

Minutes of Regular Meeting No. 12122 of the Killingworth Planning & Zoning Commission held on Tuesday, May 16, 2023 at 7:00 PM by Go-To-Meeting.

1. Call to Order

Chairman Lentz called the meeting to order at 7:00 PM. Commission members in attendance and seated were Lentz, Hogarty, Tobelman, Warren (seated for Cook), Drew seated for McGuinness until his arrival at 7:05 PM, and Martin seated for McLaughlin until his arrival at 7:08 PM. Others present included Nancy Gorski, Leo Bombalicki Jr., Paul Vitaliano, Scott K., and Candace Bencham.

2. Minutes of Regular Meeting April 18, 2023

Motion by Warren, second by Hogarty, to approve April 18, 2023 Minutes as written. PASSED UNANIMOUSLY.

Paul McGuinness arrived at 7:05 PM and will now be seated.

3. Communications and Bills – none.

4. Old Business – none.

5. Zoning Enforcement Officer's Report – none.

6. New Business

a. The Echelon LLC (Care of Joe Velardi) applicant; The Echelon LLC, owner; for Special Exception, Fast Food Service and Drive Thru Service, at 151 & 153 Route 81 (2 parcels, tax map 33, parcels 59A and 59C)

Paul Vitaliano was present representing the applicant. Property is located at 151 & 153 Route 81, Proposal is for a coffee shop, 840 sq. ft., 9 parking spaces, window service, no one enters the building. Cars drive around the building. Application has been accepted by Wetlands and site walk scheduled for June 13th.

Chairman Lentz noted the applicant will need a Fire Protection Plan and Septic Report. Mr. Vitaliano noted they have submitted plans to the Fire Department and Department of Transportation. They will have these 3 reports in time for the hearing. Warren noted the first property map showed a space marked as public parking area and asked what that meant. Vitaliano noted this was in error and not being proposed. That is no longer part of the proposal. Martin asked if there were any public bathrooms. Vitaliano noted the bathrooms were for employees only, no public.

The public hearing was scheduled for June 20, 2023.

b. Elizabeth Disbrow, Historic Review Committee

First Selectwoman Gorski reviewed the Tax Abatement for Buildings and Structures of Historical Merit in the absence of Elizabeth Disbrow. She noted Disbrow came to the Board of Selectmen asking to consider an Ordinance that would work with Planning &

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Zoning to authorize an abatement on property. The BOS were in favor of such an Ordinance but wanted P&Z to weigh in. The Ordinance was briefly reviewed. It was noted if the structure was altered or demolished, they would have to pay back taxes. The Town would not lose revenue. There would be no financial impact to the Town.

McGuinness asked if this would be a full or partial relief from taxes. Gorski noted it is not a full abatement. Lentz noted the Assessor would determine that. Lentz also noted the regulation passed a year or so ago would allow certain uses – accessory apartment or office. This wouldn't apply to that. He indicated there was only one house in Killingworth that would comply now. Martin asked if this was an enticement to not demolish the property.

Lentz noted Planning & Zoning doesn't approve this. It would be helpful if P&Z would endorse the concept, then BOS could approve it. **Motion by Hogarty, second by McGuinness, to endorse proposed Tax Abatement Ordinance. PASSED UNANIMOUSLY.**

c. Appointment of Zoning Enforcement Officer

Chairman Lentz noted Leo Bombalicki Jr. is a candidate for the Zoning Enforcement Officer position. He has an extensive police background and was Chief of Police in New Haven. Hogarty noted he and Nancy Gorski interviewed Mr. Bombalicki and had a good discussion. He doesn't have experience in Planning & Zoning, but much experience in enforcement and willing to learn. He will have to take courses. He will be here for 4 to 5 years. Gorski noted Building and Zoning has been a revolving door. Mr. Bombalicki thanked the Commission for allowing him to be here. He looks forward to working with the Commission and getting things going.

Warren noted Mr. Bombalicki's background was very impressive and law oriented. She asked how that experience would be transferred to being a Zoning Enforcement Officer. He noted he has also worked as a private investigator with the DeMarco Agency. Bombalicki noted he didn't see any problem with transitioning. He has been out of law enforcement for about 8 years. Lentz noted there will be overlap time with ZEO Talbot. He will have one year to get certified as a ZEO. Gorski noted he has already signed up for classes. Hogarty noted he will begin Cascio on Monday and the next class in October. He will get a lot of formal education there.

Motion by Hogarty, second by Warren, to appoint Leo Bombalicki Jr. as Zoning Enforcement Officer. PASSED UNANIMOUSLY.

A question was asked if there can be more than one ZEO at the same time. Hogarty replied yes, there can be as many as you want.

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Gorski noted Talbot is in the process of emailing and talking with counsel for any open litigation. He asked if he could still act as ZEO for those items and the answer was yes.

7. Report of Officers and Subcommittees

Chairman Lentz reviewed legal actions in progress.

1. Running Brook Farms is appealing the ZEO's Cease & Desist Order to the ZBA. They have requested an extension to June 26 meeting. This will not affect the Zoning Enforcement actions.

2. Planning & Zoning Counsel is bringing suit in Superior Court for continued operating and operating without a permit. Counsel will seek an injunction to halt processing immediately. Alternative is to wait until action in Court is decided. Counsel says injunction is difficult to obtain but will try anyway.

3. RBF is appealing the denial of applications. Commission will be defended by Counsel in Superior Court.

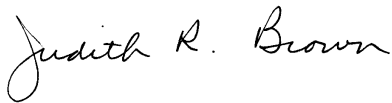
Drew asked if ZBA is allowed to hear an appeal while there are proceedings going on against P&Z. Lentz replied yes. The appeal to ZBA doesn't delay any of the other actions. Our proceedings will continue.

McGuinness noted they are continuing to process materials. Lentz agreed it looks that way.

8. Adjournment

There being no further business, the meeting adjourned at 7:37 PM.

Respectfully submitted,



Judith R. Brown, Recording Secretary