

**Minutes of Regular Meeting No. 12115 of the Killingworth Planning & Zoning Commission
Held on Tuesday, November 15, 2022 at 7:00 PM by Go-To-Meeting, Page 1 of 5**

1. Call to Order

Chairman Lentz called the meeting to order at 7:00 PM. Members in attendance and seated were Lentz, Hogarty, Cook, Tobelman, McLaughlin and Alternates Warren, Martin and Drew (seated for McGuinness). Zoning Enforcement Officer Talbot and Building Official Richard Pleines were also present.

Others present at this meeting were First Selectman Nancy Gorski, Mr. & Mrs. Neal Lewis, Bob Doane, Jason Nemergut, Jeff Jacobs, Eileen Unger, Cathy & Rob Murphy, Elizabeth Schipritt, Karen Perry and Becky Goetsch, also Callers 01 and 02 (unknown).

Chairman Lentz opened the Public Hearing for Special Exception/Site Plan Approval at 7:05 PM – Elizabeth Schipritt for Special Principal Use, Proposed Restaurant/Tavern and 2 apartments, Commercial District, Tax Map 28, Parcel 19 Zoning District C, 256 Route 81, Killingworth, CT.

Hogarty read the Notice of Public Hearing into the record. Chairman Lentz explained the procedures for the public hearing.

Elizabeth Schipritt explained they are proposing to change the market to a restaurant with bar type seating. They are working with high school students to work with us. Plan on seating 34, inside tables. We will do a lunch Monday, Wednesday, Thursday open til 9, Friday and Saturday to 11:00 and Sunday closing 8-9.

Correspondence received for the hearing was letter from Building Official Pleines indicating building has to be brought up to current building code. Letter from Sanitarian approving septic system. K. Perry noted the owner gives permission for the 3 apartments to be included in this application. Site Plan prepared by Nemergut Consulting.

Questions from Commission members and others –

Warren –do the proposed apartments qualify as affordable housing. Hogarty noted that would have to be a deed restriction on the property. Perry noted those apartments were not intended to be affordable housing. They are on the second floor of the building.

Cook – is there 2 or 3 apartments? One apartment has been there since 1992. Apartments 1 and 3 are not on the record.

Lentz – do you plan on serving liquor? Schipritt replied yes. She is working with a liquor consultant and will move forward when approval is given for this application. Lentz asked if there was going to be live entertainment. Schipritt replied only acoustical band, nothing else. That will also be in the liquor application. Lentz noted live entertainment also has to be in this application. Friday night acoustical band will be done by 9 PM.

**Minutes of Regular Meeting No. 12115 of the Killingworth Planning & Zoning Commission
Held on Tuesday, November 15, 2022 at 7:00 PM by Go-To-Meeting, Page 2 of 5**

Pleines asked if the 3 apartments had C.O.'s. Perry noted that she was not aware of any previous C.O.'s. Talbot noted his records show there was action to approve the 1st apartment years ago. That is an existing approved apartment.

Cook asked if the 1st apartment was there when the building was purchased. Perry noted the owner indicated all 3 apartments were there at the time of purchase. Talbot noted what used to be there for years was 1 apartment and a beauty salon. The salon moved out and the other 2 apartment went in.

Cathy Murphy noted she has question about trash control and noise. They are neighbors across the street. Traffic is a big problem. This is quality of life. Murphys own the Eli House across the street. This is a huge change and we have great concern with what is going forward with this building. There is a State Trooper during the day but no one at night. Murphy questioned the number of liquor licenses in Town and on this road. This is a State Highway. Extremely concerned. They are not happy with a full bar liquor license. Their house has been there for 250 years. They are concerned about trash control and motorcycles.

Schipritt noted trash is being picked up once a week, pest control once a month and noise will not be loud at night

Lentz noted this is in a commercial district. Motorcycles is a police activity. Murphy reiterated this is a big change. Lentz noted there is a list of things permitted in the commercial district and restaurant is one of them.

Talbot noted this is a permitted Special Exception use. Because of its nature, the Commission can attach reasonable conditions to the application and approval. They are limiting hours of operation. They will function more as a restaurant.

Perry noted this is a commercial zone and we should trust the Schipritts. This could be much worse. These people live in town and in the community. I understand the concerns but we have to think about the center of town.

Pleines suggested the Commission take a look at this and postpone for a month. Have the applicant talk to their attorney. They should come back with a concrete plan. Lentz noted we have an application with site plan and specified hours. We can put conditions on any approval.

Talbot noted there should be clarity as to type of liquor permit being requested. Is it Café or Restaurant?

Murphy noted she was opposed to the application. There is nothing concrete as to live music.

**Minutes of Regular Meeting No. 12115 of the Killingworth Planning & Zoning Commission
Held on Tuesday, November 15, 2022 at 7:00 PM by Go-To-Meeting, Page 3 of 5**

Talbot noted the hours of operation can be part of the conditions as well as type of liquor permit, etc.

Lentz noted hours were Monday-Thursday 12-10, Friday-Saturday 12-11 and Sunday 11-10 as noted in the application. Perry noted they will be requesting a Café Liquor Permit. Murphy asked how this will be regulated. They want to know when doors will be closed and it will be quiet.

Schipritt noted it will be a Café Liquor Permit, will keep tight control of hours, there will be no issues with trash or garbage. We want to give the town a place to go for early dinner and talk to other people that is safe and welcome to everyone.

Becky and Scott were in favor. They noted this town can use a place like this and it will benefit downtown and help improve businesses downtown.

Public Hearing was closed at 7:40 PM.

Chairman Lentz opened the Regular Meeting at 7:41 PM.

2. Minutes of Regular Meeting October 18, 2022

Motion by Hogarty, second by Cook, to approve October 18, 2022 Minutes as amended with the addition of William Tobelman attending the meeting and arrived at 7:15 PM. PASSED UNANIMOUSLY.

3. Visitors – see list above for others present.

4. Communications and Bills

1. Letters from Building Official and Sanitarian.
2. Site Plan prepared by Nemergut Consulting.

These communications were read during the public hearing.

5. Old Business – none.

6. Zoning Enforcement Officer's Report

Turnbridge Lighting – Talbot noted they replaced the lights that were a problem with shielded mini floods and downlighting. He will go look at them but haven't had any more calls. Neal Lewis noted that building is lit up like a Xmas tree and makes it look like a commercial park. Regulation says lights should be shielded and not obnoxious to neighboring properties. The property needs to be visited at night, not during the day. The lights are extremely obnoxious. ZEO Talbot noted he met with the owner. The lights are pointed down and shielded. Jeff Jacobs noted he agreed with Mr. Lewis that the number of floods are excessive. It has changed the

**Minutes of Regular Meeting No. 12115 of the Killingworth Planning & Zoning Commission
Held on Tuesday, November 15, 2022 at 7:00 PM by Go-To-Meeting, Page 4 of 5**

neighborhood. Lentz noted this matter needs to be resolved, just seeing lights is not a violation. Building Official Pleines noted all exterior lights were pointed straight down. They are not directed to anyone's house or other property. McLaughlin asked what the purpose would be of pointing the lights to other properties. Lewis replied they are afraid of the dark and coyotes.

Hogarty asked ZEO Talbot if he had addressed the lights on the little ranch house. Talbot replied those lights are shielded and pointing down. Hogarty noted he didn't see any violation with those.

Karen Johnstone noted they would like to invite the Commission members to our driveway, 9 Parker Hill, to see these lights. We have been sending pictures taken at night.

Hogarty suggested doing a site visit at night to examine all properties of concern. We have to come to a conclusion. Chairman Lentz asked ZEO Talbot to contact the owner to set up a meeting at night for Commission members and have all lights turned on so we can make a determination. Talbot noted he would contact the owner tomorrow and set a date.

Running Brook Farms – it was noted an application has been submitted which requires a public hearing. The public hearing was scheduled for Tuesday, December 20, 2022. There was a brief discussion regarding the extra furnace which does not have a permit. It was noted the ZEO and B.O. are in the process of addressing this matter. There is also the question as to whether these furnaces have a burning permit.

Accessory Apartment Regulation – it was noted a revision was made to the regulation for clarification purposes. The public hearing was scheduled for January 20, 2023. Copies of this regulation will need to be send to RiverCog and adjoining municipalities.

7. New Business

- a. Special Exception/Site Plan Approval – Elizabeth Schipritt for Special Principal Use, Proposed Restaurant/Tavern and 2 apartments, Commercial District, Tax Map 28, Parcel 19 Zoning District C, 256 Route 81, Killingworth CT 06419 – Public Hearing and Decision

Chairman Lentz noted a public hearing was held this evening prior to the regular meeting. There was discussion regarding hours of operation. Drew felt 10 PM closing was a little late. Martin asked what the hours were for LaForesta which is also in a commercial district and they have a full bar. Talbot noted if there are residences close by, there can be different hours. There was discussion regarding the 3 residential units. BO noted there is a total of 3 apartments which also falls under the Fire Marshal. First floor is a change of use. Everything has to be brought up to today's code. The Fire Marshal chimes in at 3 or more apartments. Lentz noted the BO's letter has listed those things that need to be brought up to code. ZEO noted we should deal with Zoning first, then BO, then Fire Marshal. Lentz noted the BO's letter should be part of the

**Minutes of Regular Meeting No. 12115 of the Killingworth Planning & Zoning Commission
Held on Tuesday, November 15, 2022 at 7:00 PM by Go-To-Meeting, Page 5 of 5**

conditions of approval. Lentz also noted P&Z does not do the Building Official's job. They still need to go to the BO for approval of Building Permits. BO is last for sign off.

Motion by Cook, second by Drew to approve application. Lentz noted this is a permitted use in a commercial district and he didn't see any objection to it. **Conditions were as follows – 1. Any building should be brought up to current building code as specified in letter from Richard Plenies, Building Official. 2. Liquor may not be served until Liquor Permit obtained from the State of Connecticut. 3. Specify more clearly the hours of operation and hours for entertainment.** Discussion – regarding hours of operation and the differences between a Café and Restaurant Liquor License. K. Perry noted she will talk to the owners regarding trash and that the property will be kept in a proper manner. The appearance of the building has improved substantially since Shepritts have moved in. **VOTE ON THE MOTION TO APPROVE WITH CONDITIONS – Lentz, Cook, Tobelman, Drew and Martin (seated for McLaughlin since he left the meeting). Opposed – Hogarty. MOTION PASSED, 5 in favor and 1 opposed.**

b. Special Exception/Site Plan Approval – Papoosha Real Estate Investors LLC for Special Principal Use, tree, log or brush processing business, Commercial District, Tax Map 28, Parcel 39, Zoning District C, 219 Route 80, Killingworth CT 06419 – Schedule Public Hearing

Public Hearing was scheduled for December 20, 2022.

c. Amend ARTICLE IX, Accessory Apartments, Section 500-60, Approval Process. Schedule Public Hearing.

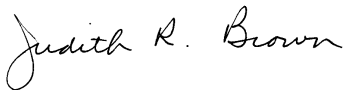
Public Hearing was scheduled for January 17, 2023.

8. Report of Officers and Subcommittees – none.

9. Adjournment

There being no further business, the meeting adjourned at 8:45 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary