



ZONING BOARD OF APPEALS

225 Center Road - Easton, Connecticut 06612

APPEAL APPLICATION
(used for post-decision)

Application Number: ZBA-23-04

Applicant: Steven Montgomery Address: 25 Old Oak Road, Easton, CT 06612

Owner: Marcel Huribal Address: 422 Sport Hill Road, Easton, CT 06612

~~_____ hereby appeal to the Zoning Board of Appeals (ZBA) from the denial by the Planning and Zoning Commission of my application for a permit to:~~

the decision of the Zoning Enforcement Officer, Mark DeLiecto, to issue a special permit for the operation of a non-agricultural commercial business at 422 Sport Hill Road. The issuance of this permit by the Zoning Enforcement Officer was done in violation of the Zoning Regulations for the Town of Easton and was issued based upon false or misstatements of applicable law and facts. In the alternative, vacating any permit issued as a result of the vote

held by P&Z with respect to this property additional discussion and information

8/25/23

Signature of Applicant

917-647-9307
Telephone Number

Application and documents submitted: To: Karen Vekey

ZBA Agent

Date: 9/19/23

PAID
LAND USE DEPT

SEP 19 2023

CASH _____ CHECK# 1393
AMOUNT \$1160.00



ZONING BOARD OF APPEALS

225 Center Road - Easton, Connecticut 06612

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Location of Property

Property Owner: Marcel Huribal Telephone: 203-257-9171
Address: 422 Sport Hill Road, Easton, CT 06612
Assessor's Map#/Block#/Lot#: Lot 2
Parcel No.: 422

Applicant: Steven Montgomery Telephone: 917-647-9307
Address: 25 Old Oak Road, Easton, CT 06612
Surveyor: N/A

Type of Sewage Disposal Unknown Type of Water Supply Unknown

Zoning District: R1 [checked] R3

Property is within 500 ft of a Town line: Yes [checked] No

Has an Inland Wetlands Determination been completed by the Inland Wetland Agency? YES NO Unknown

Notice: If a wetland permit is required, this application will not be acted upon until the wetland permit is obtained. Please complete the attached Application for Determination of Wetland Impact.

Indicate each specific provision of the Zoning Regulations from which a variance is required.

Section/Subsection: No variance required

Describe fully the nature and extent of each variance applied for above.

No variance. Seeking review and reversal of determination of zoning enforcement officer and/or permit resulting from 9.5.23 meeting and vote of P&Z, as well as vacating the 8/25/23 Certificate of Zoning Compliance for the premises.
Zoning Setback(s) Proposed: Unknown

Front (ft) Left (ft) Right (ft) Rear (ft)

September 19, 2023

To the Zoning Board of Appeals,

I hereby submit a request for review and reversal of the decision of the Zoning Enforcement Officer ("ZEO"), Mark DeLieto, with respect to his issuance of a special permit for the premises located at 422 Sport Hill Road, Easton, CT pursuant to Section 5610 of the Zoning Regulations for the Town of Easton ("Zoning Regulations"). As discussed in more detail below, the issuance of that permit, given the commercial activities on the premises, was issued in violation of the Zoning Regulations. Further, the permit was issued based upon false or misstated law and facts. As a result, the special permit issued on September 1, 2023, by the ZEO should be vacated.¹

On September 1, 2023, the ZEO issued a special permit based upon an application filed the day before on August 31, 2023, allowing the operation of a commercial business, a riding school, at the premises known as 422 Sport Hill Road, Easton, CT as a "minor non-agricultural use" pursuant to Section 5610 of the Zoning Regulations. As you will note from the attached documents, and my prior appeal of the ZEO's issuance of an invalid Certificate of Zoning Compliance for the property, the building permit documents for the riding arena structure specifically states that the arena is not to be used for commercial purposes. Despite this restriction, the arena is undoubtedly being used for commercial purposes and is open to the public. Attached are documents and photographs confirming the use of the structure for a Fairfield University Equestrian Team event and below are the links to the N&C Equestrian website and Facebook page also confirming the use for commercial purposes and its occupancy by the public for that purpose. In fact, a violation was issued by the Town previously, though the current administration refused to pursue the violation and has since removed the related documentation from the Building Department file. Attached is a copy of the document now missing from the Building Department file.

Facebook: <https://www.facebook.com/NCequestrianCT/>

Website: <https://www.nandcequestrian.com/>

Despite being aware that the main operation of the premise is a commercial riding school, the ZEO issued a special permit for the operation of such a business pursuant to Section 5610 of the Zoning Regulations. This section allows for special permits to be issued for activity which "complement" a working farm or agri-business. The only portion of Section 5610 which would apply here would be subsection (1.)(b.) which provides for special permits to conduct "Events of limited duration that are open to the public, including (but not limited to) hayrides, corn mazes, festivals and other similar

¹ I would note that though there was a vote before the Planning and Zoning Commission ("P&Z") with respect to this matter at its September 5, 2023, meeting, the special permit was issued by the ZEO on September 1, 2023 according to the enclosed permit approval. Therefore, as the vote of P&Z was purely academic as the permit had already been issued this appeal is brought in the first instance as to the ZEO's determination and action rather than an appeal of the vote of P&Z days later. Section 5610 of the Zoning Regulations of the Town of Easton provide that a permit for a "minor non-agricultural use" be issued by "staff" meaning the ZEO. There is no vote of P&Z required. To the extent this Board believes this appeal and determination should be of P&Z's September 5, 2023, vote and resulting permit I include that requested relief here and also include a copy of the September 5, 2023, permit issued by P&Z. The basis for vacating the P&Z permit of September 5, 2023 is the same as for vacating the permit issued by the ZEO discussed herein.

would render any "grandfathering" argument inapplicable as Mr. Giorlando noted that the use is a "recent changes in operation" at the site.

Finally, should this Board see fit to vacate the permit(s) issued for the minor non-agricultural use of the premises, the Certificate of Zoning Compliance issued by the ZEO on August 24, 2023, a copy of which is attached here, for the riding arena on the premises must also be vacated as the use of the structure is undoubtedly a use open to the public for commercial, non-agricultural use which violates the Zoning Regulations. Though the Certificate of Zoning Compliance was issued prior to the issuance or even application for the special permit for the premises, the ZEO issued a Certificate of Zoning Compliance for the use of the riding arena despite the fact that he was well aware that the use was not approved pursuant to the Zoning Regulations. Regardless, if the permit(s) is vacated then the use of the structure again violates the Zoning Regulations. Pursuant to Section 8110 of the Zoning Regulations, before a Certificate of Zoning Compliance may be issued the ZEO must confirm that the use of the relevant premises complies with the Zoning Regulations. Here that was not done prior to the issuance of the Certificate of Zoning Compliance and, should the permits at issue in this appeal be vacated, then the Certificate of Zoning Compliance must also be vacated as the use of the structure undoubtedly violates the Zoning Regulations.

All of the documents referenced above are part of the file maintained for 422 Sport Hill Road in the Planning and Zoning Office.

Please let me know if there are any questions regarding this appeal. Thank you.

Respectfully submitted,



Steven Montgomery
25 Old Oak Road
Easton, CT 06612
(917) 647-9307

NOT TO BE USED COMMERCIAL

Town of Easton
EASTON, CONNECTICUT
BUILDING PERMIT

DOES NOT INCLUDE
ANY SUB PERMITS

Permit No. 16467

Date 3/12/2020

Permission is hereby granted to Marcel Hurlbut

owner of land / building.

To erect 70' x 152' x 16' Riding Arena sitting on concrete piers w/ plumbing for water

Lot No. _____ Located at No. 482 Sport Hill Rd Street

Said building described in application and according to plans and specifications filed with the Building department.

This permit is granted on condition that all town ordinances and building regulations and state laws shall be complied with, and is issued subject to the following conditions: Per 2018 Connecticut state Building Code

Construction value as estimated by Building Department \$ 175,000.00

Zoning Fee \$ 263

Building Fee \$ 1420

Occupancy Fee \$ 50

Septic Fee \$ 100

Well Insp. Fee \$ _____

Administrative Fee \$ 53

TOTAL \$ 1886.00

A. C. B.
Building Official

This permit expires six months from date if work is not commenced, which means that a reasonable amount of the structural work must be done of which the Building Official shall be the sole judge.

Certificate of Occupancy must be issued before use is allowed.

Description 70' x 152' x 16' RIDING ARENA

NO PLUMBING OR WATER

- NO commercial use -

Is there a building on this lot now YES If so, how occupied? HORSE BARN

Size of structure 70' x 152' x 16' Number of floors 1 Size of Addition 10,640 SQFT

Lot Size 3.037 ACRES Is proposed construction in a year flood plan? NO

Applicant (print) JOHN'S ASPHALT INC.

Address 88 Elm St Monroe Ct 06468 Phone 203 520-1989

I estimate the value of the work will be \$ 175,000

Applicant's signature [Signature]

Building Official's estimate of value \$ 175,000

ZONE FEE \$ 263

BUILDING FEE \$ 1420

CERT of OCC. \$ 50

SEPTIC FEE \$ 100

WELL FEE \$ _____

ADMIN. FEE \$ 53

TOTAL \$ 1886.00

FILE COPY

PERMIT NUMBER **#16467**

DATE ISSUED 3/12/2020

TOWN OF EASTON

APPLICATION FOR BUILDING PERMIT

Date 2-25-2020

BUILDING DEPARTMENT

The Town of EASTON wants to be of service to you, the applicant. We will be better enabled to do so if you will complete this application by following the procedures set out in the INFORMATION SECTION on page 4. **IN INK**

House Number 422 Lot Number 2 Street SPORT HILL RD Zone R3
Owner (Print) MARIEL HURIBAL Signature [Signature] Work [Signature] Mobile 203 257-9171
Phone: Home _____ City EASTON State CT Zip 06612
Owners Address 3 CANTERSVY IN Street _____

CERTIFIED PLOT PLAN OF FOUNDATION REQUIRED PRIOR TO FURTHER CONSTRUCTION

CONSTRUCTION: Use Group _____ New _____ Addition _____ Remodel _____ Change of Use _____ Demolition _____
One Family Residence _____ Garage _____ Shed _____ Pool _____ Fence _____ Other INDOOR RIDING RINK
Description 70' X 152' X 16' RIDING ARENA SITTING ON CONCRETE PIERS
NO PLUMBING OR WATER
NO COMMERCIAL USE

Is there a building on this lot now YES If so, how occupied? HORSE BARN
Size of structure 70' X 152' X 16' Number of floors 1 Size of Addition 10,640 SQFT
Lot Size 3.037 ACRES Is proposed construction in a year flood plan? NO

Applicant (print) JOHN'S ASPHALT INC.
Address 88 EIM ST MONROE CT 06468 Phone 203 520-1989

I estimate the value of the work will be \$ 175,000

Applicant's signature [Signature]
Building Officials estimate of value \$ 175,000

ZONE FEE \$ 263
BUILDING FEE \$ 1420
CERT OF OCC. \$ 50
SEPTIC FEE \$ 100
WELL FEE \$ _____
ADMIN. FEE \$ 53
TOTAL \$ 1886.00

FILE COPY

PERMIT NUMBER **#16467**

DATE ISSUED 3/12/2020

VIOLATION NOTICE

PERMIT # 16467

PERMIT DESCRIPTION:

Riding Arena not intended for
commercial use

ADDRESS 422 Sport Hill Rd

DATE OPENED: 8/25/2020

. NAC Equestrian Website
offers classes at the
above address

Nicole Costantino

From: Philip Doremus
Sent: Tuesday, August 25, 2020 10:54 AM
To: David Bindelglass; Anthony Ballaro
Cc: Polly Edwards; Justin Giorlando, PE; Nicole Costantino; Margaret Anania; Janet Haller; Rachel Maciulewski; 'Maquat, Robert'
Subject: RE: 422 Sport Hill Rd concerns

David,
The previous owner (Tustian) denied they were running a Boarding Stable or Riding Academy as defined in article 7.4 of the previous Zoning Regulations. The current owner (Huriibal/High Land Place LLC) indicated the covered riding ring was not intended to support a commercial Equine Facility as define in the new Zoning Regulations. When questioned about the new stable built of Old Oak Road w/o any permit, the owner or tenant reportedly indicated they would relocate & apply when the new building was complete. I agree w/ Poly the N&C Equestrian web site appears to offer services that would fall un der the equestrian facility section of the new regs.
Phil

From: David Bindelglass
Sent: Tuesday, August 25, 2020 10:12 AM
To: Anthony Ballaro
Cc: Polly Edwards; Justin Giorlando, PE; Philip Doremus; Nicole Costantino; Margaret Anania; Janet Haller; Rachel Maciulewski; 'Maquat, Robert'
Subject: RE: 422 Sport Hill Rd concerns

Was it always a business?

On Aug 24, 2020 3:03 PM, Anthony Ballaro <aballaro@eastonct.gov> wrote:
I just gave the barn the final inspection of the barn. It is finished with emergency lights and Exit lights

From: Polly Edwards
Sent: Monday, August 24, 2020 2:48 PM
To: Justin Giorlando, PE
Cc: Philip Doremus; Nicole Costantino; Margaret Anania; David Bindelglass; Janet Haller; Anthony Ballaro; Rachel Maciulewski; 'Maquat, Robert'
Subject: RE: 422 Sport Hill Rd concerns

Thank you for this information, Justin. Based on the website of N and C Equestrian, which lists their address as 422 Sport Hill Rd, I think we can assume they are running a business that violates the town's zoning regulations?
What is our next step?
Polly Edwards, R.S.
Easton Health Officer

From: Justin Giorlando, PE [mailto:EastonLandUse@ForceDEB.com]
Sent: Friday, August 21, 2020 4:36 PM
To: Polly Edwards
Cc: Philip Doremus; Nicole Costantino; Margaret Anania; David Bindelglass; Janet Haller; Anthony Ballaro; Rachel Maciulewski; 'Maquat, Robert'
Subject: RE: 422 Sport Hill Rd concerns

Hi Polly,

...for not getting back to you sooner. There aren't limits to the number of horses that may be on a property provided they are kept in accordance with Generally Accepted Agricultural Practices. If there is a question as to whether that is an issue then we can contact the Department of Agriculture for a GAAP inspection. The regulations require a special permit for an equine facility defined as follows:

EQUINE FACILITY - The boarding of horses on a property owned by an organization or institution or the boarding of five or more horses not the personal property of the owner of the premises.

If someone submits a complaint about a business being run on a property in violation of the zoning regulations I would verify the information submitted to determine if it is in compliance with the regulations or not. If it is unclear whether there is a violation or not I would send a letter to the owner requesting information about the complaint. If it is determined that the business is in violation and the owner hasn't ceased operation once notified, then a zoning violation would be issued.

Sincerely,

Justin Giordano, PE
Easton Land Use and Planning
(203) 268-6291 x121
EastonLandUse@ForcedEB.com

From: Polly Edwards [mailto:pdedwards@eastonct.gov]
Sent: Wednesday, August 12, 2020 1:50 PM
To: eastonlanduse@forcedeb.com
Cc: Philip Doremus; Nicole Costantino; Margaret Anania; David Birdelglass; Janet Haller; Anthony Ballaro; Rachel Maculewski; Maquet, Robert
Subject: Re: 422 Sport Hill Rd concerns

Thank you for your quick response. Justin, is there a limit to the number of horses in total? And how would you investigate whether they are indeed running a business?
Polly

From: eastonlanduse@forcedeb.com [mailto:eastonlanduse@forcedeb.com]
Sent: Wednesday, August 12, 2020 1:45 PM
To: Polly Edwards
Cc: Philip Doremus; Nicole Costantino; Margaret Anania; David Birdelglass; Janet Haller; Anthony Ballaro; Rachel Maculewski; Maquet, Robert
Subject: Re: 422 Sport Hill Rd concerns

Hi Polly,
From my recollection, that property was issued a zoning permit for the covered riding ring for use by the owner's/resident's personal horses. The property shall not board more than 4 horses not owned or leased by the owners/residents, otherwise it would be subject to the regulations for an Equine Facility. Part of the permit authorization provided access for the Phil to inspect the horses boarded there to ensure compliance. What the owners do with their horses is their choosing. However, if they are running a business, then it may be subject to the home business regulations.

Currently, I am unaware of a business on the property or any exemption for a riding academy, but if you believe there is can you please send us some info we can document? I'll ask Phil to investigate the situation if so.

Hope this answered your questions.

Thanks!
Justin

Sincerely,
Justin Giordano, PE
Easton Land Use and Planning
(203) 268-6291 x121
eastonlanduse@ForceDEB.com

On Wed, Aug 12, 2020 at 12:22 PM, "Polly Edwards" <pedwards@eastontc.gov> wrote:

Hello Justin,
I'm piling backing on this distribution with a different zoning concern. I drove by 422 Sport Hill Road (former "residential property"). I was disturbed to see numerous young children on horses, not wearing masks and obviously being given riding instructions. The owner was allowed by zoning to construct a very large horse barn recently, which has not yet received a Certificate of Occupancy. It is my understanding that this property is zoned residential and cannot be operating a "riding academy". Has the property owner received an exemption for such an operation that I am unaware of, or is my interpretation of our zoning regulations incorrect?
Polly Edwards, R.S.
Easton Health Officer

From: eastonlanduse@forcedeb.com [mailto:eastonlanduse@forcedeb.com]
Sent: Monday, August 10, 2020 8:17 PM
To: Katherine Kuhn; Margaret Anania
Cc: Nicole Costantino; Anthony Ballaro; Philip Doremus; Robert Maquat; Polly Edwards
Subject: RE: Zoning Permit Application

Hello Kathy,
The Zoning Regulations don't permit a guest house on residential properties in town. The restrictions in the document you sent were conditions of the zoning permit authorization to ensure compliance with the zoning regulations. You would not be able to modify the agreement if it created a violation of the regulations. If you would still like to submit a zoning permit, it should be provided as part of a complete building permit package for review. Margaret can help you obtain the package if so.

If you are looking for some more information on your request, perhaps I can help more...

What specifically are you looking to have the commission review?

What specifically are you looking to modify in the agreement?

Thank you,
Justin

Sincerely,
Justin Giordano, PE
Easton Land Use & Planning
(203) 268-6291 x121
EastonLandUse@ForceDEB.com

From: katherine.kuhn@kathykuhn@yahoo.com
Sent: Sunday, August 9, 2020 8:40 AM
To: Margaret Anania <manania@eastontc.gov>
Cc: Nicole Costantino <ncostantino@eastontc.gov>; Anthony Ballaro <aballaro@eastontc.gov>; Philip Doremus

mailto:robert.maque@people.com?; Polly Edwards <pedwards@eastonnc.gov>
Zoning Permit Application

Margaret,

Attached are:

- 1) A zoning permit application to install a full bathroom in an accessory building on my property, which will also necessitate installing a new septic tank near the building.
- 2) A site map of my property indicating the location of the accessory building and approximate proposed location of a new septic tank.
- 3) The restrictive agreement which was filed in the Easton Land Records May 23, 2017. I would like to modify this agreement.

Please submit these documents to the Planning and Zoning Commission.

Thank you!

Kathy

Montgomery, Steven

From: Montgomery, Steven
Sent: Wednesday, April 26, 2023 11:13 AM
To: Montgomery, Steven



11:08



November 12, 2022

11:45 AM

Edit



Fall 2022 Show Schedule for Zone 1, Region 5:

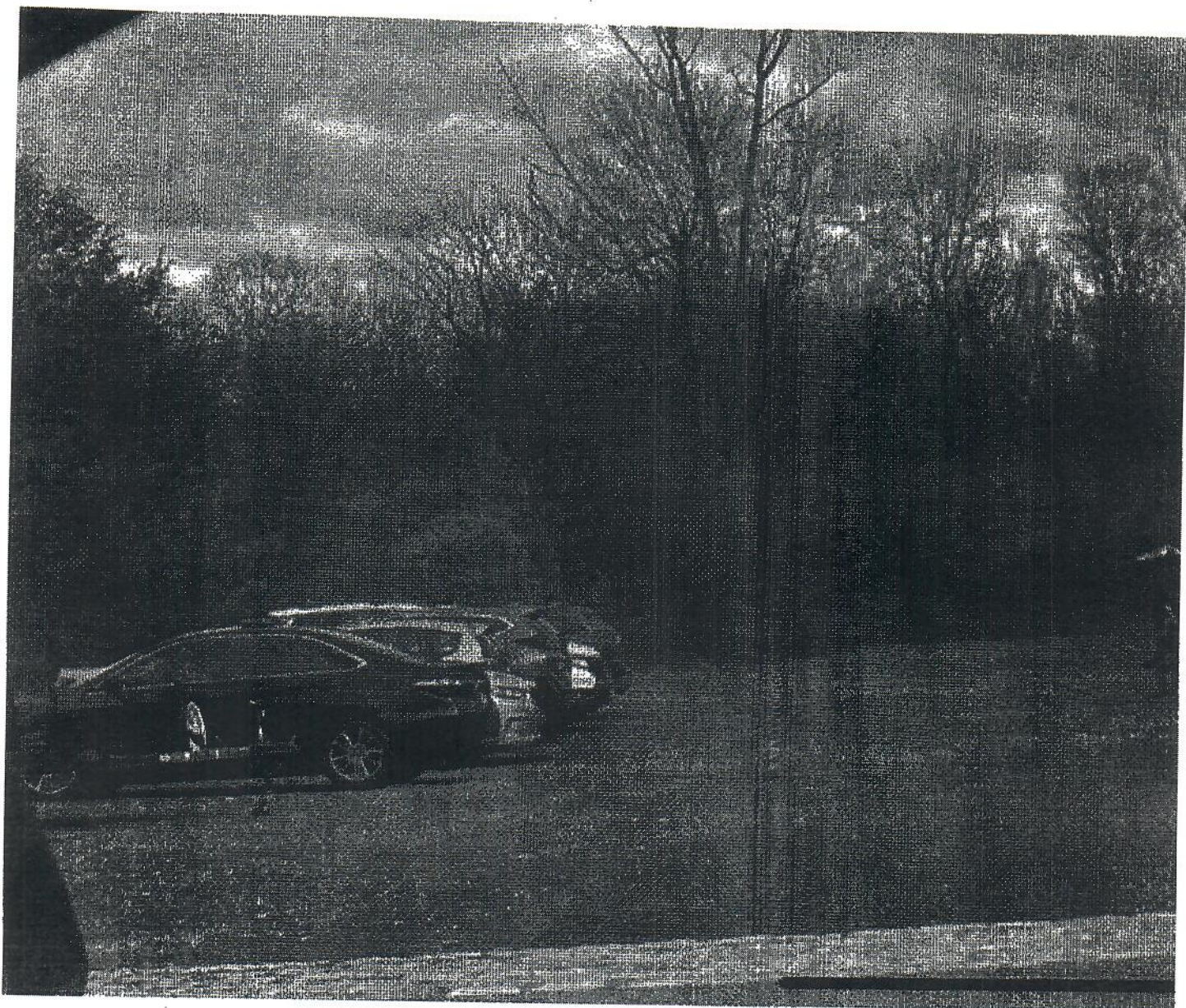
- ┌ Sunday, October 16 Sacred Heart University (Host) at Silvermine Farm, Norwalk, CT 10:00AM ENGLISH ONLY
- ┌ Sunday, October 23 University of Connecticut (Host) on campus at Horsebarn Hill Arena, Storrs, CT 10:00AM ENGLISH ONLY
- ┌ Sunday, November 6 Trinity College (Host) at Folly Farm, Simsbury, CT 10:00AM ENGLISH ONLY
- ┌ Saturday, November 12 Fairfield University (Host) at N & C Equestrian, Easton, CT 9:00AM ENGLISH ONLY
- ┌ Saturday, November 19 University of Connecticut (Host) on campus at Horsebarn Hill Arena, Storrs, CT Time TBA ENGLISH ONLY

The University of Connecticut competes in Zone 1, Region 3 Western shows. Please visit the Zone 1, Region 3 page for western information on these schools. Show

Montgomery, Steven

From: Montgomery, Steven
Sent: Wednesday, April 26, 2023 11:13 AM
To: Montgomery, Steven







TOWN OF EASTON

APPLICATION FOR PERMIT ZONING

Date: 10/22/2022

ZONING # _____

LOCATION ADDRESS: 422 Sport Hill Rd, Easton Map No. / Subdivision _____
 NAME OF OWNER: Highland Place LLC (Harris)
 MAILING ADDRESS: 422 Sport Hill Rd, Easton CT, 06612

- TYPE OF CONSTRUCTION** NEW ALTERATION ADDITION
- TYPE OF RESIDENCE** RESIDENTIAL GARAGE ACCESSORY BLDG. POOL
- OTHER _____

DESCRIPTION: Personal horse property with stalls and indoor facilities. N&L Equine is our primary that lives on the property and gives lessons to my wife and I as well as students on our horses. more than 50 lessons per year.

- ZONE A (1acre) ZONE B (3acre) SQ FEET or LOT SIZE ACRES _____ LOT FOOTAGE _____
- Total Wetland Area (as determined by soil classification) _____ Activity in 100yr. flood plain? Yes No

Building(s) Setback Existing:	Front _____	Side Yards: Left _____	Right _____	Rear _____
From boundary line Proposed:	Front _____	Side Yards: Left _____	Right _____	Rear _____
Max Height of Proposed Building (Section 3540) _____				

	EXISTING SQ. FEET	PROPOSED SQ. FEET
BASEMENT (living space size only)		
1 st FLOOR	1,500	
2 nd FLOOR	1,500	
GARAGE (state detached or attached)	None	
PORCH / DECK	600	
ACCESSORY BLDG.	Indoor Rink	
POOL	No.	
OTHER		

Max height of proposed building (Section 3540) _____

THE UNDERSIGNED applicant hereby consents to necessary & proper inspection of the subject premises by representative of P&Z Commission, at reasonable times, both before & after any permit applied for has been granted by the agency. I, hereby verify that the above answers are correct & true & that I shall conform to the requirements for the Zoning Regulation of the Town of Easton, CT.

Owner/Agent Signature: _____

Ph. _____

Address: _____

Easton CT 06612

In 2020, a zoning permit was issued for the construction of a 70' x 152' covered riding ring at 422 Sport Hill Rd. The Zoning Permit for the riding ring included verbiage that stated "zoning compliance for this permit is conditioned on the relocation of the unpermitted building near Old Oak Rd. to a zoning compliant location". The "unpermitted building" referred to on the zoning permit was a 12' x 36' three stall horse shed that was located in the setback adjacent to Old Oak Rd. near Sport Hill Rd. In mid-February of 2023, while reviewing the building and zoning files of N and C Equestrian, I realized there was no Certificate of Zoning Compliance for the covered riding ring, and subsequently, no Certificate of Occupancy. (The Certificate of Occupancy cannot be issued by the Building Dept. until the Certificate of Zoning Compliance is issued by the Zoning Dept.) At that time, I realized that the horse shed had been located in the same spot for more than 3 years and I relied on Public Act 21-29 of the Conn. General Statutes that allows for a structure to be considered a non-conforming structure if it has been at its current location for more than three years without the institution of legal action. As a result, I determined that the horse shed, could now be deemed to be a non-conforming structure and would not have to be relocated, and based on that fact, I issued a CZC for the covered riding ring, which then allowed a Certificate of Occupancy to be issued for it by the Building Inspector.

On July 11, 2023, based on a complaint from a neighbor, Steve Montgomery, contesting the issuance of the C.O. for the covered riding ring, the Easton Zoning Board of Appeals (ZBA) voted to rescind the Certificate of Zoning Compliance I had issued. I then contacted Mr. Huribal and informed him that the Certificate of Zoning Compliance for the riding rink had been rescinded as a result of the decision of the ZBA, which also resulted in the Certificate of Occupancy having to be rescinded by the Building Inspector. I informed him that the horse shed would need to be relocated to a zoning compliant location and he told me he would have the shed moved and then contact me for an inspection. Mr. Huribal contacted the Zoning Dept. several days later on July 24th and stated he had moved the horse shed to a zoning compliant location. Land Use Consultant Justin Giorlando and I went to 422 Sport Hill Rd. and verified that the horse shed had in fact been moved to a zoning compliant location. As a result, a new Certificate of Zoning Compliance was issued for the 70' x 152' riding ring on Aug. 24. Also, because there had been no zoning permit obtained by Mr. Huribal for the three stall horse shed when it was placed on the property in 2020, he was informed that he needed to complete an after the fact zoning permit application, which he did, and a zoning permit was subsequently issued for the shed, as was a Certificate of Zoning Compliance. At the current time, we are working with the owner to address any zoning issues related to this property.

Police Investigation – The Easton Police Dept. has executed a search warrant in the Building Dept. office and has seized some documents related to their investigation. The investigation revolves around some alleged forged documents/signatures.



PLANNING AND ZONING COMMISSION

225 Center Road - Easton, Connecticut 06612

Telephone: (203) 268-6291

Town Website: eastonct.gov

APPROVED

SEP 01 2023

By: [Signature] ZBA

ZONING PERMIT APPLICATION

- Aspetuck Health Dept. approval with approved site plan required with submission
Site Plan* (3 copies) showing proposed location
Floor Plans/Elevations (3 copies) as required to show compliance with Regulations (i.e. Area, Height, etc.)
Completed Inland Wetland Determination Form
If applicable, a Driveway Permit from DPW
Letter of Authorization if Applicant is not Owner
Application MUST be complete in its entirety
Check to the "Town of Easton" w/address in memo

Office Use Only
Date Submitted: 8/31/23
Application #: Z-23-5891
Zoning Permit Fee*: \$ 25.00
* \$1.50 per \$1,000 of Construction (\$25 min.)
State Land Use Fee: + \$ 60.00
CZC Inspection Fee: + \$ 25.00
Total Fee Due: \$ 110.00

* Improvement Location Survey by a surveyor licensed in the State of Connecticut; this requirement may be waived if an as-built survey is on file and it can be clearly established and verifiable in the field, to the satisfaction of the Zoning Enforcement Officer, that the proposed work will not be within the setback area

Property Owner: Marsel Huribul Phone: 203 257 9171
Applicant (if different): Charlotte Nagle Phone: 203 565 9028
Property Address: 422 Sport Hill Rd, Easton CT 06612
Map No./Subdivision: Vol./Pg.: Variance Vol./Pg.:

Zoning District: [] A (R1) [x] B (R3) Lot Size: 3.037 Sq. Ft. / Acres
Type of Construction: [] New [] Alteration [] Addition [] Renovation [] Conversion
Type of Structure: [] Residential [] Accessory Structure [] Pool [x] Other

Description of Project: Riding lessons, Riding Camp + Student horse show as well as agriculture activities

Proposed Setbacks to Structure: Front - ft; Sides - ft/ ft; Rear - ft

Is activity in the 100 Year Flood Plain: [] Yes [x] No

Estimated Construction Cost: Structure Cost \$ (Same cost on Building Permit)
Mechanical Cost \$ (Sum of all Mechanical Permits)
Cost of Other Improvements \$ (i.e. sitework, driveway, etc.)
TOTAL CONSTRUCTION COST \$ (sum of above costs)

I, the undersigned, hereby consent to necessary and proper inspection of the subject premises by a representative of the Planning and Zoning Commission, at reasonable times, both before and after any permit applied for has been granted by the agency. Further, I hereby certify that the above answers are correct and true and that I shall conform to the requirements of the Easton Zoning Regulation.

Owner Signature: [Signature] Print Name:
Applicant Signature: [Signature] DATE: 8-31-23 Print Name: Charlotte Nagle

*Statement of Proposed Use
422 Sport Hill Road*

It should be noted, though not a requirement of this or any other permit, we hold one Major Non-Agricultural event per year without amplified sound outdoors. This event is a joint horse show with the Fairfield University Equestrian Team. We provide adequate off-street parking for the event and ensure the safety of everyone attending the event.

I am always available should any questions arise to our use of the property.

Very truly yours,



Charlotte Nagle

8-31-23

Date

Memorandum

To: Members, Planning and Zoning Commission
From: Justin Giorlando, Land Use Director
Date: August 29, 2023
Re: Land Use Office Information Relevant to the Current Uses at 422 Sport Hill Road

The following background information is offered for consideration in regards to the permit for Minor Non-Agricultural Uses and the letter from the Zoning Board of Appeals to the Commission dated July 25, 2023, regarding the Appeal Application ZBA-23-03 for the property located at 422 Sport Hill Road.

- **Section 2200 - Zoning Definitions:**
 - AGRICULTURE – As defined in CGS Section 1-1 and to the extent permitted by these Regulations:
 - ... raising or harvesting any agricultural or horticultural commodity, including the ... feeding, caring for, training and management of livestock ...;
 - The operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment ...
 - LIVESTOCK - Domestic animals such as horses, ...
 - FARM - A tract of land, the principal use of which is for agricultural purposes, including farm buildings and structures accessory thereto, ... and the raising and keeping of livestock but excluding any facilities for the display, processing or sale of the products of the farm unless specifically allowed by these Regulations.
 - BUILDING - A structure having a roof supported by columns or walls used or intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, tangible personal property or other materials.
 - EQUINE FACILITY - The boarding of horses on a property owned by an organization or institution or the boarding of five or more horses not the personal property of the owner of the premises.
 - PRINCIPAL USE - A primary or predominant use or activity of a lot, building, structure, or property. A property may have more than one principal use provided such use is in accordance with the requirements of these Regulations.
- **Section 3220 - Permitted Principal Structures and Uses – Agricultural-Related Uses:**
 - AGRICULTURE - Agriculture, farming ...
 - No Zoning Permit Required; however, structures, in general, do require a Zoning Permit, as they are accessory to the Farm
 - EQUINE FACILITY - Operation of an equine facility as defined in these Regulations...
 - Special Permit (Commission) is required for this use; Zoning Permits are required for each structure when constructed

Memorandum: Background Information for Use of 422 Sport Hill Road
Date: August 29, 2023

- **Land Use Office findings as follows:**
 - Two principal uses:
 - Agriculture (Sec. 3220.1)
 - Dwelling (Sec. 3230.1)
 - Two accessory uses:
 - Agriculture-Related Activities (Sec. 3340.2)
 - Minor Non-Agricultural Uses (Section 5610)
 - Riding Lessons – up to 6 days per week
 - The office informed the owner that a permit is required for this use once it was found that the use was occurring on more than 30 days per year; an application was submitted by the owner 10/20/22; new application required and pending for recent changes in operation
 - Major Non-Agricultural Uses (Section 5620)
 - Horse Show – maximum of 2 shows per year; no amplified sound outdoors

**REGULAR MEETING (IN-PERSON & VIA ZOOM)
MINUTES OF SEPTEMBER 5, 2023
FOR THE EASTON PLANNING AND ZONING COMMISSION**

Regular Members present: John Foley, Alison Sternberg, Raymond Ganim
Regular Members absent: Jason Klein, Nicholas D'Addario
Alternate Members present: Lou DiPietro, Stacy Varvaro
Alternate Members absent: Jay Habansky
Town staff present: Mark DeLieto (ZEO), Justin Giorlando (LU Consultant), Karen Velky (P&Z Clerk)
Location: Easton Town Hall, Conference Room A

Chairman Foley called meeting called to order at 7:04 pm.

Zoom delayed start due (7:35pm) to technical issue. L. DiPietro voting for N. D'Addario, S. Varvaro voting for J. Klein.

New Business

- Town of Easton 3rd Sign Art Contest
- Legal notice and effective date for the following:
 - Subdivision Regulations – Dated 5/22/23
 - Zoning Regulation Sections 2200, 3300, 3400, 5200, and 5300
 - Zoning Regulation Section 5920
 - **MOTION** (Comm'r Ganim/2nd Comm'r Sternberg): Find that these Subdivision and Zoning Regulations as amended by motion of approval at the July 18, 2023, meeting of the Easton Planning and Zoning Meeting, presented here today, are adopted with an effective date of October 1, 2023 (Voting mbrs J. Foley, A. Sternberg, R. Ganim; others recused themselves)
 - **VOTE:** Aye – 3; Nay – 0; Abstain – 0
- Discussion/Possible Action: Zoning Permit No. Z-23-5891 – Minor Non-Agricultural Uses at 422 Sport Hill Road
 - **MOTION** (Comm'r Foley/2nd Comm'r Ganim): Approve Zoning Permit No. Z-23-5891 subject to voiding a previous application for similar purpose filed on 10/20/2022, no exterior lighting shall be used for the activities in the permit, and notice shall be made to the Land Use Office for any change in horses boarded on the property.
 - **VOTE:** Aye – 5; Nay – 0; Abstain – 0

Zoning Enforcement Report (Mark DeLieto)

Zoning Enforcement Updates provided by Mark DeLieto, ZEO.

Review and Approval of Minutes

Minutes of Easton Planning and Zoning Commission Meeting 07/18/2023.

- **MOTION** (Comm'r Ganim/2nd Comm'r Sternberg): Approval of minutes. (Voting mbrs J. Foley, A. Sternberg, R. Ganim; others recused themselves)
- **VOTE:** Aye – 3; Nay – 0; Abstain – 0

