

Minutes of Meeting No. 12134 of the Killingworth Planning & Zoning Commission held on Tuesday, April 16, 2024 at 7:00 PM at the Killingworth Town Office Building, 323 Route 81, Killingworth.

Meeting Agenda

HYBRID REGULAR MEETING AGENDA

1. Call to Order

P. McGuinness called the meeting to order at 7:00 PM. Commission members present included Chairman McGuinness, Vice Chairman Hogarty, Cook, Martin seated for McLaughlin, Tobelman, Warren seated for Drew, Phelps (not seated). Others present include Linda Kieft Robitalle, ZEO; Judy Brown, Recording Secretary and Attorney Jack Bradley (Commission Attorney).

Motion by Hogarty, second by Tobelman, to move Agenda Item 5. Old Business to after Agenda Item 7. New Business. Unanimously Approved.

2. Visitors – brief public comments

Chairman McGuinness noted public comments should be limited to 3 minutes. The Commission is now doing Hybrid Meetings and encourages public comment.

3. Minutes of March 19, 2024 Meeting

Motion by Hogarty, second by Cook, to approve March 19, 2024 Minutes as edited by Chairman McGuinness's redline notes. Unanimously approved.

4. Communications and Bills

- a. State Plan of Conservation & Development from RiverCOG, via email from Killingworth First Selectman on April 9, 2024.
- b. Two invoices from Halloran Sage, received April 11, 2024.

6. Zoning Enforcement Officer's Report

ZEO Kieft Robitalle noted there were 3 permits issued – greenhouse, shed and single family home. She also noted the Pathfinders Earth Day Auction has received a temporary permit from the State and will be auctioning off liquor. Complaints received were junk unregistered cars, horses and manure and a 3rd one which is undefined at this time. She also noted there is a new Public Act 2129, Housing and Accessory Apartments. The Town may have to revise its regulations. As of January 2023 there is Senate Bill regarding new construction of new commercial buildings. Each building that has 30 parking spaces or more has to have one EV charger. Linda noted she has signed up for the Cazeo course and will be absent from the next meeting in May.

7. New Business

It was noted there is some confusion on the zoning application form and it should be noted the applicant should circle the type of application, Special Exception, Site Plan Approval or Municipal Improvement.

a. #383 Lot Line Change, 255 Route 80, Unit 2-7 – Ground Mounted Solar Array to be installed, lot line revision needed so solar array will not be beyond building setback line. Limits of the building will impede distance of the setback line. Pat Benjamin has moved the lines back to accommodate the new solar to be installed. It was noted those lots are still conforming. Much discussion regarding lot line change plan, 40' setback and frontage.

b. #384 Special Exception/Site Plan Approval, 255 Route 80 - Ground Mount Solar Install. It was noted this is a 221.16 kilowatt solar ground mount. Two rows of panels, tallest point 7 to 9 feet, tilted to the south. These are stationary. Chairman read the Fire Marshall's letter into the record. There needs to be a parking calculation. Site plan was reviewed in much detail including sidewalks, access for fire trucks and cleaning of catch basins. Parking spaces were reviewed. They may lose up to 20% of spaces. Applicant should provide additional information. There will be small scale solar which will be accessory to the building and the conduit will be trenched. Chairman asked if there would be screening for the arbor vitae. Chain link fencing was reviewed as was lighting.

The applicant noted they wished to construct in June, July. More discussion on parking spaces – what is required, what will be provided and what will be striped.

It was noted the site plan does not provide enough information. Issues will have to be addressed if the application is approved.

It was noted #383 and #384 should be voted on tonight, lot line approval first. **Motion by Hogarty, second by Cook, to approve Application #383 as submitted. Unanimously approved.**

Motion by Cook, second by Hogarty, to continue Application #384 to the Commission's May 21st meeting, with materials to be submitted one week before. Unanimously approved.

c. #385 Special Exception/Site Plan Approval, 2 Route 80 - 2nd floor apartment over garage. Chairman read Fire Marshall's letter into the record. It was noted the Fire Marshall had no issues with the site plan provided. This will be a care takers apartment. Three more buildings are being anticipated in another 2-3 years. Public Act 21-29 applies here provided in meets codes. It was noted the Sanitarian and the State need to review this application. It will need a new tank. The garage below will be to park a car. There will only be one service, not two. The site plan was reviewed in detail. It was further noted the window in the bedroom was large enough for egress as it will accommodate fire equipment.

Stephanie Warren recused herself from this application as the subject property backs up on hers.

Motion by Hogarty, second by Cook, to approve Application #385, second floor accessory dwelling unit with conditions to provide labeling of structures on the plan and submission of certificates of mailing. Unanimously approved with conditions as stipulated.

5. Old Business

a. Continued discussion on outdoor wood burning furnaces (OWFs) and review of draft regulations. Cook gave a detailed discussion outdoor wood burning furnaces. He reviewed definitions a.1 and a.2 and a new proposed draft regulation. It was noted DEEP is in charge of fines. There was further discussion regarding phase outs and new ones.

b. Continued discussion on housing.

Warren noted she followed up with Joan Gay who would like to come in as a visitor during a hybrid meeting. She would like to discuss housing accommodating the aging.

c. Withdraw previous meeting's appointments for Alec Marftin and Stephanie Warren to RiverCOG (their terms don't expire until end of 2024).

Motion by Hogarty, second by Cook, to withdraw previous meeting's appointment of Martin to RiverCog as his term doesn't expire until end of 2024. Unanimously approved.

Motion by Cook, second by Tobelman, to withdraw previous meeting's appointment of Warren to RiverCog as her term doesn't expire until end of 2024. Unanimously approved.

8. Report of Officers and Subcommittees

RiverCog – Warren noted it is being proposed in one of the upcoming Bills to give ZBA permission to override P&Z.

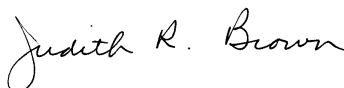
9. Executive Session – pending litigation

Motion by Hogarty, second by Cook, to go into Executive Session at 8:45 PM to discuss pending litigation. Unanimously Approved. Attendees in Executive Session include Commission members, ZEO and Recording Secretary. Executive Session adjourned at 9:27 PM.

10. Adjournment

There being no further business, meeting adjourned at 9:28 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary