

Town of East Northport, Connecticut

Hypothetical Case Study

PZC Members: Chairman Knitpick, Gosup, Gaun, Vuing, Gilted, Soylent

Alternates: Hier, Karz

Under the zoning regulations of the Town of East Northport cemeteries are permitted by special exception (also known as a special permit) in residential zones. The Planning and Zoning Commission hears special exceptions. The criteria in the regulations are the same for all special exception uses: that the PZC shall consider the impact of an application on property values, character of the neighborhood, traffic impacts, and preservation of historic character of the Town.

The Druid Academy of Greater Springfield (“Academy”) has optioned a parcel of land for a Druid cemetery in East Northport. Across the street from the proposed Academy cemetery is a Congregational cemetery that has been there since Colonial times. Many famous local figures are buried there.

Before the hearing opens, PZC Chairman Knitpick learns that board member Gaun will be unable to attend the hearing, but alternate member Hier will be able to attend and is seated in Gaun’s place.

When PZC Chairman Knitpick opens the public hearing, the room is packed and overflowing. People are out in the hallway and outside the building. The fire marshal orders several people to leave the meeting room because it is over its legal capacity. Chairman Knitpick announces that this is the largest meeting in room in the Town Hall and the only larger room is the auditorium at the high school, but he doesn’t know if it’s available. He says that we’ll just have to proceed with the hearing, and those who have spoken have to leave the room to make space for others. He also says that because there are so many people present, he’s only going to allow each person to speak for three minutes, flat, with no chance for a second opportunity “at bat.” He says there are just too many people and we must move this along.

He also instructs the Academy’s attorney, Sue Fitzgerald, to be sure and address what the hardship is which would support the issuance of the special exception. He reminds Attorney Fitzgerald that personal, financial, and self-created hardships are not suitable grounds for a special exception from the PZC.

Attorney Fitzgerald begins to review the site plan, but a woman in the back of the room yells out, “How do you bury the bodies? I hear you don’t use coffins or vaults.” Another person shouts, “They practice Voodoo.” People start to shout that this will contaminate their wells and that this whole thing is a front for a drug dealing operation. Atty. Fitzgerald is unable to complete her presentation and sits down. Chairman Knitpick apologizes for the conduct of the crowd but says there is nothing he can do. It’s a public hearing.

A PZC member, Mr. Gosup, says that he has heard from people in the community that they are opposed to the proposal and he has grave concerns about approving it. Chairman Knitpick asks Mr. Gosup and other PZC members to please hold their comments until later in the hearing so the public can speak. Soylent says nothing but glares at the applicant the entire time.

The neighboring property owners, Oliver and Candi Warbucks, speak in opposition, saying that it will devalue their estate. They're especially concerned that the cemetery will be in view of the veranda of their pool house. Candi is the ex-wife of Board member Gilted, and the word is that Candi ran off to become Oliver's trophy wife. Mr. Gilted laughs after Oliver speaks and says, "Couldn't happen to nicer people! Use my alimony payments to plant some shrubs along the property line!"

Board member Vuing thinks that a site walk might help the board members to evaluate the application. It was agreed that after the close of the public hearing, but before the vote, the members would hike the property in groups of no more than two, so that there would be no need to post a meeting agenda and allow the public to walk the property.

Some people attempt to speak in favor of the application, but the crowd drowns them out, shouting "No devil worship in East Northport." The chairman again apologizes for the rude conduct of the crowd. The public hearing is closed and, as agreed, the members visit the site in less than quorum groups to view it.

The night of deliberations, Chairman Knitpick is present along with regular members Gilted, Gosup, Vuing, Soylent and Gaun; and alternate members Karz and Hier. Gaun is seated in place of Hier. All eight of them discuss the application and member Karz points out that he's a traffic engineer and that the applicant's traffic engineer incorrectly measured the sight line at the driveway, and that he inspected the site, he measured actual vehicle speed and performed the measurement correctly. He found that the sight line does not meet the DOT standard and in his professional opinion, was not adequate for the geometry and traffic volumes found on Town Street. Soylent says nothing during the deliberations but continues to glare at the applicant.

Member Gilted moves to grant the special exception, subject to the condition that there be no display of any religious symbols on the property, that no unusual religious rites be performed on the property and that signs and gravestone markers be approved by the PZC. The motion is seconded by member Gaun. Gilted, Gaun and Chairman Knitpick vote yes, while Gosup, Soylent and Vuing vote no. Chairman Knitpick declares a tie and that the motion carries because East Northport needs to be open to all types of religions. A legal notice is duly published indicating that the application has been approved.