

Planning & Zoning Commission  
Town of Canaan  
Falls Village Town Hall  
108 Main Street, Falls Village, CT 06031  
March 24, 2022, via Zoom

Regular Meeting

ATTENDANCE: Chairman, Fred Laser, Zoning Enforcement Officer, Janell Mullen, Regular Members: Greg Marlowe, John Morrissey, Vincent Inconiglios, Ted Moy and Alice Macchi and Alternate Members, Marc Rosen and Ruth Skovron. Absent, Regular Member, Garret Scavotto.

Community Attendance & Others: Noelle LaMunier, Richard Lanier, Kay Blass and Mona Palmer.

Chairman Laser called the Regular Meeting to order at 7:04 p.m.

1. Approval of Minutes:

- a. P&Z Regular Meeting – February 24, 2022: MOTION by Marlowe, seconded by Morrissey to approve the minutes of the Regular Meeting as presented, unanimous.

2. New Business: by consensus, the order of the matters under New Business was changed.

2b. & 2c: Revisit the date(s) for the Village Business Residential Zone ("VBRZ") Information and subsequent public hearings/Review of content of the PowerPoint for the VBRZ: It was so noted that the Town budget hearing has been scheduled for April 28, 2022, which creates a conflict with our Regular Meeting date; discussion regarding re-scheduling of P&Z April regular meeting and informational meeting. The April Regular Meeting will be rescheduled for May 5, 2022, which will be identified as a "Special Meeting" to be held at the Town Hall (in-person meeting). The informational session will be held between 6:30 p.m. – 7:00 p.m. with the meeting to commence at 7:00 p.m. Discussion regarding procedure for questions. The May Regular Meeting will also be rescheduled as a Special Meeting, due to conflict, for June 2, 2022. The question session will be on June 2, 2022 from 6:00 p.m. – 7:00 p.m. with the meeting to commence at 7:00 p.m. The Public Hearing will be held on June 23, 2022 at 6:00 p.m. prior to the Regular Meeting. The Regular Meeting will commence following the Public Hearing. The place for the Public Hearing is TBD. Regarding Postcard changes, Commissioners should email Janell with any proposed/suggested changes.

2a. Address accessory apartments in response to recent legislation (PA 21-29). Refer to "Memorandum In Re 21-2 and Accessory Apartment Regulations in Falls Village" as prepared by Janell Mullen. Discussion. Marlowe recommended opting-out. Mullen advised that a Public Hearing is required to opt out. MOTION by Morrissey to set a public hearing date to opt-out of Public Act 21-29 which allows accessory dwelling units by right; public hearing for opt-out will be June 23, 2022; seconded by Inconiglios; unanimous.

3, ZEO Report by Janell Mullen: Janell reported on a permit issued for 244 Music Mountain Road, advised on an inquiry regarding property on Aspen Hill Drive, commented on solar regs and discussion with Kyle Wilkinson, advised on a realtor inquiry regarding 8 Barnes Road, advised on a realtor question regarding driveways, inquiry regarding solar field at 108 Route 63 (Town owned property; special permit required), received a zoning complaint for junk and lighting at 172 Route 7 North (Route 7 Fuel and Deli). By consensus, the ZEO Report was accepted as presented.

4. Correspondence and Public Comments:

a. copy of the Letter to the Board of Selectmen in re Old Firehouse Road Property. Chairman Laser advised on the communication prepared by the Planning & Zoning Commission sent to the Board of Selectmen (copy attached). Chairman Laser also commented on the letter to Rob Phillips in support of Janell Mullen, as a follow-up to the communication sent by Town resident, Laura Werntz. Laser advised that Phillips acknowledged receipt of the letter. It was so noted that the Board of Selectmen will also be sending a letter of support on behalf of Janell.

Public Comments: None.

Janell Mullen addressed the Commission advising that her duties do not include postings to the Town website. Discussion. Macchi will continue to upload the minutes and Laser will continue to upload the agenda to the Town website. Discussion regarding posting of zoom recordings; concern expressed for website postings and the need for a Town webmaster. Marlowe to discuss concern with the Board of Selectmen.

Laser advised on a communication from Felicia Jones regarding national housing shortage that is upon us and pushing housing prices out of reach for the average young American. Laser forwarded the email communication to the Commissioners, which included the link for the segment.

5. Old Business: Ruth Skovron advised that her recollection is that the Town-owned properties were previously tested for building suitability. Skovron advised that her recollection was that various properties were tested during the time period of an IHZ designation and further commented that Jocelyn Ayer and/or Chris Wood were involved. Skovron expressed that P&Z should be pro-active with Town-owned properties for consideration of improvement with the Falls Village Community Development Corporation. It was further noted that the Recreation Commission may have had plans prepared for the Town Farm property where the pool is located. Macchi to contact Kyle Wilkinson (FVCDC) regarding Town owned properties being considered for improvement.

6. Any other business to come before the Commission: None

7. Adjournment: MOTION by Marlowe, seconded by Moy to adjourn the meeting; approved unanimously. Regular Meeting adjourned at 9:13 pm by Chairman Laser.

Town of Falls Village  
Planning & Zoning Commission  
108 Main Street  
Falls Village, CT 06031

---

March 14, 2022

**The Old Firehouse Property**

To: The Falls Village Board of Selectmen

Dear Board of Selectmen,

The Old Firehouse Property, located at 35 Railroad Street and currently owned by the Town, has been the topic of conversation around town both formally and informally. At this stage in the discussion, the Planning & Zoning Commission would be involved only to the extent where it can serve as an informative resource to fellow town officials as well as town residents. Based on the current Town of Falls Village (Canaan) Zoning Regulations, the Commission offers the following facts to consider when planning for the future use and ownership of the Old Firehouse:

- The size of this lot according to Town's Assessment records is 0.34 acres or approximately 14,810 sf. According to an A-2 quality survey prepared by Matt Kiefer dated January 9, 2007, the total lot area is 0.378 acres or ~ 16,466 sf.
- The subject lot is located within the Village Business Zone. Within this zone, the minimum lot size is 20,000 sf for a single family and 30,000 for a two-family, which means this lot is non-conforming due to the fact that it does not meet current size requirements.
- A discussion around "carving out" a Town-owned lot from the 35 Railroad Street property has been put forward. However, a non-conforming lot cannot be further reduced in size legally. A central goal of zoning is to minimize non-conformities, not to increase them.
- Additionally, parking is not a stand alone use. It is an accessory use to a primary use as provided for in the permitted uses section of the Village Business Zone (*Town of Falls Village (Canaan) Zoning Regulations, pg 18*)
- Permissible uses on this property by zoning permit include: single-family dwellings, retail stores (of less than 2,500 sf), office or financial institutions, personal service establishments, restaurants, inns, or mixed uses.  
Permissible uses on this property by Special Permit include: retail stores of more than 2,500 sf, two-family dwellings or duplexes, municipal buildings or uses, and post offices. (*pg 18*)
- Not only is the lot itself non-conforming, but the structure on the lot is also non-conforming. This is because it does not satisfy current setback requirements which are 30 feet in the front yard, 10 feet in the side yard, and 10 feet in the rear yard.
- It is important to note that statutorily, non-conforming buildings are not to be further expanded.
- It is understood that the existing building encroaches onto the abutter's property as confirmed on the survey map. This encroachment would likely need to be rectified in the form of a legal boundary line agreement prior to a sale. Any alteration of the building as a possible solution to this issue would require a zoning permit.
- Informal access through 35 Railroad Street onto 33 Railroad Street is observed to be common practice. A formal easement could better manage and legitimize the use of the land by its neighbor(s). Furthermore, a formalize easement may better serve the day-to-day operations of the Town Center as well as ensure the safety of its users. For example, by formalizing the use of a centralized Village Center "loading zone" at this specific location, commercial trucks would not stand idling within a public roadway or block visitors from parking when making a delivery nearby.
- Associated with every permissible use is a parking requirement. For example, a single-family dwelling requires two spaces as does an accessory apartment. An art gallery requires 1 space per 300 ft of gross floor area. These parking requirements and provisions for accessibility (*pg 44-46*) should be kept in mind when making future plans for this site.

As demonstrated by this list of items to consider, the building blocks of local zoning laws are important, tangible factors of real property. We hope this letter serves as the starting place from which discussions about the future of the property can ensue. We are here to help facilitate and serve as a resource.

Respectfully submitted,

The Town of Falls Village Planning & Zoning Commission