

Minutes of Zoning Board of Appeals meeting held Monday, December 16, 2024 at 7:00 PM at the Killingworth Town Hall.

1. Call to Order and Seating of members

Chairman Young called the meeting to order at 7:00 PM. Members in attendance and seated were Brian Young, Ben Charney, Mike McCormick and Cheryl Fine. Chairman Young noted 4 members were needed for a quorum.

2. 2025 ZBA Meeting Schedule

It was noted the ZBA has been meeting on the 3rd Monday of every month. This will continue except for January and February when the 3rd Monday is a holiday. Secretary Brown will check with the Selectmen's office to see when those meetings can be rescheduled. A new 2025 Meeting Schedule will be prepared at that time. **Motion by Young, second by Charney, to continue with the 3rd Monday with the exception of January and February which will be checked out with the Selectmen's office as to when those two months can be held. All in favor of the motion. Motion passed.**

Chairman Young explained the process of the meeting. There will be questions from the public, questions from the Board members, the public part of the meeting will be closed and then the Board will discuss and vote.

3. Public Hearing and Consideration of Application

The Killingworth Zoning Board of Appeals will hold a public hearing at the Town Office Building at 7:00 PM on Monday, December 16, 2024 regarding the following application:

Public Hearing and Consideration of Application – Jack B. Coy LLOC, P. O. Box 644, Killingworth, CT 06419 (owner) and Attorney Sylvia Rutkowska, Arch Law Group, LLP as applicant, location of property Roast Meat Hill Road, Map 28, Lot 59A, for appeal of decision of the Zoning Enforcement Officer per letter dated Sept. 24, 2024, that addition information is required before the zoning permits requested can be issued.

A copy of this application is on file with the Killingworth Town Clerk. At this hearing written communications will be received and interested persons will be heard.

Michael Berkun noted he represents Coy LLC regarding the appeal of a series of decisions by the ZEO for several land use applications. ZEO's letter of September 24, 2024 indicated this has been going on since April 2024, over a year. Berkun noted he's not asking for any favors or a

variance and he can't afford counsel. He hoped litigation could be avoided. He was told last month the zoning application was incomplete because he didn't go to wetlands first. The shed applications were eventually approved by wetlands last Thursday. The wetlands application had been submitted last April.

Mike noted ZEO didn't review driveway for zoning compliance. ZEO sent letter in violation of well and septic system, but permits had been issued. Also a letter was sent denying the farm application for a pond. ZEO has been hindering my process. We have submitted complete land use applications. The sheds are for farm use. The town considers the parcel as a farm, Town Assessor with 490 status.

It was noted the ZEO's decision is incorrect. The wetlands application was submitted last week. Her decision is not reasonable. Mike read her letter into the record. He requested the ZEO's decision be overturned.

Attorney Mark Willis representing the ZEO noted the ZEO sent an email requesting more information. She noted this was not an appealable event. The ZEO noted that when there is a change in the footprint, nothing can be done wetlands is approved. Wetlands decided this was not farm use. They had not approved the sheds either. The Building Permit was still on the Building Official's desk. He had asked for more information, but it hasn't been provided yet. The driveway and house number are not issued without a residence on the property. It was noted, however, the street number is not required for a lot without a house. The driveway is already there because it's a farm use. Chairman Young noted wetlands needs to complete their process before approval of the sheds.

Attorney Ken McDonnell noted it does appear that the application was not complete. The Board is asking for additional information.

Mike Berkun noted the information being requested is not reasonable. He has offered to do an A2 survey. Ben Charney noted what is reasonable and not reasonable. If the information is part of the application, that would determine if it's reasonable. The information requested has to be related to the application itself.

McDonnell noted because the wetlands decision hasn't been received, that makes the application incomplete. Inland Wetlands and Building Permits are two requirements to make the application complete.

Willis noted the appeal should be denied so the application can be made complete.

Motion by Charney, second by Fine, to close the public hearing. Unanimous vote in favor.

Motion by Charney, second by Fine, to deny the appeal as the action for which the appeal is request is for additional information. Unanimous vote in favor.

4. Adjournment

Meeting was adjourned at 7:55 PM.

Judith R. Brown

Respectfully submitted,

Judith R. Brown, Recording Secretary