

Zoning Board of Appeals
11-07-2019
Regular Meeting Minutes

COPY RECEIVED
DATE: 11/13/2019
TIME: 10:03 AM
TOWN CLERK'S OFFICE

Members Present: Rich Demko, Paula Chapla, John Duke, Bob Nerone

Members Absent: Tom O'Neill

Also Present: Jim Baldwin, Mike Marganski

1. Call to Order

Meeting was called to order at 7:26

2. Pledge of Allegiance

All stood and recited the pledge of allegiance.

3. Seating of Alternates

The Chair asked for a motion to seat John Duke.

Motioned by Paula. Second by Bob.

4-0

4. Public Comment

There was no public comment.

5. Approval Public Hearing Minutes; October 3rd, 2019

The Chair stated that there were a few corrections, Bob Seal and Christine A. are no longer members and should be removed. Tom O'Neil is not listed as absent and he is a member of the board.

Paula stated there were typos in the first paragraph, 9 lines down it should say "stated". If one continues to read down further, it says "when the amendment went into effect it confiscated the property" and then it just says Paula's name, and her name should be removed. PNS paving did not have anything to do with what the board discuss, therefore that whole sentence needed to be taken out of that paragraph. Going further to the end of the minutes, there was an extra T before the word "he". Page 2, "sayed" should be stated.

The Chair stated that in the second paragraph on the second page, Skokorat should be spelled correctly.

The Chair asked for a motion to pass, with the corrections.

Motioned Paula Chapla.

Second John Duke.

4-0

Paula wanted to amend one portion. Paula stated that the last page there needed to be a correction.

The Chair stated that he did not have that page but that he did not believe it was discussed at the last meeting.

Paula and Jim Baldwin both stated that it was and that the extra street is a part of the public hearing for Argon Terrace.

Paula stated on the last page it should be "taxed by Seymour" not taxes by Seymour.

The Chair asked for a motion to pass, with the amended corrections.

Motioned Paula Chapla.

Second John Duke.

4-0

6. Approval Regular Meeting Minutes; October 3rd, 2019

Bob and Christine are no longer members. Tom O'Neil is a member that should be added to members absent.

The Chair stated that at the bottom, it is noted that Seal is not a member and R. Demko and Tom O'Neill are absent, which is not true and Rich Demko was there.

MaryAnne DeTullio asked if it was for August 1st.

The Chair said they were discussing the October 3rd meeting, which are the only minutes they should have on one sheet regarding the meeting they were discussing, not a meeting going back a few months. He was unsure why it was a part of the minutes.

Paula stated there should be nothing for public comment and the line that says there was no one from the public that wished to speak, both those lines should be taken out. The line that states "approval of public hearing minutes from August 1st" should come out. Tabled the approval of the minutes from August because they needed to be corrected, and she believed they were.

The chair asked if these were the corrected minutes from August.

Paula stated no they spoke about correcting the minutes at this meeting, which they were corrected.

The Chair said it was confusing the way it was set up in terms of sequencing. Moving forward if the minutes could just be formatted more properly in terms of following the agenda that would be helpful.

The Chair asked for a motion to approve the minutes with corrections.

Motioned by Paula.

Second by John Duke.

4-0

7. 2 Bunting Road-Application for Variance; Tabled from October 3rd Meeting

The Chair stated that the reason it was tabled because there were a few questions about statutes. The first question that was presented to the land use attorney was "may the Seymour Zoning Board of Appeals grant the setback variance for the development of a single family dwelling on land that has been a lot of record, since before the change in requirements for interior lot set backs?" and "May an access way burdened by an easement still be considered an access way under the relevant regulations?"

The brief answers were yes they do have the power to develop the land, and yes it would still be considered an access way.

The Chair read the entire dissertation into the record which was submitted by Patricia Sullivan the land use attorney.

John Duke stated that he believes that the neighbors presented good arguments, but they all seemed person. He understands it is tough to have open land behind their property for so long, and now to have a new house is not easy but it seems that it is clear the owner cannot do anything with his property without getting this application passed. He will be going in Bunting's favor on this.

Bob stated that as a home-owner his heart goes out to the neighbors, but he does feel that from the legal stand point, it is legitimate and should be granted.

Paula stated she appreciated Jim Baldwin getting the answers to her questions from the attorneys. She looks at the map of the property, one of the things she looks at are lot #2 and #58A being combined together which gives .82 of an acre for the rest of the property, when you look at the rest of the lots for that road you're only looking at .28 acres. She thinks that there are places throughout Seymour where variances have been granted because they have changed over time. At this point in time, because of the attorney's response there is no reason to deny this case.

The Chair stated that this is a tough case and he wanted to give the benefit of the doubt to the homeowners who came down, but the message from the town attorney really gave them the answer of there is no other choice but to pass this because there is really no other use for this property. As stated in the previous case they granted a variance on a nonconforming lot when the record revealed there were no other uses for that lot other than the construction of a single-family home. being that this case was sited and with what the attorney said he is also inclined to say that they don't really have much of a choice, but to pass.

The Chair asked for a motion.

Paula made a motion to grant variance to side yard reduction to 25 feet from 55 feet stating as follows: the hardship is that the lot conforms to the adjoin side lots and will be confiscated as an unusable property in a residential zone which is backed up by R. Shambo, B. Landlo, CT app 382 to 383 1991 because there are no other alternative uses for the property.

John Duke seconded.

Jim Baldwin was asked if he had anything to say on the application.

4-0

Rich Demko- yes Bob Nerone- yes John Duke- yes Paula Chapla- yes

8. Staff Report

Jim Baldwin stated that he did not have any correspondence other than the town Planner Keith Rosenfeld is still consolidating the zoning regulations with the previous amendments and he is looking to resequencing them by the end of the year and hopefully we can bring them to PNZ for an acceptance and a public hearing with possibly some additional changes.

Mike Marganski had nothing at this time.

9. New Business

Jim Baldwin stated that in December there would be a site plan processing for Silvermine Road.

10. Correspondence

Memorandum from the attorney could be added to the record.

11. Public Comment

Neil DeGeornia from 60 Skokorat St, he is not sure how the applicants asked a 30 feet setback and now it is 25 feet set back. Also, when the lot was created in 2010 along with 58A, how did the zoning requirements not apply then.

Paula pointed out that it does say 25 feet throughout the whole application, but on 9-23 the public hearing it does say 30 feet.

The Chair stated that they just approved 25 feet so the application will be approved for 25 feet regardless.

12. Adjournment

The Chair asked for a motion.

Motioned by John Duke.

Second by Bob

4-0

Submitted by,

Malia McCool