

TOWN OF SOMERS - ZONING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, July 19, 2023, 6:00pm



CALL TO ORDER 6:00pm, members present: Karl Walton, Jim Formica, Chris Locatelli, Dan Fraro, Howie Coro and Shane Manning. Also present Jennifer Roy, ZEO, Staff Liaison and Carl Landolina, Town Attorney

Absent: Doug Ferro

Discussion of: Article IV Fees for significant Land Use applications Section 114-8 – Additional costs for certain applications (related to independent peer review) for application #23-003.

Attorney Carl Landolina explained to the commission that the Town of Somers has an ordinance, chapter 114-8; that allows the commission to ask an applicant of a significant land use application, to pay for an independent review of reports such as a traffic study.

Discussion was held. The consensus of the commission was that there is no need for a peer review of the study provided by Solli Engineering.

Discussion of: Kenneth J. Prior - Petition to intervene on application #23-003. Attorney Dory Famiglietti provided a memo (exhibit A) and a copy of the statute 22a-19 (exhibit B) regarding the request for intervener status from Kenneth Prior.

Attorney George Schober addressed the commission, explaining what the issues are the ground for requesting intervener status, and why he believes they qualify.

Discussion was held. Jim Formica made a motion to deny intervener status, seconded by Dan Fraro. Formica, Manning, and Fraro in favor of the motion, Walton and Locatelli against. Motion fails.

PUBLIC HEARING:

1. Application #23-003: Mark and Karen Murdoch, 359 Mountain Road, Somers seeking a modification of the Special Use permit and Site Plan; for operation of farm winery, amending the conditions of approval:
 - #3 regarding parking, increasing the number of parking spaces 195,
 - #4 allow food trucks,
 - #5 outdoor amplified music and
 - #6 pop-up tents maximum size of 12' x 12'; and
 - allow an 8' x 40' storage container at the rear of the Sugar House.

Attorney George Schober addressed the commission. He believes the application should go to the Conservation Commission. Attorney Schober provided a summary of issues and references to specific zoning regulations. (Exhibit C).

Also provided are photos of lighting violations (Exhibit D).

A copy of civil nuisance complaint (Exhibit E).

Copies of violation notices and cease and desist orders issued by the Somers ZEO (Exhibit F).

A copy of the Town of Somers Vendors and Hawkers Ordinance 196 (Exhibit G).

Request to revoke Special Use Permit (Exhibit H).

List of unpermitted events (Exhibit I).

Photos of amplified music (Exhibit J).

Copies of GIS maps from the town website (Exhibit K).

Photos of Mountain Road (Exhibit L).

A copy of the Craft Café permit (Exhibit M).

A copy of liquor commission application for live entertainment (Exhibit N).

Attorney Schober requested Matt Baldino from Solli Engineering to come forward to answer some questions regarding the traffic report. Discussion was held. Attorney Schober asked various questions about the report including vehicle counts. Matt Baldino explained what data they gathered and how they obtain the data.

A copy of the Zoning Commission Special meeting held 12/23/2021 (Exhibit O).

A copy of Solli Engineering proposed winery Traffic Impact Study dated 11/15/2021 (Exhibit P).

Ken Prior of 364 Mountain Road addressed the commission, explaining how he took measurements of the sight lines going both up and down Mountain Road.

A copy of town maps for Mountain Road reconstruction (Exhibit Q).

Karl Walton requested a recess at 7:50pm. Public hearing reconvened at 7:59pm.

Attorney Famiglietti confirmed that there were no further questions from Attorney Schober or Mr. Baldino or Mr. Jay Ussery. Attorney Schober confirmed he had none. Seeing nothing further of either, all parties agreed to take public comments next, and continue the public hearing arguments at the continuation.

Public comments:

Karen Richard, 59 Juniper Hill Drive, Somers – opposes modifications.

Mike Bushior, 118 Rose Haven Road, Somers – opposes modifications.

Michelle Prior, 364 Mountain Road, Somers – opposes modifications.

Bob Garlic, 52 Juniper Hill Road, Somers – in favor of modifications.

Keith Charette, 36 Mulberry Lane, Somers – opposes modifications.
Heidi McCarthy, 40 Florida Road, Somers – in favor of modifications.
Emily Reynolds, 37 Isabella Drive, Somers – in favor of modifications.
Jen Grieger, 20 Amie Lane, Somers – in favor of modifications.
Stacy Naylor, 728 Stafford Road, Somers – opposes modifications.

Jim Formica asked the applicant about where the 30 parking spaces came from. Discussion was held with Attorney Famiglietti.

Attorney Landolina addressed the commission members regarding the records/transcripts from when the winery regulation was created. He will have these transcripts forwarded to the commission for review. Attorney Landolina felt this would help the commission moving forward with their deliberations.

Jim Formica made a motion to continue the public hearing to Monday, August 21, 2023 at 6:00pm. Chris Locatelli seconded, all in favor, motion carried.

II. DISCUSSION/POSSIBLE DECISION - TABLED

1. Application #23-003: Mark and Karen Murdoch, 359 Mountain Road, Somers seeking a modification of the Special Use permit and Site Plan; for operation of farm winery, amending the conditions of approval site plan.

ADJOURNMENT: Jim Formica made a motion to adjourn, Shane Manning seconded, all in favor, motion carried. Meeting adjourned at 8:53pm.

Respectfully submitted,
Jennifer Roy

*****MINUTES ARE NOT OFFICIAL UNTIL APPROVED A SUBSEQUENT MEETING*****