

**Town of Somers  
Zoning Board of Appeals  
Regular Meeting  
April 12, 2016 – 7:30 P.M.  
Lower Level Conference Room**

**Call to Order**

The meeting was called to order by Chairman Hills at 7:30 P.M.

**Roll Call**

Present: Dean Hills, Doug Stebbins, Susan Peck, Joe Marinaccio, B.J. Ferro III

Absent: Len Van Wingerden

Audience: John Bartolf

**New Business**

**Public Hearing**

The legal notice was read into the record by Chairman Hills:

#16-001: John M. & Donna J. Bartolf, 26 Sokol Road, seeking a variance from Section 214-98 of the Somers Code concerning side yard setback requirement of 25 Ft.; to construct a 30 Ft. x 50 Ft. Detached Garage (14') fourteen Ft. from the property line.

John Bartolf gave a brief presentation of the proposed garage. Chairman Hills explained that it is the ZBA's duty to uphold the spirit of Somers' zoning regulations, and, due to the fact that the lot is a conforming lot and the size of the proposed garage, there was no physical hardship present and the granting of a variance in this case would contradict the spirit of the zoning regulations. The definition of what constitutes a hardship and the ZBA's role in determining if a hardship is present were explained to Mr. Bartolf. The other ZBA members concurred that a variance could not be granted in this case.

Several ZBA members offered suggestions on modifying the project to meet zoning regulations. It was decided that the ZBA would not act on Mr. Bartolf's application at this time in order to give him a chance to review and perhaps modify the proposed garage. The application was not tabled as no motion had been made on the application.

**Public Hearing Discussion/Decision**

None

**Other New Business**

Susan Peck had a question with regard to the notification of abutters one week prior to the meeting by certificate of mail. She wanted to know if that meant that the letters to abutters had to postmarked one week prior to the meeting and was concerned that if that was the case, the abutters might not receive the letter in a timely enough manner. Chairman Hills will ask ZEO Jennifer Roy how or if that regulation might be changed.

Susan Peck commented that the By-Laws stated that the ZBA shall meet at least quarterly for a business meeting. Chairman Hills explained that in the past the ZBA did act on bills generated by the ZBA, and that was the origin of that by-law, but that this is no longer the case. The Land Use Office takes care of all the ZBA's financial affairs. It was agreed that the by-law should be reviewed. Review of the By-Laws needs to be added to the next meeting's agenda.

Susan Peck stated that she had been on the Town's website and noticed that it showed that some of the ZBA members terms were expired. Chairman Hills stated that he believed that this had come up once before and that the member's terms had been renewed by the Board of Selectmen, but the website had not been changed. Chairman Hills will follow-up with First Selectman Pellegrini to make sure this is the case. He will also check with ZEO Jennifer Roy to see if the website can be updated after confirmation from First Selectman Pellegrini.

#### **Unfinished Business**

None

#### **Correspondence & Bills**

None

#### **Minutes Approval-December 8, 2015**

It was moved (Marinaccio) and seconded (Stebbins) to approve the minutes as presented. Motion passes unanimously.

#### **Adjournment**

It was moved (Ferro) and seconded (Stebbins) to adjourn the regular meeting of the ZBA at 8:01 P.M. Motion passes unanimously.

Respectfully submitted by,

Dean Hills  
Chairman-Somers Zoning Board of Appeals