

TOWN OF SOMERS
ZONING BOARD OF APPEALS
SPECIAL MEETING
NOVEMBER 15, 2022
6:00 P.M.



HELD AT TOWN HALL LOWER CONFERENCE ROOM

MINUTES

(NOT OFFICIAL UNTIL APPROVED AT SUBSEQUENT MEETING)

Call to order 6:02 p.m.

ROLL CALL

Present: Chairman Dean Hills, member Dan Thayer, and alternates Susan Peck and Ralph Williams

Absent: Members Andy Rockett, Doug Stebbins, and Joseph Marinaccio and alternate BJ Ferro.

Chairman Dean Hills designated alternates Susan Peck and Ralph Williams to sit on the evening's applications.

Dan Thayer moved to take applications 22-006 and 22-007 out of order. Susan Peck seconded, and the motion was approved unanimously.

PUBLIC HEARINGS AND DISCUSSION

Application #22-006: Ken Prior, 364 Mountain Road, Somers — Appeal of Zoning Enforcement Officer's decision regarding sales/service of food by Somers Mountain Properties, LLC, Worthington Winery, 359 Mountain Road, Somers

Application #22-007: Ken Prior, 364 Mountain Road, Somers — Appeal of Zoning Enforcement Officer's decision regarding tents, canopies, and/or awnings.

Attorney George Schober, representing the appellant, sought a continuance until the board's December meeting to allow time to notify abutting property owners. He also indicated that at least two more appeals may be filed by that time.

Ralph Williams moved to grant a continuance. Susan Peck seconded. Motion passed unanimously.

Application #22-008: 531 Somers, LLC, 531 Main Street, Somers — Application requesting a variance from Section 214-3.2A(2) frontage requirement of 300 feet for two-family building, to allow three apartments with 128.4 feet of frontage; and a variance from Section 214-6.7 adaptive re-use standard for accessory apartments on upper floors, to allow two apartments on the first floor, in the A-1 residential zone.

Attorney John Parks and real-estate agent Elaine Smith, representing the applicant, explained that the 1921 house, which long had been used as a physician's residence and office with extensive additions, already had been granted a variance in 1985 to allow occupancy by up to six businesses and one upper-floor apartment. The property has been vacant for more than a year, and numerous interested buyers have expressed interest in enlarged residential use. The lot, originally only half an acre, has been substantially enlarged in the rear, but the limited frontage along Main Street remains. The applicant seeks to locate up to three apartments and space for up to three businesses in the 9,000-square-foot structure. No one else spoke to the application, and the hearing was closed.

Ralph Williams made a motion to grant the application varying Sections 214-3.2A(2) and 214-6.7 of the Somers zoning regulations to allow adaptive re-use of 531 Main St. with frontage of less than 300 feet and a maximum of two apartments on the building's lower level, in addition to the apartment on the second floor allowed by the 1985 variance on the property. No wholesale or retail sales are to be permitted, as stipulated in the 1985 variance, and that variance's allowed number of businesses is reduced to a maximum of three. Dan Thayer seconded the motion, which was approved unanimously.

OTHER BUSINESS

A motion was made by Dan Thayer to approve a proposed schedule of Zoning Board of Appeals meetings for 2023. Susan Peck seconded the motion, which was approved unanimously.

A motion was made by Dan Thayer to approve the minutes of the board's August 23, 2022 meeting. Ralph Williams seconded the motion, which was approved unanimously.

A motion to adjourn was made by Dan Thayer, with Susan Peck seconding. The motion was approved unanimously, and the meeting concluded at 6:55 p.m.

Respectfully submitted by Ralph Williams, serving as secretary in the absence of Andy Rockett.