

MINUTES OF MAY 3, 2021 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING
IN-PERSON MEETING AT SAMUEL STAPLES CAFETORIUM

The meeting was called to order at 5:36pm by Chairman John Harris

Regular members present - John Harris, Victor George, James

Wright, Stephanie Christie and Raymond Ganim

Alternate members present - Thomas Dollard, Charles Lynch and Scott Charmoy

For the record: - All five regular members in attendance and voting

1. Appointments: None
2. Public Hearing: John Harris discussed the process of the public hearing for the following Appeal. The Chair read the following statement from Attorney Ira Bloom: "We are hearing this appeal even though it is well past the 30-day statutory requirement. The appealing party claims they received actual notice of the issued permit much later than the date it was issued, and, therefore, they claim that they filed this appeal within 30 days of actual notice. I would ask the appealing party or their attorney to discuss this on the record at the outset of their remarks." Attorney Willinger addressed this issue as part of his presentation.

Appeal of Z-20-5388, Zoning Permit issued to Sueide Sahla, 59 Tranquility Drive, Easton, CT.

The current owner is the Connecticut State Police Barracks Trust. An appeal of the decision of the Zoning Enforcement Officer to issue a Zoning Permit for property located at 59 Tranquility Drive for a 10' x 10' slaughterhouse with sink and separate septic, was filed by Charles J. Willinger, Jr., Esquire, of Willinger, Willinger & Bucci, P. C.

The Chair, noted the first item for the record marked as Exhibit 1:

1. Memorandum to Easton Zoning Board of appeals from Ira W. Bloom, Esq. and Nicholas R. Bamonte, Esq. dated March 30, 2021 Re: Appeal of Zoning Permit Z-20-5388 (59 Tranquility Drive), two pages of memo with two pages of citations attached, four pages in all.

The first person to speak regarding the Appeal was Attorney Charles J. Willinger, Sr., representing the Neighbors; he submitted the following items, marked as Exhibit 2, Exhibit 3 and Exhibit 4:

2. Document entitled "Town of Easton Petition Regarding 59 Tranquility Drive", consisting of 15 pages.
3. Booklet entitled "Town of Easton Zoning Board of Appeals Opposition to Zoning Enforcement Officer's Issuance of 59 Tranquility Drive Permits, Prepared by: Willinger, Willinger & Bucci, P.C. 1000 Bridgeport Avenue, Suite 501, Shelton, CT 06484, 203-366-3939, consisting of nine sections with 45 pages in all. Attorney Willinger also submitted an e-mail from Peter Olsen with an attachment, marked as Exhibit 4.
4. One page e-mail from Peter Olsen to Margaret Anania, Subject: Farm Plan, with one page attachment entitled "Arthur's Farms".

Attorney Willinger discussed a map entitled "Map No. 2 or Lots in Easton, Conn. For J.S. Edwards and Nagy Bros. Const. Co. Inc.", dated May 24, 1974, Scale 1" = 100', revised April 16, 1975, and stated the neighbors which surrounded the property and the fact that they had no notice of the permits applied for 59 Tranquility Drive.

Attorney Willinger discussed Section 1 thru 18 in his Booklet noted as Exhibit 3 above and introduced an expert witness, Realtor, Beth Saunders.

Realtor Beth Saunders stated she was asked to give her opinion as an Easton Realtor, "Could a slaughterhouse have an effect on home values in the neighborhood?". Beth Saunders submitted a two page statement, marked as Exhibit 5, demonstrating the effect on home values.

5. Document with heading "I was asked my opinion as an Easton Realtor - "Could a slaughterhouse have an effect on home values in the neighborhood?"; it contained two pages.

MINUTES OF MAY 3, 2021 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING
IN-PERSON MEETING AT SAMUEL STAPLES CAFETORIUM

2. Public Hearing (continued):

Appeal of Z-20-5388, Zoning Permit

Attorney Willinger discussed the final Section of his Exhibit 3, "Suggested Board Action and Reasons Therefore", and stated that the Zoning Permit and Notice of Zoning Permit Z-20-5388, issued by the Easton Zoning Enforcement Officer on behalf of the Easton Planning & Zoning Commission should be vacated and rescinded.

Attorney Willinger stated that the proposed commercial poultry business at 59 Tranquility Drive is an unlawful accessory use to the principal residential use. He further stated that the proposed chicken coops and slaughterhouse at 59 Tranquility Drive are unlawful accessory structures to the principal residential structure. He further stated that the slaughtering, processing and packaging of chickens and the processing of chicken eggs for commercial sales are not permitted uses

The next person to speak was the Zoning Enforcement Officer, Phillip A. Doremus, who stated that the Revised Zoning Regulations encouraged the use of Agriculture. Mr. Doremus stated that an accessory use is an allowed use in every Zone and that the owner had applied for a home, 2 chicken coops, tool shed and a place to slaughter animals. He stated that a structure that requires utilities and has a foundation needs a Zoning permit. He further stated that the owner had applied for and received a Zoning permit for the dwelling and a Zoning Permit for the slaughterhouse.

Questions were raised as to what an accessory use is? Discussion was held as to what role the Town Ordinance regarding "Right to Farm" plays in Zoning.

Board Member Ray Ganim questioned Attorney Willinger regarding his prior statement that the conditions of the Zoning Permit had not been satisfied; he asked him whether he had any case law on that? Attorney Willinger responded, none.

The next person to speak was Attorney David F. Sherwood who submitted a large packet of items with Sections A thru J, marked as Exhibit 6, and a Memorandum dated May 3, 2021 from David F. Sherwood, Attorney for Connecticut State Police Barracks Trust, marked as Exhibit 7 and two site plans of the property at 59 Tranquility Drive, marked as Exhibit 8.

6. Large Packet of materials listed as Easton Zoning Board of Appeals, May 3, 2021, Appeal No. Z-20-5388-01, cover page entitled "List of Documents Submitted by Permit Holder", Section A. thru J.
7. Memorandum dated May 3, 2021 to Easton Zoning Board of Appeals from David Sherwood, Attorney for Connecticut State Police Barracks Trust, Re: Response to Appeals of Lisa Dortenzio, Daniel and Erin Travis, Solomon Ogrodowski and John and Donna Allen to Easton Zoning Board of Appeals regarding Zoning Permit No. Z-20-5388 relating to 59 Tranquility Drive, six pages in all.

Attorney Sherwood stated that he represented the owner and went through the items in his memorandum dated May 3, 2021 noted above. He submitted the following item as Exhibit 8.

8. Two Site plans prepared by R.J. Gallagher Jr. & Associates, Civil Engineers, 39 Mill Plain Road, Suite #2, Danbury, Connecticut, 203798-9640, 59 Tranquility Drive, Easton, Connecticut prepared for A. Blum

Attorney Sherwood stated that ZBA does not have jurisdiction over this appeal based on the date of actual or constructive notice of order and stated that the permit was issued 4/30/20 and that there was no evidence that they had not received constructive notice. He further stated that construction had started September 1, 2020, noting interested parties could have gone to the Land Use Office and inquired as to what was being proposed. After the modular home was delivered in December of 2020 the neighbors could have inquired about what was being proposed. He noted that the business plan was very explicit.

MINUTES OF MAY 3, 2021 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING
IN-PERSON MEETING AT SAMUEL STAPLES CAFETORIUM

2. Public Hearing (continued):

Appeal of Z-20-5388, Zoning Permit

Attorney Sherwood stated that the Plaintiffs failed to serve a copy of the Appeal on the Zoning Enforcement Officer. It was noted that the Secretary had been sent the Appeal with several copies. The Secretary, Margaret Anania, stated she had given a copy of the Appeal to the Zoning Enforcement Officer. The Zoning Enforcement Officer, Phillip A. Doremus, stated that he had received a copy of the Appeal.

Attorney Sherwood stated that the Attorney Willinger's letter to Mr. Doremus dated February 2, 2021 indicates his clients strongly opposed the proposed use of the property known as 59 Tranquility Drive for a commercial poultry business together with chicken coops and a slaughterhouse, however the Appeal was for a 10' x 10' slaughterhouse with sink and separate septic, not the chicken coops. He stated that this distinction was important because the use of 59 Tranquility Drive as a chicken farm with the farmer residing in the house on the property is not at issue on appeal and noted that if the neighbors are successful in their appeal, the slaughterhouse will not be able to be constructed but the two chicken coops and tool shed may be built. Attorney Sherwood submitted the attached item, marked as Exhibit 9.

9. List of 39 Farms in Easton with the Presence of Single Family House Combined with a Farm on the Same Property Card, one page.

Chairman Harris asked Mr. Doremus if any of the 39 farms contained a slaughterhouse. Mr. Doremus stated that there was no way to determine if they did or not. He noted that there were many farms established after Zoning Regulations, Items 3, 5, 6, 10, 18, 19, 21, 22, 26 and 27, as noted on list of 39 farms submitted above. He also noted that there were several farms on 3 acre lots. Mr. Doremus stated that Mr. Blum would need to obtain a license from the Department of Agriculture. Mr. Doremus submitted a guide that was in the file for Zoning from the Connecticut Department of Agriculture, which was marked as Exhibit 10.

10. Connecticut Department of Agriculture Bureau of regulatory Services Small Poultry Processor Inspection Program Compliance Guide, 23 pages in all.

Attorney Sherwood asked outside contractor for 59 Tranquility Drive, Peter Olsen, to testify regarding his contact from an Attorney prior to the date indicated as date of notice by Attorney Willinger, January 25, 2021. Peter Olsen testified that construction started on September 1, 2020, the modular house was delivered in December 2020 and that he received a call on January 22, 2021 from an Attorney.

Attorney Sherwood also submitted the certification of Trust for the Connecticut State Police Barracks Barracks Trust, marked as Item 11.

11. Document entitled "Certification of Trust for the Connecticut State Police Barracks Trust", dated July 1, 2020, consisting of two pages.

Attorney Willinger interviewed several neighbors of 59 Tranquility Drive including Sam Ogrodowski, Lisa Dortenzio and Dan Travis as to their date of actual notice of the slaughterhouse; their response was Jan. 25, or Jan. 26, 2021.

Attorney Sherwood stated that Agriculture will be a principal use of 59 Tranquility Drive, noting that both agriculture and single-family dwellings are permitted uses in residential Zones. He further noted that major accessory structures had to be more than 200SF, and be on a permanent foundation. He noted that the slaughterhouse was considered incident to the operation of a chicken farm which is a permitted principal use of the premises.

MINUTES OF MAY 3, 2021 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING
IN-PERSON MEETING AT SAMUEL STAPLES CAFETORIUM

2. Public Hearing (continued):

Appeal of Z-20-5388, Zoning Permit

Attorney Sherwood concluded that the owner of 59 Tranquility Drive will use his property both for a residence and a farm and noted that the uses of the property will be residential and agricultural. He further stated that the two coops, tool shed and slaughterhouse are accessory to the chicken farm and the uses of these structures pertain to the agricultural use.

The following people from the public spoke regarding the application.

1. Joe Calzone, 29 Tranquility Drive
2. Joe Palmieri, 195 North Park Avenue
3. Gina Orticelli, 25 Graceview Drive
4. June Logie, 140 Rock House Road
5. Carrie June, 75 Wood End Drive
6. Solomon Sam Ogrodowski, 45 Tranquility Drive
7. Daniel Travis, 36 Tranquility Drive
8. Jerry Ordway, 7 Ballwall Road
9. John Allan, 68 Tranquility Drive
10. Donna Checca, 68 Tranquility Drive
11. Carole Smith, 63 Sweetbrier Trail
12. Lisa Dortenzio, 73 Tranquility Drive
13. Charles Welch, 82 Tranquility Drive
14. Kimberly Mirante, 55 Sweetbrier Drive
15. Edward Peruta, 8120 Holy Cross Place, Los Angeles, CA
16. David Asano, 65 Wood End Drive
17. David Bindelglass, First Selectman, spoke about the procedure for submitting items during Covid-19.

The following items were submitted by the public and marked as exhibits starting with Exhibit 12.

12. Additional sheets of Town of Easton Petition Regarding 59 Tranquility Drive, 6 pages in all.
13. Letter from Joseph E. Calzone III, 29 Tranquility Drive, Easton, CT 06612, ZBA Hearing on 59 Tranquility Drive, 5 pages plus 1 page attachment, Section 6300, Exterior Lighting and a 1 page e-mail to Joe Calzone dated February 15, 2021 Re: Chicken Farm, from Mandla Sibanda, 1 page
14. Letter from Carrie June, 5/3/21, 3 pages in all.
15. Letter from Sam Ogrodowski, May 3, 2021, 4 pages in all.
16. Letter from Dan Travis, 36 Tranquility Drive, Hearing date May 3, 2021, one page.
17. Letter to the Members of the Zoning Board of Appeals from John Allan Jr., 68 Tranquility Drive, Easton, CT 06612, with attached 3 page large typed letter of same.
18. Letter to the Zoning Board of Appeals from Donna Checca, 68 Tranquility Drive, Easton, CT, 06612 One page.
19. A. Letter to Mr. Harris and Members of the Zoning Board of Appeals from Carole Smith 63 Sweetbrier Trail, Easton, CT 06612, 3 pages.
B. Three ring notebook of Photos of Houses In the Tranquility Drive Neighborhood That would be Affected By the Proposed Chicken Slaughter House, 31 pictures with one page cover.
20. Letter to Easton Zoning Board of Appeals, May 3, 2021 from Charles E. Welch, 82 Tranquility Drive, Easton, Conn. 06612
21. Letter to Members of the Zoning Board from David Asano, one page
22. RE & Tax info provided by Beth Sanders, Reals Estate Agent, Hearing Date May 3, 2021 by Dan Travis, 36 Tranquility Drive.
23. Additional sheet of Town of Easton Petition Regarding 59 Tranquility Drive, one page
24. Map No. 2 or Lots in Easton, Conn. For J.S. Edwards and Nagy Bros. Const. Co. Inc.", dated May 24, 1974, Scale 1" =100', revised April 16, 1975, submitted by Attorney Willinger during his discussion.

MINUTES OF MAY 3, 2021 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING
IN-PERSON MEETING AT SAMUEL STAPLES CAFETORIUM

The Chair, John Harris, noted the following items for the record received since the appeal by the Zoning Board of Appeals Office, noted as Exhibits A thru L:

- A. Letter sent via e-mail on May 3, 2021 from Andrew Blum, 59 Tranquility Drive, Easton, CT 06612 to Margaret Anania with three page letter attached, addressed to the Zoning Board of Appeals, Easton Town Hall, 225 Center Road, Easton, CT 06612
- B. Letter sent via e-mail on May 3, 2021 from Andrew Blum, Letter from Joan Nichols, Executive Director, Connecticut Farm Bureau dated May 3, 2021 to John Harris – Chairman, Easton Zoning Board of Appeals, 225 Center Road, Easton, CT 06612, 2 pages in all.
- C. E-mail from Stefanie Messina to Margaret Anania dated May 3, 2021, Re: slaughterhouse, 1 page.
- D. E-mail from Valerie Gillies to Margaret Anania dated May 3, 2021, Re: 59 Tranquility Drive, 1 page.
- E. E-mail from Jennifer Stites to Margaret Anania dated April 30, 2021, Re: Chicken processing, 1 page.
- F. E-mail from Thomas Olsavasky to Margaret Anania dated April 30, 2021, Re: Tranquility Dr., 1 page.
- G. E-mail from Beth Natt to Margaret Anania dated April 30, 2021, Re: In-support of chicken farm, 1 page.
- H. E-mail from Laura Sunshine to Margaret Anania dated April 29, 2021 Re: May 3rd zoning meeting on Tranquility Drive, 1 page.
- I. Letter to John Harris, Chair, Easton Zoning Board of Appeals, Easton Connecticut, from Ingrid Newkirk, President, PETA, one page.
- J. E-mail from Peter Olsen to Margaret Anania dated April 9, 2020 Re: Farm Plan with attached one page document entitled "Arthur's Farms".
- K. Rendering of Slaughterhouse, Z-20-5388, two pages
- L. Memo from Eren Ceylan, Easton Health Department, dated 4/30/21 to Zoning Board of Appeals, 1 page

THE CHAIRMAN DECLARED THE PUBLIC HEARING CLOSED

Discussion was held as when the Board can make the Decision on this Appeal. Motion was made by Raymond Ganim to table the Decision on this Appeal to a Special Meeting to be held 5:30pm on May 17, 2021 at the Samuel Staples Elementary School Cafetorium, 515 Morehouse Road.

Meeting Adjourned: Motion was made by Raymond Ganim, seconded by Stephanie Christie, to adjourn the meeting at approximately 10:15PM. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Secretary to Zoning Board of Appeals