

SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes
November 4, 2010
Norma Drummer Room, Town Hall

Members Present: David Coe, Robert Ricciutti, Ted Holley, John Uhelsky, Nicolette O'Toole

Members Absent: Theresa Conroy

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

1. A variance to allow the establishment of a second building lot on property known as 27 Lantern Drive. The lot to be established does not have frontage on an accepted town road.

Donald Smith was present for the applicant. He stated that Mr. Astolfi would like to create a lot at the end of Lantern Drive. Mr. Astolfi owns 4.2 acres at the end of the street and the situation is that the unimproved portion of Benham Road divides their property. The old highway prevents them from getting to Lantern Drive and they need the variance for the driveway to access the lot. He stated that the hardship is that old Benham Road acts as a spite strip and prevents them from accessing their property. Mr. Coe read a letter from the adjoining neighbor which indicates that they are not opposed to the application as long as several conditions are met. They want to make sure that the driveway does not encroach on their property and that if old Benham Road is ever extended they would get a turnaround. They also want the covenants to be on the new lot. Mr. Smith stated that there would be no problem doing what they ask and that most of the covenants are protected by the zoning regulations.

Mrs. O'Toole asked how long old Benham Road has been a paper street and Mr. Smith stated that he did not know. Mr. Uhelsky asked about boundary lines and Mr. Smith stated that they are not established and once the variance is received they will do that.

There was no public comment on the application.

MOTION: Ricciutti/O'Toole, to close the public hearing.
Motion Carried 5-0.

2. Appeal of a cease and desist order relative to the keeping of about 100 pigeons at 15 Carriage Drive.

Atty. Spodnick was present and stated that his client received a cease and desist order regarding the pigeons he keeps on his property. Atty. Spodnick stated that he reviewed the regulation and he does not feel that they are in violation. The regulation does not specify the number of pigeons that are allowed and his client has taken steps to correct the situation. He stated that he met with Mr. Looker and Mr. Paecht and advised them that they were coming to the Board to appeal the order. He also met with Valley Health Department and they wanted the old coop on the property removed which has been done and the area cleaned up. He stated that they applied for a permit

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for a new coop and they received that. The new coop is completed and a certificate of occupancy issued. He contacted Valley Health for another inspection and they came out and had no further issues.

Atty. Spodnick stated that the pigeons do not have an impact on the neighborhood with noise or odor. These are domesticated pigeons which are bred for show and exhibits. He stated that the complaint was made by one of the neighbors and they attempted to contact them by certified mail and telephone to try and resolve the issues but did not receive any response from them. He submitted a letter from Roger Sledlecki, 13 Carriage Drive that he had no problem with the pigeons. He also submitted a copy of the map showing the property which has a large wooded area in the rear and no neighbors across the street. Atty. Spodnick stated that you cannot see the coop from the street and it is toward the backyard. He also presented a picture of the coop as it now exists. He stated that they are asking to be able to keep 50 pigeons and they would also agree that they would not be released at certain times. He stated that they would be happy to comply with whatever is required.

Mr. Uhelsky asked how many are there now and Atty. Spodnick stated that the cease and desist order indicates 100 and his client does not have that many. He has approximately 50. Mr. Paecht stated that at the time the complaint was made there were probably 100 or so there. Mrs. O'Toole asked about their breeding season and Atty. Spodnick stated that it is February to April and they are kept until the shows and exhibits and then they are sold or given away.

Mr. Looker read the regulation regarding this matter and stated that the Board can uphold the order; deny it or modify it. The regulation does not specify how many are allowed that would be up to the discretion of the Board. The reason the order was issued was because the ZEO did not feel that the property was in conformance with the regulation regarding the number. Atty. Spodnick stated that he did not believe that the number came from his client and he is allowed to have the pigeons and it is just a matter of how many. Mrs. O'Toole asked the size of the property and Mr. Looker stated that it is .6 of an acre.

Lauren Shackett, 9 Carriage Drive stated this is a small subdivision and the neighborhood has been dealing with these pigeons. She stated that they defecate all over the house and yards and large groups of pigeons fly around the neighborhood. She stated that she complained to Valley Health and they filed the complaint with the town. She stated that in July a pigeon went down her chimney into the fireplace. She stated that the number of pigeons was determined by the Health Department. She feels that the pigeons have a negative effect on property values. She also felt that the pigeons are breeders of disease and she felt that the order should be upheld. She submitted pictures of the pigeon that fell into her house. She also stated that she is not the only one in the neighborhood to complain.

Mr. Paecht stated that the number of pigeons did come from Valley Health.

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Atty. Spodnick stated that the pigeons are vaccinated yearly so they do not transmit diseases. He also stated that these pigeons do not defecate when flying they would have to land to defecate.

Robert Gombos, 17 Carriage Drive stated that he lives next door and has had no problems with the pigeons. He stated that they are quiet and are very trainable and he has no issues.

John Pilova, 64 Greenwood Circle stated that he does not have any problems with the pigeons they are kept as a hobby.

Mr. Kalici, 22 Smith Street, Seymour stated that he does not have any problems and the area is also kept clean.

Mrs. O'Toole asked about daily maintenance of the coops. Atty. Spodnick stated that the floor is scrapped of droppings and feathers cleaned up. All feed is kept in closed containers. Mr. Uhelsky asked how many are there now and Atty. Spodnick stated that approximately 50 to 60 and they are asking to be allowed to keep 50. Mr. Holly asked the size of the coop and it was noted that it is 14 x 8 x 7 ½.

MOTION: O'Toole/Ricciutti, to close the public hearing.
Motion Carried 5-0.

3. A variance to allow construction of a single family dwelling on property known as 11 Hillside Place. Such property does not have frontage on an accepted town road.

Atty. James Walsh, 103 Main Street, Ansonia was present for the applicant. He stated that the property was purchased from the town in 1994 and the original owner recently passed away. The family would like to develop it and the engineer told them that they needed a variance. They do not have frontage on an accepted town road. Hillside Place is a small street off of Hillside Street. Mr. Ricciutti asked the size of the parcel and Atty. Walsh stated that it is .62 of an acre. Mr. Looker stated that it is larger than necessary. Mr. Looker asked the status of Hillside Place and it was noted that it was created in 2001 and has never been accepted by the town. It looks like a wide gravel driveway. Mr. Uhelsky asked if it was flat and Atty. Walsh stated that it is not and will be difficult to develop. Mr. Looker stated that the first part is relatively flat and then it goes up.

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Charles Wailonis, 6 Rose Hill Avenue, Ansonia stated that he had a map done in 1989 and the only way to get to his property is by Hillside Place. He stated that this would benefit his lot and he was in favor.

Mr. Looker stated if this is approved a condition should be that the town is not committed to making any improvements to the street.

MOTION: Ricciutti/O'Toole, to close the public hearing.
Motion Carried 5-0.

Respectfully submitted,

Maryanne DeTullio, Recording Secretary