

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 14, 2008**

I. Call to Order: Chairman Torres called the meeting to order at 7:33 pm.

II. Members Present: John Torres, Barbara Flebotte, Daniel Scully, Robert Minch, Jerome Young and alternate B.J. Ferro III.

Public Hearing was opened at 7:34 P.M.

III. Public Hearing

1. Walter and Deborah Kaczmarczyk

Legal notice was read: Walter and Deborah Kaczmarczyk of 136 Parker Road, Somers, CT are seeking a variance from Somers Code §214-98 requirement of 25 feet for side yard setback in order to allow for location of a proposed detached garage addition to their residence at 136 Parker Road, Somers.

Walter and Deborah Kaczmarczyk were present and presented a lot map showing the layout of the home with existing two car garage, septic system, swimming pool and proposed two car garage for which the variance is needed. This new garage is needed to house the Kaczmarczyk's truck and for additional storage.

Walter explained that the variance is required because the proposed garage would have to be built 5 feet from a 75-foot wide open field owned by Jeff Lipton. The Kaczmarczyk's have a 99-year lease on this property and they maintain and insure it. The proposed garage placement allows for the required 10-foot buffer from the septic system and does not obscure their neighbor's views.

Most of their neighbors provided letters stating that they have no objections to the garage. Walter stated that one neighbor did express reservations about the proposal and would not provide a letter but that this neighbor was aware of this meeting and chose not to attend.

The hardship is that the location of their septic system prevents construction of the garage in another area of their property.

The Board pointed out that the abutting property that would be affected is a large flag lot and that the 75 foot wide field could only be used for a road but no other construction.

No abutter spoke for or against the application.

2. Todd and Debra Whitford

Legal Notice was read: Todd and Debra Whitford of 95 Skyridge Drive, Somers, CT are seeking a variance from Somers Code §214-98 requirement of 25 feet for side yard setback in order to allow for location of a proposed detached two-bay garage addition to their residence at 95 Skyridge Drive, Somers.

Todd Whitford was present and spoke regarding the application. He explained that the hardship is the very steep topography of his lot. He provided photographs showing the challenges presented by the property and the leach field. He also provided an aerial photograph on which he drew the placement of the proposed

garage. The purpose of the garage is to house the Whitford's 23-foot camper. If parked on the driveway, there is room for no other parking and guests must use the street. This creates a traffic safety hazard.

Plans for the garage were provided. Construction will require excavation into the hillside. A concrete foundation would be poured below grade and only a two-foot knee wall and roof would be above grade. The garage will be built at an obtuse angle to the property line, so the closest corner will be no less than 8 feet from the line.

Any water flowing off the roof would be diverted into an existing catch basin at the top of the driveway where a brook flows down the mountain then through an 18-inch concrete culvert under the driveway. Todd Whitford provided the as-built plan of the abutting Peck property and described the water flow between the properties. Currently, there is a rock-lined swale separating the properties that directs water into the Town drainage system. Any excess drainage would go into this system. Subterranean water would go to the foundation drains installed around the garage.

Because of the proximity of the brook to the proposed structure a wetlands application was filed. The Wetland Commission has approved the application and the minutes of that meeting were provided to the Board. As a condition of Wetlands approval a stipulation was added that the existing topography shall not be changed.

A letter from Wetland and Erosion Control Officer, David Askew, was also provided stating that after reviewing the site he has no concerns regarding the project's impact on either wetlands or erosion. John Collins, Somers Building Official, has reviewed the building plans and has assessed that the structure meets code and that the drainage will not present a problem when diverted to the catch basin. In addition, the applicant hired a civil engineer, Tim Coon of J.L. Russo & Associates to examine the site and the plans in respect to erosion concerns. Coon wrote a letter that was provided to the Board stating that he found no adverse impact to the adjoining property.

The Whitford's intend to maintain the wooded border along the property line in question. Currently, there is a stockade fence where the garage is proposed. Only the roof peak would be higher than this fence and the applicant will replace the fence if his neighbor prefers this.

The hardship is that the steep topography of the lot allows no other place to build the garage. A variance of 17 feet is needed.

The floor was opened to comment from the abutters.

Susan Peck, 91 Sky Ridge Drive, asked the applicant if the property line had been surveyed yet. Todd Whitford explained that if the application is approved he will have the line surveyed. He stated that he had used a laser line that gave an estimated line.

No other abutters spoke for or against the application.

1. The Congregational Church of Somersville, CT

Legal notice was read: The Congregational Church of Somersville, CT is seeking a variance from Somers Code § 214-57 requirement for "Signs in Residential Districts", in order to allow for location of a new church advertising sign to be located on the church property at 22 Maple Street, Somersville, CT.

Rev. Graham Van Keuren spoke on behalf of the church. He explained that Mrs. Geneva Farnham donated the proposed sign. Mrs. Farnham relied on a copy of the Zoning Regulations regarding signage that she

received from a Town employee who is a friend of hers. Unfortunately, she was not given the proper regulation for a residentially zoned property. Mrs. Farnham had a beautiful sign created at considerable expense using the erroneous criteria. This sign is currently in storage pending the desired issuance of a variance by this Board.

Rev. Van Keuren provided a hand drawing of the sign to the Board. Maximum size of a sign in a residential zone is 15 square feet and this sign is 17 ½ square feet. The present sign is also non-compliant and is about the same square footage but was grand-fathered. The new sign is intended to be installed on the other side of the front walk to the church. Since it will be moved it will not be grand-fathered.

The hardship, as Rev. Van Keuren explained is that a smaller sign would not allow the church to list all the messages and events they need to communicate.

A motion was made by Commissioner Minch; seconded by Commissioner Scully and unanimously voted to close the Public Hearing at 8:24 pm.

IV. Regular Meeting

The regular meeting continued at 8:24 pm.

V. Minutes Approval – August 12, 2008

The Commission reviewed the minutes of the August 12, 2008 meeting.

A motion was made by Commissioner Flebotte; seconded by Commissioner Young and unanimously voted to approve the minutes of August 12, 2008 as written.

VI. Public Hearing Discussion/Decision

1. Walter and Deborah Kaczmarczyk

The Board agreed that the applicant is limited to where the structure can be built because of the leach field.

A motion was made by Commissioner Scully; seconded by Commissioner Minch and voted unanimously to cease discussion and vote.

The Commission voted unanimously to approve the 20-foot variance of Somers Code §214-98 requirement of a 25-foot side yard setback to allow the installation of the detached garage.

2. Todd and Debra Whitford

The Board expressed that the applicant had answered the questions from the last hearing. The appropriate Town authorities have addressed the water and structure concerns as well.

A motion was made by Commissioner Minch; seconded by Commissioner Flebotte and voted unanimously to cease discussion and vote.

The Commission voted unanimously to approve the 17-foot variance of Somers Code §214-98 requirement of a 25-foot side yard setback to allow for the installation of the detached garage.

3. The Congregational Church of Somersville, CT

The Board agreed that placement of the sign was not an issue but only that the sign was 2 ½ square feet larger than the Town allows.

A motion was made by Commissioner Scully; seconded by Commissioner Young and unanimously voted to cease discussion and vote.

The Commission voted unanimously to approve the variance of Somers Code §214-57 and to allow the location and size of the new sign.

VII. Old Business:

Commissioner Minch suggested that the Board receive and read the minutes requiring approval prior to a meeting. Selectman Pinney pointed out that under a new State law, the Town is required to post the minutes to their website within seven days. Agendas must be posted to the website 24 hours prior to the meeting.

VIII. New Business:

Chairman Torres announced that he is hoping to find someone willing to become Chairman of the Zoning Board of Appeals.

IX. Correspondence:

There was none.

X. Bills:

A motion was made by Commissioner Scully; seconded by Commissioner Minch and unanimously voted to pay any outstanding bills including the Journal Inquirer advertising bill of \$983.75.

XI. Adjournment:

A motion was made by Commissioner Ferro; seconded by Commissioner Scully and unanimously voted to adjourn the Regular Meeting of the Zoning Board of Appeals at 8:54 pm.

The meeting stood adjourned at 8:54 pm.

Respectfully Submitted,

Jeanne Reed
Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING