

Zoning Board of Appeals  
Meeting Minutes  
July 6, 2009

**Attendees:**

Joseph M. Chiamonte, Chairman  
Dale Baird, Commissioner  
Lucy Pollack, Commissioner  
Gary Smolen, Alternate  
Helen Bray, Alternate  
Samantha Addonizio, Alternate  
Jessica Weiss, Clerk

**Absent:**

William Jones, Jr., Vice Chairman  
John O'Connor, Commissioner

Chairman Joseph Chiamonte called the meeting to order at 7:01PM

**Announcements**

- Ms. Addonizio was welcomed to the Board, filling an alternate position.
- Two commissioners, Mr. Jones and Mr. O'Connor, were absent, and Ms. Bray recused. Alternates Addonizio and Smolen agreed to fill in at tonight's meeting.
- Chairman Chiamonte asked that the election of officers scheduled for this meeting be postponed, if the board agrees, until next month due to the absence of both Mr. O'Connor and Mr. Jones. Board agreed to postpone election to August.
- Mr. Chiamonte asked that board members keep in touch should someone not be able to attend a meeting, so that that it be known ahead of time whether the minimum requirement of four members will be available for each meeting.
- Jessica Weiss filled in as clerk for this meeting.

**Public Hearing**

**Case Number 596**

Teresa Moser requesting a variance of section 332.5 minimum setback requirements of the zoning regulations to allow reconstruction of a 9.5' x 13.5' section of a deck, as shown on plans submitted titled 'Property Survey Prepared for Theresa Moser, 5 Orchard Beach Road, Town of Sherman, Fairfield Connecticut; Dated November 14, 2006 and revised June 2, 2009'.

- As background on the property purchased in May 1993, Ms. Moser referred to the original building plan from 1964 that showed the dimension of the deck that existed at that time.
- Ms. Moser hired a contractor in 2000 to repair the deck, which was in poor condition. Instead, the deck had to be taken down, but it was not restored to its original size.
- After much review of the dimensions shown in both the building plan and the new survey, the board determined that that the proposed deck was in fact 14' instead of 13.5', slightly larger than the original. It was suggested that if the variance were granted, Ms. Moser might choose to restore the deck to its original 13.5' size, allowing for 0.5' of leeway in construction.

Public Hearing closed at 8:08PM

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**Deliberations**

**Case Number 595**

- Ms. Baird noted that it is clear that the deck did exist in 1964 and she does not have an issue with restoring the deck to its original form.
- Mr. Smolen thanked Ms. Moser for an informative presentation and agreed that the records indicate the deck did exist, and he is ready to move forward based on the dimensions discussed.
- Ms. Pollack noted that it is crucial that homeowners obtain required permits, and that they are responsible for this task before work is completed; however, she does not have an issue with approving a variance.
- Ms. Addonizio also provided her agreement to approve a variance based on the 1964 plans.
- Following the resolution of the dimensions in question, and Ms. Moser's understanding that the replaced deck could not exceed the 29' variance, Mr. Chiaramonte also agreed with providing approval for a variance.
- Ms. Baird made a motion to grant the variance as requested, which was seconded by Mr. Smolen. With four votes in the affirmative (Baird, Pollack, Smolen, Addonizio), the variance was approved.

**Additional Business**

- Mr. Chiaramonte requested approval of minutes from the previous (April 2009) meeting, and asked that a correction regarding the identification of the agent for that month's Case #595 be made; he will follow-up on this.
- Mr. Smolen noted that the April case and the current case are both numbered #595. The board will seek advice on how this might best be dealt with. Ms. Pollack made a motion to approve those minutes with the wording change; it was seconded by Ms. Baird and all voted in favor of approval.
- Mr. Chiaramonte requested a volunteer to prepare a copy of the ZBA bylaws in WORD format, because an electronic copy does not currently exist. Having the document in this form will allow for much needed changes and updates, and might eventually be placed online. Ms. Addonizio volunteered to type the document for the board.

Gary Smolen moved to adjourn the July 7, 2009 meeting of the Zoning Board of Appeals, and this motion was seconded by Lucy Pollack. Meeting was adjourned at 8:25PM.

Respectfully Submitted,

Jessica Weiss, Clerk