

TOWN OF SOMERS
ZONING BOARD OF APPEALS
MEETING MINUTES
Tuesday, April 11, 2023 - 7:00 P.M, Town Hall



CALL TO ORDER

Meeting called to order 7:00 by Chair Dean Hills

ROLL CALL

Dean Hills, Chair; Doug Stebbins; Dan Thayer; Andy Rockett; Susan Peck; Ralph Williams

ELECTION OF OFFICERS

Nomination of Dean Hills as Chair – Doug Stebbins; Second – Dan Thayer. In favor: Doug Stebbins, Dan Thayer, Ralph Williams; Andy Rockett; Opposed: None; Abstain: Dean Hills.

Nomination of Dan Thayer as Vice Chair – Doug Stebbins; Second – Andy Rockett; In favor: Dean Hills, Doug Stebbins, Ralph Williams, Andy Rockett; Opposed – None; Abstain: Dan Thayer.

Nomination of Andy Rockett as Secretary – Dan Thayer; Second – Doug Stebbins; Passes unanimously.

DISCUSSION:

Settlement agreement for pending litigation Amy Eastman vs. Somers Zoning Board of Appeals Docket# TTD-CV20-6020706-S. Chair indicates it's available for review. No action needed by the Board.

PUBLIC HEARING/ DISCUSSION/ DECISION on each application:

Motion to revise the agenda to move 22-010 and 22-011 to the top of the agenda - Doug Stebbins; Second – Dan Thayer; Passes unanimously.

Andy Rockett notes for the record he has reviewed the meetings of December 2022 and January 2023, and all exhibits and documents associated with those meetings.

1. Cont'd from 1/17/2023 ZBA22-010 - Somers Mountain Properties LLC, 359 Mountain Road, Somers - Appeal of Cease and Desist Order issued by Zoning Enforcement Officer dated October 31, 2022 regarding parking and lighting.

Attorney Famiglietti discusses issues. Sign Lighting – moot, replaced with compliant lights. Believe other lights compliant, still investigating whether additional lights need action. Plan submitted to ZEO for lighting.

ZEO confirms receipt of lighting plan, but not prepared to withdraw cease & desist as there are other issues needed to be resolved.

Attorney Famiglietti discusses parking aspect of order and appeal. States appellants meeting with Zoning Commission to resolve all issues.

Attorney Schober for appellant. Reviews certain aspects of the appeal and ZEO's order. Then addresses lighting, and while better can't judge whether to solve problem as no big events held.

Submits letter to previous owner regarding.

Bob Garlick, Juniper Hill Drive – member of public – Comments on the appeal.

George Roberts, Autumn Lane – question on parking
Comments from ZBA member Peck regarding the process.

Attorney Famiglietti additional comments

Janet Bennett, Michelle Drive in support of winery

Kevin Franklin same

Susan Parvenski Eagle Brook, in support

ZEO Roy comments on issue.

Additional comments by Bob Garlick

Motion to Close Public Hearing – Dan Thayer, Second Doug Stebbins;
passes unanimously.

Motion to uphold the appeal of ZBA 22-010: Ralph Williams; Second – Dan Thayer [Sue Peck will be voting as Doug Stebbins not present at that meeting] In Favor: Dean Hills; Opposed: Dan Thayer, Sue Peck, Ralph Williams, Andy Rockett; Motion fails.

2. Cont'd from 1/17/2023 ZBA22-011 - Ken Prior, 364 Mountain Road, Somers- Appeal of Zoning Enforcement Officer's decision that a special event held on November 17, 2022 was allowed under Special Use permit from 2000.

Attorney Schober withdraws appeal ZBA22-011.

NEW BUSINESS

1. ZBA23-001 - Somers Mountain Properties, LLC, Mark and Karen Murdoch, 359 Mountain Road, Somers - Appeal of Cease and Desist order for February 14, 2023 Valentine's Dinner event.
2. ZBA23-002 - Somers Mountain Properties, LLC, Mark and Karen Murdoch, 359 Mountain Road, Somers - Appeal of Cease and Desist order for February 16, 2023 Date Night Dinner event.

Attorney Famiglietti Discussion on wine tasting aspect. Substantial discussion on definition of "Private Party."

ZEO Roy gave her reasoning for Cease & Desist.

George Roberts Comments regarding pre-paid tickets & wine.

Ken Pryor comments – Provided documentation previously on record regarding property. Attorney Schober for Mr. Pryor – Comments on Zoning regulations and adoption of new regulations; Uses available under the special use permits; Role of Caterer.

Bob Garlick comments

Todd Olden comments

Bob Garlick additional comments

Attorney Famiglietti comments regarding events allowed under the Special Use Permits.

Motion to continue this agenda item to May 15, 1800: Ralph Williams; Second: Doug Stebbins; Unanimous.

APPROVAL OF MINUTES: January 17, 2023 Motion to Approve Minutes of January 17, 2023 – Dan Thayer; Second – Sue Peck; Andy Rockett abstains, remaining in favor, motion passes

ADJOURNMENT Motion to Adjourn – Dan Thayer; Second – Doug Stebbins; Motion passes unanimously, meeting adjourned at 9:01pm.

Submitted:
Andy Rockett, Secretary