

**Regular Meeting No. 12113 of the Killingworth Planning & Zoning Commission to be held on Tuesday, September 20, 2022, at 7:00 PM by Go-To-Meeting. Page 1 of 4**

1. Call to Order

Chairman Lentz called the meeting to order at 7:01 PM. Members in attendance and seated were Lentz, Hogarty, McGuinness, Cook, Tobelman and Warren (seated for McLaughlin until his arrival at 7:10 PM).

2. Minutes of Regular Meeting August 16, 2022

**Motion by Hogarty, second by Tobelman, to approve August 16, 2022 Minutes as written. PASSED UNANIMOUSLY.**

3. Visitors

Present were Mr. & Mrs. Neal Lewis and Karen and Mike Johnstone.

4. Communications and Bills – none.

5. Old Business

a. Turnbridge Lighting

ZEO Talbot noted he met with Turnbridge Lighting after the last meeting. They reviewed several things, but he never received a call back from the lighting person. He called their attorney and told her he needed a call back. Lentz noted there have been complaints in the past but nothing ever happened. It's not clear what the problem is. He can see lights from his neighbors' house.

Mr. & Mrs. Neal Lewis and Karen and Mike Johnstone were present. Mr. Lewis noted what's different is that some of the lights have been there for awhile and rarely used. They are now brighter and significantly altered making them extremely intrusive. More lights than ever before and used all the time. We agreed last month it's a violation of the Town Ordinances.

Cook asked with regard to Section 500-33, do any of these regulations appear to be in violation of the current lighting. Talbot noted the coach lights are not shielded. He doesn't know if anything can be done about those as they have been there. There has been no record of compliance until he got there. Lentz noted he thought there have been complaints but no action was taken. Talbot noted he has been out there at night but has not seen the lights on.

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Cook reviewed the 7 stipulations in Section 500-33. It was felt Turnbridge was in violation of stipulations A & B. Lewis noted there is no shielding on the lights.

Lentz noted the Commission has to decide whether there is a violation. Talbot will be meeting with Turnbridge again. He thinks they will take the position that lights were there before they got there. Talbot noted lights that can't be seen are not a problem. He wanted to establish that.

Talbot noted he wasn't aware if there were complaints about this before. Lentz noted some of the lights were new. Talbot indicated most of the lights people can see were there before.

Lewis noted lights that can't be seen are not a problem. Lentz noted they are not concerned about those, however, the light system has been changed and added to.

Lentz noted ZEO Talbot will try to make contact with the owners again and make some progress. Then we have to determine what the violation is and whether to pursue it. Lentz indicated the Commission now has a plan to proceed. Members should drive by at night time to observe the lights.

Mike Johnstone noted the pulse lights can be seen thru the trees. The big light in back was there. None of the lights were ever on from dawn to dusk. Some lights are not down lights.

## **6. Zoning Enforcement Officer's Report**

### **a. Running Brook Farms**

ZEO Talbot noted he has served RBF with a Cease & Desist Order. He had a meeting with them last Thursday. In correspondence to them he told them one option was to ask to amend their existing Special Exception requiring a new site plan and application. They indicated they would like to do that. He then explained the Commission has discretion on any new application. They were told they would need an engineered site plan. They were given 60 days. A letter was received and sent to all members.

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Chairman Lentz noted what is allowed there is nothing like what they are doing. Warren noted they agreed to do certain things and what was agreed to was changed without consultation with Planning & Zoning.

ZEO Talbot noted they have the right to appeal the Cease & Desist to the Zoning Board of Appeals. They were made aware of their options.

Chairman Lentz noted they are obligated to clean that up in order to comply with the regulation. Talbot suggested talking to Attorney Branse. Lentz noted if they are in violation, the Commission should pursue it. We should wait and see if they clean it up. Give them a little more time like a couple of weeks. If they don't clean it up, then we can turn it over to the attorney.

McGuinness noted they said they would move the pile to the rear. It doesn't seem like they are meeting the current requirements. It also sounds like they would submit a revised application and new engineered site plan. Talbot noted that he never told them to submit a new application. He indicated the C&DO is for 10 days to the end of this week. He can call Attorney Branse and let him know what the situation is. If he thinks we should go ahead, then we will go ahead.

Cook discussed the idea of instituting a fine per day until in compliance. Lentz noted the Commission hasn't been able to fine anyone, only things is to take it to court.

There was discussion regarding an anonymous letter and the two furnaces. Lentz noted they are clearly in violation of their permit which is obvious. This is a well known problem and we should pursue this violation. It's either ceased or the Commission takes it to court. There was discussion regarding the furnaces on both sides of Route 80. It was noted the State continues to regulate these furnaces. When they are fired up, he will contact the State and they will send someone down to inspect. Lentz noted he thought one of the furnaces was approved. Talbot noted there is no building permit for it. Cook asked if RBF could provide the manufacturer or model number etc. If they don't clean it up, we will go ahead with the violation.

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7. New Business

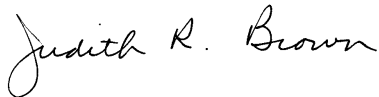
Stephanie Warren noted when Duncan Donuts first applied for their permit years ago, they were told there would be no drive up window. She went in there a week ago and there is now a drive up window. Chairman Lentz noted the Commission approved that about a year ago. It's in the records. That was in response to Covid when people weren't going in to places.

8. Report of Officers and Subcommittees – none.

9. Adjournment

There being no further business, the meeting adjourned at 7:50 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown".

Judith R. Brown, Recording Secretary