

**PUBLIC HEARING AND REGULAR MEETING  
TOWN OF BOZRAH  
PLANNING AND ZONING COMMISSION**

**February 9, 2023**

***Regular Meeting***

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning & Zoning Commission to order at 7:00pm, on Thursday, February 9, 2023. The meeting was held at Bozrah Town Hall, 1 River Road, Bozrah, Connecticut.

Members present: Steve Seder, Scott Barber, Nancy Taylor, Steve Coit, Manny Misarski, Seymour Adelman (alt.), Steve Gural (alt.).

Others present: Glenn Pianka (First Selectmen), Jennifer Lindo (SCCOG/Zoning Enforcement Officer), Sam Alexander (SCCOG/Town Planner), Ray Barber, William Sweeney (TCORS), Debra White-Palmer (DWP Events), Brian Palmer.

1. Review and Approve Minutes:

a. January 12<sup>th</sup>.

Scott Barber made a motion to approve the minutes of the public hearing and regular meeting as presented. Manny Misarski seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

2. Review Correspondence Pertaining to Agenda Items.

Sam Alexander (Town Planner) noted two items of correspondence:

- A memo from the Town Planner dated February 2<sup>nd</sup>.
- A letter from a member of the public postmarked January 20<sup>th</sup>. This is not in the hearing file because it was received after the close of the hearing.

3. Appoint Zoning Enforcement Officer.

Chairman Seder introduced Jennifer Lindo (SCCOG) and stated to the Commission that he is pleased after sitting down and meeting her the previous week and discussing responsibilities. Chairman Seder asked for a motion to appoint Ms. Lindo.

**VOTE: UNANIMOUS – MOTION CARRIED**

4. Hear the Report of the Zoning Enforcement Officer.

Jennifer Lindo submitted a written report and went through each item and answered questions from the Commission.

*Since taking office a week ago, I have focused on responding to questions from the public regarding their properties or specific proposed uses on their properties, as well as reviewing any necessary building permits. I have also updated the Zoning Applications for both the ZEO and Commission, as well as the Zoning Board of Appeals.*

*Sam Alexander, Town Planner, who has been covering Bozrah, has shared with me the ongoing enforcement actions that may arise or need further action, as well as other recent activities in town I may hear about.*

*At this time I am in the Bozrah Town Hall on Thursdays from 2 p.m. to 6 p.m.*

*I have been investigating the property at 8 Goshen Road for Zoning Compliance based on a complaint. This is a rather complicated non-conforming use that involved a prior law suit and settlement and will require further investigation.*

The Commission discussed receipt of hearing transcripts for a court case. Scot Barber asked Ms. Lindo to give an opinion of the application before them that night. It was determined that she could answer any questions regarding enforcement of event venues, if the Commission has any, under agenda item 5a.

5. Old Business:

a. DWP Events, LLC, 410 Salem Turnpike, Bozrah: Zoning Regulation Amendment. Add NEW Sections 2.15.1, 8A.3.2, and 11.21 (11.21.1-11.21.5) pertaining to Event Venues.

Scott Barber, Steve Gural, Seymour Adelman, Manny Misarski, and Steve Seder sat for this agenda item. Nancy Taylor recused herself. Chairman Seder confirmed that he did listen to the audio recording of the December meeting and public hearing, for which he was not in attendance. Other commissioners present did not participate in deliberations.

- Scott Barber began a discussion of the variables at issue in the regulation amendment, such as limits on the number of events and individual present. Mr. Barber noted that there the proposed “redline” revisions to the application were not included as an attachment to the January minutes. There was discussion and it was ultimately decided that the minutes would include that attachment for record keeping.
- Seymour Adelman stated that there was an establishment on Route 82 in years’ past, that had nighttime entertainment that went later and later, and that the Town could not stop it. It was pointed out that there are proposed limits on how late events may go.
- Steve Gural asked how any violations would be enforced. He stated that there is no way to enforce it, and that’s the trouble with special exceptions. Manny Misarski stated there was no control, and that he felt uneasy about it; the Town would need to hire someone just to monitor things.
- Chairman Seder brought up the possibility of offering one-year renewals as part of the Special Exception. He noted that the Town does not have the enforcement capabilities but that it should not be the sole reason to approve or deny something. Glenn Pianka (First Selectman) stated it was not so much the personnel but the law.
- Scott Barber stated he has a serious problem with the revised regulation amendments not being part of the January minutes. Scott Barber made a motion to append the proposed “redline” revisions of the application, to the January public hearing minutes. Manny Misarski seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

The Commission resumed discussions.

- Scott Barber went through the regulation amendments and highlighted the various revisions and points.
- There was discussion about parking: an easement or contract would be needed for any off-site parking.

- There was discussion about “reasonable” screening. It would be the at the Commission’s discretion. Scott Barber took objection to the vagueness of that part of the regulation—an applicant could be aggrieved by the Commission determining screening was not reasonable.
- Manny Misarski stated that the process would not work.
- Scott Barber reiterated that leaving things to the Commission’s determination was not fair to an applicant. Chairman Seder stated that the applicant realizes there are things left to the Commission’s discretion.
- Scott Barber asked who was going to enforce the regulations.
- Seymour Adelman stated that if the amendment is passed, an event venue would need a Special Exception. There was discussion about a one-year permit. It could be added to the regulations.

Chairman Seder asked for a motion to either approve or deny the application.

- Steve Gural made a motion to reject (deny) the application.
- Manny Misarski stated that he would vote to deny.
- Seymour Adelman stated that he would vote to approve the amendment in the Highway Commercial zone.
- Scott Barber stated that he would vote to deny the application because he did not feel the special exception regulations were complete and that there were too many “holes”, and that the regulations would not be fair to a potential applicant or the Commission.
- Scott Barber seconded the motion by Steve Gural.

**VOTE: 3/2 (Seder and Adelman Opposed) – MOTION CARRIED**

Jennifer Lindo spoke with the Commission about meeting minutes. Glenn Pianka reiterated the importance of good record keeping and believed that all attachments from the meeting should be added to the minutes.

6. Public Comment Period.

The Commission discussed various zoning issues: Acorn Acres, new homes, blighted properties, campers and junked cars.

7. Review General Correspondence.

There was none.

8. Such other Business as the Commission may Vote to Hear.

Scott Barber reminded the Commission of land use law training on March 11<sup>th</sup>. Scott Barber moved to adjourn. Chairman Seder seconded.

**VOTE: UNANIMOUS – MOTION CARRIED**

The meeting was adjourned at 8:05pm.

Respectfully submitted,

Samuel Alexander  
Town Planner/SCCOG