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**SEYMOUR ZONING BOARD OF APPEALS**  
MINUTES  
PUBLIC HEARING -  
APRIL 3, 2008

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

**MEMBERS ABSENT:** Phil Wilhelmy

**OTHERS PRESENT:** Bob Looker, Town Planner

Acting Chm. Conroy called the public hearings to order at 7:35 p.m.

1. An application for a side yard, front setback and lot coverage variance for the purpose of building a 32 ft. By 15 ft. addition to the dwelling at 101 Derby Ave.

Matthew Sledjeski was present and stated that this will be a one story addition to the side of the house. His mother is handicapped and will be coming to live with him. There will be two accesses into the addition and they will be using the existing openings on the side of the house. The side yard variance is from 15' to 12.7' and the front yard from 25' to 21.6 feet. The existing garage on the site will be removed which will reduce the lot coverage. He stated that his neighbor has no objection to the addition. There was no public comment on the application.

**MOTION:** N. O'Toole/R. Ricciuti, to close the public hearings.  
In Favor: Conroy, Coe, O'Toole, Brumer, Ricciuti  
**Motion Carried 5-0**

2. An application for a variance of lot square and minimum area requirements for land within the building setback lines for an interior lot for the purpose of establishing a second building lot at 46 Skokorat Street.

Bryan Nesteriak was present and stated that this is a 1.5 acre parcel with a good amount of frontage on Skokorat Street and has rear access from Chatfield Street. They are splitting off the rear piece and they cannot meet the current requirements for an interior lot for lot square and the area within the setbacks. The lot is completely buildable and has a separate access. The existing barn on the site will be demolished. He stated that it is considered a rear lot because there is not enough frontage on Chatfield Street. Mr. Looker stated that the rear lot regulations changed recently. Mr. Nesteriak stated that there are no grading or wetland issues. There was no public comment on the application.

**MOTION:** R. Ricciuti/A. Brumer, to close the public hearings.  
In Favor: Conroy, Coe, O'Toole, Brumer, Ricciuti  
**Motion Carried 5-0**

**SEYMOUR ZONING BOARD OF APPEALS**

**MINUTES**

**PUBLIC HEARING -**

**APRIL 3, 2008**

3. An application for a side yard, front setback and lot coverage requirements for the purpose of building a 50 ft. by 18 ft. Addition to the dwelling at 4 Hemlock Road.

Bob Maziuk was present and stated that the main purpose is for an in-law apartment for his elderly parents. He stated that because it is considered an in-law apartment he cannot go up and on one side he would lose parking and he needs that. He stated that he needs the variance to make a separate entrance so that it does not appear that there is a separate entrance. He stated that he is coming off the side yard from 10.5 feet to 8.9 feet from the property line where 15' is required. He stated that he goes over approximately 5% on lot coverage due to the deck and shed already on the property. He submitted letters and e-mails from Alfonse Sollami, P. Volovski and Pam McCuen neighbors who have no opposition to the application. It was noted that he is adding one extra bedroom and the in-law apartment. He stated that there is a size limit on the in-law apartment and the extra bedroom would be part of the main house. He calculated 30% for the in-law apartment. It was noted that these are two different items, the extra bedroom and in-law apartment. Acting Chm. Conroy asked for any public comment.

Mike Horbal, 52 Main Street Seymour stated that he worked on the survey and they tried different scenarios. Mr. Maziuk has two needs; the extra bedroom and in-law apartment. He stated that this establishes the least amount of variances and he has the support of his neighbors. He stated that he did not believe that this would be out of character in the neighborhood.

Manny Periers, 178 Maple Street felt that it was a decent plan.

Walter Sledjeski, 101 Derby Avenue also felt that it was a good plan.

**MOTION:** N. O'Toole/D. Coe, to keep the public hearing open and do individual site walks.  
In Favor: Conroy, Coe, O'Toole, Brumer, Ricciuti  
**Motion Carried 5-0**

4. An application for a variance of lot area, lot frontage, lot width, lot square, front yard, side yard, and contiguous dry land and slope requirements for the purpose of establishing a separate building lot at 14 Old Ansonia Road known as Lot A.

5. An application for a variance of lot area, lot square, front yard, side yard and contiguous dry land and slope requirements for the purpose of establishing a second building lot at 14 Old Ansonia Road known as Lot B.

Mike Horbal and Dave Cherhoniak were present. Mr. Horbal stated that these are applications for a lot split and variances. There is an existing two family house and barn very close to Moss Avenue. There is a driveway for the two family house; all of which

**SEYMOUR ZONING BOARD OF APPEALS**

**MINUTES**

**PUBLIC HEARING -**

**APRIL 3, 2008**

violate zoning regulations. The house was built in the 1880's and converted into a two family use. He presented pictures of the house and barn. The property is located in the R-40 zone and multi-family dwellings are not allowed in that zone and there are no other ones in the neighborhood. He stated that the barn is within 2 feet of the street line and encroaches onto the neighbor's property approximately 25' and has been that way for many years. He shown the subdivision map showing the lot were the house is dated 1986. The driveway also violates zoning and encroaches into the neighbor's property.

Mr. Horbal stated that the two family house has been rented out and was damaged by fire approximately two years and has not been repaired and is vacant. He stated that they spoke with the neighbors and they are asking for approval to split the property. He submitted letters from Wayne & Diane Demski, 77 Moss Avenue, Robert Anastasio, 10 Old Ansonia Road and Priscilla Cherhoniak, 61 Moss Avenue all supporting the applications.

He stated that the house could be repaired and rented out again but the applicant thought it would be better for the neighborhood to construct two single family homes on the property which will be more in character with the area. He stated that by granting the variances it will change the character of the neighborhood and it will look better. The barn and driveway encroachment will be removed as well as the existing house. He stated that not all the lots in the area are one acre. Mr. Ricciuti asked when it was changed to one acre zoning and Mr. Looker stated that it was in the late 1960s or early 1970s.

Mr. Looker stated that they are asking to create two lots and asking for fifteen variances. He stated that he cannot find a hardship. He stated that the two family house has a vested right and can be rebuilt the way it is. He also stated that there are no city utilities. Mr. Horbal stated that there are sewers and the water connection is at the corner two lots away.

Acting Chm. Conroy read a letter from Karl Trybus, 20 Old Ansonia Road opposed to the applications as it would have negative impacts to the neighborhood. She then asked for any public comment on the applications.

Wayne Demski, 77 Moss Avenue stated that if it were to remain as a two family house it would be rented out and he was concerned with tenants who have caused problems in the past.

Margaret Trybus, 20 Old Ansonia Road stated that it will be non-conforming in a R-40 zone. She did not think there is a hardship and it is not appropriate zoning. She stated that he is asking for too many variances and did not think it was good for the neighborhood or town.

**SEYMOUR ZONING BOARD OF APPEALS**

**MINUTES  
PUBLIC HEARING -  
APRIL 3, 2008**

Manny Periers, 178 Maple Street felt that they were asking for too many variances and he did not think it made sense to have two houses on this parcel. He felt the existing house could be fixed up.

Kim Mykner, 30 Old Ansonia Road did not want to see the character of the neighborhood changed.

Robert Mykner, 30 Old Ansonia Road stated that he was opposed to the applications.

Harold Crevier, 71 Moss Avenue was opposed and stated that he would like to see the existing house repaired.

Michael Smith, 26 Old Ansonia Road stated that the area has always been R-40. He stated that the existing house is an eyesore and felt that the Board should do a site walk. He thought there were a lot of variances to fit two homes on this small lot.

Kathy Smith, 26 Old Ansonia Road was opposed and was concerned about what will happen to other parcels in the area if this is approved.

Clint McLain, 77 Old Ansonia Road did not think that two houses was a good idea.

Mary Periers, 178 Maple Street was concerned with possible future development of other parcels in the area and felt that if this was approved others would follow.

Mike Horbal stated that this started out with a non-conforming house out of character with the neighborhood and they feel that they would be making the neighborhood better with this proposal. He stated that they feel this would raise the property values.

Manny Periers, 178 Maple Street felt that the barn and two family house were fine in the neighborhood.

Mike Horbal asked that they continue the public hearings and do site walks.

Mrs. O'Toole asked the size of the proposed houses and David Cherhoniak presented pictures of the types of houses he is considering. He stated that the size could be scaled back a little but liked the farm style. He stated that one of the houses will be occupied by family. He stated that this is an unusual situation and tried to figure out if it was better to keep the two family or clean up the property and have two owner/occupied homes.

Acting Chm. Conroy asked about the hardship. Mr. Looker stated that the Board should consider what the function of the ZBA is. He stated that zoning does not adversely affect this property and they could rebuild the two family house. He stated when zoning regulations are unreasonable then the Board can grant relief by way of variances.

**SEYMOUR ZONING BOARD OF APPEALS**  
MINUTES  
PUBLIC HEARING -  
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**Motion Carried 5-0**

Respectfully submitted,

  
Maryanne DeTullio  
Recording Secretary