

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
June 11th 2013
7:30 PM TOWN HALL**

I. CALL TO ORDER

The meeting was called to order at 7:32 P.M. by Chairman Robert Minch

Members present: Chairman Robert Minch, Vice-Chairman Barbara Flebotte, Secretary Dean Hills, Douglas Stebbins, Daniel Marceau

Members Absent: Lucas Cherry, Jerome Young, B.J. Ferro III

Audience members: Luis Valentin, Lynn Sullivan, Shawn Cisco, Carrie Cisco, Andrew Vibberts, Larry Deptula

II. PUBLIC HEARING

1. 60 Sunset Drive: Shawn & Carrie Cisco

The legal notice was read into the record. Shawn Cisco of 60 Sunset Drive is seeking a variance of 10' from the required 25' of Somers Code Section 214-98 concerning side-yard setbacks for accessory structures to construct a pool.

The applicants provided the ZBA with proof of notification of abutters. Mr. Cisco explained the reasoning for the location of the pool and when asked by Vice-Chairman Flebotte to state the hardship, he explained that due to the shape of the lot, the house being located in the center of the lot and the septic system/leach field being located in the center/rear of the lot, there would be no area in which to locate the proposed pool without a variance. The location of the house on the lot was confirmed by several ZBA members who had visited or did a drive-by of the subject property. It was noted by Vice-Chairman Flebotte that the proposed pool is an above-ground pool. It was noted that there was a letter from Tom Fahey, the property abutter bordering on the side-line where the proposed pool would be installed, indicating that he approved of the installation. There was no audience comment.

2. 173 Parker Road: Luis Valentin & Lynn Sullivan

The legal notice was read into the record. Lynn Sullivan and Luis Valentin of 173 Parker Road are seeking a variance of 20' from the required 25' of Somers Code Section 214-98 concerning side-yard setbacks for primary structures to construct a garage.

The applicants provided the ZBA with proof of notification of abutters. Mr. Valentin explained that due to the shape of the lot in the front of the property, the location of the septic system/leach field in the rear of the property as well as the presence of wetlands in the rear of the property, there is no other location available for the proposed garage. It was confirmed by Chairman Minch that the existing single car garage is 15' from the property line and it was noted by the ZBA that the lot is a non-conforming lot by current zoning regulations.

When Chairman Minch asked for audience comment, Larry Deptula of 179 Parker Road, which is an abutting property, stated that he had no objection to the variance being granted for an improved structure. He stated that the existing garage was not built to code. Mr. Deptula asked if the ZBA would grant him a variance to build a garage on his property. Chairman Minch explained that he would have submit an application for a variance through the Building Dept. Mr. Deptula asked what the process was and it was explained to him.

Mr. Deptula asked if how long a variance lasted or if there was a statute of limitations. Chairman Minch explained that he believed that a variance ran with the property, but would confirm that for Mr. Deptula.

Vice-Chairman Flebotte asked about two large older trees that may be affected by the building of the garage. In the ensuing discussion about the location of the trees, Mr. Deptula said he had recently had new GPS survey done on his property which showed that the property lines shown on the map presented to the ZBA by the applicants may be incorrect. He stated that he submitted that information to the Building Dept. It was decided at that time to table the application in the Discussion/Decision portion of the meeting.

III. PUBLIC HEARING DISCUSSION/POTENTIAL DECISION

A motion was made (Marceau) and seconded (Stebbins) to end public discussion and begin ZBA discussion/decision. Motion passed unanimously.

60 Sunset Drive: Shawn Cisco

There was a brief review of the hardship presented by the applicant.

A motion was made (Marceau) and seconded (Stebbins) to end discussion and vote on the application. The vote was unanimous in favor of approval.

173 Parker Road: Luis Valentin & Lynn Sullivan

A motion was made (Marceau) and seconded (Hills) to table discussion on the 173 Parker Road application until the ZBA is sure the information presented is accurate and correct. Motion approved unanimously. Add to Unfinished Business.

IV. NEW BUSINESS

Secretary Hills informed the ZBA on his progress of draft By-laws for the Board to consider for adoption. There was a brief discussion on the legality of By-laws. Chairman Minch said he would review that issue with the First Selectman. Secretary Hills said that he should have a draft ready in a few weeks and would distribute the draft to the Board for review when finished. He recommended that the Board wait to take up official discussion of the proposed By-laws until its first autumn meeting. The Board concurred.

V. UNFINISHED BUSINESS

None

VI. MINUTES APPROVAL

May 14th 2010 ZBA Regular Meeting Minutes

Section IV: NEW BUSINESS

Change to read, "Chairman Minch addressed the Board to see . . ."

A motion was made (Flebotte) and seconded (Marceau) to accept the minutes as amended. Motion was approved unanimously.

VIX. ADJOURNMENT

A motion was made (Marceau) and seconded (Flebotte) to adjourn the meeting. Motion was approved unanimously. The meeting was adjourned at 8:27 P.M.

Respectfully submitted,

Dean Hills
Secretary
Somers Zoning Board of Appeals

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