

**TOWN OF SOUTHBURY
ZONING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 1, 2009**
(summary of meeting)
(subject to approval)

MEMBERS PRESENT: Lemuel Johnson, Jr. – Chairman; Peter Peterson – Vice Chairman; Paul Sullivan; Robert Greene; Robert Lieber – Alternate

MEMBERS ABSENT: Geoffrey Ice; Douglas Breakstone – Alternate; John Bucciarelli – Alternate

OTHERS PRESENT: Zoning Enforcement Officer Mark Massoud, Applicants, and Member of the Press

CALL TO ORDER: Chairman Johnson called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

SEATING OF ALTERNATES: Robert Lieber was seated.

OUTSTANDING APPLICATIONS:

Public Hearing continued from August 4, 2009: **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 that, as referrals from the Planning Commission and from the Inland Wetlands Commission have yet to be received, this public hearing will continue at the October meeting. The applicant has submitted a letter of extension (65 days) which will cover the continuation to the October meeting.

Charles Spath of the Stuart Somers Co., representing the applicant, presented revisions and additions to the plans. He reported that the 52" sycamore could not be saved because the building had to be pushed away from the wetlands. The building has been moved 10ft south and 10ft west.

Mr. Spath said the application had verbal approval from the Health Department. He reported that the revised plans have been submitted to Land Use Administrator DeLoris Curtis. They have provided for the pull-offs for emergency vehicles required by the Fire Marshall. There will be access for the Fire Department all around the building.

The proposed drive will be paved with asphalt millings where the grade is 8 to 10%.

Mr. Spath pointed out that the plan shows a 30,000 gal. underground storage tank for fire protection. He later said they might be considering a pool as an alternative.

With respect to a huge manure pile which has been there for 20 years, Mr. Spath said it was going to be removed. Also, he said all future horse manure would be removed by dumpster.

Mr. Spath gave Chairman Johnson a plan showing that the nearest neighbors' houses were 970 feet from the proposed building. He also passed out copies of the plan to the members of the Board.

Tammy McAllister, one of the applicants, described the proposed operation. She said it has been in existence in another part of Southbury (where they keep 37 horses now) for 10 years. Ms. McAllister said the aim of the application was to get the whole operation back on the family farm (where there are 14 horses now). Ms. McAllister said they only had three employees so not much parking will be needed. She said there would be no horse shows, competitions, or events, only boarding and training of horses; and, in response to a question from Chairman Johnson, Ms. McAllister said she would be willing to put that into a statement.

Ms. McAllister said that mostly the horses would not be turned out into the surrounding field. Training would be done inside the proposed building and in the existing outdoor facilities.

Chairman Johnson opened the questioning up to the members of the Board. Commissioner Sullivan asked if there were any issues with the Fire Marshal. Charles Spath said they have met with the Fire Marshal and have addressed all his concerns.

Commissioner Lieber asked about the outside training ring. Mr. Spath said they intended to walk the horses down the drive to the existing outdoor equestrian facilities near Main Street North.

Mr. Spath pointed out that no new driveway would be opened off the heavily traveled Main Street North. The applicants would be using an existing driveway over which they were being given an easement.

A full set of revised plans were received for the record.

Chairman Johnson made a statement for the record: He noted that at the August 4, 2009 meeting he had suggested that some property owners from the east of the site attend the Planning and Zoning Commissions' meetings and make their questions and comments about their concerns known to the Commissioners at those meetings. However, for a Special Exception the Planning Commission meetings are not open for public comments. So Chairman Johnson wished to apologize to the people who were at the August 4 meeting and not at tonight's meeting. They will have to come back to the October Zoning Board of Appeals meeting.

DISCUSSION AND DECISION:

Application #7544 Joseph McAllister – Public Hearing to continue October 6, 2009.

NEW APPLICATION:

Application #7618 Jeffrey Aversano, owner & applicant – Applying for a Variance to Section 4 of the Schedule B standards (Line 1 and Line 3) of the Zoning Regulations, relating to minimum lot area and minimum dimension of square on the lot so as to permit a reduced lot size for Lot 1 (front) from 60,000 square feet to 43,696 square feet and a reduction in the minimum square from 200 square feet to 175 square feet. Lot 2 (rear) to have required lot area and minimum square. Property located at 1128 Southford Road, Zone R-60.

Application #7618 is a resubmission with proper variance requests. Neither the applicant nor his representative is present.

Chairman Johnson noted that the property has no road frontage. Access to Southford Road is by easement across a State of Connecticut bridle path. Chairman Johnson said he wanted to look into if the lack of road frontage affects the request for variance. Commissioner Peterson suggested that both lots might be considered interior lots. Chairman Johnson said he would be talking with Zoning Enforcement Officer Mark Massoud, Land Use Administrator DeLoris Curtis, and perhaps counsel about this question before the October meeting.

Commissioner Lieber questioned if you could pave over a state trail.

Chairman Johnson said the information that the question of road frontage and the state bridle trail was being looked into would be conveyed to the applicant.

Chairman Johnson read from page two of the application that a hardship is claimed because the owner thought he had 3.5 acres not 3 acres because the old tax map showed 3.56 acres. Chairman Johnson said he would like to see a copy of the owner's deed.

The above said application was received and a public hearing date was set for October 6, 2009.

MINUTES:

Approval of Minutes – June 2, 2009 and August 4, 2009

On a motion by Commissioner Sullivan, seconded by Commissioner Greene, the minutes of the June 2, 2009 meeting and the August 4, 2009 meeting were unanimously approved.

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 Peterson, seconded by Commissioner Sullivan, the meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Jocelyn Bagger, Clerk