

TOWN OF SOMERS - ZONING COMMISSION
MEETING MINUTES
Monday, March 4, 2024, 6:30pm



CALL TO ORDER: 6:30pm Members present: Dan Fraro, Chris Locatelli, Shane Manning, and Jim Formica. Also present: Jennifer Roy, Staff Liaison.

Absent: Karl Walton and Howie Coro

Annual meeting:

Election of officers:

Jennifer Roy provided Karl Walton's nomination of Jim Formica as Vice-Chair and Dan Fraro as Secretary.

Jim Formica nominates Karl Walton as Chairman. Christ Locatelli seconded, all in favor.

Chris Locatelli nominates Jim Formica as Vice-Chair. Shane Manning seconded, all in favor.

Jim Formica nominates Dan Fraro as Secretary. Shane Manning seconded, all in favor.

Review of by-laws. Commission members discussed briefly, no changes needed.

Application #24-002: Somers Mountain Properties, LLC, 359 Mountain Road, Somers; seeking a Text Amendment to section 214-6.11 and 6.12 of the Somers Zoning Regulations, as they relate to Farm Wineries.

Attorney Dory Famiglietti provided the commission with a brief explanation of the application. Discussion held. Chris Locatelli made a motion to accept the application, refer to Planning Commission and CRCOG, and schedule a public hearing for May 6, 2024 at 6:30pm. Shane Manning seconded, all in favor, motion carried.

PUBLIC HEARING:

Application #24-001: Somers Mountain Properties, LLC, 359 Mountain Road, Somers, seeking a modification of the 12/24/2000 Special Use Permit for Outdoor Recreation and accessory private events, to allow for the use of temporary event tents.

Chris Locatelli made a motion to open the public hearing. Shange Manning seconded, all in favor, motion carried.

Attorney Famiglietti addressed the commission on behalf of the applicants, Mark and Karen Murdoch, Somers Mountain Properties, LLC. Attorney Famiglietti states this application is strictly for the 2000 Special Use Permit, and gave the commission a brief history of the property, and explained notices given to the property owner's by Zoning Enforcement. A copy of the 2006 Worthington Pond court case was provided (Exhibit A).

Attorney Famiglietti explained that this modification request is different than the original request, which was for a seasonal/summer long event tent, this request is for a tent to be erected

up to 48 hours prior to event, and removed within 48 hours after the event. Further, the applicant will advise the ZEO of dates and times of events.

Mark Murdoch, 349 Mountain Road, and owner of the property, explained that they put the tents up for 3 or 4 days only. Mark explained that the previous property owner did the same as far as he knows. The tents are generally down by the covered bridge.

Chris Locatelli questioned what type of events the tents would be used for, and asked that last year there was only 5 weddings/events. Mark Murdoch confirmed that there were 5 last year, and the tents are used for weddings, private parties, etc., usually 120 people at most.

Jennifer Roy read a letter into the record from former Town Planner, Patrice Carson, which expressed concerns about the modification request (Exhibit B).

Ken Prior, 364 Mountain Road, addressed the commission regarding the original Special Use Permit, and provided a packet of documents "Tent application #24-001 documents for the record" (Exhibit C). Mr. Prior continued his comments, pointing out various portions of the documents.

Mr. Prior hands out copies of emails 11/16/2022 and 4/25/2023 from Jennifer Roy (Exhibit D).

Attorney George Schober addressed the commission, questioning where on the property the tent will be located. Attorney Schober feels there should be a site plan provided, and that this request does not meet the Zoning Regulations, and therefore should be denied.

Attorney Schober provided maps of Mountain Road, from the reconstruction project (Exhibit E), along with minutes of December 13, 2021 Zoning Commission meeting (Exhibit F). Also submitted for the record are briefs filed with the court in 2005 (Exhibit G) and an article from the Journal Inquirer 12/12/2023 (Exhibit H).

Attorney Schober read state statute regarding Land Use Commissioner training requirements. Discussion held. Attorney Schober summarized his client's concerns, including noise.

Shane Manning quotes section 9.4 of the zoning regulations regarding the commission and/or Zoning Enforcement Officer's ability to waive the site plan requirement. Discussion was held.

Jen Griger, 24 Amie Lane, Somers – spoke in favor.

Attorney Famiglietti addressed the commission, mentioning section 9.4.B.2 of the zoning regulations, as well as 9.3.A. Attorney Famiglietti further discussed possible conditions, such as size and location of tent. Discussion held.

Karen Murdoch spoke to the commission about the modification request.

Further comments from both Attorney Schober and Ken Prior expressing their concerns.

Jennifer Roy gave comments to the commission regarding section 1.4 of the zoning regulations, further elaborating what Patrice Carson pointed out; siting it provides for the commission to determine whether something is permitted or prohibited when there is uncertainty. Discussion held.

Chris Locatelli made a motion to close the public hearing for application #24-001 Somers Mountain Properties, LLC requesting modification. Shane Manning seconded, all in favor, motion carried.

DISCUSSION/POSSIBLE DECISION:

Application #24-001: Somers Mountain Properties, LLC, 359 Mountain Road, Somers.

Discussion held.

Shane Manning made a motion to approve application #24-001 Somers Mountain Properties, LLC, 359 Mountain Road, modification of the 12/24/2000 Special Use permit to allow for temporary event tents with the following conditions:

1. One 20'x40' event tent allowed at any time on the property, tent may be placed on the property 48 hours prior to the event, and removed within 48 hours of the end of the event.
2. Tent may be placed on the property behind the tasting room location.

Chris Locatelli seconded, all in favor, motion carried.

ADJOURNMENT: Shane Manning made a motion to adjourn, Dan Fraro seconded, all in favor, meeting adjourned 8:08pm.

Respectfully submitted,
Jennifer Roy

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