

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

**ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING
JANUARY 11, 2011
TOWN HALL – 7:30 pm**

I. CALL TO ORDER:

Vice Chair, Barbara Flebotte called the regular meeting to order at 7:35 pm.

II. MEMBERS PRESENT:

Acting Secretary Robert Minch did a role call. Members present included: Barbara Flebotte, Jerome Young, Daniel Marceau, Frederick Krein, Daniel Scully and Robert Minch. Absent was John Torres.

III. PUBLIC HEARING (William Salka):

Vice Chair Flebotte suggested that as the Applicant is not currently present, they change the order of the meeting; move on in the Agenda to allow time for the Applicant to appear. Members agreed.

IV. MINUTES APPROVAL – 12/14/2010:

Ms. Flebotte asked members for comments, changes on the 12/14/10 Meeting Minutes. She added that she had found an error on Page 1, III, paragraph 1. The first sentence should begin with “Vice Chair Flebotte called the Public Hearing...” She also stated that the actual Legal Notice for the Public Hearing should have been included within the Minutes following the statement, “Acting Secretary Robert Minch read the Legal Notice for William Salka for the record.”

PUBLIC NOTICE SOMERS ZONING BOARD OF APPEALS Notice is hereby given that the Zoning Board of Appeals of Somers, CT will hold a public hearing and a regular business meeting on Tuesday, December 14, 2010 at 7:30 P.M. in Town Hall, 600 Main Street, Somers, CT to consider the following: 1. William M. Salka of 43 Bald Mountain Road, Somers, CT is seeking a variance from Somers Code Section 214-98 requirement of 50 feet for front yard setback and 25 feet for side yard setback for location of a proposed in-ground swimming pool at his residence with front yard setback of 18 feet and side yard setback of 7 feet and, a variance from Somers Code Section 214-16D (1) requirement that no structure shall be erected between the building line and the street line, except a wall or fence not over three feet in height and not more than one-half solid, excluding stone walls and agricultural fences taller than 3 feet in height for location of a proposed fence 4 1/2 feet in height. At this hearing, interested persons may be heard and/or written communications received. A copy of this petition is available for review during normal business hours in the Land Use Office. Dated at Somers, CT this 16th day of December, 2010 ZONING BOARD OF APPEALS Barbara Flebotte, Vice Chairman Daniel Scully, Secretary.

Ms. Flebotte also pointed out typos in the spelling of “Business” in the headings of Section VII and Section VIII.

A motion was made by Mr. Minch to approve the Minutes of the December 14, 2010 Regular Meeting as amended; seconded by Mr. Krein. A unanimous vote to approve followed.

V. PUBLIC HEARING DISCUSSION/DECISION:

Ms. Flebotte tabled any discussion/decision as the Applicant is still not present.

VI. OLD BUSINESS:

None.

VII. NEW BUSINESS:

None.

VIII. CORRESPONDENCE:

None.

IX. BILLS:

Ms. Flebotte presented the following invoice for payment:

Journal Inquirer	\$228.23
(2 Legal Notices)	

A motion was made by Mr. Scully to pay the bill; seconded by Mr. Minch, then unanimously voted as approved by members.

X. ADJOURNMENT:

Ms. Flebotte asked for a motion of adjournment.

Mr. Krein asked about the need for the Applicant to be present in order for the Board to make a decision on Mr. Salka’s application. He added that it appeared Mr. Salka had re-processed his Application. Mr. Scully said they could make a decision; that the Applicant did not have to be present. Mr. Young stated that the Applicant had made the changes requested by the ZBA Board at the December meeting. Ms. Flebotte suggested they move to the Public Hearing then.

XI. PUBLIC HEARING (William Salka):

Vice Chair Flebotte called the Public Hearing portion of the meeting open at 7:43 pm. She stated for the record that the Applicant is not present, nor any representative of Mr. Salka. Additionally no abutting homeowners, or interested citizens are in attendance for this Public Hearing.

Secretary Daniel Scully Minch read the legal notice for William Salka into the record:

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With no Applicant or audience present, the Public Hearing closed at 7:46 pm.

XII. PUBLIC HEARING DISCUSSION/DECISION:

Ms. Flebotte asked members for comments or concerns on the Application. Mr. Marceau said he didn't see any problem with the revised application, but questioned the Board's ability to render a decision without the Applicant to question, or any neighboring homeowners to speak about the application. Mr. Minch reminded members that they had asked the Applicant to re-submit with changes and Mr. Salka had complied. He added that the adjacent property is Town owned. Ms. Flebotte mentioned she had asked Shirley Taylor in the Town Planning Department, to relay the information to determine who should look at the property for the Town. Ms. Flebotte said that all abutters had been notified twice regarding this application.

Mr. Scully questioned the placement, although he understood that the steep slope behind the house created the hardship, making it nearly impossible to locate the pool there. Mr. Minch stated that there is only one house across the front yard, and it is set down, so it would not be in a sight line. Ms. Flebotte said both the driveway and the septic system also interfered with any other placement as well. Mr. Scully asked if there were any plans to extend the cul-de-sac. Ms. Flebotte stated only if the Town sold the land. Mr. Scully and Mr. Marceau stated their concern of setting a precedent with this request. Ms. Flebotte stated they had seen pool setback requests previously, simply not as extensive, nor for a front yard. She asked members if they had any other questions or concerns. None were brought forth.

A motion was made by Ms. Flebotte to approve William Salka's request for variance granting a front yard setback of 18 feet and side yard setback of 7 feet and, and a proposed fence 4 1/2 feet in height, for a proposed in-ground swimming pool. The motion was seconded by Mr. Krein. In the vote that followed: Ms. Flebotte and Messrs Minch, Young, Marceau, and Krein voted as approved; while Mr. Scully abstained, as he hadn't attended the December 2010 meeting. The motion carried.

XIII. ADJOURNMENT:

Ms. Flebotte asked for a motion of adjournment.

A motion to adjourn was made by Mr. Minch; seconded by Mr. Young, and unanimously approved to adjourn the January 11, 2010 regular meeting of the Zoning Board of Appeals at 7:56 pm.

Respectfully submitted,

Kimberly E. Dombek, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.