

SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes
August 4, 2011
Norma Drummer Room, Town Hall

Members Present: David Coe, Ted Holly, John Uhelsky, Melissa Smith-Poynton

Members Absent: Nicolette O'Toole, Theresa Conroy, Robert Ricciutti

Others Present: Bob Looker, Town Planner

The meeting was called to order at 7:45 p.m. by David Coe, Vice Chairman.

1. An application for a side yard variance for the purpose of establishing an interior lot on property known as 57 Mountain Road. Side yard to be 57.1 feet.

Atty. Dominick Thomas was present for the applicant. He stated that this is a large piece of property and it was approved as a front lot. There were some issues with zoning and they would now like to make it an interior lot. The house is constructed on Lot 5 and the side yard is only 57.1', which is a relatively small variance. Atty. Thomas presented a chart showing the requirements for a front lot, interior lot and what Lot 5 has. This would meet the requirements for an interior lot. The side yard setback for an interior lot is 65' and this lot has 57.1' so the variance needed is approximately 6.9'. He stated that the approximate location of the house would have no impact on the adjacent properties. Atty. Thomas stated that the lot has an unique size, location of wetlands and location of the driveway.

David Gunderson, 55 Mountain Road stated that it appears to him that it is completely surrounded by wetlands. Mr. Coe stated that this is just the first step for them and any wetlands issues would have to be addressed with Inland Wetlands.

Louis Costanzo, 61 Mountain Road stated that he is the previous owner of this property. He stated that they were specifically told that there could not be another lot in this subdivision and this should have been considered when it was originally approved. He was not in favor of the application.

Marilyn Costanzo, 61 Mountain Road stated that when they were going through the zoning process they were told that they could not have six lots. She stated that they were also told that they would have to provide water and sewers for the lots. There is no water on Mountain Road and they were told that they would have to bring it up to the lots. They were also told that there could be no interior lots and she emphasized that these were all conditions of the previous subdivision approval.

SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes
August 4, 2011
Norma Drummer Room, Town Hall

MOTION: J. Uhelsky/M. Smith-Poynton to close the public hearing.
In favor: Coe, Holly, Uhelsky, Smith-Poynton
Motion Carried: 4-0.

2. An application for a lot area variance and variance of pre development slope requirements for area within the setback lines for the purpose of establishing a lot designated as Parcel "B" on property known as 202 Cedar Street.

3. An application for a lot area variance and variance of pre development slope requirements for area within the setback lines for the purpose of establishing a lot designated as Parcel "C" on property known as 202 Cedar Street.

Mike Horbal was present for the application. He stated that they are asking for variances for Parcel "B" and Parcel "C" at 202 Cedar Street and no variances for 176 Cedar Street. He stated that this subdivision was created in 1953 and it created lots around the property of M Hummel. He stated that the property has an odd shaped configuration at 176 Cedar Street which goes around the lot at 202 Cedar Street. He stated that the owners of 176 and 202 Cedar Street looked at the property and the owner of 176 does not like being the owner of the section of property that goes around 202. It is inaccessible and the strip of land is only 20' wide. This would correct the shape by consolidating the two lots - Parcel "A" would be the new configuration of 176 Cedar Street; Parcel "B" would be a new lot and Parcel "C" would be the existing house at 202 Cedar Street.

Mr. Horbal stated that on Parcel "B" they need a variance for the square footage as they do not have the required 18,000 s.f.; they have 15,691 s.f. The zoning regulations require a minimum of 6,000 s.f. of slopes and they are at less than 25% and only have 1200 s.f. All the lots along Cedar Street are the same and are quite hilly. Mr. Horbal stated that Parcel "C" also falls a little short on the slope requirement but it has more than the 18,000 s.f. needed. He stated that the reason for the slope shortage is the topography of the lot. He stated that 176 Cedar Street will be left as a conforming lot and it was created prior to the slope requirements.

Mr. Horbal stated that a house can be constructed on Parcel "B" that meets the setbacks and could provide a small level yard in the rear. He stated that he felt it was reasonable to approve the variances as this will ultimately make a combination of two lots more conforming than they are now.

SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes
August 4, 2011
Norma Drummer Room, Town Hall

Ms. Smith-Poynton stated that the driveway is very difficult to maneuver and she was concerned about the stability of the hill. Mr. Horbal stated that a new driveway will be put in. He also stated that the hill is stabilized by the existing vegetation and trees and there is enough room to put the house in.

Atty. Dominick Thomas, representing the owners of 176 Cedar Street, Isabel Vazquez, stated that his client is in agreement with this application and she is happy to know that the property will be improved and her property will be conforming and they will get rid of the unusual shape.

Isabel Vazquez, 176 Cedar Street stated that she has a small retaining wall and has not had any problems with water runoff. She is in favor of the application.

MOTION: J. Uhelsky/M. Smith-Poynton to close the public hearing.
In favor: Coe, Holly, Smith-Poynton, Uhelsky
Motion Carried: 4-0.

Respectfully submitted,



Maryanne DeTullio, Recording Secretary