and rent the space for the period of time that they are seeing their client. They can be considered as a tenant or sub-lessee.

Jeff Becker, new resident in town, asked if these outside professionals are only coming to this location for services through Privé Swiss. Mr. Dayharsh confirmed yes; they will not be renting space to opening up their own practice in the building.

Mr. Becker asked about change of use and if one would be necessary down the road, should the business decide to pivot their business model in order to increase activity (such as adding additional classes, etc.). Mr. Budrow said that he would have to hear a complaint or if he sees the parking lot constantly full or overflowing on the street, he may call the business owner and ask what the reason is for the overflow.

Mr. Reeves asked if this section of the street is currently a no parking zone. Mr. Budrow said that he is not sure and will look into it. Mr. Dayharsh stated that there is a lane there which is wide enough to park in, and former church goers used to park there.

Kay Tucker does not think that it is safe for people to be crossing the street from the Copper Beach Inn to this property, as there is a dangerous curve in the road. Mr. Budrow recommends that Mr. Dayharsh contact the DOT regarding a sidewalk and signage being placed there. Mr. Becker has an issue that the speed limit increases by 5 mph where the Copper Beach Inn is, and then goes down by 10 mph shortly after that stretch of road. The state has already been sent a letter with this request plus a few other suggestions.

Leslie Barlow, town resident, asked why Ms. Kunzli wants a wellness center in Ivoryton since she already has one in Westbrook. Ms. Kunzli mentioned that she has already been operating two different locations and is simply looking to move the center that's currently in Essex to this Ivoryton location instead.

Sue Cutler asked how clients get signed up for this- do they get referred by a doctor, or does the patient apply for this service through Ms. Kunzli? Ms. Kunzli explained that people come in through the website, referrals, word of mouth, etc. The majority of clients live in the shoreline area.

Mr. Reichenbach asked if Ms. Kunzli advertises for her business. She said that she doesn't do a

lot of advertising and mostly relies on word of mouth but does use Facebook and once in a while will advertise through the newspaper. The practitioners write a wellness column in the Shoreline Times once a month which also helps to bring in business.

Public in favor of this application:

MaryBeth Harrigan, resident, is in favor for new businesses and does not have any issue with Ms. Kunzli moving her practice to this location.

MOTION made by Mark Reeves to close this application. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

REGULAR MEETING

1. **CALL TO ORDER:** Russ Smith Chairman called the Regular Meeting to order at 8:00 PM. Present were regular Members Russ Smith, Bill Reichenbach, Jim Hill and Mark Reeves. Alternate Member Tom Carroll was seated for Larry Shipman.

2. **APPROVAL OF THE AGENDA**

One change was made to the agenda - Application 19-19 is continued to the next meeting on June 17, 2019.

3. **RECEIPT OF NEW APPLICATIONS**

Application 19-9 – MacBeth Ventures, LLC c/o HT Partners, LLC 6 Main Street, Centerbrook – A minor modification to a previously approved Special Exception to allow for changes to the concept of a brewpub that includes a taproom, kitchen and manufacturing.

Continued to the next meeting on June 17, 2019.

Application 19-10 – Essex Zoning Commission – An application for a text amendment to the zoning regulations adding “golf center” and “batting cages” to the LI District.

The regulations currently do not have the language that would allow this type of recreation, therefore looking for a text amendment to Section 90A.3, Section E under indoor recreational facilities for adding batting cages and golf facilities.

MOTION made by Mark Reeves to accept this application and schedule for the next meeting on June 17, 2019. Jim Hill seconded the motion. All in favor, **Motion carried, 5-0.**

4. **NEW BUSINESS**

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. Day stated that he is sensitive to everyone's concerns regarding traffic etc., but with that said, he knows that it will be difficult to find another business suitable for this building and feels that this proposed business will fit in well with the community.

Mr. Reeves is not against this application but does have traffic related concerns.

Mr. Reichenbach thinks the Commission should condition the application so the neighbor's concerns are addressed and the appropriate traffic studies can be conducted.

Mr. Hill thinks that the Commission should consider some restrictions on parking. He also agrees that it will be difficult to find another use for that building, therefore he thinks this business will be a good use for the property.

Mr. Smith also agrees that this business is a good use for the property as long as the sanitarian gives approval on the septic system.

Mr. Budrow does not think that this use will be more impactful than the church itself, therefore he agrees that this is a good change of use for the building but recommends giving conditions.

MOTION made by Mark Reeves to approve this application, subject to Section 118 and Section 62 of the Zoning Regulations and with the following conditions:

1. Applicant is to work with the regulating authorities on the roadway to improve the safety conditions of the roadway wherever possible.
2. Applicant is to merge the two properties before a zoning permit is granted.
3. The business owner is to strongly urge that clients not park on the street.

Tom Carroll seconded the motion. All in favor, **Motion carried, 5-0.**

Application 19-9 – MacBeth Ventures, LLC c/o HT Partners, LLC 6 Main Street, Centerbrook – A minor modification to a previously approved Special Exception to allow for changes to the concept of a brewpub that includes a taproom, kitchen and manufacturing.

Continued to the next meeting on June 17, 2019.

5. OLD BUSINESS

Zoning Regulations Update –

The re-write Committee has been working with Attorney Mark Branse on reviewing our new Zoning Regulations. He has annotated every section of the Regulations that have been proposed and now the Committee is going through each section to make edits upon his suggestions. Mr. Budrow is hoping that the Committee will be done with this in July and be ready for a public hearing in August.

Discussion about the Bokum Node Development Overlay-

Mr. Budrow mentioned that last month he gave the Zoning Commission a copy of the

Planning Commissions write-up of developing a new node. This month he submitted a map to the Zoning Commission. The Bokum Center node is where 3 districts would come together- commercial, business and limited industrial. This is a two-step process. Mr. Budrow said that there are 13 potential uses allowed in the Bokum node development area. Mr. Budrow listed all the uses.

The targeted properties in this overlay need to have a 4 acre minimum, or abutting properties with landowner consent can come together to become a 4 acre area or more.

The Commission asked Mr. Budrow some questions, including where the property lines would be within this node.

This item will be placed on the agenda for next month.

6. VISITORS AND GUESTS

MaryBeth Harrigan, Essex resident spoke about being an avid cookie decorator. With keeping the State's new cottage food law, she would like to make a small business for herself in order to be able to bake out of her house. However, the zoning regulations state that a baking business is not allowed in homes. Ms. Harrigan would like language to be added that stated no baking is allowed at residences unless the baker is certified and licensed with the state.

The Commission asked Ms. Harrigan questions about the cottage food law which she answered. She said that there are a lot of restrictions and she would not be allowed to sell her cookies in stores, etc.

Ms. Harrigan has a website, Facebook account and Instagram account for advertising. Customers would primarily be coming to her house for pick-up.

Mr. Budrow said that if the Commission is okay with this, he can craft language for the new regulations that will be directly tied to the cottage food law.

7. REPORT FROM LEGAL COUNSEL AND ZONING ENFORCEMENT OFFICIAL

None

8. OTHER BUSINESS

Memorandum of Decision – Application 19-3, Colt Taylor

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

MOTION made by Mark Reeves to give approval for Larry Shipman to sign the Memorandum of Decision for **Application 19-3 – Colt Taylor**. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

9. APPROVAL OF MINUTES

Two corrections were made:

- Item 6, bottom of page 3, change wording to say, “as being part of” instead of “as being found by”.
- Item 6, page 4, 5th paragraph, “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” – correct to say, “as a use allowed in the village residential district”.

MOTION made by Mark Reeves to approve the minutes of the April 15, 2019 meeting with two corrections. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

10. CORRESPONDENCE AND PAYMENT OF BILLS

None.

11. ADJOURNMENT

The next scheduled meeting is June 17, 2019.

MOTION made by Jim Hill to adjourn the meeting at 8:37 pm. Bill Reichenbach seconded the motion. All in favor, **Motion carried, 5-0.**

Shannon DeLorso,
Zoning Board Clerk