

**TOWN OF SOMERS  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
TUESDAY, DECEMBER 8, 2009**

**I. Call to Order:** Chairman Torres called the regular meeting to order at 7:30 pm.

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

Public Hearing was opened at 7:30pm.

**III. Public Hearing**

**1. Winthrop Stevenson**

Commissioner Scully read the Public Notice.

The applicants sent a letter to the ZBA withdrawing their application. Commissioner Scully read this letter dated November 14, 2009 to the Commission.

**2. Nicholas and Eleni Diakostravrianos**

Mr. Diakostravrianos provided a drawing and photos of his property. He explained that he is seeking a variance to install a permanent 12' X 24' shed on the property. Due to the wetness of the property the shed cannot be installed in another area of his lot.

Currently there is a temporary 10' X 14' tent-like structure where the new permanent structure will go if approved. Mr. Diakostravrianos was unaware that a permit was needed for the temporary structure that was erected 2 or 3 years ago to shelter his vintage car. There is a fence on the applicant's property that is very close to this structure and about 10 feet from the side yard property line. Mr. Diakostravrianos provided a photo of the proposed Kloter Farm Shed that he proposes to install in place of this temporary structure. The new structure would be 4 feet from the applicant's house.

There is no septic system on the property and there will be no electric installed in the shed. The Commissioners acknowledged that the property has water problems.

Chairman Torres stated that this application would make a non-conforming use to be a conforming use. However, he pointed out that if the temporary structure has been in place for 3 years the Town cannot require its removal.

The hardship is the wetness of the property and the lot configuration.

*A motion was made by Commissioner Flebotte; seconded by Commissioner Scully and unanimously voted to cease discussion and vote and to close the Public Hearing.*

The hearing stood adjourned at 7:51pm.

**IV. Regular Meeting**

The Regular Meeting was continued at 7:51pm.

**V. Minutes Approval: October 13, 2009**

*A motion was made by Commissioner Minch; seconded by Commissioner Flebotte and unanimously voted to approve the Minutes of November 30, 2009 as written.*

**VI. Public Hearing Discussion/Decision**

## **1. Winthrop Stevenson**

The Commission discussed the Stevenson's timeline for submission of another application. Chairman Torres explained that since the application was withdrawn and no decision was made the applicant can come back with the application at any time.

## **2. Nicholas and Eleni Diakostravrianos**

Chairman Torres recapped stating that the applicant has an illegal structure and is requesting to replace this with a permanent structure. The new structure would be the same 11.5-foot distance from the side yard as is the current structure.

A discussion ensued regarding what the distance of the variance should be. The Commission agreed that a 14-foot variance would allow 11 feet from the property line for installation of the shed.

Mr. Diakostravrianos stated that he had notified his immediate neighbors of his application and neither expressed their disapproval.

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

*The Board voted unanimously to approve the variance of 14' side yard setback to allow for the new structure.*

## **VII. Old Business - There was no Old Business.**

## **VIII. New Business**

Chairman Torres distributed copies of the proposed ZBA meeting schedule for 2010 for review and comment by the Commissioners.

*A motion was made by Commissioner Flebotte; seconded by Commissioner Scully and unanimously voted to accept the schedule as proposed.*

## **IX. Correspondence: There was no Correspondence.**

## **X. Bills:**

The following bill was submitted for payment:

Journal Inquirer	\$771.26	for 2 Public Hearings and Sessions
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*A motion was made by Commissioner Minch; seconded by Commissioner Scully and unanimously voted to pay the bills.*

## **XI. Adjournment:**

*A motion was made by Commissioner Scully; seconded by Commissioner Flebotte and unanimously voted to adjourn the Meeting of the Zoning Board of Appeals at 8:13 pm.*

*The meeting stood adjourned at 8:13 pm.*

Respectfully Submitted,

Jeanne Reed  
Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING