

THE BOROUGH OF BANTAM PLANNING AND ZONING COMMISSION

P.O. BOX 416

BANTAM 06750

INCORPORATED 1915

MINUTES
TUESDAY, April 4, 2023
REGULAR MONTHLY MEETING
Bantam Borough Town Hall
7.00 pm

Present: Adam Yarrish, Chairman
Lex Sidon
Pete Donohue
Brett Seamans

Absent: Carol Powers, Vice Chairman

Public: Dick Sheldon
Paul Griffen
Kim Griffen

Chairman Yarrish called the meeting to order at 7:00 p.m.

1. PREVIOUS MINUTES

Motion made by Mr. Seamans to approve the March 7, 2023 Regular Meeting minutes. Motion seconded by Mr. Donohue and carried unanimously.

2. PERMITS

A. Tom Russo, 760 Bantam Rd. Use permit.

No one was present to discuss and the item was carried to the next regular meeting.

B. Sam Tilly, 810 Bantam Road, Food Truck Permit

Mr. Jim Ross was present for the property owner, Sam Tilly. Mr. Ross reviewed a proposed site plan for an outdoor kitchen space at the rear of the property now used as the Mockingbird Kitchen & Bar. This kitchen would be typical of a food truck, minus wheels, and would be used for summertime outdoor service such as their popular Taco Tuesday. As there are no zoning regulations in Bantam that address food trucks Mr. Ross was looking for Commission input. Additionally, Ms. Tilly would be looking for expanded parking as well as to install a hoop-style greenhouse. Mr. Ross noted that with all structures/impervious surfaces the lot coverage was under the 70% regulation.

The Commission thanked Mr. Ross for discussing the project and noted that prior to any determination regarding the property that food truck regulations would need to be put in place and that this could take several months to complete if a public hearing was required.

3. PUBLIC COMMENT

Mr. Griffen commented on the issue of food trailers. His concern was that the proposed food trailers, if permitted, would make a nonconforming property even more nonconforming which would not be permitted by the zoning regulations.

Mr. Sheldon agreed with Mr. Griffen and added that if the Commission permits one food truck, then more will seek approval.

Mrs. Griffen wished to make the Commission aware that the Town of Litchfield has short term rental regulations in place which only permit for a 3-day rental. The Commission agreed that it would review Litchfield's regulation prior to any in-depth discussion of how the Commission would like to handle the issue.

Mr. Griffen also spoke with regard to short term rentals. He suggested that the Commission review the regulations on permitting conversion of garages into apartments as these apartments could easily be used for a short-term rental. He also noted that there are currently several rentals within the Borough.

4. OLD BUSINESS - None

5. NEW BUSINESS - None

6. CORRESPONDENCE

A. WRITTEN FORMAL CORRESPONDENCE

1. Chairman Yarrish read an opinion letter from Attorney Steven Byrne dated March 27, 2023 in which he opined on Section 606 of the Zoning Regulations and its legal effect on the property at 760 Bantam Road which was discussed at the March 7th meeting for a proposed conversion to a restaurant. The relevant part of Attorney Byrne's letter was as follows: "When applying this section of the regulations, the reasonable interpretation is to determine whether the building is [in] question was a dwelling when Sec. 606 was adopted, and not whether it currently is used as a dwelling. If it was a dwelling when Sec. 606 was adopted, then this property is subject to Sec. 606 and cannot be used as a restaurant."

A brief discussion followed to try and determine when Section 606 was adopted.

2. In the same letter of March 27th Attorney Byrne also discussed the licensing of food trucks within the Borough. In the letter he noted that Litchfield's ordinance states "Food/beverage truck vendors operating in the Borough of Litchfield or Borough of Bantam shall obtain both a Town of Litchfield license and comply with any applicable laws of the applicable borough." He further stated that Sec. 7-195 of the General Statues the Borough of Bantam is a unit of local government and outlines the scope of authority. The Act provides that the Borough of Bantam "may make by-laws in relation to licensing and regulating the sale by any person upon the public streets or sidewalks within the borough

limits or goods, wares and merchandise". In short, it was Attorney Byrne's opinion that the Borough not enforce the Town of Litchfield food truck ordinance and not require any such vendor to obtain a town license.

With this opinion, Chairman Yarrish stated that Bantam should be preparing their own food truck regulation.

B. CONVERSATIONAL NOTES WITH PEOPLE

1. Chairman Yarrish stated that he had discussed with Harmony Tanguay the requirements, if any, to convert her two-family home on Circle Drive to a single-family residence. He said that he told her that since she was making the home conforming that there would be no issues.
2. Chairman Yarrish stated that he has discussed the contents of Attorney Byrne's letter with Tom Russo and its effect on the request to convert 760 Bantam Road to a restaurant/bar. This item will be carried an additional meeting in case Mr. Russo would like to address the Commission.

7. COMMISSION DISCUSSION

A. Discussion on short term rental regulations in the Borough.

Light discussion was held with regard to Attorney Byrne's letter read under Item 6 of this evening's agenda. Chairman Yarrish asked the members to please review Litchfield's regulation and come ready to discuss the possibility of adopting Litchfield's regulation or crafting new regulations tailored to Bantam's needs.

B. Approval of Updated Bylaws - No discussion. This item was forwarded to May.

C. Discussion on food truck regulation

A brief discussion was held with regard to Attorney Byrne's letter read under Item 6 of this evening's agenda. Chairman Yarrish asked the members to please review Litchfield's food truck regulation and come ready to discuss the possibility of adopting Litchfield's regulation or if the Borough should adopt their own.

8. ANY OTHER BUSINESS WHICH COMES BEFORE THE COMMISSION - None

9. ADJOURNMENT

There being no further business Mr. Donohue moved to adjourn the meeting at 7:56 p.m. Motion seconded by Mr. Seamans and carried unanimously.

Respectfully Submitted,



Valerie L. Douglass, Commission Clerk