



TOWN OF NEWTOWN

Zoning Board of Appeals Public Meeting Minutes

August 5, 2015 @ 7:30 PM

Meeting Room #3, Municipal Center, 3 Primrose Street, Newtown CT

These Minutes are subject to Approval by the Zoning Board of Appeals

Members Present: Charles E. Annett III (Chair), Ross Carley, Barbara O'Connor and Timothy Cronin

Alternatives Present: Roy Meadows, Jane Sharpe and Herb Rosenthal

Staff Present: Lynn Kovack

The meeting of the Zoning Board of Appeals was called to order by Chairman Annett at 7:30pm. Mrs. O'Connor called the roll and then read Docket #15-3 & #15-4

Minutes from the July 8, 2015 meeting approved as amended to include approval of Dr. Panda's approval of variance #15-2. Mr. Ross made a motion to accept with Mr. Cronin seconded. All approved

Mrs. O'Connor read:

Docket #15-3 Application of William Hayden Bates for a variance of Section 7.02.100 of the Zoning Regulations to allow the construction of an addition of another garage bay to an existing garage too close to the property line. The property is located at 6 Key Rock Road, in the Town of Newtown in a R-2 Zone.

Mr. Bates handed in his certified receipts (attached) from the neighbors contacted and then explained his hardship. He bought the house 6 years ago and have been improving the property and hoping to start a family in the future. These days most people need 2 garages. He discussed the topography of the land also being an issue. Mr. Carley walked the property and saw that with topography issues there is no other place to put it. Mr. Bates had just had his septic relocated for another project and has run out of room. Mr. Cronin asked if a neighbor was close to property line. Mr. Bates pointed out his neighbor is close to the line but has a nice buffer between the houses. Many Commissioners including Mr. Meadows agreed about the buffer after walking the property.

Mr. Annett asked if no other questions or objections or anyone to speak in favor the hearing was closed at 7:40PM

Mrs. O'Connor read:

Docket #15-4 Application of Rand Whitney Container Newtown LLC for a variance of Section 7 of the Zoning Regulations to allow an increase in the "maximum number of structural coverage in percentage of lot area" from 35% to 38.2%, and to permit a decrease in the "front yard setbacks" from 100' to 65'. The property is located at 32 Schoolhouse Hill Road, in the town of Newtown in a M-1 Industrial Zone.

Mr. Annett asked Mr. Nicholas Smith (President & CEO) to explain his hardship. Mr. Smith explained that he purchased the Company in 1998 from Union Camp which was not competitive at the time. He explained he needs to make facility larger to accommodate new equipment with conveyors so they will need a larger area. He explained the facility would be a world class facility for the next 30 years. Geoffrey Schiffenhaus stated

there are approximately 60 employees and hope to go up to 100-110 employees. With the variance they can stay in business and keep employees jobs.

Mr. Smith explained they typically ship 16 hours a day and with the variance it could go up to 20 hours but not usually. 5:00AM – 8:00PM is normal work hours at the current time. The new intersection will also be very important for the business and they are trying to bring natural gas down the road. He stated he needs to accommodate the new equipment required to remain competitive in the corrugated container production market.

After all questions answered for the Commission the floor was open to the public: All in favor spoke first:

Richard Camejo of 1 Patricia Lane- He stated he remembered when it was Allied Container and with everything going on for the Company to come in and expand in this area was a positive thing. He also stated there would be no environmental impact and most traffic will go right out to I-84 and has a buffer with the rail line.

Wes Thompson of 197 Walnut Tree Hill Road- Mr. Thompson explained they have been a good corporate citizen for 20 plus years and will increase economic development for new employees.

Besty Paynter (Economic Development Coordinator) of 182 Hanover Road- Mrs. Paynter stated they are a nice clean business and the type we want to attract to the area. It will also let people know that you can expand your business for growth.

Those opposed:

Diarmuid Lovett of 12 Budd Drive- Mr. Lovett stated he read in the Bee the business would be 2 times larger. He lives directly behind it and already hears the noises. His concern is more noise with the expansion and more traffic. He is also concerned with a new fan on the roof and trucks beeping when backing up and those were some of his concerns.

Peggy Baiad of 4 Budd Drive- She said it was stated that it is not too close to the homes and she pointed out that yes the business is very close to homes. She asked J. Robert Taylor if it was really going to go from 127,500 sq ft to 310,500 sq ft which was stated in the Bee. She said you have to be sensitive to the neighbors who live around the business. She also thought there was a noise ordinance in effect and that it was different if it was abutting residential vs. businesses.

Mr. Annett stated that a study was done and was reassured with noise decibel test that I-84 was the most noise detected. Herb Rosenthal stated he also knew studies were done by Gary Frenette in Zoning and his testimony was that the Company and I-84 were found with no violations but asked the Company to be sensitive to the residents.

Michael Alves of 10 Budd Drive- Mr. Alves explained he has lived here for 45 plus years. He is not against the variance but haven't heard from the applicant regarding how noise will be taken care of. He asked about the narrow road and was told about the realignment of Edmond Road to Commerce Road for a 4 way intersection. That may help alleviate the traffic Mr. Annett pointed out.

Genevieve Echavarria of 28 Schoolhouse Hill Road- Mrs. Echavarria stated she is not necessarily against the variance either and that she is all for Economic Development. She wanted to know when the construction would start. How long it would take and what type of equipment will be going in and out of the site. She stated that even though there is a buffer in the Summer there is not one in the Winter.

George Benson (Director of Planning & Zoning)- Mr. Benson stated that right now the applicant is only going for the variance. He also stated that most of the building can be constructed without the variance with the current regulations and setbacks. It was done prior to 1968 when regulations did not even exist. A lot of

questions here can be answered in the Zoning Commission meeting. He stated the meetings are listed on the Town website calendar.

Mr. Cronin asked Mr. Taylor if there were any restrictions for employees entering the facility? Mr. Taylor stated no but the majority use I-84.

Mr. Smith stated that the construction would be done in phases and would take approximately 18 months on the construction side of the project.

After no other questions or comments the hearing was closed at 8:14PM

Discussion of Docket #15-3- Commissioners stated he is looking for a 12' variance. Mr. Cronin stated that there is no other place it can be done. The septic is in the backyard and they have the buffer. Neighbor did not attend meeting so they didn't object to it. Barbara O'Connor made a motion to grant the variance due to: the topography of the land, the septic covers the backyard area, the well placement and the property leaves not other place to put it on the property. B. O'Connor made motion to approve with Cronin seconded and all voted in favor

Discussion of Docket #15-4- after many questions regarding the irregular shape of the property and property on the other side of the road they can't use. Also George Benson stated that the State statute allows for increased Technology to stay in business. The expansion is needed to stay competitive and not have to harvest(work done elsewhere) part of the business. After all questions were answered Mr. Meadows made a motion to approve the variance due to the hardship of the fact that they need to accommodate new equipment required to remain competitive in the corrugated container production market. Mr. Meadows made a motion to approve with Mr. Carley seconded and all voted in favor

With no other business the meeting was adjourned at 8:48 Cronin (M) Carley (2nd) all in favor

Respectfully submitted by Lynn Kovack (recording clerk)

Name and Address of Sender

William Hayles Bates
6 New Room Rd
Newtown, CT 06470

Check type of mail or service:

- Certified
- COD
- Delivery Confirmation
- Express Mail
- Insured
- Recorded Delivery (International)
- Registered
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- Signature Confirmation

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1.	1) 14 2 4 IBF LLC PO BOX 2627 NANTUCKET MA 02584											
2.	2) 14 2 1 SCHONLEBEN ALEXANDER J 37 HARRISON ST DANBURY CT 06810											
3.	3) 14 1 8 SCHONBERG MAX & EVELYN 175 SUGAR STREET NEWTOWN CT 06470											
4.	4) 14 1 11 LT 8 ALEX ROBERT H & VIRGINIA J 185 SUGAR STREET NEWTOWN CT 06470											
5.	5) 14 1 12 TAVELLA PHILLIP+WENDY S 0187 SUGAR STREET NEWTOWN CT 06470											
6.												
7.												
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Total Number of Pieces Listed by Sender: 14
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Talia S. [Signature]

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Name and Address of Sender
 William Hayden Bates
 6 Key Rock Rd
 Newtown CT 06470

Article Number

Check type of mail or service:

- Certified
- COD
- Delivery Confirmation
- Express Mail
- Insured
- Recorded Delivery (International)
- Registered
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	SMITH DAVID D										
	183 SUGAR STREET										
	NEWTOWN CT 06470										
2.)	14 8 26 NFA										
	NEWTOWN FOREST ASSOCIATION, INC.										
	P.O. BOX 213										
	NEWTOWN CT 06470										
3.)	14 2 3										
	SAULES MARISTELA P & SANTOS										
	184 SUGAR STREET										
	NEWTOWN CT 06470										
4.)	14 1 6 LT 2										
	KUHN CARINE										
	8 KEY ROCK ROAD										
	NEWTOWN CT 06470										
5.)	14 8 39 LOT 12										
	ENGLE SCOTT C & SARAH D										
	4 DRUMMERS LANE										
	NEWTOWN CT 06470										
6.)											
7.)											
8.)											

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Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	Date of Receipt	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1.	1) 14 1 4 PHARNES JOHN F 12 KEY ROCK ROAD NEWTOWN CT 06470												
2.	2) 14 8 25 ANDREWS ROBERT & DAWN 5 KEY ROCK ROAD NEWTOWN CT 06470												
3.	3) 14 1 9 KORTH WILLIAM L & CAROLINE H 2 NORTH BRANCH ROAD NEWTOWN CT 06470												
4.	4) 14 1 5 RAYMOND JAMES TRUST NA TR 10 KEY ROCK ROAD NEWTOWN CT 06470												
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