

TOWN OF SOMERS  
ZONING BOARD OF APPEALS

REGULAR MEETING MINUTES  
July 10, 2013 Somers Town Hall

**1. CALL TO ORDER**

The meeting was called to at 7:33 P.M. by Chairman Minch.

**2. ROLL CALL**

Members Present: Chairman-Robert Minch, Vice-Chairman-Barbara Flebotte,  
Secretary-Dean Hills, Lucas Cherry, Douglas Stebbins

Members Absent: Jerome Young, B.J. Ferro III

Audience Members: Luis Valentin, Lynn Sullivan

Chairman Minch announced that Dan Marceau had submitted his resignation from the ZBA to the First Selectman and that there is an Alternate ZBA position that needs to be filled.

Chairman Minch thanked Mr. Marceau for his service to the ZBA and the Town of Somers.

**3. PUBLIC HEARING**

**173 Parker Road: Luis Valentin & Lynn Sullivan**

The legal notice was read into the record. Lynn Sullivan and Luis Valentin of 173 Parker Road are seeking a variance of 20' from the required 25' of Somers Code Section 214-98 concerning side-yard setbacks for primary structures to construct a garage.

The applicants had previously supplied proof of notification of abutters at the June 11, 2013 ZBA regular meeting. It was noted by Chairman Minch that the property map(s) supplied for the June 11<sup>th</sup> meeting by the Building Dept. were the official and correct documents.

Chairman Minch acknowledged the receipt of a letter from Pamela & Lawrence Deptula of 179 Parker Road, which said property abuts 173 Parker Road, and further stated that the Town of Somers is not responsible for any of the items or issues addressed in the letter.

Mr. Valentin & Ms. Sullivan presented some drawings and concept sketches to the Board for review. Vice-Chairman Flebotte asked about a shed that was previously located in the front of the property. The applicants stated the shed had been moved to the rear of the property prior to them purchasing the property.

Vice-Chairman Flebotte also asked about the difference in elevation from the front to rear of the proposed garage and asked if a retaining wall would be required. The

applicants stated that there is currently a retaining wall for the existing garage approximately 3' high that would probably have to be extended.

A motion was made (Cherry) and seconded (Hills) to end the Public Hearing and enter the Public Hearing Discussion/Potential Decision portion of the meeting. Motion approved unanimously.

#### **4. PUBLIC HEARING DISCUSSION/POTENTIAL DECISION**

##### **173 Parker Road: Luis Valentin & Lynn Sullivan**

There was a brief review of the presentation by Chairman Minch.

Mr. Cherry had some concerns about the building meeting zoning regulations. It was clarified that if the variance was granted, the applicants would then have to proceed through the rest of the permitting process in which those concerns would be addressed.

Vice-Chairman Flebotte was concerned that the proposed garage didn't meet either the current 25' standard or the previous 15' standard.

Mr. Stebbins expressed concern with the proposed garage being only 5' from the property line.

There was a discussion with regard to difference in elevation from front to back of the proposed garage and the possible effects of water runoff due to that difference. Vice-Chairman Flebotte and Mr. Stebbins both expressed concerns over possible runoff issues.

A motion was made (Stebbins) and seconded (Cherry) to end discussion and vote on the application.

Votes for approval: Minch, Hills, Cherry

Votes against approval: Flebotte, Stebbins

Application is denied (Note: Four votes for approval are required for an application to be approved).

#### **5. NEW BUSINESS**

##### **ZBA By-Laws**

There was a brief discussion in which it was acknowledged that many other neighboring towns have By-Laws. Secretary Hills reported his progress on draft By-Laws and stated that he should have the draft ready for distribution prior to the August ZBA meeting. It was suggested that, perhaps, the official review could be postponed until the first autumn ZBA meeting.

##### **Variance Time Limits**

Chairman Minch asked the Board members whether they might consider putting a time limit on some specific variances. He said he thought this may be necessary in some cases due to changes in conditions of properties over time. The time limit would be from the granting of the variance to the issuance of the building permit.

Chairman Minch said he spoke with Town Attorney Carl Landolina who said there was a court case downstate with time limits that was not acted upon by the court. It was noted that the case wasn't specifically about the time limit, but that it didn't become a factor in the case. He also spoke with former ZBA Chairman, John Torres, who stated that there have been some time limits in the past on specific variances.

Chairman Minch stated that he asked Building Inspector, John Collins, to add the topic to the agenda of the Zoning Board's next meeting (7/15/13), which he agreed to do.

The ZBA agreed to take no action at this time and to wait until the Zoning Board discusses the topic. Put in Unfinished Business.

## **6. Correspondence**

Secretary Hills stated that he had sent a letter to Mr. Lawrence Deptula of 179 Parker Road confirming that variances, once granted, appeals process time limit being over, and properly filed with the Building Dept., are to run with the land. Any member that wishes to see the letter may contact Michael D'Amato in the Building Dept. and request a copy.

## **7. Minutes Approval**

June 11<sup>th</sup>, 2013 ZBA Regular Meeting Minutes

Section II (2), Page 2, Paragraph 3, Line 3: Change to: " . . . said he recently had a new GPS survey done . . . "

Section VI, Minutes Approval: Change to: May 14<sup>th</sup> 2013 Regular Meeting Minutes

A motion was made (Stebbins) and seconded (Cherry) to accept the May 14<sup>th</sup> 2013 Regular Meeting Minutes as amended. Motion approved unanimously.

## **8. Adjournment**

A motion was made (Minch) and seconded (Flebotte) to adjourn the June 9<sup>th</sup> ZBA regular meeting at 8:37 P.M. Motion approved unanimously.

Respectfully submitted,

Dean Hills  
Secretary  
Somers Zoning Board of Appeals

NOTE: These minutes are not considered official until approve at the next subsequent meeting.