

**Minutes of Regular Meeting No. 1039 of the Killingworth Planning & Zoning Commission Held on Tuesday, November 20, 2012, at the Killingworth Town Office Building, 323 Route 81, Killingworth, Connecticut**

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Present: T. Lentz, Chairman  
J. O'Brien  
S. Morgan  
D. Gross  
R. Davis  
P. McGuinness (arrived at 7:08 PM and seated for G. Cook)

C. Jefferson, ZEO

1. Call to Order

Chairman Lentz called the meeting to order at 7:00 PM.

2. Minutes of Regular Meeting No. 1038 Held October 16, 2012

**Motion by Gross, second by O'Brien, to approve October 16, 2012 Minutes as written. PASSED UNANIMOUSLY.**

3. Visitors

(a) Gene Gargiulo, preliminary discussion

Gene Gargiulo distributed a letter from Kristin Geenty of The Geenty Group dated November 19, 2012 indicating they have had minimal activity and interest in the front building. They also had 3 potential tenants for the rear building but did not pursue a letting due to both the "residential feel of the space, the building's construction, the window type and the building's location, specifically, its lack of visibility." Mr. Gargiulo noted he has been trying to look positively on this, but the building has very little visibility. He felt the best thing would be to complete the building with 8 more apartments and asked the Commission for its blessing to get this done. The 8 more apartments would have very little impact on the Town. Chairman Lentz noted the Commission would have to discuss this, but his first impression is there are a couple of problems. There would have to be another zone change to allow apartments. Right now it is mixed use. If the building is turned into all apartments, it is reducing the amount of commercial space in Town. Things are slow right now, but they probably won't always be. That would take away some good commercial space in Killingworth. Mr. Gargiulo noted there are a lot of other commercial spaces up and down Routes 80 and 81 that are zoned commercial. Chairman Lentz noted he didn't think the economy was always going to be like this. He stated there is not much room to build because of wetlands and other restrictions. The Commission would have to discuss this and make a decision. Lentz explained as far as a zone change, it can't be done for just one building because that is known as spot zoning as it is for the benefit of only one person. Zone changes have to be broader than that. Mr. Gargiulo asked if there could be a variance. Chairman Lentz noted that would be a use variance and they are not allowed. Jim O'Brien noted he thought part of the mixed use theory was that someone could live there and have a professional office downstairs. Mr. Gargiulo reiterated there has been no activity at all. Sue Morgan asked if the second floor could be apartments. C. Jefferson replied no because of the 50 percentage rule. Mr. Gargiulo noted high visibility is a big deal to people. He has 8 years of vacancies and that is a long time. Chairman Lentz noted he sympathized with Mr. Gargiulo, but the economy is not the Commission's fault. Mr. Gargiulo asked if he could do just the second floor in apartments. Chairman Lentz noted the

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Commission would have to discuss that, but it would mean changing the regulation as the regulation now states 50% of the existing gross square footage and the number is limited to ten (10). Mr. Gargiulo noted he can't wait another 8 years for the economy to come back. Chairman Lentz noted the Commission will discuss this matter.

4. Communications and Bills

- (1) Letter from Cathie S. Jefferson to Henry Martone, 31 Kelseytown Road, dated 11/13/12 Re Signs.
- (2) Budget Correspondence from the Board of Finance for next fiscal year. Chairman Lentz to fill out.

5. Old Business – none.

6. Zoning Enforcement Officer's Report

C. Jefferson noted the sign at 31 Kelseytown Road has been removed.

C. Jefferson noted the letter sent to the property owner on Old Deep River Turnpike that was discussed at the last meeting has not been picked up. Jefferson indicated the backyard is blocked off so she can't see the truck. At this point we will have a Marshal deliver the letter.

C. Jefferson noted a new feed store is opening up where the old one was. She will contact the new owner.

C. Jefferson noted she signed off on the Directory sign for Gene Gargiulo today. The sign is within the requirements.

Permit Log for the month of October was distributed.

7. New Business

With regard to apartments and the preliminary discussion held earlier in the meeting with Mr. Gargiulo, Chairman Lentz noted he didn't think it was feasible. C. Jefferson noted she received a lot of calls asking if the front building was turned into apartments and people were not happy. People stated it didn't fit into the character of the Town. That is the commercial area. Chairman Lentz advised C. Jefferson to tell Mr. Gargiulo that the Commission was sorry, but it couldn't do anything more with apartments.

8. Report of Officers and Subcommittees

(a) Draft Regulations

Chairman Lentz noted the Sign Ordinance was passed at Town Meeting. He talked informally with First Selectwoman Iino as to how a sign violation would be handled. A letter would be sent advising of the violation and if no action is taken, a member of the road crew would remove the sign.

