

COPY RECEIVED
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TOWN CLERK'S OFFICE

SEYMOUR ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING - SEPTEMBER 4, 2008

MEMBERS PRESENT: Theresa Conroy, Nicolette O'Toole, Arlene Brumer,
David Coe

MEMBERS ABSENT: Phil Wilhelmy, Robert Ricciuti

OTHERS PRESENT: Bob Looker, Town Planner, Art Baldwin, ZEO

Acting Chairwoman Conroy called the meeting to order at 7:30 p.m.

1. An application for a side yard, rear yard and lot coverage variance for the purpose of building a detached garage at 14 Stoddard Street.

It was noted that the public hearing on this matter was closed. Mr. Looker stated that originally they proposed a 26 X 36 foot garage that was five feet from the side lot line and five feet from the rear lot line. The Board felt that a three car garage in this location was a little to congested for the neighborhood. The applicants has come back in with a new proposal which is for a two car. The rear yard is still five feet and there is a steep slope there so that it will be a minimal impact. It is a good size two car garage. The side yard setback has been increased from five feet to ten feet. Mrs. O'Toole felt that this was very reasonable.

MOTION: N. O'Toole/D. Coe, to approve this application
In Favor: Conroy, O'Toole, Coe, Brumer
Motion Carried 4-0.

2. Zoning Complaint, 5 Wild Duck Drive, Pets and Other Animals.

Mr. Looker stated that the Board can listen and advise but it cannot take any official action. They can uphold the action of the ZEO or modify it, but before anything official can be done a public hearing would have to be held.

Bob Kalshavich, 4 Pleasant Drive had some pictures and felt that his neighbor was in violation of several town ordinances. He stated that they had an infestation of mice in late June and had to hire an exterminator. The exterminator indicated that the problem was coming from the neighbor who has a goat and ducks and rabbits on the property line. He stated that he is very concerned because he has small children. He stated that they got rid of the infestation but he is concerned with what might happen in the winter. He stated that they wrote to the First Selectman, Mr. Baldwin, Mr. Looker and the Health Department. Mr. Baldwin was at the property and informed him that he had asked them to move the animals further in on their property. He did not think that this will make much of a difference if they do move the animals further in. He feels that they are in

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violation of an ordinance and should be 100 feet away from the property line. He stated that they also have six accessory buildings on their property and that is in violation of regulations. He explained that they are located right behind the property with the animals.

Fred McCarthy, 94 Colony Road stated that there are three other neighbors who could not attend the meeting but are concerned with this situation. He stated that he feels that this is devaluating his property. He stated that the structures should not be there. He also stated that they are aware of the problems they have there as they have traps on their land to catch the vermin. He felt that it is a quality of life issue with the noise, smell and infestation.

Acting Chairwomen read letters from three neighbors into the record expressing their concerns with this property and stating that they wanted something done.

Tom Scofield, 103 Colony Road was concerned about vermin from this property and the effects on the neighborhood.

Property at 6 Wild Duck Road stated that he lives across the street and has been there for 23 years. He is concerned because his cats have brought home dead rats.

Property owner 2 Colony Road stated that the smells are very bad and she is concerned with the animals on this property.

Mary Sisbarro, 5 Wild Duck Road stated that she is the owner of these animals. She stated that they have four ducks and adopted these from another neighbor. She stated that she has small children herself and would not want to subject them to rats or mice. She stated that she believes that the mice might be coming from another neighbor's property which has a lot of junk on it. She stated that she cleans her yard everyday and uses wood chips so that there is no smell. Ms. Conroy asked how long she has had the animals. Mrs. Sisbarro stated that she has had the rabbits for about three years, the ducks a few months ago and the goat is a mini goat and has had it for about six months. She also stated that she had no knowledge of this meeting.

William Sisbarro, 5 Wild Duck Road stated that he put up a fence because of problems with a neighbor. He stated that he put the animals close to the property and the neighbor never said anything to him about the animals. He felt that he could have come to him and talked to him about it before going to the Town. He stated that he has moved everything away from the property line. He stated that he hopes that his neighbor will now take care of his own property.

Ms. Conroy asked if the animals are pets or livestock. Mr. Sisbarro stated that they are all pets. Mr. Looker stated that in the zoning regulations there is not limit; it is a matter of judgment. The number depends on location, size of lot, they cannot be used for

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commercial purposes and they cannot create a health hazard. Ms. Conroy stated that she felt that enough information has been given. Mr. Looker stated that there a couple of things that can happen. After the Zoning Officer has heard the testimony he can issue a written order that he inspected the property, revised the zoning and feels that it is in compliance. He could go out and inspected the property and issue a cease and desist order and indicate what has to be done to bring the property into compliance. Either party would have the right to appeal that decision. Either one would be in writing and would spell out reasons for the decision. If it has to go to public hearing, it will have to be advertised and anyone could come and speak at that time. At this time, Mr. Baldwin will have to review the situation and make a decision. Ms. Conroy stated that the Board will wait for a decision from Mr. Baldwin.

MINUTES:

MOTION: A. Brumer/N. O'Toole, to approve the minutes of the June 5, 2008 regular meeting.
In Favor: Conroy, O'Toole, Brumer - Abstained - Coe
Motion Carried 3-0-1

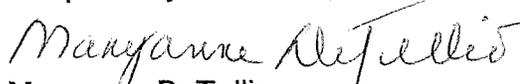
MOTION: A. Brumer/N. O'Toole, to approve the minutes of the June 5, 2008 public hearing.
In Favor: Conroy, O'Toole, Brumer - Abstained - Coe
Motion Carried 3-0-1

MOTION: N. O'Toole/D. Coe, to approve the minutes of the August 7, 2008 public hearing and regular meeting.
In Favor: Conroy, O'Toole, Coe - Abstained - Brumer
Motion Carried 3-0-1

MOTION: N. O'Toole/D. Coe, to adjourn the meeting.
In Favor: Brumer, Conroy, O'Toole, Coe
Motion Carried 4-0.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,



Maryanne DeTullio
Recording Secretary