

**Zoning Board of Appeals
Meeting Minutes
October 5, 2009**

Attendees:

Joseph M. Chiaramonte, Chairman
William Jones, Jr., Vice Chairman
Dale Baird, Commissioner
Lucy Pollack, Commissioner
Gary Smolen, Alternate
Samantha Addonizio, Alternate
Jessica Weiss, Clerk

Absent:

John O'Connor, Commissioner
Helen Bray, Alternate

Chairman Joseph Chiaramonte called the meeting to order at 7:05PM

Case Number 599

Charles and Barbara Schroeder – 34 Candlewood Lake Drive - requesting variances of Section 332.5 Minimum Setback Requirements and Section 384 Non-conformity, Other than Use of the Zoning Regulations to allow construction of a 20' x 10' deck as shown on plan submitted and titled "Zoning Location Plan Prepared For Charles and Barbara Schroeder , 34 Candlewood Lake Drive, Sherman, Connecticut dated March 17, 2009 revised March 18, 2009, May 11, 2009, August 31, 2009 and September 18, 2009".

With the absence of one commissioner, alternate Smolen was seated for this case. Mr. Joe Beatty spoke on behalf of Mr. and Mrs. Schroeder providing background on the request and stated that the patio which previously existed was destroyed due to a fire. Mr. and Mrs. Schroeder would like to build a 20' x 10' deck which is a smaller footprint than the patio was. Sizing of the previous patio in relation to the proposed deck was discussed as well as the estimated cost difference in building a new deck versus rebuilding the patio. Mr. Beatty noted that this cost could be estimated at \$5K for a new deck versus \$10K for a patio rebuild. Hardships noted as a steep slope on property as well as a deck providing Mr. and Mrs. Schroeder safe access to their property. Determined that creation of a deck would blend with the overall plan of the community.

Public Hearing Closed 7:23PM

Case #600

15 Adams Place, Inc. – 1 Leach Hollow Road - requesting variances of Section 331.5 Minimum Setback Requirements and Section 384 Non-conformity, Other than Use of the Zoning Regulations to allow construction of a 20' x 10' deck with stairs as shown on plan submitted and titled "Zoning Location Survey Prepared For 15 Adams Place, Inc. # 1 Leach Hollow Road & Barlow Farm Road & Route 39, Sherman, Connecticut dated June 16, 2009 revised June 28, 2009, July 13, 2009 & September 18, 2009".

Ms. Pollack recused from case and alternates Smolen and Addonizio seated. Mr. Joseph Carlucci spoke on case and provided background to variance requests. Noted that prior to current meeting, previous request for a 20' x 16' deck was denied as a replacement for a 20' x 10' deck. Mr.

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Carlucci is now requesting a 20' x 10' deck, which includes the plan for the stairs within these dimensions. Additional documentation provided to indicate that a deck did previously exist on this property including Tax Assessor's card and survey. Discussed various entry and exist points of the home and deck would provide an additional safe entry/exit should there be an emergency. Hardships include the location of the home which is surrounded on three sides by roads.

Public Hearing Closed 7:38PM

Deliberations

Case #599

Commissioner Pollack returned to the board for deliberations of the case. Board discussed the previously noted hardships. Although finances cannot be taken into consideration with regard to the cost to build a deck versus rebuild the patio, the property is unique and did not allow for other locations for a deck to be build which did not affect the setbacks. Creation of a deck on this property would not adversely affect the community as a whole and would blend in with the surrounding homes. Based on information provided, the size of the requested deck would be within the parameters of the previous patio. Mr. Smolen made motion to grant variances of Section 332.5 Minimum Setback Requirements and Section 384 Non-conformity, Other than Use of the Zoning Regulations to allow construction of a 20' x 10' deck. Ms. Pollack seconded and all voted in favor.

Variances Granted 7:47PM

Case #600

Ms. Pollack recused herself from deliberations for the case. Board discussed having additional information provided to indicate that a 20' x 10' deck did previously exist and having a plan incorporating the stairs provides a better picture in order to reach a decision from. Reviewed potential hardships with regard to safety and having an additional exit point in the case of an emergency and with the home fronting three roads. Deck would be a rebuild of the previous deck with regard to dimensions, and Mr. Carlucci is not requesting a larger deck. Mr. Jones provided motion to grant variances of Section 331.5 Minimum Setback Requirements and Section 384 Non-conformity, Other than Use of the Zoning Regulations to allow construction of a 20' x 10' deck with stairs. Ms. Baird seconded and all voted in favor.

Variances Granted 7:58PM

Additional Business

Board discussed the statute regarding public health and welfare and definitions of terms that may need clarification. Concerns expressed regarding variances associated with handicapped and medical access as well as the 440 line. Suggestion made to draft a letter to Planning and Zoning

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to review these concerns and possibly discuss with Town Council questions pertaining to Federal and State regulations if they counter Zoning Board of Appeals regulations. First step would be to present to Planning and Zoning and was not to potentially hold on discussing concerns with the 440 Line given the Shore Management Plan which might provide clarification in this area.

Reviewed the terms of the commissioners and alternates and noted that Ms. Pollack's term to expire January 1, 2011 and seat is being contested and Ms. Pollack was not included on the ballot. Ms. Pollack may rejoin the board as an alternate after that point.

Discussed minutes for approval and reviewed the possible inclusion of more details within the minutes with regard to the deliberations. Concerns expressed with getting into more detail with the notes not being a transcript as this information is held of the recordings. Perhaps only a synopsis along with the decision is needed versus actual quotes. Suggested speaking with the Town Council to determine what should be included within the minutes versus what is in the transcripts. A disclaimer might also be included going forward on the meeting minutes to indicate that they are not an official transcript of the meeting. Agreed that Ms. Baird and Ms. Addonizio will review July and September full meeting minutes and with Town Council feedback, will revise those minutes to include all pertinent information.

Bylaws discussed and agreed to fax or redline and email revisions to Ms. Addonizio for inclusion.

Mr. Chiaramonte requested election of officers and nominated Ms. Baird for Chairman. Mr. Jones seconded nomination and all voted in favor. Mr. Chiaramonte also nominated that Mr. Jones remain as Vice Chairman and Ms. Pollack seconded with all voting in favor.

Motion requested by Mr. Chiaramonte for adjournment of meeting with Mr. Smolen making motion, Ms. Pollack seconding and all voting in favor. Meeting adjourned at 9:09PM.

Respectfully Submitted,

Jessica Weiss, Clerk

Minutes are not an official transcript and are not final until board approval