

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
P.O. BOX 308
SOMERS, CT 06071**

**ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING
JULY 13, 2010
TOWN HALL – 7:30 pm**

I. CALL TO ORDER:

Chairman Torres called the regular meeting to order at 7:31 pm.

II. MEMBERS PRESENT:

Acting Secretary Robert Minch did a role call. Members present included: John Torres, Barbara Flebotte, Jerome Young, Frederick Krein, and Robert Minch. Absent was: Daniel Scully. Also present were a handful of interested citizens.

III. PUBLIC HEARING (Deborah Giovanni):

Chairman Torres called the Public Hearing portion of the meeting open at 7:32 pm. Acting Secretary Robert Minch read the legal notice for Deborah Giovanni, 28 Kibbe Road for the record. Ms. Giovanni was in attendance.

Jim Whitney, representing Ms. Giovanni, addressed Board members. He explained she was seeking a variance for a proposed shed, due to her smaller than average lot size. He stated that the normal requirement, 25 feet from property lines, would put the shed 3-5 feet off of the porch. He finished by saying she would like to put it in the back of the lot. Mr. Torres distributed copies of site drawing, as part of her application, depicting the location of the proposed shed.

Mr. Young questioned the size of the lot. Mr. Whitney responded that it is approximately 100 feet by 150 feet; approximately one-third of an acre. Mr. Minch viewing the drawing, stated it seemed like a reasonable place to put a shed, noting the 2 fences on either side. Mr. Whitney added that the shed would be approximately 2-3 feet from each boundary fence.

Mr. Torres asked if any abutting homeowners were present. John Hartley, Kibbe Road, spoke in favor of Ms. Giovanni's request.

Mr. Torres asked for any additional questions or comments from Board members and the audience. None were brought forth.

A motion was made by Ms. Flebotte to close the Public Hearing at 7:37 pm; seconded by Mr. Minch, and then unanimously voted as approved

IV. REGULAR MEETING:

Chairman Torres called the regular meeting to order at 7:38 pm.

V. MINUTES APPROVAL - 5/11/2010 – 6/15/2010 – 6/24/2010:

In each instance, Mr. Torres asked members for comments, changes on Meeting Minutes.

a) May 5, 2010 Regular Meeting

Ms. Flebotte brought members' attention to the last 2 sentences on Page 1, Section IV, Old Business, b), beginning with "First Selectman, Lisa Pellegrini had recently been contacted..." She felt these last 2 sentences should be stricken from the Minutes. She added they added nothing to the withdrawal of the application.

Mr. Torres explained that he had made both statements, in order to provide members with all of the information available to the Board at that time. He then asked other members for their thoughts. Mr. Krein and Mr. Young had no problem with these statements, and said they should remain part of the Minutes. Mr. Minch did not vote, as he had not been in attendance at the May 5th meeting.

A motion was made by Mr. Krein to approve the Minutes of the May 5, 2010 Regular Meeting as written; seconded by Mr. Young. In the vote that followed, Messrs. Torres, Krein, and Young voted in favor, whereas Ms. Flebotte voted against. The motion to approve was passed.

b) June 15, 2010 Special Meeting

A motion was made by Ms. Flebotte to approve the Minutes of the June 15, 2010 Special Meeting as written; seconded by Mr. Krein. A unanimous vote to approve followed.

c) June 24, 2010 Special Meeting

Ms. Flebotte felt corrections needed to be made to both motions (first paragraph and last paragraph) made on Page 5, Section V, Public Hearing Discussion. She explained that according to Roberts' Rules of Order and committee rules; when a vote is taken, members' names should be recorded with their votes for the record. Mr. Torres agreed. He added that the decisions still stand, but that it would be proper to put members' names in with their vote.

As a group it was decided that final sentence of each motion be stricken and replaced with the following language:

The first motion should read:

"The motion was denied with those stipulations by a vote of three (J. Torres, D. Scully, F. Krein) in favor, and two (B. Flebotte, R. Minch) against."

The second motion should read:

"The motion was with the stipulation of a single building lot in Parcel A was with a vote of three (J. Torres, D. Scully, F. Krein) in favor, and two (B. Flebotte, R. Minch) against."

A motion was made by Ms. Flebotte to approve the Minutes of the June 24, 2010 Special Meeting as amended; seconded by Mr. Young. A unanimous vote to approve followed.

Mr. Minch stated that the second paragraph of Page 2, Section III, Public Hearing is inaccurate and should be stricken from the Minutes. He said, rather than “verifying”, he was questioning the issue of commercial use being discussed.

A motion was made by Mr. Minch to delete the sentence below from the Minutes of the June 24, 2010 Special Meeting; seconded by Mr. Krein. A unanimous vote to approve followed.

“Mr. Minch verified that the lot on Maple Street and most of the street is zoned for commercial use.”

A motion was made by Mr. Krein to approve the Minutes of the June 24, 2010 Special Meeting as amended; seconded by Mr. Young. A unanimous vote to approve followed.

VI. PUBLIC HEARING DISCUSSION/DECISION:

Chairman Torres re-opened the discussion of Ms. Giovanni’s request for a variance. He mentioned he has seen similar requests, also on smaller lots. His only concern had been any abutting property owners, which he had asked for during the Public Hearing portion of tonight’s meeting. Mr. Young questioned the size of the proposed shed. Mr. Torres responded that it would be 12 feet by 12 feet. He then asked members for any additional questions or comments. None were brought forth.

A motion was made by Mr. Young to cease discussion and vote on approval of a variance for Deborah Giovanni for a 12 foot by 12 foot shed, located 2-3 feet from each boundary; seconded by Mr. Krein. A unanimous vote to approve followed.

Mr. Torres then explained to Ms. Giovanni that the variance approval will be posted in the paper on July 23, 2010. The public then has the ability to challenge the Board’s ruling for 15 days. He finished by adding, if no challenge is received, she can come to the Town Hall on August 9, 2010 for the building permit.

VII. OLD BUSINESS:

None.

VIII. NEW BUSINESS:

None.

IX. CORRESPONDENCE:

None.

X. BILLS:

A motion was made by Mr. Minch to pay any outstanding bills, including the Journal Inquirer (\$283.32); seconded by Mr. Krein, and unanimously voted as approved.

XI. ADJOURNMENT:

A motion to adjourn was made by Mr. Young; seconded by Ms. Flebotte, and unanimously approved to adjourn the July 13, 2010 regular meeting of the Zoning Board of Appeals at 8:06 pm.

Respectfully submitted,

Kimberly E. Dombek, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.