

SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes

October 7, 2010

Norma Drummer Room, Town Hall

COPY RECEIVED
DATE: 10/21/10
TIME: 9:45 AM
TOWN CLERK'S OFFICE

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 lot area variance for the purpose of legalizing a two family dwelling at 175 Grand Street. This hearing is continued from September 2, 2010.

Jan Prusko and Gregory Perkowski were present. Mrs. O'Toole asked if all the permits were taken out to make it a legal apartment. Mr. Perkowski stated that Mr. Prusko did have some permits and at this point it is not finished but he will need to get further permits in order to complete the work. Mr. Coe asked if there was anyone living in the apartment and Mr. Prusko indicated that there was and it is not a family member. Mr. Perkowski stated that Mr. Prusko purchased the home several years ago and made no changes to the house. He was on the verge of losing the home so he took in a tenant. There were two kitchens and two bedrooms in the house.

Mr. Paecht, ZEO stated that he received complaints from the neighbors that there was an illegal two family house at 175 Grand Street. He stated that he checked it out and it is listed with the town as a one family and has always been a one family. The applicant had received permits to do work as a one family and never applied for work as a two family. The permits were for updated heating and electrical and some work on the deck and/or stairs. The property is zoned R-18 and the parcel is 13,900 s.f. A two family dwelling in that zone requires 40,000 s.f. of area.

Mrs. O'Toole asked how long he owned the home and Mr. Prusko stated that it has been almost four years. He stated that there was a kitchen on the second floor and there is a total of four rooms on that floor. Mrs. O'Toole asked if there were other dwellings in Seymour that are undersized that have additional apartments and Mr. Paecht stated that he did not know.

Mr. Looker stated that most of the lots in the area are undersized but were grandfathered in when the zoning regulations were changed. Prior to the change the requirement was for 20,000 s.f.. It was determined that this house was built in 1915.

Mr. Coe asked for any public comment.

Carl Stockmal, 159 Grand Street stated that he looked at the house when it was for sale and saw that it had potential to be a two family. He checked with the town and was told that there was not enough land to make it a two family. He stated that it did not have a kitchen on the second floor.

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Mr. Looker stated that it is important that the apartment be up to Code and he did not have the proper permits to bring it up to Code. He had permits to upgrade the heating and electrical.

Mr. Perkowski stated that when Mr. Prusko purchased the property there were two electrical boxes and that previous owner was attempting to have a business on the first floor with an apartment on the second floor.

MOTION: O'Toole/Ricciutti, to close the public hearing.
Motion Carried 4-0.

2. 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 existing town road. This hearing is continued from September 2, 2010.

Mr. Coe read a letter from Antoinette and John Musante, Lantern Drive (copy attached). They indicated that if this is approved they would like the "new" driveway not to encroach on their property line in any way. They would also like that if the (unimproved) Benham Road was ever developed, their turn around property is reclaimed as was originally drawn. They also indicated that they since the new proposed property is on Lantern Drive, then the original Declaration of Protective Covenants should be binding to the new property owner, since it is still binding to them.

Mike Horbal, 52 Main Street, Seymour stated that he does not represent the applicant but was told by their engineer Don Smith, that he would be on vacation and would be submitting a letter to have the hearing continued to the November meeting. Mr. Looker stated that he did not receive a letter.

MOTION: O'Toole/Ricciutti, to continue the public hearing to the November meeting.
Motion Carried 4-0.

3. Appeal of a Cease and Desist Order relative to the keeping of about 100 pigeons at 15 Carriage Drive.

Mr. Coe read a letter from Atty. Spodnick asking to have the hearing continued to the November meeting.

MOTION: O'Toole/Ricciutti, to continue the public hearing to the November meeting.
Motion Carried 4-0.

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4. A side yard variance for the purpose of building a 16 ft. by 32 ft. addition at 96 Mountain Road.

Michael DiNatale was present and stated that he would like to add a small addition on the right side of his house. He is short 1'4" at the corner. This would be located next to a sliver of land that can never be built on.

MOTION: O'Toole/Ricciutti, to close the public hearing.
Motion Carried 4-0.

5. A front setback variance for the purpose of converting the dwelling at 318 Roosevelt Drive to a restaurant.

Mike Horbal, 52 Main Street, Seymour was present for the applicant. Mr. Coe read a letter from the Seymour Economic Development Commission in favor of the application (copy attached).

Mr. Horbal stated that in August he approached the Board with another application for the same site and was granted a variance. They had submitted preliminary architectural drawings of the conversion into the restaurant and found out that they needed to be revised and would require another variance. Mr. Horbal stated that the only difference in the drawings from August and now is that the southern corner of the addition will now have to be moved 6' forward to the street. They will be removing the encroachment that now exists in the front yard and state highway. The state highway had taken a large portion of the front of this property and actually the entire house is within the front yard setback. He stated that they are asking for a little more variance than what was granted in August.

Mr. Horbal stated that they will have to go to the State for any work being done in the highway. They will be relocating the driveway and have to get their approval. He stated that they received preliminary comments and the State is asking them to make the highway wider on the other side so that southbound cars will not be blocked by cars stopped to turn into the restaurant. They also want the stairs removed.

MOTION: O'Toole/Ricciutti, to close the public hearing.
Motion Carried 4-0.

Respectfully submitted,



Maryanne DeTullio, Recording Secretary

To: The Planning and Zoning Commission
From: Antoinette and John Musante JM 9-2-10
Re: Variance on Lantern Drive

About 32 years ago, we planned building our log home deep in the woods at the end of Lantern Drive.

We thought the last lot on the street would be our answer. Then:

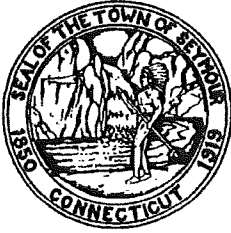
1. an enlarged turn-around was constructed
2. a variance for a new home that wasn't in the original development was approved
3. and now, a variance to cut deeper into the woods is up for approval.

We don't like it, but we guess this is progress!

If it must be. We are asking for the following considerations:

1. that the "new" driveway does not encroach on our property line in any way
2. that if the (unimproved) Benham Road ever was developed, our "turn around property" is reclaimed as was originally drawn
3. since the new proposed property is on Lantern Drive, then the original "Declaration of Protective Covenants" should be binding to the new property owner, since it is still binding for us.

Thank you for your kind attention.



Town of Seymour

1 First Street • Seymour, Connecticut 06483
Telephone: 203-888-2511 • Fax: 203-881-5005

ECONOMIC DEVELOPMENT COMMISSION

Wednesday October 6, 2010

Town of Seymour Zoning Board of Appeals
Mr. David Coe - Vice Chairman
Members of the Board
Mr. Robert Looker – Seymour Town Planner

Dear Town of Seymour Zoning Board of Appeals:

The Seymour Economic Development Commission requests that the following be read into the record at the hearing of the Seymour Zoning Board of Appeals on Thursday October 7, 2010.

At the meeting of the Seymour Economic Development Commission on Tuesday October 5, 2010, a motion was made, seconded and unanimously approved to encourage the Seymour Zoning Board of Appeals to approve the application of Tony Mavulli for a front setback variance for the purpose of adding to and converting the existing building into a restaurant at 318 Roosevelt Drive and to allow the parking area to be used for loading during hours the restaurant is closed.

An attractive establishment on this site incorporating the traditional beauty of the lovely, old colonial home thus preserving its charming historical attributes and therefore providing the public with the fine dining experience for which Mr. Mavulli is known is certain to welcome and attract visitors entering the Town of Seymour on this busy thoroughfare and be an asset to neighboring businesses and the Town of Seymour.

Let the record show that Seymour EDC Commissioner's Mr. Michael Horbal and Mr. Ted Holly recused themselves from any and all discussion of this matter and from the vote because of Mr. Horbal's involvement in the proposed project and Mr. Holly's membership on the Zoning Board of appeals.

With Kindest Regards and Respectfully Submitted:

Jon Szuch
Chairman – Town of Seymour Economic Development Commission

cc – Town of Seymour EDC
Copy to File
Paul Roy – First Selectman