

TOWN OF SOMERS  
ZONING BOARD OF APPEALS  
SPECIAL MEETING MINUTES  
Tuesday, May 15, 2023 - 6:00 P.M, Town Hall



CALL TO ORDER

Meeting called to order at 6:00 p.m. by Chair Dean Hills

ROLL CALL

Dean Hills, Chair; Doug Stebbins; Dan Thayer; Andy Rockett; Susan Peck, Alternate; Ralph Williams, Alternate. Mr. Williams designated Voting Alternate.

NEW BUSINESS

1. ZBA23-003 – Somers Mountain Properties, LLC Mark and Karen Murdoch, 359 Mountain Road, Somers – Appeal of Cease and Desist Order for April 13, 2023 Wine and Food Pairing.

PUBLIC HEARING/DISCUSSION/DECISION 6:02 p.m.

1. Cont'd from 4/11/2023-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.
3. ZBA23-003 – Somers Mountain Properties, LLC Mark and Karen Murdoch, 359 Mountain Road, Somers – Appeal of Cease and Desist Order for April 13, 2023 Wine and Food Pairing.

Suggestion by Attorney Famiglietti to consolidate ZBA23-001, 002, 003 for purposes of evidence submission and comments. No objection by members of the ZBA.

Comments by Attorney Famiglietti regarding Permits, conditions in those permits, and activities on the property in question.

Comments by Assistant Director of Land Use & Zoning Enforcement Officer Jennifer Roy regarding nature of violation and actions initiating issuance of Cease and Desist Order.

Additional comments by Attorney Famiglietti.

The Board recesses briefly to give Attorney Schober a moment with his client.

Comments by Ken Prior, 364 Mountain Road, regarding actual uses of the property.

Comments by Attorney Schober regarding actual and allowable uses of the property.

Additional comments by Attorneys Famiglietti and Schober responding to previous comments.

Motion to close Public Hearing on ZBA-001, 002, 003: Thayer; Second: Stebbins; Passes unanimously.

Motion to grant Application 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: Williams; Second: Thayer. Motion fails, 2-3: Hills, Stebbins in favor, Rockett, Thayer & Williams opposed.

Motion to grant Application 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: Williams; Second: Thayer. Motion fails, 1-3-1: Hills in favor; Rockett, Thayer & Williams opposed; Stebbins abstains.

Motion to grant application ZBA23-003 – Somers Mountain Properties, LLC Mark and Karen Murdoch, 359 Mountain Road, Somers – Appeal of Cease and Desist Order for April 13, 2023 Wine and Food Pairing: Williams; Second: Thayer. Motion fails, 2-3: Hills, Stebbins in favor; Rockett, Thayer, Williams opposed.

APPROVAL OF MINUTES 6:51 p.m.

Motion to Approve Minutes of April 11, 2023: Thayer; Second: Williams. Passes unanimously noting correction to spelling of Mr. Prior's name from "Pryor".

ADJOURNMENT 6:52 p.m.

Motion to Adjourn: Thayer; Second: Stebbins. Motion passes unanimously.