



**ZONING BOARD OF APPEALS  
SPECIAL MEETING MINUTES**

**April 23, 2013, 7:00 p.m.**

**Mallory Town Hall**

**FINAL**

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**Commissioners Present:** Chairman Dale Baird, Joseph Chiaramonte, Kathy Fazzone,  
Alternates: Samantha Addonizio, and Gary Smolen  
**Absent:** Will Jones, Lucy Pollack, and Rick Hudson

Christine I. Branson, ZBA Administrative Clerk was 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 # 629-** Chris & Kerry Suttmeier – 1 Benchmark Lane (Aka Map 075, Lot 036) – requesting a variance of Section 332.5 “Minimum Setback Requirements” from a side yard setback and Section 384 “Non-Conformity, Other than Use” to construct stairs and a roof over an existing non-conforming deck as shown on the plan submitted and entitled “Zoning Location Survey Prepared for Kerry & Christopher Suttmeier 1 Benchmark Road Sherman - Zone B.

Homeowner, Chris Suttmeier addressed the Commission with his proposal to add stairs and roof over an existing non-conforming deck. The Commissioners discussed the measurements which were depicted on the submitted survey in respect to the side-yard setback requirements. The Commission asked the homeowner if any consideration was given to alternative placement of the steps. Mr. Suttmeier explained the property was very rocky and sloped, finding an alternate place for the stairs seemed impossible. The Commission asked if the stairs could be set with-in the existing deck. A hardship letter provided by Architect Daniel J. Lamb, dated 4/10/2013, was read into record.

**Commissioner S. Addonizio made a Motion** to close the Public Hearing of Case # 629.

**Seconded by** Commissioner G. Smolen. **Vote: For: 5 Unanimous**

**(Commissioners: Baird, Chiaramonte, Addonizio, Smolen, & Fazzone)**

**/Against: None**

### **Deliberations**

The Commission discussed two variances already granted in relation to the property. The first variance in 1980, approval was granted to construct a "solar room" which is now considered the dining room. In 1983, a five foot variance was granted to add to a section of the present deck. The Commission discussed increasing the existing non-conformity of the deck area. The Commission stated they were having difficulty finding a true hardship. Discussion followed in relation to separating the proposal of the roof from the stairs. A Motion was made, which was Denied.

**Commissioner J. Chiaramonte made a Motion** to approve Case # 629, with conditions not to exceed the proposed 20.8 feet of the side yard setback of Section 332.5 "Minimum Setback Requirements" and Section 384 "Non-Conformity, Other than Use" as proposed.

**Seconded by:** Commissioner K. Fazzino. **Vote: For: None / Against: 5 Unanimous**

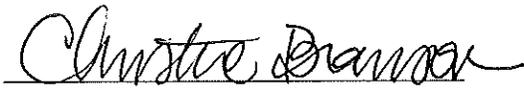
**(Commissioners: Baird, Chiaramonte, Addonizio, Smolen, & Fazzino)**

DENIED

### **Adjournment**

**Commissioner S. Addonizio made a Motion** to Adjourn the Special Meeting at 8:29 p.m.

**Respectfully Submitted,**



Christine I. Branson

April 25, 2013

\*APPROVED with AMENDMENTS at the May 7, 2013 RMM