

**TOWN OF SOUTHBURY  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
AUGUST 4, 2009  
(summary of meeting)  
(subject to approval)**

**MEMBERS PRESENT:** Lemuel Johnson, Jr. – Chairman; Paul Sullivan; Geoffrey Ice; Robert Greene; Douglas Breakstone – Alternate; John Bucciarelli - Alternate; Robert Lieber - Alternate

**MEMBERS ABSENT:** Peter Peterson – Vice Chairman

**OTHER'S PRESENT:** Applicants, member of the press and other interested parties

**CALL TO ORDER:** Chairman Johnson called the meeting to order at 7:32 p.m.

**PLEDGE OF ALLEGIANCE**

**SEATING OF ALTERNATES:**

Doug Breakstone and Robert Lieber were seated.

**OUTSTANDING APPLICATIONS:**

There were no outstanding applications.

**PUBLIC HEARINGS:**

**Application #7539 The Southbury Historical Society, owner & applicant – applying for a Special Exception of the Zoning Regulations (Schedule A, Line B-3.1) to allow the use of an existing 19<sup>th</sup> century historic barn as a museum. Property located at 502 West Purchase Road, Zone R-80.**

Don Meyer, President of the Southbury Historical Society reviewed the application with the Board explaining the purpose of the special exception request is to allow use of an historic barn and land as a museum. The barn and land recently donated by Marie Ludorf to the Historical Society would be restored and eventually be open to the public. Written approvals for the parking of vehicles has been attained from three different adjacent land owners. Mr. Meyer commented with regard to the Planning Commissions concerns for proper identification of all handicapped parking spaces and the installation of a ground sign; he noted the location of the handicapped parking and ground sign on a site plan map.

All return receipts were previously submitted for the record.

A memo dated August 4, 2009 from Zoning Official, Mark Massoud was read into the record.

A referral response dated August 4, 2009 from Fire Marshal, Henry Stormer was read into the record.

The Fire Marshal briefly explained the size of the building and the number of occupants would dictate code compliances as they would relate to exiting and egress, fire alarm system and any emergency lighting. Any work within the barn would also require a building permit from the Building Official. He continued an exception to the codes for historical buildings could be sought from the State of Connecticut but the barn must comply with current fire safety and building code regulations.

A referral response dated July 22, 2009 from the Planning Commission was read into the record.

Mr. Meyer clarified for the Board with regard to additional parking areas he would attempt to secure long term easements from adjacent property owners.

No correspondence was received.

The Chairman opened the floor to the public.

Southbury resident Tom Crider representing the Southbury Land Trust spoke in favor of the application highlighting the town's preservation of farming for future generations. He noted as the Land Trust is an abutting property owner it may be possible to allow additional parking on the property.

No one spoke in opposition to the application.

Commissioner Bucciarelli questioned the educational purpose of the museum.

Mr. Meyer answered the museums schedule would be similar to the South Britain School schedule. He continued most of the agricultural and farming items that would be displayed have been graciously donated by Marie Ludorf.

There being no further questions or concerns the public hearing was closed at 7:55 p.m.

**Application #7544 Joseph McAllister, owner & applicant - applying for a Special Exception of the Zoning Regulations (Schedule A, Line A-10) to allow a proposed 21,600 square foot equestrian building on the site. Property located at 374 Main Street North, Zone(s) R-30 and R-60.**

Chairman Johnson noted for the record as comments from the Planning Commission have yet to be received the public hearing will open and continue at the September meeting.

Ed Scoville of the Stuart Somers Co. standing in for Charlie Spath and representing the applicant, explained the concept of the plan is to construct a 21,600 square foot equestrian building containing 32 horse stalls and indoor riding ring in a residential zone. The building would be located at the rear of the property 800 feet from Main Street North.

The proposed barn will stay consistent with the current use of boarding and training horses only and no events would be held at the site.

All return receipts were submitted for the record.

Mr. Scovill noted for the record the application has been submitted to the Inland Wetlands Commission for review.

Also, it may be necessary for the placement of the barn to change as members of the Historical Tree Restoration Committee had recently conducted a site visit on the property to evaluate a very large 52" Sycamore tree located within the proposed area of the barn.

The Zoning Officials report was read and submitted for the record.

A memo from the Building Official, Mark Cody dated July 24, 2009 to the Land Use Administrator, DeLoris Curtis was read into the record.

A referral response dated July 21, 2009 from Fire Marshal, Henry Stormer was read into the record.

Mr. Stormer explained both the Building Official and himself had met with Mr. Spath regarding compliance with Fire Safety and Building codes. The applicant would need to comply with the fire ordinance which requires fire sprinklers and alarms within the building and a driveway ordinance requiring pull-offs every 300 feet for emergency vehicles. The applicant is proposing to use an existing driveway (easement) on an adjacent property of which would remain gravel.

A memo dated July 24, 2009 from the Historical Tree Restoration Committee was read into the record.

A memo dated July 28, 2009 from the Planning Commission was read into the record.

No correspondence was received.

The Chairman opened the floor to the public.

No one spoke in favor of the application.

Adjacent property owner Robert Massi noted both himself and other adjacent property owners had met and were concerned with the neighborhood becoming more commercial in a residential zone as there was already an increase in noise coming from the Jewish Center. Some neighborhood concerns were the amount of manure generated by the large increase in horses, noise, and the number of employees that would be needed to operate the facility.

Mr. Massi made reference to a conservation easement which runs from the Town of

two other adjacent property owners as well as himself. As the trees are marked with large medallions, Mr. Massi had assumed no construction could occur within this area.

Mr. Scoville answered he was aware of the open space area abutting the McAllister property but did not know the existence of a conservation easement along the border.

Carol I Tracey another adjacent property owner also raised questions with regard to the conservation easement and trail running along the McAllister border.

Chairman Johnson suggested Mr. Massi, Ms. Tracey and any other concerned citizens attend the Planning Commission's meeting to receive answers to any questions they may have.

Chairman Johnson also reminded all in attendance the applicant must continue to work on answering concerns and details as suggested by the Fire Marshal and Building Official.

As information was needed to continue with the public hearing the applicant agreed to the applicant submit a letter of extension for continuation of the public hearing to the next months meeting.

The public hearing remained open and would continue at the September 1, 2009 meeting.

**Application #7543 Jeffrey Aversano, owner & applicant - applying for a Variance to Section 4.2 of the Zoning Regulations, relating to lot area, shape and frontage so as to permit reduced lot sizes for front lot (Lot 1) from 60,000 square feet to 48,118 square feet and one rear lot (Lot 2) from 90,000 square feet to 86,621 square feet. Property located at 1128 Southford Road, Zone R-60.**

Mr. Aversano took the floor and started by noting that due to the lack of an easement approval from an adjoining property owner the site plan has been modified to reflect some new revisions.

Ed Scoville of the Stuart Somers Co. explained the revisions to the application would need to show a request for two variances, one for the reduction in the size of the front lot square from 200 feet to 175 feet, and the second a decrease in the minimum size of the front lot from 60,000 square feet to 43,696 square feet.

Chairman Johnson explained the legal notice had already appeared in the newspaper and reflected the application as originally received by the Zoning Board of Appeals.

After some discussion the applicant agreed to submit a letter withdrawing the application at this time and will resubmit a new application with proper variance requests.

Application #7543 Jeffrey Aversano was withdrawn.

**DISCUSSION AND DECISION:**

**Application #7539 The Southbury Historical Society** -After some discussion the Board noted preservation of the barn as a museum does support all requirements of the town but it was determined that all safety issues and concerns of the Fire Marshal should be addressed.

On a motion by Commissioner Sullivan, seconded by Commission Ice Chairman with a unanimous decision, Application #7539 (Southbury Historical Society) was approved for Special Exception to the Zoning Regulations allowing the use of an existing 19<sup>th</sup> Century Historic Barn as a museum based on the approval recommendations from the Planning Commission and contingent upon meeting of all the Fire Marshal's requirements.

**Application #7544 Joseph McAllister** - Public hearing to continue September 1, 2009.

**Application #7543 Jeffrey Aversano** - Application was withdrawn

**NEW APPLICATIONS:**

There were no new applications received.

**MINUTES:**

**Approval of Minutes - June 2, 2009**

The minutes of the June 2, 2009 meeting were deferred to the month of September.

**CORRESPONDENCE:**

There was no correspondence received.

**BILLS:**

There were no bills.

**ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD:**

There was no other business noted.

**ADJOURNMENT:**

On a motion by Commissioner Breakstone and seconded by Commissioner Sullivan the meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Deborah Zachariewicz  
Secretary