Members Present: K. Gubner, K. Fazzone, J. Bonner, W. Jones, A. Chiaramonte and Alternate R. Devine

Members Absent: None

Also: C. Branson, Board Administrative Clerk

Invited & Audience: Ken and Elaine Litwack

CALL TO ORDER: Chair, K. Gubner Called the Meeting to Order at 10:08 am

PUBLIC HEARING:

ZBA CASE # 728-5 Sawmill Road (M-75, L-31) Kenneth & Elaine Litwack- Requesting Variance of Section 213-Proximity to the 440 foot contour line (Reference 332.5 Minimum Setback Requirements) from 25’ to 4.6’ from the 440 foot contour line. Requesting variance of Section 332.5 Minimum Setback Requirements, Front property line setback from 50’ to 36.8’. Requesting Variance of Section 324.3B Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment from a maximum distance within 15’ feet of the principal building being served to 37.8’ to allow placement of a generator in the exact footprint shown on a submitted A-2 survey entitled; “Proposed Zoning Location Survey prepared for Kenneth & Elaine Litwack, 5 Sawmill Road, Sherman, Connecticut”. Last revised 03/23/2021. Prepared By: CCA, LLC. Zone B

Chair, K. Gubner opened the Public Hearing for ZBA Case # 728. Clerk, C. Branson Read the Legal Warning into record. The Legal Notice was published in the Town Tribune on June 24th and again on July 1, 2021. Two abutting neighbors were sent Legal Notice by Certified mail on June 22nd, 2021. There were two letters from abutting neighbors received in support of the requested variance. Mr. & Mrs. Litwack were both present to speak on behalf of their application. Mr. Litwack presented the Board with the survey of the property and spoke about the three variances being proposed for placement of a generator in the proposed location shown on the survey map. Mr. Litwack showed the Board photographs of his property which depicted the distance to his neighbor’s home in relation to the proposed site of the generator as well as several other photos showing the road, and their parking area on the property. The two letters from abutters were read into record. Dale Halas of 7 Sawmill Road wrote in favor of the proposed generator location. Jennifer & William Dennis of 3 Sawmill Road also wrote in support of the proposed generator location. Discussion followed.

K. Fazzone Moved to Close the Public Hearing for ZBA CASE # 728- 5 Sawmill Road (M-75, L-31) Kenneth & Elaine Litwack.

Seconded by: W. Jones

Vote: For: (4) Unanimous

DELIBERATION:

ZBA CASE # 728-5 Sawmill Road (M-75, L-31) Kenneth & Elaine Litwack-

Chair, K. Gubner opened the Deliberations portion of the Meeting. Following a lengthy discussion, the Board decided to bifurcate the three requested Variances and act upon each one individually. The following action took place:

APPROVED

J. Bonner Moved to approve ZBA CASE # 728-5 Sawmill Road (M-75, L-31) Kenneth & Elaine Litwack- Requesting Variance of Section 213-Proximity to the 440 foot contour line (Reference 332.5) Minimum Setback Requirements) from 25’ to 4.6’ from the 440 foot contour line to allow placement of a generator in the exact footprint shown on a submitted A-2 survey entitled; “Proposed Zoning Location Survey prepared for Kenneth & Elaine Litwack, 5 Sawmill Road, Sherman, Connecticut”. Last revised 03/23/2021. Prepared By: CCA, LLC. Zone B.

Seconded by: W. Jones

Vote: For: (4) Unanimous
APPROVED

W. Jones Moved to approve ZBA CASE # 728-5 Sawmill Road (M-75, L-31) Kenneth & Elaine Litwack- Requesting variance of Section 332.5 Minimum Setback Requirements, Front property line setback from 50’ to 36.8’ to allow placement of a generator in the exact footprint shown on a submitted A-2 survey entitled; “Proposed Zoning Location Survey prepared for Kenneth & Elaine Litwack, 5 Sawmill Road, Sherman, Connecticut”. Last revised 03/23/2021. Prepared By: CCA, LLC. Zone B. Seconded by: K. Fazzone Vote: For: 4 / Against: 1 (K. Fazzone)

DENIED

K. Fazzone Moved to approve ZBA CASE # 728-5 Sawmill Road (M-75, L-31) Kenneth & Elaine Litwack- Variance of Section 324.3B Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment from a maximum distance within 15’ feet of the principal building being served to 37’,8” to allow placement of a generator in the exact footprint shown on a submitted A-2 survey entitled; “Proposed Zoning Location Survey prepared for Kenneth & Elaine Litwack, 5 Sawmill Road, Sherman, Connecticut”. Last revised 03/23/2021. Prepared By: CCA, LLC. Zone B. Seconded by: J. Bonner Vote: For: 1 (W. Jones) / Against: 3

ADJOURNMENT:

Chair, K. Gubner Adjourned the Meeting at 11:28 am

Respectfully submitted by:

Christine Branson, Administrative Clerk
July 22, 2021