

TOWN OF SOMERS - ZONING COMMISSION
SPECIAL MEETING MINUTES
MONDAY, JULY 13, 2020
6:30 PM – TELECONFERENCE
Meeting ID: 831 8197 2814

CALL TO ORDER Meeting was called to order at 6:39pm Members present Jill Conklin, Karl Walton, Dan Fraro, Lucas Cherry, and Paige Rasid. Also present, Jennifer Roy, Staff Liaison, Attorney Carl Landolina and Attorney Evan Seeman.

Jill Conklin read the agenda, explaining that this new application had already been to the Planning Commission, and a positive referral was received. Tonight the commission will accept the application, and schedule public hearing.

NEW BUSINESS:

1. #20-009: Amy Eastman, 40 Hallie Lane, Somers, CT. Pursuant to Article XII Earth removal and Filling, §214-70 Issuance and renewal of Special Use permit, applicant is seeking a Special Use Permit to undertake excavation, removal and filling of approximately 9,650 cubic yards and removal of that material to the abutting, conjoined parcel at 42 Hallie Lane.

Karl Walton made a motion to accept the application and schedule a public hearing for August 3, 2020 6:30 pm. Lucas Cherry seconded the motion. Discussion was held.

Carl Landolina addressed the commission regarding receiving the application for Amy Eastman. The applicant will also be applying for a variance by from the Zoning Board of Appeals. The application has also been presented to the Planning Commission (prior application and this current application). This application is solely for the removal of materials from 40 Hallie Lane. Attorney Landolina further explained that 42 Hallie Lane is not included as this is not a permitted use, and any description that pertains to “42” would be for the zoning commission to be aware applicant is seeking a variance. This property is also subject to pending litigation.

All members voted in favor, motion carried, a public hearing for Application #20-009 of Amy Eastman, will be held Monday, August 3, 2020 at 6:30pm via teleconference.

OLD BUSINESS: Discussion/Possible Decision

#19-012: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 700 Hall Hill Road, Somers, CT.

Jill Conklin began discussions for 700 Hall Hill Road – the Blake’s property.

Carl Landolina addressed the commission, asking for a reminder of the use for this property. Evan Seeman explained the three main uses from the applicant's March memorandum; 1. Two offices of one or more staff persons in charge of programing, 2. Faith and Reason Library with classical and modern books, 3. Eventual use by outside pastors to work and lodge as party of their role at Hillsdale.

Discussions were held. Lucas Cherry questioned if this would be similar to a "parsonage". Jill Conklin responded; also mentioned the Blake's intend on living in this house until January 2021.

Further discussions held. 7:08pm commission recessed due to technical difficulties, resumed 7:12pm.

Carl Landolina explained to the commission that having a priest or pastor staying in a home for a night or so would not require a special permit.

Evan Seeman explained to the commission what may or may not have protection under RLUIPA (Religious Land Use and Institutionalized Persons Act) and Federal and State constitutions. This particular location/application may not necessarily be protected under RLUIPA if you refer to case law. Discussions were held.

The commission was provided with both a draft motion to approve and a draft motion to deny as a guide, Carl Landolina explained if they so choose, they could stipulate any conditions.

Lucas Cherry made a motion to approve application #19-012, Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, a Special Use Permit to allow operation of a religious institution at 700 Hall Hill Road, Somers, CT. Dan Fraro seconded. Motion passed by 3-2 vote; commissioners Fraro, Rasid and Cherry in favor; Conklin and Walton opposed.

#19-013: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 708 Hall Hill Road, Somers, CT.

Evan Seeman explained the three main uses from the applicant's March memorandum; 1. Wayne Dumas, caretaker, will reside here; 2. Mr. Dumas will manage the properties, provide security, and ensure that the "Colleges" religious vision is realized; 3. The "College's" main chaplain will take meetings and counsel individuals in an office created at this property.

Evan Seeman explained to the commission what may or may not have protection under RLUIPA (Religious Land Use and Institutionalized Persons Act) and Federal and State constitutions. This particular location/application may be protected under RLUIPA when reviewing case law. Discussions were held.

Karl Walton made a motion to approve #19-013 Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations a Special Use Permit to allow operation of a religious institution at 708 Hall Hill Road, Somers, CT.

Lucas Cherry seconded the motion. All in favor, motion carried by unanimous vote.

ADJOURNMENT Karl Walton made a motion to adjourn, Lucas Cherry seconded, meeting adjourned at 8:02pm.