

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
NOVEMBER 13, 2012
7:30 PM TOWN HALL**

I. CALL TO ORDER:

The meeting was called to order at 7:32 by Chairman Robert Minch. Other members present were Dean Hills, Lucas Cherry, Doug Stebbins, Daniel Marceau, and Jerome Young.

Absent: Vice-Chair Barbara Flebotte, B.J. Ferro III

Audience members: Robert Howard, Jill Conklin, Richard Doyon (representing Georgette)

II. PUBLIC HEARING DISCUSSION/DECISION

1. Robert Howard

The public notice was read regarding Mr. Howard's application. He is requesting an approval of his application for a used car sales and repair lot at 64 Field Road, Unit 2D.

Mr. Howard came forward showing abutters had been notified. Mr. Howard informed the board he is taking the necessary steps given by the Dept. of Motor Vehicles to open his lot, with the first step being to have his application approved by the ZBA. He reviewed the regulations he must follow to be in compliance with Dept. of Motor Vehicles. He has contracted with Safety-Kleen for his environmental requirements. He reported all his waste oil receptacles were in order and showed supporting documentation of this to the board. He showed a map of the property.

Mr. Minch has visited the property. He verified there were no drains in the back of the property. The bond of \$50,000 was discussed. Parking and displaying cars were discussed. Mr. Howard stated he holds a liability policy for the property.

Mr. Marceau asked if the business would mainly be used car sales. Mr. Howard explained it would be for used car sales and repairs, limiting it to only three cars at a time. There will be three marked spots in the lot. There will be two parking spots in the back for employees. Mr. Howard explained he will still be doing detailing as his main source of business throughout the year.

2. Jill Conklin

The legal notice was read. Jill Conklin of 3 School Street is requesting a variance of 15 Ft. from the Somers Code 214-98 regarding sideline setbacks for accessory structures to construct a shed.

Jill came forward and showed the ZBA notification of abutters. Jill explained she is allergic to the mold which grows on her lawn mower, which is stored under her office in the garage. She is looking to put up a shed to store the mower. She showed photos of her property and explained she would like a 15 Ft. variance from the standard 25 Ft. The shed will be a 12' x 24' garage-style shed. She showed pictures of what the shed would look like. Jill discussed water flow around her property. Jill noted her neighbors got a similar variance for their sheds.

3. **Georgette Doyon**

Richard Doyon was there representing his mother, Georgette Doyon. The legal notice was read. The application is for 111 Maple Ridge Drive and requests a variance of 22 Ft. on the western sideline from the Somers Code section 214-98 regarding the 25 Ft. sideline setback for accessory structures in order to construct a shed.

Richard Doyon presented the ZBA with a plot plan. Mr. Doyon explained the goal was to try to get within 3 ft. of the western sideline and 8 Ft. to the southern sideline. A previous variance was granted in 1985 which meets the Doyon's requirement for the southern sideline. They need a 22 Ft. variance from the western sideline and a 17 Ft. variance from the southern sideline due to the fact it is a corner lot with two sidelines.

ZBA members discussed where the septic system was located on the property. An old shed was taken down about 3 weeks ago. The application for this variance is to be able to put up a new shed and avoid building it too close to the septic tank. The shed will be 12' x 16'. The Doyon's neighbor also has a shed on his lot. The ZBA verified abutters notices were sent out.

Mr. Minch began the Discussion/Decision section of the public hearing. He opened up the meeting for comments.

The ZBA members discussed Mr. Howard's application. The DMV requirements were discussed and it was noted again by Mr. Minch there were no drains on the property of concern. Mr. Minch explained if approved, the ZBA would write a letter and fill out the appropriate forms to help Mr. Howard to move forward.

A motion was made by Dean Hills to end discussion and vote on the application for Mr. Howard for a used car sales and repair lot at 64 Field Road, Unit2D. Seconded by Lucas Cherry, all in favor of approval of the variance, motion carried unanimously.

Mr. Minch began discussion on Jill Conklin's application. He explained he and Mr. Stebbins had been to the property and noticed the dampness and how wet the property was. He remembers a variance being granted to her neighbor for this same issue. Dean Hills asked if there were wetlands in the area. No map could be provided to show the wetlands at this time.

A motion was made by Daniel Marceau to end discussion and vote on the application for Jill Conklin at 3 School Street. Seconded by Doug Stebbins. Minch, Cherry, Marceau, and Young voted in favor of approval. Hills abstained.

Mr. Minch began discussion regarding Georgette Doyon's application. The ZBA reviewed the information on the application. The applicant is asking for a 22 Ft. variance from the westerly sideling and a 7 Ft. variance from the southerly sideline (it is a corner lot).

A motion was made by Daniel Marceau to end discussion and vote on Georgette Doyon's application. Seconded by Jerome Young, all in favor of approval of the variance, motion carried unanimously.

V. **CHAIRMANS COMMENTS**

Mr. Minch discussed his decision to become Chairman of the ZBA. He discussed the disagreement he and Dean Hills had at the last meeting. Mr. Minch said he wanted everyone to feel like they could speak their mind, to give their opinions, and vote their conscience.

He discussed Robert's Rules and the decision making process. He clarified why he brought up something not on the agenda at the last meeting.

Mr. Hills agreed everyone should be able to speak their mind. Mr. Hills apologized for getting, "hot under the collar", during the last meeting. Mr. Minch also apologized. Mr. Hills explained he was only trying to protect Mr. Minch by following protocol and suggested making a motion to add new items to agenda in the future.

ZBA members suggested ways to communicate more effectively in the future.

VI. MINUTES APPROVAL

Mr. Minch made some corrections to the third paragraph under Old Business. He noted Robert's Rules were discussed, not South Road. The revised minutes were read as follows:

Mr. Minch attempted to inform the board of fines for deliberately violating the board's decisions. In the process, he referenced a past denied application on South Rd. Mr. Hills objected because South Road was not on the agenda. Mr. Minch disagreed. A discussion ensued regarding Robert's Rules or Order and the agenda.

Also added at the end of the the paragraph: Violators may be fined not less than \$100 nor more than \$250 per day.

A motion was made by Jerome Young to accept minutes as amended. Seconded by Daniel Marceau. Motion carried unanimously.

VII. UNFINISHED BUSINESS

a. Revised Applicant's Guide

The board is satisfied with the revisions. No vote taken. Remove from Unfinished Business.

XI. NEW BUSINESS: NONE

XII. CORRESPONDENCE AND BILLS

The annual report and new meeting schedule for the next year were discussed. Mr. Minch has prepared the annual report and submitted it. Mr. Minch will send copies of the new meeting schedule to ZBA members.

VIX. ADJOURNMENT

A motion was made to adjourn the meeting by Stebbins at 8:55. Seconded by Hill, all in favor, motion carried.

Respectfully submitted,

Julia Sarno

NOTE: These minutes are not considered official until approved at the next subsequent meeting.

