SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes
January 5, 2012
Norma Drummer Room, Town Hall

Members Present: Nicolette O'Toole, John Uhelsky, Melissa Smith-Poynton, Robert Ricciutti, Ted Holly, Patrick Lombardi (Alt.) and Susan Liscinsky (Alt.)

Others Present: Bob Looker, Town Planner, Bill Paecht, ZEO

The meeting was called to order at 7:30 p.m. by Theresa Conroy, acting Chairman.

1. An application for a side yard variance for the purpose of establishing an interior lot at 57 Mountain Road. The side yard to be 57.1 feet where 65 feet is required. This hearing is continued from December 1, 2011.

Atty. Dominick Thomas, 315 Main Street, Derby was present for the applicant. He stated that the variance requested was previously voted upon and received three positive votes and one negative vote and four positive votes are needed for the variance to be approved. He stated that they came back and asked the Board to reapply and have five members present to vote on the application. That vote was affirmative and they were able to reapply and are now asking for the variance.

Atty. Thomas stated that Lot 5 ended up being an enormous lot that was considered a front lot. He presented a chart showing the bulk standards for a front lot and an interior lot and what Lot 5 has with regard to those standards. He stated that this lot has 117,946 s.f. plus 11,614 sf accessway for a total of 129,560 sf in total lot size. He stated that if it were an interior lot it would be 404' from Mountain Road and 208' to the front lot. He stated that the intent of the regulations is to have larger lots as interior lots and this lot has the size. They are only asking for a variance of approximately 7.9 feet. The side yard where the variance is needed is a treed area. He stated that all other regulations are met and exceeded. He stated that this complies with the spirit of the law.

Joseph Nesteriak, engineer stated that D. Gunderson, 55 Mountain Road had been at previous hearings and was concerned about this application. Mr. Nesteriak stated that he met with Mr. Gunderson and showed him the plans and that it was over 100' from his house. He stated that Mr. Gunderson was satisfied and stated that he would not be attending this hearing and was not opposed. Mr. Lombardi asked if he had anything in writing from Mr. Gunderson. Mr. Nesteriak stated that he did not but had indicated that he would not be attending the hearing and would not speak against the application.

Atty. Thomas stated that this is only the first step in their zoning process and they would have to go to Inland Wetlands and Planning and Zoning is the variance is approved.
Acting Chm. O'Toole asked for any public comment on this application.

Sandra Opotzner, 2 School St. stated that Mr. And Mrs. Costanzo are in Florida but they had submitted a letter regarding this application and she asked that it be read into the record.

Chm. O'Toole read the letter dated 12/29/11 from Marilyn and Louis Costanzo, 61 Mountain Road, in opposition to this application (copy attached).

Atty. Thomas stated that the concerns in the letter are addressed to proposed Lot 6. He stated that at this time the Board is not approving an extra lot. He stated that interior lot regulations are done so that the lots are larger and this property will be triple the size required. He stated that they are not asking for a variance which could create a house that is too close to other houses or create a cluster situation. This would create the least amount of disturbance to the wetlands and it will be as far as possible from the wetlands. He stated that it will be located away from the wetlands and any slops and it is the best area from an environmental perspective. The driveway will be in the same location as it is now.

Atty. Thomas stated that all the points brought up in the Costanzos’ letter will be seriously considered by Inland Wetlands and Planning and Zoning.

Mr. Looker stated that as far as the question of the water supply when a subdivision application is filed if the applicant proposes public water and sewers then something in writing needs to be submitted from the Sewer Authority and Water Company. They presented a letter from Aquarion Water that water could be supplied but never promised to do it. Therefore, public water was required for the lots. Atty. Thomas stated that when his clients purchased the property from the original applicants, they asked to have it modified and the lots were able to be serviced by wells. There are public sewers for the lots.

Respectfully submitted,

Maryanne DeTullio, Recording Secretary
2. An application for a side yard variance for the purpose of establishing an interior lot at 57 Mountain Road. The side yard to be 57.1 feet where 65 feet is required. This hearing is continued from December 1, 2011.

MOTION: R. Ricciutti/T. Holly to approve the application for 57 Mountain Road. Mr. Ricciutti stated that the house is existing and the variance is only for 7.9'. Also, the applicants still have to go before Inland Wetlands and Planning & Zoning.
In favor: O'Toole, Smith-Payton, Ricciutti, Holly - Opposed: Uhelsky
Motion Carried: 4-1

1. Election of Chairman and Vice Chairman.

MOTION: M. Smith-Poynton/R. Ricciutti, to table this item to the February Meeting.
In favor: O'Toole, Smith-Poyton, Uhelsky. Ricciutti, Holly
Motion Carried: 5-0.

3. Minutes - Public Hearing and Regular Meeting - December 1, 2011

MOTION: M. Smith-Poynton/J. Uhelsky to approve the minutes of the Public Hearing and Regular Meeting on December 1, 2011.
In favor: O'Toole, Smith-Poyton, Uhelsky, Ricciutti, Holly
Motion Carried: 5-0

MOTION: M. Smith-Poynton/R. Ricciutti to adjourn the meeting.
In favor: O'Toole, Smith-Poyton, Uhelsky, Ricciutti, Holly
Motion Carried: 5-0.

The meeting was adjourned at 8:25 p.m. by Nicolette O'Toole, Acting Chairman.

Respectfully submitted,

Maryanne DeTullio, Recording Secretary