

**SUFFIELD ZONING AND PLANNING COMMISSION
MINUTES OF REGULAR MEETING
NOVEMBER 16, 2009**

Present: Frank E. Bauchiero, Jr., Chairman
Chester Kuras, Vice Chairman
John Conley, Jr.
Mark Winne, Alternate
Charles Sheehan, Alternate –*Arrived at @ 7:29 p.m.*
Frank Ravenola
Glen Vincent

Absent: John O’Malley, Secretary

Also Present: Bill Hawkins, Town Planner
Jim Taylor, Zoning Enforcement Officer
Gerry Turbet, Town Engineer
Carl Landolina, ZPC Attorney
Karen Doyon, Administrative Secretary

I. ROLL CALL

Chairman Bauchiero called the meeting to order at 7:02 p.m. during which time he asked the Administrative Secretary to take a silent roll call. In Secretary O’Malley’s absence, Chairman Bauchiero asked Vice Chairman Kuras to read the Legal Notice that was published in the Hartford Courant on November 5, 2009 and November 12, 2009.

II. INFORMAL DISCUSSIONS – Bill Hansen, Chairman of the Heritage Committee to discuss internally lit signs within Suffield Town businesses.

Mr. Hansen asked the Commission if neon signs are a prohibited use and if they are why are they appearing in Suffield’s businesses. Mr. Hawkins pointed out that internally lit signs, unless specifically approved by the Commission are prohibited. Mr. Taylor reported that in past years he has come to the Commission to discuss the placement of neon signs for several businesses. Because these types of signs are considered traditional in restaurants, the Commission had not taken a stance approach in having him enforce them. Mr. Hansen said, that was prior to the Town Center Village District [TCVD], and stated that they should be firmly enforced because they are an eyesore. Mr. Hansen believes that the pre-existing neon signs are a problem and would like any new ones prohibited. There was a brief discussion regarding the use of these signs in different establishments [beauty shops, pizza parlors, bars, restaurants, and liquor stores], their locations within the establishments and whether or not they are in fact an eyesore. Mr. Taylor recommended that this be taken under advisement, and asked for more time to look closer at this issue. Matt Falkowski said his tenants have a need for the signs in the Town Center Village and strongly voiced that they be allowed to stay. Chairman Bauchiero made the suggestion that the neon lights remain lit only when the business is open. He told Mr. Hansen that it would be looked into.

III. PUBLIC HEARINGS

File # 64-2009: Special Permit Request from Jack R. Arute III, for an Equestrian Centre located at 1125 Mountain Road, West Suffield; Map 23, Block 24, Lot #10. Applicant: Jack R. Arute III. Surveyor Gary B. LeClair of Windsor Locks was present along with applicant Jack Arute of 1125 Mountain Road. Mr. Arute addressed the Chair asking that the Commission consider approving his application to be in compliance for the use he intends. Mr. Arute reported that he wants to convert his property from a private horse farm to a commercial equestrian center, with no additional buildings. Mr. Arute reported that he is the only name on the deed of the property. With nothing further Chairman Bauchiero asked Mr. Hawkins to read his report.

Mr. Hawkins read from his report dated 11.12.2009 addressed to the Zoning and Planning Commission. He reported that he reviewed the special permit request, the letter from North Central Health District dated 11.3.2009, and site plans with a revision date of 11.12.2009. Mr. Hawkins reported that the Conservation Commission approved and stamped the plans on 10.1.2009. He reported that the Zoning Enforcement Officer and the Town Engineer have met with the applicant along with the applicant's surveyor to review the plans as well as visited the site on 11.4.2009. Mr. Hawkins continued by reporting on the following:

- **Existing Conditions;**
- **Proposed Conditions;**
 - Use, Hours of operation, Parking, Driveway, Utilities, Screening, Signage
- **Analysis** [numbered 1-5 and letters A through E]; and,
- **Considerations.**
- Attachments include: Arial map, photos of driveway entrance, screening, property boundaries.

Chairman Bauchiero asked if there were any questions for Mr. Hawkins. A Commission member asked about a pole-light on the property that exceeds the height requirement. Mr. Hawkins stated that it was mentioned in his report and could be decided on and made a condition of the approval. With nothing further Chairman Bauchiero asked Mr. Turbet to read his report.

Mr. Turbet read his report dated 11.13.2009 addressed to the Zoning and Planning Commission which contained the following:

- **General;**
- **Access Drive and Parking Area;**
- **Drainage;**
- **Lighting Facilities; and,**
- **Concentrated Waste Storage.**
- Attachments include: Sight Distance Pictures, 200 Scale Town GIS map, pictures of different lighting fixtures and picture of manure dumpster.

Mr. Turbet added that from the meeting with the Fire Officials, the gate to enter onto the property should be set back to allow vehicles to enter without having any vehicles or trailers sit on Mountain Road creating a hazard. Mr. Ravenola asked Mr. Turbet how many feet would he feel comfortable setting it back, and he responded forty [40] feet. Chairman Bauchiero asked if that area of Mountain Road was

flat and Mr. Turbet responded, yes. With nothing further Chairman Bauchiero asked Mr. Hawkins to enter into the record letters received by staff. Mr. Hawkins submitted the following:

- Letter from Jon Kores to ZPC, dated 11.6.2009 regarding public hearing notice requirements;
- Letter from Jon Kores to Mr. Turbet, dated 11.3.2009 regarding dumpster placement & water runoff;
- Letter from Mr. Turbet to Jon Kores, dated 11.9.2009 response to letter regarding dumpster placement and water runoff;
- Letter from North Central District Health Department [NCHD], dated 11.3.2009 regarding special permit for 1125 Mountain Road;
- Investigation Report from the State of Connecticut Dept. of Agriculture Animal Control Division, dated 10.19.2009 regarding a complaint from Kores;
- Letter from Jon & Kathleen Kores to Mr. Taylor, dated 10.14.2009 regarding Section III.F.5 Accessory Buildings Housing Animals;
- Letter from Peter Conserva, VMD to ZPC, dated 11.14.2009 speaking in favor of the application for Mr. Arute; and,
- Letter from Carl Landolina to Mr. Hawkins, dated 11.6.2009 regarding public hearing notice in response to Kores's letter dated 11.6.2009. *Attorney Landolina explained the logistics' regarding his letter. Attorney Landolina asked Mr. Arute if he was put on notice regarding the letters, he said yes.*

With nothing further, Chairman Bauchiero opened up the public hearing to those in favor of the application. The following people that spoke in favor were;

- **Holly Labarre**-1090 Mountain Road; spoke in favor of the Equestrian Center;
- **Peter Conserva, VMD**-214 Ratley Road; spoke in favor of the Equestrian Center, commented that the horses are healthy, and he has no problem housing the horses in the indoor arena in extreme weather conditions;
- **Matthew Falkowski**-805 Mountain Road; spoke in favor of the application; and,
- **Cory Alekesczik** -216 East Street South; spoke in favor of the application.

With nothing further, Chairman Bauchiero opened up the public hearing to those opposed of the application. The following people that spoke in opposition where:

- **Attorney John Wyzik**- 11 High Street, Suffield, CT, representing Jon & Kathleen Kores, and Erik & Irene Kraft presented his case in opposition of the application. Attorney Wyzik also presented two [2] expert witnesses: Brian J. Miller, AICP of Turner Miller Group, Planning Consultant who presented his planning analysis of the application, and Keith Colli, 88 Franklin Woods Drive, Somers CT, a Licensed Appraiser, License # RCR128 to present his opinion on the impact of the proposed use on the abutting property values.

Attorney Wyzik presented his case that the application did not meet the requirements of the Zoning Regulations offering the following exhibits in support of his position:

- **Exhibit A:** 36x24 Site Plan dated 8.24.2009 by Gary B. LeClair, LLC, highlighting horse barn/riding arena from property line;

- **Exhibit B:** 36x36 Arial map highlighting End of the Hunt Equestrian Center
- **Exhibit C:** 36x36 Arial map of Wynd Rider Equestrian Center located off of Mountain Road, West Suffield; *[Kathleen Kores handed out three binders at this time for Commission Members.]*
- **Exhibit D:** Highlighted sections of Section V: of the Suffield Zoning Regulations;
- **Exhibit E:** 14x21 Survey of 1081-1097 Mountain Road property, dated July, 1974;
- **Exhibit F:** Assessor Cards from Jack Arute's property, Jon and Kathleen Kores's property, and Erik and Irene Kraft's property;
- **Exhibit G:** Application for Building Permit/Town of Suffield, dated 11.9.1989 from 1125 Mountain Road; dated 8.12.1986 from 1125 Mountain Road; and 2.21.1985 from 1125 Mountain Road;
- **Exhibit H:** Suffield Zoning Board of Appeals [ZBA] Application from 1125 Mountain Road;
- **Exhibit I:** Application for Building Permit/Town of Suffield, dated 5.10.2000 from 1125 Mountain Road; dated 4.11.2000 from 1125 Mountain Road;
- **Exhibit J:** Meeting minutes from Suffield ZBA from 4.25.2000
- **Exhibit K:** Letter dated 11.14.2009 addressed to "To Whom it May Concern" from Edward and Barbara Getsky, regarding the two barns on 1125 Mountain Road Property;
- **Exhibit L:** Letter dated 11.12.2009 addressed to Attorney John Wyzik from Allen Ouellette, regarding barns located on 1125 Mountain Road;
- **Exhibit M:** Letter dated 11.9.2009 addressed to Attorney John Wyzik from Alaimo & Barile, LLC, regarding barns located on 1125 Mountain Road;
- **Exhibit N:** Letter stamp-dated 11.16.2009 addressed to "To Whom it May Concern" from Kathleen Kores, regarding horse stalls;
- **Exhibit O:** Appraisers advertisement of 1125 Mountain Road;
- **Exhibit P:** Articles of Organization, Limited Liability Company-DOMESTIC dated 6.8.2009 for 1125 Mountain Road;
- **Exhibit Q:** Advertisement from The Suffield Observer dated October, 2009, regarding advertisement for Equestrian Center, 1125 Mountain Road;
- **Exhibit R:** Four page business inquiry regarding Thurston House Equestrian Center located at 1125 Mountain Road;
- **Exhibit S:** Two page article from The Suffield Observer, dated September, 2009 regarding "New Horse Ranch Opens" located at 1125 Mountain Road;
- **Exhibit T:** One page article from The Suffield Observer, dated November, 2009 regarding advertisement for Thurston House Equestrian Center located at 1125 Mountain Road;

Brian Miller, AICP of Turner Miller Group; Gave his perspective regarding the planning impact the special permit would have at 1125 Mountain Road, specifically regarding Section XI of the Suffield Zoning Regulations; *Mr. Miller handed the floor back to Attorney Wyzik.*

Attorney Wyzik then continued with his presentation while submitting the following exhibit;

- **Exhibit U:** Three pages of Photos taken at 1125 Mountain Road;
- **Exhibit V:** Two maps located in the rear of the Plan of Conservation and Development dated 1999;

- **Exhibit W:** Package regarding small claims court law suit against Robin Pridemore, apartment tenant at 1125 Mountain Road filed by Jack AruteIII for delinquent lease payment for a new commercial horse farm named Ridgegate Equestrian Center;

Attorney Wyzik clarified key points beginning with: applicant is presently conducting a commercial use; location of barn and its location in relation to the lot line of abutting property; and that the proposed use of the land will have an adverse effect. Attorney Wyzik reiterated Section XIV.B [approval of Special Permit] of the Suffield zoning regulations, after which there was a brief discussion regarding the location of the barn/horse stalls. He continued his presentation presenting the following exhibits;

- **Exhibit X:** Study and Resume from Turner Miller Group, 2 Executive Boulevard, Suite 401, Suffern, NY, regarding Planning Analysis application for Special Permit for 1125 Mountain Road; *Attorney Wyzik handed the floor over to Mr. Colli to present Exhibit Y.*
- **Exhibit Y: Mr. Colli** gave a brief resume and then summarized from a pamphlet written by John A. Kilpatrick entitled, Concentrated Animal Feeding Operations [CAFOs] and Proximate Property Values. The impact the commercial horse farm will have if approved at 1125 Mountain Road. Mr. Colli stated that adjacent property values would be impacted by the increase of noise, traffic, resulting in decrease the property values. Mr. Colli discussed what causes the devaluation of property and stated that the proposed special permit application would devalue the abutting property by thirty [30] percent;

Mr. Colli handed the floor back to Attorney Wyzik. Attorney Wyzik then submitted Exhibit Z;

- **Exhibit Z:** Relevant court cases submitted by Attorney John Wyzik, stamp dated 11.16.2009;

With nothing further Chairman Bauchiero called a five minute recess at 9:38 p.m. Meeting resumed at 9:47 p.m. and the Chair asked if there was anybody else who wished to speak in opposition of the application.

- **Irene Kraft**-1097 Mountain Road; spoke in opposition of the application and presented photos, submitted a letter written by Erik P. Kraft [co-owner of Kraft property], dated 11.15.2009, and a letter written by Jane Hryniewicz dated 11.9.2009. Mrs. Kraft expressed her concerns on: size of barn, horses riding on private property, traffic, privacy issues from her property, and she feels the commercial use will impact her property detrimentally;
- **Erik Kraft**-1097 Mountain Road; spoke in opposition of the application, stating that he would like to maintain the integrity of the property and has traffic concerns;
- **Jon Kores**-1129 Mountain Road; spoke in opposition of the application. Mr. Kores stated that the application is too intrusive and the proposed activity is in too small of an area;
- **Kathleen Kores**-1129 Mountain Road; spoke in opposition of the application. Mrs. Kores gave the history of the barn that houses the horses, passed out photos of 1125 Mountain Road, discussed the indoor riding arena, and the variance to build additional stalls which became an illegal use; and,
- **Jim Sheridan**-1390 North Grand Street; spoke in opposition of the application, stating that the applicant is too close to the abutting property, and it appears to be a commercial venture.

Chairman Bauchiero asked if there was anybody who wished to speak either in favor or opposition of the application. With none, Mr. Arute asked to speak, and the Chair turned the floor over for his testimony.

Mr. Arute spoke regarding the brief history surrounding the purchase of his property and the purpose for the proposed change of use. He stated that he continues to call upon staff's guidance to direct his actions so as to comply with the regulations. Mr. Arute stated that he will be the operator if approved. With nothing further, Chairman Bauchiero asked Attorney Landolina to speak with regards to Mr. Arute's request.

Attorney Carl Landolina of 487 Spring Street, Windsor Locks, legal counsel for the Zoning and Planning Commission, clarified to Mr. Arute the regulations regarding the amount of horses allowed within Commercial and residential use. Attorney Landolina asked Mr. Arute if he is relying on the revised site plan dated 11.12.2009, Mr. Arute said, yes. Attorney Landolina asked Mr. Arute if there was any reason for the Commission to keep the public hearing open, Mr. Arute said, No. Attorney Landolina asked the Commission if they all had a chance to take a look at the site, and Mr. Sheehan and Mr. Winne did not have the chance to review. After a brief discussion Chairman Bauchiero asked for a motion. Mr. Sheehan made the motion to continue the public hearing for File # 64-2009 Special Permit Request for Jack Arute to the December 21, 2009 regular meeting date, seconded by Mr. Ravenola. Motion was unanimously approved 5-0-0.

IV. NEW BUSINESS

File # 65-2009: Request from Zoning and Planning Commission to amend the Zoning Regulations by adding "Adaptive Reuse Regulations". Chairman Bauchiero asked Mr. Hawkins for his report on the change. Mr. Hawkins reported that he received a draft regulation from Attorney Allen Koerner for the Commission to review. Mr. Hawkins stated that there are some areas in Town that would benefit from the change. Chairman Bauchiero asked Attorney Landolina if he had any comments and he said he will be reviewing the amendment and will submit his findings in a letter before the December, 2009 regular meeting. With nothing further Chairman Bauchiero asked for a motion. Mr. Sheehan made the motion to accept File # 65-2009, request from Zoning and Planning Commission to amend the Zoning Regulation by adding "Adaptive Reuse Regulations", and set the public hearing date for December 21, 2009 regular meeting, seconded by Mr. Vincent. The motion carried unanimously 5-0-0.

V. OLD BUSINESS

File # 5-03/6-03B: Request of Somerset Homes, LLC to discuss the bond reduction approval from 10.19.2009 for the Eastwoods Active Adult Community. Chairman Bauchiero asked Mr. Hawkins for his report. Mr. Hawkins passed out photos taken of the site and reported that he and Mr. Taylor have met with the applicant. During which Mr. Hawkins reported that this request is regarding last month's approval letter for the bond reduction. The applicant is requesting that the office trailer that was asked to be removed be kept on site and the parking lot remains in its original condition. Mr. Hawkins reported that everything else has been addressed and complied with according to the approval letter. After a brief discussion, Chairman Bauchiero asked for a motion. Mr. Vincent made the motion to amend his motion from last months meeting, by allowing the trailer to remain and keep the parking lot

in its present condition and the earth material pile on the corner of Juniper and Green Briar Drive is to be stabilized with hay/straw and proper erosion and sediment controls be placed, including protection of catch basin in accordance the requirements of the Town Engineer, seconded by Mr. Conley. Motion carried unanimously 5-0-0.

VI. REPORTS

Chairman- Chairman Bauchiero recognized Mr. Conley for his service to the Board and thanked him for all the time he has dedicated to the Zoning and Planning Commission. It was mentioned by several members that Mr. Conley would be missed and wished him luck on any new ventures. Mr. Conley reciprocated with kind words to the Commission. Chairman Bauchiero followed by saying that he looks forward to the new members coming on board [present in the audience].

Town Planner- Mr. Hawkins reminded the Commission about the upcoming workshop for the PoCD, scheduled with Glen Chalder of Planimetrics, for 11.19.2009 at the Senior Center, projecting it to begin at 7:00 p.m. and ending at 9:00 p.m. Mr. Hawkins asked if the Commission would vote on and approve the 2010 Regular Meeting Schedule. Chairman Bauchiero asked for a motion. Mr. Sheehan made the motion to approve the Suffield Zoning and Planning 2010 Regular Meeting Schedule addressed to the Town Clerk, seconded by Mr. Ravenola. Motion carried unanimously 5-0-0.

VII. MINUTES- October 19, 2009 Regular Meeting Minutes and October 29, 2009 Special Meeting.

A motion was made and seconded to approve the October 19, 2009 and October 29, 2009 meeting minutes with no changes. Motion carried unanimously 5-0-0.

VIII. ADJOURNMENT

Chairman Bauchiero made the motion to adjourn the November 16, 2009 regular meeting at 10:53 p.m. Motion seconded and carried unanimously 5-0-0.

Respectfully Submitted,

John O'Malley, Secretary

cc: Assessor, Building Official, Conservation Commission, Economic Development Director, Selectmen, Town Clerk, Town Engineer, Zoning Enforcement Officer, Commission Counsel, File