

**ZONING BOARD OF APPEALS**

Mallory Town Hall  
9 Route 39 North  
Sherman, Connecticut 06784-0039

**ZONING BOARD OF APPEALS MEETING MINUTES  
JANUARY 5, 2010**

Chairman Baird called the meeting to order at 7:05 p.m. at Mallory Town Hall. Commissioners present: Chairman Dale Baird, Vice Chairman William Jones, Joseph Chiamonte, Lucy Pollack, Alternate Gary Smolen and Michele Battaglia, Clerk. Alternate Helen Bray joined the meeting at 8:50 p.m. Absent: Commissioner John O'Connor and Alternate Samantha Addonizio. There was no audience member recording or video taping the meeting.

**Public Hearing**

**Case #601 Continuation: Judith W. Fenton** – 37 Deer Run Trail – 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 house addition, as shown on the plan submitted and entitled “Existing Conditions Map with Proposed House Addition prepared for Judith W. Fenton, Lot 28 Deer Run Shores, 37 Deer Run Trail, Town of Sherman, County of Fairfield, State of Connecticut dated August 20, 2009, revised September 25, 2009”.

A letter from Michael Robbins, the applicant’s representative, was read into the record stating that the application was being withdrawn.

**Case #603: Sherman Library Association** – 1 Sherman Center – requesting variance for Section 351.3 “Setbacks and Parking” to allow an increase of the non-conformity of the existing library structure and parking area as depicted on the map entitled “Proposed Zoning Location Map for Required Variances, prepared by Michael A. Natale, L. S. and Paul Szymanski, P.E. dated December 8, 2009” to allow for a lot line change for road widening purposes.

Commissioner Lucy Pollack recused and Alternate Smolen was seated for both Case # 603 and Case #604. Paul Szymanski, P.E. was in attendance representing the applicant for Cases #603 and Case #604. Mr. Szymanski explained that they are proposing a change to the exit moving it southerly along Sawmill Road and that the proposed road widening would occur in this area (from the current 17’ to 24’ to match the rest of Sawmill Road). They are proposing donating a strip of land to the town for the purpose of widening the road. Due to this proposed lot line change, the setback would then change, thus increasing the non-conformity of the lot. Andrea O’Connor, First Selectman, stated that the current plan had been presented to the Board of Selectman, and a verbal agreement to accept the strip of land had been reached. The land must be formally accepted by town vote once ZBA and P&Z have approved the plan. Sharon Danosky, Chairman of the Sherman Library Board, expressed her appreciation for the consideration of this revised plan, the fact that the plan addresses the safety issue of the ingress and egress, and that the plan meets the needs of the Town.

**Case #604: Sherman Library Association** – 1 Sherman Center – requesting variance of Section 351.2 “Coverage” to allow building coverage for Public Libraries from a maximum of 10% to 15.5%. Requesting variance of Section 351.3 “Setbacks and Parking” for Public Libraries from 75’ front to 74’ on the northwest

side along Route 37 and from 75' to 68' on the west side along Saw Mill Road; from 30' to 21' on the east side adjoining the Sherman Center Cemetery as depicted on the map entitled "Proposed Zoning Location Map for Required Variances, prepared by Michael A. Natale, L. S. and Paul Szymanski, P.E. dated December 8, 2009"; relief to allow off-street parking facilities in the front lot and relief from the front setback from 75' to 4' for the parking; relief to allow 100% of parking in the front lot. Requesting variance of Section 371 "Schedule of Off-Street Parking Space Requirements" to allow parking to be placed in the front of the building rather than placed behind or to the side of the principal structure on the lot. Requesting variance of Section 358.1 "Impact on Adjacent Property" to allow a change in surface elevations more than 2' within 10' of a property line. Requesting variance of Section 384 "Non-conformity, Other than Use" to allow a permit and changes to be made, which will increase the non-conformity.

Mr. Szymanski explained to the Commission that all but three (3) of the variances being requested were previously approved by the Board on April 6, 2009. The three new requests are as follows: 1. To allow building coverage from a maximum of 10% to 15.5% (the previously granted request was from 10% to 15%). 2. To allow off street parking facilities in the front lot and relief from the front setback from 75' to 4' (the previously granted request was from 75' to 3'). 3. To add an additional variance for a setback from 75' to 68' on the west side along Saw Mill Road due to the proposed granting of land to the Town of Sherman. It was discussed that the library building plans have not changed and these variance are due to the proposed changes referenced in Case #603. Mr. Szymanski confirmed that once the foundation has been poured for the construction, an A-2 survey will be performed.

Commissioner Chiamonte motioned to go into the business session. Commissioner Jones seconded. Motioned carried unanimously.

#### **Case #602**

Fred Sannicandro: requesting a variance for Section 332.3 "Minimum Lot Area" for relief of the minimum lot area from 80,000 sf to 26, 637 sf within Zone B. The board discussed the history of this property as presented by the applicant, and research conducted on behalf of the board. The board also discussed the creation of this lot and the zoning regulations that were in effect at the time. The discussion was focused on whether or not the lot was ever a part of an approved subdivision. Minutes from 1951 thru 1972 were researched and it was found that there is no evidence that it was ever an approved subdivision. The attorney for the applicant, Ed Hannafin, confirmed that he had no record of the approved subdivision. Lacking that evidence, the board felt that there was no basis for granting a variance because it does not meet code.

Commissioner Chiamonte motioned to grant the variance for Section 332.3 "Minimum Lot Area" for relief of the minimum lot area from 80,000 sf to 26, 637 sf within Zone B. Commissioner Jones seconded. Motion was denied.

#### **Case #603**

Sherman Library Association, Inc.: The Board discussed that the proposed changes to the plan are relatively minor as compared to the original design, and are being proposed to improve traffic movement and therefore improve safety. The Board discussed that the same hardships that applied to the original case remain.

Commissioner Smolen motioned to grant the variance for Section 351.3 "Setbacks and Parking" to allow an increase of the non-conformity of the existing library structure and parking area as depicted on the map entitled "Proposed Zoning Location Map for Required Variances, prepared by Michael A. Natale, L.S. and Paul Szymanski, P.E. dated December 8, 2009" to allow for a lot line change for road widening purposes contingent

on the map and the Town of Sherman accepting the lot line change due to the hardship presented in the original case. Commissioner Jones seconded. Motioned carried unanimously.

**Case #604**

Sherman Library Association, Inc.: The Board discussed again that the changes to the plan are relatively minor as compared to the original design and that although two are slightly increasing non-conformity, one of the request actually is a reduction from the original request. The Board discussed that the same hardships that applied to the original case remain. Commissioner Jones motioned to grant the variances as requested and depicted on the map "Proposed Zoning Location Map for Required Variances, prepared by Michael A. Natale, L. S. and Paul Szymanski, P.E. dated December 8, 2009 and contingent upon the Town of Sherman accepting the lot line change, the hardship being the same as that which was stated in the previously granted appeal. Commissioner Smolen seconded. Motion carried unanimously.

**Additional Business**

- Minutes of July, September, October, and November are to be reviewed by all the members and any feedback or comments to be forwarded on to Michele within the next two weeks for revisions. Commissioner Chiaramonte motioned to accept the December 7, 2009 minutes. Commissioner Smolen seconded. Motion carried unanimously.
- Commissioner Addonizio will be finalizing the by-laws and will submit to all Board members.
- The November 2, 2010 meeting date will need to be changed due to Election Day. Michele to find a new date.

Commissioner Smolen motioned for adjournment. Commissioner Jones seconded the motion and all voted in favor. Meeting was adjourned at 9:10 p.m.