

# ***Borough of Newtown Zoning Board of Appeals Newtown, Connecticut***

Minutes of Meeting of August 25, 2021

Minutes of the meeting of the Borough of Newtown Zoning Board of Appeals on August 25, 2021, at the Old Court Room, Edmond Town Hall, 45 Main Street, Newtown. Chairman John Madzula called the meeting to order at 7:00 p.m.

**Present:** John Madzula, John Fletcher, Jane Maher, Mary Thomas

**Absent:** Pat Antal

**Staff Present:** Rob Sibley, Borough Zoning Official, Helen Fahey, Clerk

**Docket B21-01: Application of Savings Bank of Danbury for a variance to Article 5.04G the Borough zoning regulations so as to permit the construction/installation of an island ATM within the 25' setback on the southerly side of the property. The property is located at 20 Church Hill Road in a B-1/2 Zone in the Borough of Newtown.**

Chairman Madzula opened the public hearing at 7:00 p.m. Mrs. Maher read the legal notice. Chairman Madzula introduced himself and the rest of the board members.

Charlie Williams, Vice President of Savings Bank of Danbury, was present to represent the application for a property located at 20 Church Hill Road. Mr. Williams explained that the Savings Bank of Danbury is looking to build a drive-up ATM to increase customer convenience.

Mr. Madzula asked if there would be a cover for the ATM. Mr. Williams said yes and shared images of ATMs that the bank is interested in.

Mr. Fletcher questioned if the driveway would have to get adjusted and Mr. Williams explained that the only adjustment would be to slightly dig up an area for the ATM pad and electric wiring but there would be no major changes to the driveway.

Ms. Maher asked if the wooden fence on the property next door would stay. Mr. Williams confirmed it would.

Ms. Maher asked about the amount of setback being requested, there was confusion between the site plan saying 12ft. and the 4 ft. variance being requested. Mr. Sibley noted that he looked into it as he noticed that too. He clarified that it is a 4ft variance for the ATM lane. Mr. Williams said the 12ft noted on the site plan is the distance from the ATM overhang to the wooden fence at the edge of the property.

Mr. Fletcher asked about the process of notifying abutting properties, he wanted to be sure that those people had the opportunity share their opinions at this hearing.

There was no public comment. There were no further questions from the board and the public hearing was closed at 7:13 p.m.

**Docket B21-02: Application of EK Legacy, LLC for a variance to Section 4.08.1 of the Borough zoning regulations so as to permit lot frontage of less than 150'. The property is located at 27 Church Hill Road in a P-1 Zone in the Borough of Newtown.**

Chairman Madzula opened the public hearing at 7:13 p.m. Mrs. Maher read the legal notice.

Kevin Solli, Engineer with Solli Engineering, was present to represent the application for a property located at 27 Church Hill Road. Mr. Solli explained that the existing property is an old dilapidated residential structure. He is representing a developer that would like to construct a 6,500 sq. ft. medical, dental office. There is a minimum frontage of 150ft for a building of that size. The lot has 143ft of frontage so Mr. Solli is requesting a variance of 7ft. Mr. Solli noted that two properties next door have less than 150ft frontage and they do not stand out. He is confident this medical building won't be out of character for the Borough. There will be access to the building on the east side of the lot, keeping traffic away from the busy Caraluzzi's intersection. Parking will be in the rear with plenty of landscape buffers.

The commissioners asked what the building would look like, they wanted to be sure it would remain in character for the borough. Wayne Fontaine of Fontaine Construction, who would be involved in the building of the office, explained the medical building would match the traditional New England architecture that is consistent with The Borough. There are no drawings yet as approval from the hearing tonight is needed to move forward with any plans.

Ms. Maher noted 34 parking spaces on the site plans and wondered if that would be too many. Mr. Solli said 26 spaces were required and 34 were chosen but that could be adjusted if needed.

Mr. Fletcher asked if the distance between the building and Hawley School would be an issue. Mr. Solli said given the use as medical office there would be no issues or nuisance.

Mr. Madzula asked for clarification on the variance being requested. Mr. Solli explained that a variance of 7ft of frontage was needed in order to build a 6,500sq ft. building. Currently there is only 143 ft. of frontage which only allows for a building of 4,500sq ft. Mr. Sibley reiterated this and added that the planning and zoning board will handle the special exception, building design, etc. but that is all contingent upon approving a variance of 7ft.

Discussion took place on the steps that needed to take place between an approval of variance and the actual construction of the medical office.

With no further comment from the Borough ZBA, Mr. Madzula invited public comment

Dr. Young of 27 Church Hill Road wanted to understand what steps the application would go through if an approval was granted.

Mr. Sibley explained the purpose of the Borough ZBA and the steps that would follow an approval.

Lindon Thomas of 22 Juniper Road, spoke about the Plan of Conservation and Development. He also expressed that his main concern is with the driveway and traffic on Church Hill Road. Mr. Thomas said that instead of having the driveway on the right side, it should be moved to the left and shared with the neighboring business. He agreed that the lot should be developed, but said the driveway plan needed to be addressed. Mr. Solli said that a traffic study will be performed.

Ted Edwards of 15 Church Hill Road asked how the size of the medical building would compare to surrounding buildings. Discussion took place of the square footage of various buildings on Church Hill Road. It was concluded that a 6,500 sq ft. medical building would be in line with the surrounding area.

Mr. Madzula asked if the building would be one floor and Mr. Solli said yes.

Mr. Edwards asked if the variance is granted could the square footage exceed 6,500 and Mr. Solli said no.

With no further questions, the public hearing was closed at 7:44 p.m.

Discussion took place regarding application B21-01. A motion was made by Mr. Fletcher to approve the Application of Savings Bank of Danbury for a variance to Article 5.04G the Borough zoning regulations so as to permit the construction/installation of an island ATM within the 25' setback on the southerly side of the property. The property is located at 20 Church Hill Road in a B-1/2 Zone in the Borough of Newtown. The motion was seconded by Ms. Maher. The vote was:

John Madzula - Yes  
Jane Maher - Yes  
John Fletcher - Yes  
Mary Thomas – Yes

The motion passed 4-0. The application was approved.

Discussion took place regarding application B21-02. A motion was made by Ms. Thomas to approve the Application of EK Legacy, LLC for a variance to Section 4.08.1 of the Borough zoning regulations so as to permit lot frontage of less than 150'. The property is located at 27 Church Hill Road in a P-1 Zone in the Borough of Newtown. The motion was seconded by Ms. Maher. The vote was:

John Madzula - Yes  
Jane Maher - Yes  
John Fletcher - Yes  
Mary Thomas – Yes

The motion passed 4-0. The application was approved.

Mr. Madzula moved to adjourn the meeting. Ms. Maher seconded. All were in favor and the meeting was adjourned at 7:58 p.m.

Respectfully Submitted,

Helen Fahey  
Clerk