

BOROUGH OF NEWTOWN ZONING BOARD OF APPEALS NEWTOWN, CONNECTICUT

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOROUGH OF NEWTOWN ZONING BOARD OF APPEALS

Minutes of the meeting of the Borough of Newtown Zoning Board of Appeals on July 25, 2018 at Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown. Chairman Madzula called the meeting to order at 7:00 p.m.

Present: John Madzula, Kathy Geckle, Jane Maher and Patricia Antal
Staff Present: George Benson, Director of Planning

Docket B18-01: Application by John O'Sullivan for a property located at 77 Main Street, Newtown, to apply for a variance of §4.05 and §8.05 (c) of the Zoning Regulations of the Borough of Newtown so as to (a) permit (i) an art gallery, including display and sale of works of art and the holding of public events therein, and, (ii) a frame shop, including the manufacturing and sale of picture frames and boxes, in the R-1 Residential Zone and (b), to permit the use of a lot on which a nonconforming use has been conducted for the uses stated, as shown in an application and survey submitted to the Town of Newtown Land Use Agency on July 5, 2018.

Mr. Madzula opened the public hearing at 7:00 p.m. He stated sitting on the application was himself, Kathy Geckle, Jane Maher and Patricia Antal. Mrs. Maher read the legal notice.

Peter Olson, 275 Greenwood Ave, Bethel, CT and John O'Sullivan, Contract Purchaser, Martin Street spoke on behalf to the applicant. The following documents were presented: Affidavit for Notice, Contract: O'Sullivan and Ambulance, Town GIS map, copy of borough regulations.

Mr. Olson gave an introduction that the site was a gas station and repair shop in 1939. The applicant is now proposing a frame business/art gallery. There will be no expansion to the building or the parking lot. Mr. Olson is asking for a variance of Section 4.05 and 8.05 (c), 2 sections of the regulations.

Mr. Sullivan described the 30-year old gallery in Washing Depot that has the same type of conversion with six customers per day and garage doors that were changed to glass doors.

Mr. Olson explained the variance standards and the property condition can be a hardship. Mr. Olsen also explained the use of the variance is allowed when it is a confiscation of property and rendering of the land.

Malcolm McLachlan, Heritage Village, Southbury explained the remediation of the site with \$500,000 of remediation of the building to be asbestos free and he explained all types of proposed uses.

Mr. Olson read a letter from the Environmental Company stating the property cannot be used for residential property and that it would require another one million dollars of remediation.

Ms. Adele Moros, President of SCAN in Newtown, spoke in favor of the application. She stated that the community and town would benefit.

Ms. Linda Cash, 79 Main Street, would be in favor of the application if trees are placed along the property line and there is an agreement for a driveway easement.

Mr. Leo O'Sullivan, 30 Stages Road stated there wouldn't be any traffic with just 1 to 2 customers per hour.

Ms. Laura Callahan, 16 Totem Trail, is in favor of application.

Mr. Doug Nelson, 14, The Boulevard, not for or against it. Mr. Nelson had a copy of the Environmental Letter and Special Exception Uses.

Mr. Madzula spoke about the parking lot, commercial/residential use, and confiscation if the variance is not given. Mr. Madzula stated that it is a good use but has concerns about traffic.

Mr. O'Sullivan stated there is plenty of room in the parking lot.

Mr. Olson State of CT would handle any traffic concerns.

Mr. Nelson, Chairman of the Newtown Borough Zoning addressed parking lot concerns stating 1 space/200 sq. ft., zoning permit.

Ms. Antal stated that SCAN events would draw 20-30 people.

Mr. McLachlan stated 50 cars would fit in the parking lot.

Ms. Cash stated there will be plenty of parking spaces.

Ms. Maher questioned striping the parking lot. Mr. O'Sullivan stated the parking lot will be striped.

Closed hearing 7:40 pm

Deliberations took place.

Re-opened hearing 7:42 pm

Mrs. Antal made a motion to approve the application by John O'Sullivan for a property located at 77 Main Street, Newtown, to apply for a variance of §4.05 and §8.05 (c) of the Zoning Regulations of the Borough of Newtown so as to (a) permit (i) an art gallery, including display and sale of works of art and the holding of public events therein, and, (ii) a frame shop, including the manufacturing and sale of picture frames and boxes, in the R-1 Residential Zone and (b), to permit the use of a lot on which a nonconforming use has been conducted for the uses stated, as shown in an application and survey submitted to the Town of Newtown Land Use Agency on July 5, 2018. The motion was seconded by Mrs. Maher and unanimously approved.

There being no further business to come before the meeting, the meeting was adjourned at 7:43 p.m.

Respectfully submitted,
Dawn Fried
Clerk