

**TOWN OF SOMERS - ZONING COMMISSION**  
**SPECIAL MEETING MINUTES**  
**Monday August 21, 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

**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.

Ken Prior, 364 Mountain Road, Somers, addressed the commission. Mr. Prior explained to the commission that he has been a resident of the town since 1983, and his wife has been longer. Mr. Prior outlined on-going issues with 359 Mountain Road over the years. The following exhibits were provided and explained:

- Exhibit A – Photos
- Exhibit B – Zoning Commission 9/20/2021 minutes
- Exhibit C – Photo/parking lot
- Exhibit D – Planning Commission 11/16/2000 minutes
- Exhibit E – Photos/street/curve
- Exhibit F – Proposed Special Use conditions
- Exhibit G – Photos/food trucks/vendors
- Exhibit H – Planning Commission 11/16/2000 minutes
- Exhibit I – Photos/gate
- Exhibit J – Zoning Commission 6/28/2004 minutes
- Exhibit K – Photos/wedding
- Exhibit L – Zoning Commission transcript 12/4/2000 meeting
- Exhibit M – Zoning Commission transcript 12/4/2000 meeting
- Exhibit N – Event list
- Exhibit O – Zoning Commission 6/28/2004 minutes
- Exhibit P – Ken Prior, Petition to Intervene (original/verified)

**\*\*Discussion held between Attorney George Schober and Attorney Dorian Famiglietti\*\***

Jennifer Roy provided the commission and applicant with a Traffic Data report from Kim Littig, Police Administrator. Data was collected for 7 days, for northbound traffic on Mountain Road.

Exhibit Q – Somers Police Traffic Data Report

Public comments:

Katherine Mashiak, 54 Springfield Road, Somers – in favor  
Dominic Wilson, 50 Mulberry Lane, Somers – expressed concerns  
Tim Keeney, 57 Maple Street, Somers – in favor  
Bob Garlic, 52 Juniper Hill Drive, Somers – in favor  
Alex Murdoch, 349 Mountain Road, Somers – in favor

Attorney George Schober addressed the commission. Provided the following exhibits with explanations:

Exhibit R – Rep. Town Committee/Tim Keeney letter dated 6/22/2020  
Exhibit S – Winery proposal from 7/1/2021  
Exhibit T – Kenneth Prior v. Somers Zoning Commission lawsuit  
Exhibit U – Summary from Attorney Schober of believed non-compliance issues  
Exhibit V – Food truck complaint  
Exhibit W – Copies of social media/Facebook comments  
Exhibit X – Patrice Carson, former Town Planner for Somers; memo/public comment  
Exhibit Y – Photos/Sonny’s Place parking lots

Discussion was held regarding the exhibits provided. Attorney Landolina questioned the reasoning/need for all the exhibits. Attorney Schober states the Zoning Commission approvals of the winery violates his client’s civil rights.

Further discussion held.

Mark and Karen Murdoch, 349 Mountain Road, Somers addressed the commission. Mr. Murdoch explained where they propose the amplified music be located.

Exhibit Z – map

Karen Murdock explained that they are willing to work with the commission on specific approvals, such as if they would all even just one food truck at a time. Discussion held.

Attorney Dorian Famiglietti addressed the commission. First speaking about the petition to intervene. Then Attorney Famiglietti spoke about each request, including asking for amplified music to be allowed, as well as food trucks with generators. Attorney Famiglietti provided the following exhibits:

Exhibit AA – Town of Somers permit to discharge  
Exhibit BB – Town of Somers temporary food permit application

Attorney Famiglietti suggested the commission consider allowing one food truck, 30 times per year, and amplified music once per week, up to 30 times per year. These limitations would allow for food truck and music during the peak time of the year for the winery.

Discussion held.

Jim Formica made a motion to close the public hearing, Chris Locatelli seconded, all in favor, public hearing closed at 8:34pm.

Karl Walton asked the commission members if they have all read the transcripts Attorney Landolina sent regarding the public hearings from the Zoning Regulation revisions and winery public hearings. Mr. Walton further asked if the members have all taken the required training.

Attorney Landolina explained the petition to intervene to the commission. Discussion held.

Jim Formica made a motion to approve Mr. Prior's petition to intervene. Shane Manning seconded, discussion held.

Jim Formica made a modified motion to grant intervenor status to Mr. Prior, solely with respect to 2.D. Shane Manning seconded, all in favor, motion carried.

I. DISCUSSION/POSSIBLE DECISION - TABLED

Karl Walton made a motion to table discussion decision. Jim Formica seconded, all in favor, motion carried.

ADJOURNMENT: Jim Formica made a motion to adjourn, Chris Locatelli seconded, all in favor, motion carried. Meeting adjourned at 8:57pm.

Respectfully submitted,  
Jennifer Roy

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