

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
November 13, 2007**

1. Call to Order: Chairman Torres called the meeting to order at 7:35 P.M.

11. Members Present: John Torres, Robert Minch, Barbara Flebotte, Edward Mack Sr., and Jerry Young (seated for Daniel Scully)

Absent: Daniel Scully and alternate B.J. Ferro III

Public Hearing was called to order by Chairman Torres at 7:36 P.M.

111. Public Hearing

1. 1. Michael and Judith Okraska

Legal notice was read: Michael and Judith Okraska of 403 Main Street, Somers, CT. are seeking to appeal the Cease and Desist Order as issued by the Somers Zoning Enforcement Officer concerning violation of Sections 214-51A and 214-57 of the Somers Zoning Regulations regarding the location of a free-standing business sign on the subject property.

Chairman Torres read a letter from John Parks, the applicant's Attorney, dated 11/13/07 withdrawing the appeal. (Please see attached). Due to the withdrawal of the above mentioned appeal by Michael and Judith Okraska of 403 Main Street, Somers, CT, the applicants have until November 27, 2007 in which to remove the sign.

2. 2. Robert Sanville

Legal notice was read: Robert Sanville of 97 Webster Road, Ellington, CT. is seeking a variance from Somers Code 214-84 requirement concerning flood plain areas in order to subdivide a 5-plus acre parcel located at 233 Mountain Road, Somers into two proposed building lots, thus creating a non-conforming use.

Attorney Bonnie Kumiega was present and wished to speak to the Commission on behalf of her client Mr. Sanville. She explained that it was during the process of reconfiguring the parcel in question that Mr. Sanville became aware of the non-conforming use issue. While going through the process, the Town Sanitation Officer and the Town Planner reviewed the maps initially prepared by Mr. Sanville's surveyor and requested revisions which included the new flood data. This flood data was specific to Gillette Brook which runs through the property. Attorney Kumiega also mentioned a letter sent to Mr. Sanville from the Town Sanitation Officer, Steve Jacobs and noted it was not cc: to the Zoning Board of Appeals.

She read some of Mr. Jacobs letter to the Board; it stated that he had reviewed the revised plans of 10/23/07 for the above referenced property and noted that parcel #1 appears to be in compliance with section 19-13-B100AE- subsection E of the Connecticut Public Health Code, technical standards for subsurface sewage disposal.

Attorney Kumiega stated that there is a natural hardship due to the presence of Gillette Brook which is located on the property. This hardship arises out of circumstances and conditions beyond and outside the property owner's control. It is for that reason that the applicant requests that the variance be granted in order to make it conforming.

The Commission stated that with the new State Regulations, and how Wetlands are now identified, there needs to be at least 40,000 (contiguous) square feet of buildable area for there to be a "legal lot".

Mr. Sanville wants a variance for the proposed Parcel/lot #2 because it is non-conforming. The applicant has no issue selling the property as it is current exists, due to it being "grandfathered in". The issue/hardship arises once the applicant wishes to subdivide the lot; adding that the hardship is being created by subdividing the property. If the current home was to be damaged the current owner of the property could rebuild if need be because there would still be 2 - 2 ½ acres in which to build that are not flagged as wetlands. If the property in question is subdivided, this does not stand as true.

Attorney Bonnie Kumiega requested that this case be continued to the ZBA's next meeting of 12/11/07 in order to gather more information. The request was granted by the Zoning Board of Appeals.

Abutters Mildred Barend, Carolyn and Francis Cook were present.

After all discussion, motion made by Commissioner Minch; seconded by Commissioner Flebotte and unanimously approved to cease discussion and adjourn the public hearing.

Public Hearing closed at 8:10 P.M

IV. Regular Meeting

The regular meeting continued at 8:11 P.M.

V. Minutes Approval – September 11, 2007

Motion made by Commissioner Minch, seconded by Commissioner Flebotte, to approve the ZBA September 11, 2007 minutes as presented. Motion approved unanimously.

VI. Public Hearing Discussion

No Public Discussion

VII. Old Business:

No Old Business

Page 2 of 3

VIII. New Business:

No New Business

IX. Correspondence:

No Correspondence

X. Bills:

Motion made by Commissioner Minch; seconded by Commissioner Young to pay all ZBA bills including the Journal Inquirer in the amount of \$330.84. Motion approved unanimously.

XI. Adjournment:

Motion made by Commissioner Flebotte; second by Commissioner Mack Sr. to adjourn the meeting. Motion approved unanimously.

The meeting stood adjourned at 8:25 P.M.

Respectfully Submitted,

Jennifer D. Boudreau

Recording Secretary