

TOWN OF COLUMBIA
ZONING BOARD OF APPEALS
THURSDAY, MAY 23, 2019 - 7:00 P.M.
ADELLA G. URBAN ADMINISTRATIVE OFFICES CONFERENCE ROOM
323 ROUTE 87, COLUMBIA, CT
REGULAR MEETING MINUTES

Members Present: Chair Joseph Narkawicz, Keith Peck, Andrea Drabicki (Alternate), Edward DiGiovanni (Alternate)

Members Absent: Vice Chair Carole Williamson, Secretary Jeffery Vose, William Petrone

Staff Present: ZEO Constance Kisluk, Board Clerk Terri Lasota, First Selectman Steve Everett

Others Present: Paul Pradetto, Mary Roickle, EJ Starkel, and 7 others

CALL TO ORDER: J. Narkawicz called the meeting to order at 7:00 pm

ROLL CALL (Designation of Alternates, as needed): A. Drabicki and E. DiGiovanni were seated.

CHANGES/ADDITIONS TO AGENDA: None

APPROVAL OF REGULAR MEETING MINUTES OF April 25, 2019:

A. Drabicki **MOVED** to **APPROVE** the meeting minutes of April 25, 2019;

K. Peck **SECONDED**; **MOTION CARRIED 4:0:0**

AUDIENCE OF CITIZENS (Comments on matters not on the Agenda): None

SUSPEND REGULAR MEETING: J. Narkawicz **SUSPENDED** the regular meeting at 7:01pm and **OPENED** the public hearing.

OPEN PUBLIC HEARING:

1. **ZBA-1819-05:** Application of Paul D. Pradetto (Owner/Applicant aka Jireh Properties LLC) is requesting variances at 266 Rte 87, Columbia, CT, Assessor's Map 17, Lot 66. Variances will allow continued use as Commercial Horse Operation with an Indoor Riding Arena, subject to PZC approval. Variances are requested from Sec. 52.7.16.5c reduced setback for barns from 75 ft to 29 ft and 75 ft to 4 ft; Sec. 52.7.17.3b for reduced setback for indoor riding arena from 100 ft to 42 ft; and Sec. 52.7.16.6c reduced setback for driveway from 100 ft to 4ft.

J. Narkawicz read the application and statement of use into record, and also read into the record excerpts from the real estate listing, which referred to the property as a state-of-the-art equestrian facility and noted features that were also a part of the property. J. Narkawicz also read into record the letters sent to the ZBA in favorable support of the applicant, and the Connecticut State Statutes regarding variances.

J. Narkawicz noted for the record that he was upset for even having this public hearing, adding that there are extenuating circumstances for why it was necessary but this property was functioning as a business for as long as he has lived in Columbia.

C. Kisluk explained the application came about when Mr. Pradetto came to Columbia Town Hall for a sign application which prompted a review of the property file; it was found that the property had no previous or existing Planning & Zoning approval for a commercial horse operation even though it was general knowledge that the property had been functioning in this manner for many years. Thorough review of the records showed that previous variances were granted for the property as personal use. C. Kisluk said as her duty to uphold the zoning regulations of Columbia she needed to bring forth this issue. C. Kisluk, and the Town Planner, P. Stahl, met with the applicant to discuss the process of making this horse operation legal by applying for the proper variances with ZBA for the commercial zoning setbacks; once approved, Mr. Pradetto could apply to the PZC for a change of use to a commercial horse farm.

P. Pradetto said he agreed this was the right course of action; he added he has no intention of using the property

any differently than it has been in the past.

K. Peck asked if there were permits for the existing barns. C. Kisluk said there were permits for the existing barns which met requirements as residential use which the property owner at that time claimed; she explained the commercial setback requirements verses what now exists on the property.

Jan Collard of 253 Route 87 said she fully supported this application as it has been this way for the 32 years that she has lived in Columbia.

Gilbert Mahlon of 264 Route 87 thanked everyone for a wonderful community and supported the continuing operation of a commercial horse boarding facility. He also appreciated P. Pradetto going to great lengths to make this operation legal and proper.

Steven Everett of Route 87 and Columbia's First Selectman said he needs to form opinions and make decisions based on what is good for the Town, and while in support of what they are doing, needed to be comfortable with it. He questioned the possibility of any increased traffic; P. Pradetto explained the minimal traffic due to how dressage events function, and also noted that people who are boarding their horses come and go at random intervals and traffic would not be an issue nor increase from what it is currently.

Jim Sala of 269 Route 87 said he was in favor of this application, noting the previous owners had events and there was never an issue with traffic.

E. DiGiavanni asked about the application designation; J. Narkawicz said if this variance application is approved for this property there would be no legality concerns in the future. C. Kisluk added the variance will allow the current buildings to be where they are if used as a commercial horse operation, but an application for a change of use for this property still needs to go through PZC.

A. Drabicki said for the record that disappointment of use of a property is not considered a hardship, and questioned how this issue occurred; J. Narkawicz commented that the applicant would have to have known prior to purchasing the property. A. Drabicki appreciated the information provided the ZBA packets for this hearing.

J. Narkawicz noted that only 4 of the ZBA members are present to vote on this application and 4 affirmative votes are required for a variance application to be approved; he said before closing the public hearing he would like to give Mr. Pradetto the opportunity to have a 5 member vote instead. C. Kisluk noted justifications for a variance and said depending on the comprehensive plan for the town and circumstances of the request, if not granting a variance diminishes or destroys property value this can be considered a rationale for granting it.

A. Drabicki commented on their disappointment in not being able to use the property as intended and setting a precedent for other properties in the community; she added that the culture of our town is agriculture and this property operated in this way for over 40 years. A. Drabicki also noted the difficult position this puts everyone in.

P. Pradetto said the farm property is not worth what he paid for it if it can not be used for commercial use as intended, and therefore would have overpaid for this property.

E. DiGiavanni commented on the culpability of the Town in not following through previously, and felt it would be nice to be able to make this exception.

J. Narkawicz asked how many years it would take before the newest structure to become legal without a variance as a commercial property; C. Kisluk said if it was legally a commercial horse operation and the structure didn't meet zoning requirements, and the town knew about it for 3 years and took no action, then the town could not do anything about it at the end of the 3 years. J. Narkawicz commented the fact that it has been there 29 years would indicate that it would be possible to review State records for the use of the property; C. Kisluk said there was no State Statute covering relief from use of a property, it only covers structures.

S. Everett said Columbia is known for agriculture and hopes to keep it that way. He believed that when issues come before many of the Town boards, atmosphere is taken into consideration. He added that the elected officials have the ability to make decisions to do what is best for Columbia and people who live here, and felt setting a precedence

was the least of concerns. Mr. Everett also felt the property has good small town country look to it, and trusted the ZBA to do the right thing.

P. Pradetto noted for the record that all buildings are existing, and he would not be adding any new structures to the property.

E. DiGiavanni suggested adding language that would restrict any new building to grant the variance. C. Kisluck noted if PZC changes the property use to a commercial horse operation, any added buildings would need to meet current commercial building setback requirements.

P. Pradetto said he would accept the verdict of the present 4 voting members of the ZBA.

K Peck **MOTIONED** to **CLOSE** the public hearing; E. DiGiavanni **SECONDED**;
MOTION CARRIED 4:0:0

RESUME REGULAR MEETING: The regular meeting was **RESUMED** at 7:34 pm.

NEW BUSINESS:

1. **ZBA-1819-05:** Application of Paul D. Pradetto (Owner/Applicant aka Jireh Properties LLC) is requesting variances at 266 Rte 87, Columbia, CT, Assessor's Map 17, Lot 66. Variances will allow continued use as Commercial Horse Operation with an Indoor Riding Arena, subject to PZC approval. Variances are requested from Sec. 52.7.16.5c reduced setback for barns from 75 ft to 29 ft and 75 ft to 4 ft; Sec. 52.7.17.3b for reduced setback for indoor riding arena from 100 ft to 42 ft; and Sec. 52.7.16.6c reduced setback for driveway from 100 ft to 4ft.

K Peck **Moved** to **APPROVE** the application of the property owner Paul D. Pradetto, aka Jireh Properties LLC, for variances from Sections 52.7.16.5c, 52.7.17.3b, and 52.7.16.6c of the Columbia Zoning Regulations for reduced setbacks at a Commercial Horse Operation and Indoor Riding Arena. The reduced setbacks apply to two existing barns, the driveway serving a property having 2 or more events per year, and for the indoor riding arena, all located at 266 Route 87, Columbia, CT, Assessor's Map 17, Lot 66 in the RA zone as shown on Plot Plans, and statements made by the applicant, due to the board's finding that granting such variances will not affect substantially the comprehensive plan for the town, and that the strict application of these regulations with respect to this property would substantially decrease or practically destroy its value for the uses to which it could reasonably be put, and that granting said variances does not materially impair the effectiveness of the zoning regulations as a whole, and that the board's action promotes substantial justice.

A. Drabicki **SECONDED**; **MOTION CARRIED 4:0:0**.

UNFINISHED BUSINESS: None

BOARD OPEN DISCUSSION:

J. Narkawicz expressed his concern with this application, but satisfied now the legalities are cleared up; S. Everett felt not having them go through this process would have set the precedent. A. Drabicki noted it is the ZEO's job to uphold the laws.

C. Kisluck and the board members briefly talked about discussing the application with the Town attorney and doing their due diligence by reviewing assessor and building department records, and commented on the carefully written real estate listing.

A. Drabicki wanted to introduce a topic for discussion for when all ZBA members were present regarding a board members inspecting private properties by themselves or with other members.

E. DiGiavanni suggested an educational step by step pamphlet for those considering a move to or within Columbia which would prompt people to better examine a property before purchasing it. Board members discussed.

CORRESPONDANCE: None

ADJOURNMENT

E. DiGiovanni **MOVED** to **ADJOURN**; K. Peck **SECONDED**; **MOTION CARRIED 4:0:0**.
The meeting was **ADJOURNED** at 7:52 pm.

Respectfully submitted by Terri Lasota, Board Clerk

Please see the minutes of subsequent meetings for approval of these minutes and any corrections hereto.