

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
TUESDAY, JUNE 9, 2009**

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

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

Public Hearing was opened at 7:32 P.M.

III. Public Hearing

1. Somers Golf Center

Legal notice was read: Somers Golf Center of 349 Main Street, Somers, CT is seeking a variance from Somers Code Section 214-57 requirement for "Signs in Residential Districts", in order to allow for location of a new oversized business sign to be located at the Somers Golf Center at 349 Main Street, Somers, CT.

Professional Engineer, Timothy Coon, of J.R. Russo & Associates LLC represented the applicant, Driving Range 349 Main Street LLC. Mr. Coon presented a lot map and explained the layout of the site and the surrounding properties. The 18.6-acre subject property is in the A-1 zone. Currently there is a driving range on the site and soon a miniature golf course will open along with a snack bar that will be an accessory use to the golf center. The applicant is requesting a variance from the 15 square foot maximum size for the business's sign.

Mr. Coon showed a drawing of the 24.66 square foot sign that the applicant proposes. He explained that the other businesses and the municipal building in the area all have signs that exceed 15 square feet. He presented photographs of the other signs and gave their dimensions: Maturo Farms 4feet X 8feet; Somers Funeral Home, 22 square feet; and the Somers Fire Department, 54 square feet. He said the Golf Center is asking for the same rights for advertising as these other endeavors. He further explained that a 15 square foot sign would not have enough room to give the necessary information of the multiple business uses on the subject property.

Mr. Flebotte said she measured the other signs and some of her measurements differed from those submitted by Mr. Coon. She found the sign for Somers Funeral Home to be 14.625 square feet. Maturo's Farm is 32 square feet but predates the regulations and she did not measure the Firehouse sign because she believes that a municipal building is not subject to the business sign restriction.

Chairman Torres cited section 214-52 of the Somers Code, which sets the maximum height of a sign to be 6 feet in an A-1 zone. Mr. Coon stated that he had not been informed of this regulation by the land use department. The proposed sign exceeds this maximum by 20 inches.

Chairman Torres informed Mr. Coon that the applicant's notice would need to be re-publicized with the height variance included and this evening's hearing needed to be discontinued. A new public hearing date will be set.

The Commissioners agreed however, to discuss the sign since Mr. Coon was before them. They asked about the lighting and Mr. Coon said that there will be ground mounted lighting to illuminate the sign.

Chairman Torres cited a letter he received from the CT Water Company and asked if the applicant had notified CT Water regarding any construction activities in the aquifer. Mr. Coon stated that the property does not fall within the aquifer protection area. However, the inland wetlands and watercourses regulations had been addressed.

Mr. Coon reiterated that he hoped the Commission would consider that the proposed sign is consistent with the other signs in the area.

The stated hardship is that the applicant asks for the right to advertising equal to the other properties and also that the Driving Range needs more signage to display the multiple uses. The Commissioners stated that the need for advertising is not considered to be a hardship by the State.

A motion was made by Commissioner Minch; seconded by Commissioner Flebotte and unanimously voted to continue the hearing next month.

Mr. Coon said he would amend the application and the photographs of the other establishments were submitted for the record.

2. Christopher Dennis

The legal notice was read: Christopher Dennis of 81 Pinney Road, Somers, CT is seeking a variance from Somers Code Section 214-98 requirement of 25-feet for side yard setback in order to allow for location of a proposed storage shed at the rear of his property at 81 Pinney Road, Somers, CT.

Mr. Dennis stated that he purchased his property in October 2008. The prior owners of the property had a shed installed on a 12' X 16' stone pad, but they took the shed with them when the property was sold. The applicant is asking to replace the shed with another of the same size. He provided a photo of the property with the original shed on it. He explained that moving the shed to an area outside the 25-foot setback would require cutting trees and moving the stone slab.

The Commission noted that the prior shed was installed without a permit. It was also noted that the stockade fence that runs along the property line would prevent a view of the shed from the neighboring property. The Commissioners discussed with Mr. Dennis the possibility of moving the shed location to other areas of the property but the septic system and some large trees prevented other options.

A motion was made by Commissioner Scully; seconded by Commissioner Young and unanimously voted to close the Public Hearing at 8:15pm.

IV. Regular Meeting

The Regular meeting continued at 8:16pm.

V. Minutes Approval – March 10, 2009

Corrections to the minutes of March 10, 2009 to be made as follows: Item III on lines one, two and three change 2009 to 2008.

A motion was made by Commission Minch; seconded by Commissioner Flebotte and unanimously voted to approve the minutes of March 10, 2009 as amended.

VI. Public Hearing Discussion:

1. Somers Golf Center - Discussion discontinued until future date.

2. Christopher Dennis

Commission Torres kept the photograph of the old shed for the record. The Commissioners determined that the last she was probably installed illegally and therefore the case would need to be judged on its own merits. They agreed that because of the septic system, the large trees and possible wetland encroachment there was no better place for the shed.

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

The commissioners voted unanimously to allow the 22-foot variance of the Somers Code requirement of a 25-foot side yard setback to allow construction of the shed.

VII. Old Business: There was no old business.

VIII. New Business: There was no new business.

IX. Correspondence:

Chairman Torres distributed a copy of a letter from the CT Water Company. The letter claimed that a map of the aquifer area had previously been mailed to the ZBA, but this was never received. Chairman Torres said he would discuss the letter with Mr. Jacobs.

X. Bills:

A motion was made by Commissioner Flebotte; seconded by Commissioner Scully and unanimously voted to pay any outstanding bills including the Journal Inquirer bill.

XI. Adjournment:

A motion was made by Commissioner Scully; seconded by Commissioner Minch and unanimously voted to adjourn the Regular Meeting of the Zoning Board of Appeals at 8:37 pm.

The meeting stood adjourned at 8:37 pm.

Respectfully Submitted,

Jeanne Reed
Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING