Minutes of Public Hearing/Hybrid Regular Meeting of the Killingworth Zoning Board of Appeals
Monday, July 20, 2026 at 7:00 PM | Killingworth Town Office Building
323 Route 81, Killingworth/Remote Access

Commission Members in Attendance: Mark McCormick (Chair/Via Remote), Ben Charney, Bill Joyce (Via Telephone), Cheryl Fine (Arrived 7:06 p.m.) and Cinny MacGonagle - All present

Visitors: David Tycz, Esq.(Howard McMillan & Tycz - representing ZBA), Trent R. Kaisen, Esq. (Halloran Sage LLP - representing ZEO), Troy Antoniewicz (via remote), Attorney Genevieve Park-Taylor (Sound Legal, LLC), Sasha B., Linda Kieft-Robitaille (ZEO), Killingworth Citizen (Via Remote/Name Unknown), Jamie Sciascia (Clerk/Via Remote)

Called to Order: The Meeting was Called to Order at 7:02 PM by Mark McCormick, Chairman.

Chairman McCormick read the Legal Notice into the record.

Motion #1 - William Joyce ***Moved*** and Cinny MacGonagle ***Seconded*** a motion to open the Public Hearing at approximately 7:07 p.m. Motion unanimously passed [5-0-0].

A Continuation of a Public Hearing and Consideration of Application #01-26 regarding an appeal of the decision on Application #405: Home Occupation Permit, 45 Stevens Road, Killingworth, CT 06419, filed by Christopher Parkington and Victoria Parkington v. Troy Antoniewicz, appealing the decision of the Zoning Enforcement Officer.

Chairman McCormick stated that, before considering the merits of the appeal, the Board first needed to determine whether it had jurisdiction to hear the matter. He noted that the appeal concerned an alleged error, requirement, or decision of the Zoning Enforcement Officer (ZEO) and that the information before the Board did not indicate that the ZEO had issued the decision being appealed. He requested that counsel address the jurisdictional issue.

Attorney Taylor, counsel for the appellants (Christopher and Victoria Parkington), argued that the appeal was based on the ZEO's issuance of a home occupation permit, rather than solely the Planning and Zoning Commission's approval. She cited Connecticut General Statutes §8-6 and §8-7, referenced the April 16, 2026 email from the ZEO, the Planning and Zoning Commission minutes, and the Legal Notice of Decision for Application #405. She stated that the appellants did not become aware of the approval until April 2026, relied on the Board's direction to file a ZBA appeal, and argued that the Board had jurisdiction to hear the appeal before considering its merits.

Attorney Kaisen, counsel for the Zoning Enforcement Officer, argued that the Board lacked jurisdiction because the appeal challenged the Planning and Zoning Commission's approval of Application #405 rather than a decision of the ZEO. He maintained that the ZEO's issuance of the home occupation permit was administrative and implemented the Commission's approval, and that any challenge to the Commission's decision should be pursued through the statutory appeal process.

Attorney Tycz, Board Counsel, advised that the Building Official, Zoning Enforcement Officer, and Planning and Zoning Commission have separate statutory roles and responsibilities. He explained that the Board's jurisdiction is limited to appeals from decisions of the Zoning Enforcement Officer and advised the Board regarding the distinction between legal argument and evidence.

Chairman McCormick stated that the Board's primary concern was determining whose decision was being appealed. He noted that the evidence showed the Planning and Zoning Commission approved Application #405 and questioned whether the appeal was from a decision of the ZEO or the Commission.

Motion #2 - Ben Charney ***Moved*** and William Joyce ***Seconded*** a motion to discuss the jurisdictional issue and rule on it first before entertaining any additional matters. Motion unanimously passed [5-0-0].

The Board determined, after review of the record and evidence presented, that it lacked jurisdiction over the matter and would not proceed with consideration of the remaining arguments.

Motion #3 - Ben Charney ***Moved*** and Cinny MacGonagle ***Seconded*** a motion that the Zoning Board of Appeals find it lacked jurisdiction over the matter and dismiss it without further action. Motion unanimously passed [5-0-0].

Motion #4 - Ben Charney ***Moved*** and William Joyce ***Seconded*** a motion to close the Public Hearing at 7:41 p.m. Motion unanimously passed [5-0-0].

Approval of Minutes from the Public Hearings/Special Meeting of June 23, 2026
This Item was ***Tabled*** until the next ZBA meeting.

Old Business:

A. Application #01-26 (Parkington v. Troy Antoniewicz)

As noted above, the Board determined, after review of the record and evidence presented, that it lacked jurisdiction over the matter and would not proceed with consideration of the remaining arguments.

New Business:

A. Discussion on Procedures

This item was ***Tabled*** until the next ZBA meeting.

Adjournment: Motion #5 - William Joyce ***Moved*** and Ben Charney ***Seconded*** a motion to adjourn the meeting at approximately 7:44 p.m. Motion unanimously passed [5-0-0].

Respectfully Submitted,

Jamie Sciascia

Jamie Sciascia
Clerk