

**ZONING COMMISSION REGULAR MEETING MINUTES  
SEPTEMBER 27, 2021  
7:00 PM**

**Multi-Media Room - Mulvey Municipal Center**

**The meeting was also available to attend remotely on Zoom.**

**Members Present:** Chairman Harry Ruppenicker Jr., Vice Chairman Dwayne Xenelis, Regular Member Vincent Gentile, Regular Member Linda Nolf, Alternate Member Jackie Lyman and Alternate Member, George Pytlik (via Zoom).

**Also attending:** Planning, Zoning and Development Coordinator Eric Knapp and Dave Maiden.

**CALL TO ORDER:**

The meeting was called to order by Chairman Ruppenicker at 7:00 p.m.

**ESTABLISHMENT OF QUORUM:**

4 of 5 Regular Members were present. George Pytlik was seated as a voting member sitting for Mike Engels.

Upon a motion by Dwayne Xenelis, seconded by Linda Nolf, it was:

**VOTED:** Unanimously to add "Appointment of Interim ZEO" as item #4 under Commission Business.

**A. RECEIPT OF APPLICATIONS:**

**1. ZC2021-0015 – 362 Boston Post Road, Map 188, Lot 181, Commercial Boating (CB) Zone. Amendment to approved Special Permit. Sections 3.B.11 (a), (e), (f), (g) and (h). CAM required. Applicant and Owner: 362 Post Road, LLC. Applicant is proposing to amend existing permit to show changes to layout made during construction and proposed future activities, including jet-ski slips and relocated boat ramp, as well as refrigeration unit:**

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

**VOTED:** Unanimously to receive Application ZC2021-0015, 362 Boston Post Road.

**B. PUBLIC HEARINGS:**

**1. ZC2021-0013 - 21 Essex Road, Map 176, Lot 120, Commercial Town Center (CTC) Zone. Amendment to approved Special Permit. Section 3.B.2.a. Applicant Lorraine Stanley; Owner: 21-27 Essex Road, LLC. Change of use: restaurant to personal service establishment, hair and eyelash salon. Ground floor space below existing apartments. Three parking spots. 740 square feet:**

Applicant Lorraine Stanley was present and stated that she is trying to open an eyelash business. There will be a second chair for someone to do hair. The business will be by appointment only, so there will be no more than 4 cars at a time in the parking lot. The Planning Commission wanted it to be known that the public parking lot is not part of this application.

At this time, the floor was opened to members of the public to speak for or against the application or to ask questions. There were no members of the public whom wished to speak.

Upon a motion by Vincent Gentile, seconded by Linda Nolf, it was:

**VOTED:** Unanimously to close the public hearing for Application ZC2021-0013, 21 Essex Rd.

**C. REGULAR MEETING:**

**OLD BUSINESS:**

**1. ZC2021-0013 - 21 Essex Road, Map 176, Lot 120, Commercial Town Center (CTC) Zone. Amendment to approved Special Permit. Section 3.B.2.a. Applicant Lorraine Stanley; Owner: 21-27 Essex Road, LLC. Change of use: restaurant to personal service establishment, hair and eyelash salon. Ground floor space below existing apartments. Three parking spots. 740 square feet:**

Upon a motion by Vincent Gentile, seconded by Dwayne Xenelis, it was:

**VOTED:** Unanimously to approve Application ZC2021-0013, 21 Essex Road, as presented.

**NEW BUSINESS:**

**1. ZC2021-0015 – 362 Boston Post Road, Map 188, Lot 181, Commercial Boating (CB) Zone. Amendment to approved Special Permit. Sections 3.B.11 (a), (e), (f), (g) and (h). CAM required. Applicant and Owner: 362 Post Road, LLC. Applicant is proposing to amend existing permit to show changes to layout made during construction and proposed future activities, including jet-ski slips and relocated boat ramp, as well as refrigeration unit:**

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

**VOTED:** Unanimously to set a Public Hearing for Application ZC2021-0015, 362 Boston Post Road for Monday, October 25, 2021 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center and via Zoom.

**2. 198 Essex Road. Section 9.C.2 request for Pre-Application review. Possible stand-alone drive through restaurant use. 900 SF Building:**

Engineer Joe Wren was present as well as the property owner. Mr. Wren stated that this is an informal discussion regarding an application that they may come forward with in the future. This property is where the Mobil Station is on Route 153, with the Dunkin Donuts inside. They are looking to have Dunkin Donuts leave the existing building and building a stand-alone 900 SF building with a drive-thru window only. They will not have any tables inside the building. They are proposing to arrange is so there could be up to 12 cars in the queue. There would be 2 separate lanes for ordering and then those 2 lanes would merge for them pay and pick up order. This will alleviate crowding in the existing parking lot. They would like the hours to be 5 am to 10 pm. Eric Knapp pointed out that the regulations state must be 6 am. They would use the existing septic system and will redo a small system for the convenience store. There would need to be some minor changes to the regulations for this to move forward. Mr. Knapp asked about how the exiting traffic would be regulated. Mr. Wren stated that bringing in a traffic engineer would be involved. The minor changes to the regulations will be looked into.

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

**VOTED:** Unanimously to add “176 Boston Post Road” to the agenda as item #3 under New Business

**3. 176 Boston Post Road:**

It was stated that this is a lot that was part of a 3 lot subdivision and this lot was never developed. Plan to mimic the existing buildings and have a contractor/flex base businesses on the first floor and 3-1 bedroom apartments on the second floor. This application will have to be reviewed by DEEP.

Upon a motion by Vincent Gentile, seconded by Linda Nolf, it was:

**VOTED:** Unanimously to accept the application for 176 Boston Post Road and to set a Public Hearing for Monday, October 25, 2021 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center and via Zoom.

**OLD BUSINESS:**

**2. ZC2021-0014 – 477 Seaside Avenue – Map 189, Lot 054, CAM Application – Construction of a retaining wall and stairs around a septic system raised mound:**

**Applicant: Dana J. Sullivan-Palotto:**

Engineer Robert Grabarek was present representing the applicant and stated that the septic system failed on the property and the owner installed an elevated mounded septic system and a wall around it because they are in a flood zone. Eric Knapp stated that he had DEEP and the Town Engineer the application and neither have any issues with what was done.

Upon a motion by Dwayne Xenelis, seconded by Vincent Gentile, it was:

**VOTED:** Unanimously to approve Application ZC2021-0014.

**COMMISSION BUSINESS:**

**1. ZEO Report:**

- Mr. Knapp stated that he has resigned his position with the Town and his last date for working will be October 8<sup>th</sup>. The Commission members wish Eric well and thanked him for his service to the Town.
- Mr. Knapp stated that Cindy's Package Store will be coming forward with an application for the property that was previously Key Bank on Boston Post Road.

**2. Review of Proposed Meeting Schedule for 2022 Regular Meetings:**

The meetings are proposed to be the 4<sup>th</sup> Monday of each month. The Commission Members agreed to the proposed schedule.

**3. Bills:**

The following bills were paid:

Shore Publishing - \$223.00 and Recording Secretary - \$85.83

**4. Interim ZEO:**

David Maiden has agreed to be the Interim Zoning Enforcement Officer until someone is hired to fill the position. He will not be doing any site inspections or enforcement actions. He will start on 10/11/21. The Commission Members thanked Mr. Maiden for stepping up to the job in the interim.

**APPROVAL OF MINUTES: Regular Meeting Minutes of August 23, 2021:**

Upon a motion by George Pytlik, seconded by Vincent Gentile, it was:

**VOTED:** Unanimously to approve the minutes of August 23, 2021, as distributed.

**ADJOURNMENT:**

Upon a motion by Vincent Gentile, seconded by Mike Engels, it was:

**VOTED:** Unanimously to adjourn at 7:30 p.m.

Respectfully submitted:

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Kathleen H. Kelemen, Secretary