

ZONING BOARD OF APPEALS
Mallory Town Hall
9 Route 39 North
Sherman, Connecticut 06784-0039

ZONING BOARD OF APPEALS MEETING MINUTES
December 4, 2012

Commissioners present: Dale Baird, Joseph Chiaramonte, Kathy Fazzone and Rick Hudson

Alternates: Samantha Addonizio, Lucy Pollack, Gary Smolen

Absent: Will Jones.

Ron Cooper, the Land Use Enforcement Officer and acting clerk was also in attendance.

There were no audience members recording or video-taping the meeting.

Chairman Dale Baird called the meeting to order at 7:02 p.m. at Mallory Town Hall.

Public Hearing

Case #628 - Longhorn Realty Development (David and Lauren Anderson) – 2 Durgy Lane – requesting a variance of Section 324.3B for setback relief from the structure principally served for the placement of a generator.

Tammy Zinick a Project Consultant from “Permit Me Please” – Authorized Agent for Mr. & Mrs. David Anderson was in attendance representing the applicant. An A-2 survey entitled “Property/Boundary Survey, Map Prepared for Longhorn Realty Development Associates, LLC, 2 Durgy Lane, Sherman, Connecticut” dated September, 2012, Revised 11-12-12 was presented with the exact dimensions showing the proposed location for a new standby emergency generator. Ms. Zinick stated that the proposed location for the unit was next to pool equipment for a pool that is under construction. The location is 122.01’ from the dwelling and 100.90’ from the nearest property line. Ms. Zinick stated that there are other conforming locations on the property including the location of the existing unit, but, this location was chosen to consolidate the properties propane needs in one tank and to keep propane storage away from their older home for safety reasons. Chairman Baird read a “hardship” letter dated November 12, 2012 into the record and an e-mail from HEPA, Ltd. (abutting neighbor) that was sent to the Board with “NO objection to the placement of the generator as indicated on the survey”. The Commission questioned if a hardship really exists and Commissioner Chiaramonte reiterated that the existing generator is in a conforming location and there are other viable locations that meet the Zoning Regulations. Commissioner Addonizio suggested that it would be good to have all noise making equipment installed in the same general location. Lengthy discussions took place about the proximity of the proposed location to current and additional future neighbors. Ms. Zinick stated that further potential neighbors are limited due to the extensive wetlands that surround the

property. It was also discussed that the propane can be consolidated in one location, with various equipment installed at conforming locations. Commissioner Smolen explained the intent of the regulation is to have the equipment closer to the structure served than the property lines and potential future neighbors should be considered.

Deliberations

Case #628: Chairman Baird said she struggles to agree with this application, since there are alternate conforming locations. Commissioner Chiaramonte explained the current location is conforming and there are other viable locations. Commissioner Addonizio stated it would be favorable to have all noise generating equipment consolidated into one area. The general consensus of the Board was there was not a true hardship concerning the location of the propane tank. The following action took place:

Commissioner Chiaramonte moved to approve Case # 628 as presented.

Seconded by Commissioner Addonizio. **Vote:** For: 0 **Against: Unanimous**

(Commissioners: Chiaramonte, Baird, Addonizio & Hudson). The Motion did not carry.

Approval of Minutes of 10/02/2012

Commissioner Hudson moved to approve Minutes of October 2nd with discussed amendments.

Seconded by: Commissioner Smolen **Vote: For: Unanimous** (Commissioners: Chiaramonte, Baird, Addonizio, Fazzone, Pollack, Smollen & Hudson)

Commissioner Chiaramonte adjourned at 8:10 pm

Respectfully submitted by:

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Christine I. Branson

12/11/2012

*APPROVED with AMENDMENTS 5/7/2013