

**TOWN OF POMFRET  
ZONING BOARD OF APPEALS  
PUBLIC HEARING AND REGULAR MEETING MINUTES  
THURSDAY, JANUARY 22, 2009 AT 7:00 PM  
POMFRET TOWN HALL**

In Attendance: Board Members Gary Kendall, Elizabeth Cartier, Richard Galante, Bill Hull, Alternates Kevin Vernon, Barry Jessrun, Robert Bitondi.

Not in attendance: Chairman James Robbins, ZEO Ryan Brais, and James Rabbitt, AICP.

**I. PUBLIC HEARING**

1. Georgie Davis & James McNamara, 57 Murdock Road, Variance for Section 10.4.1, Front Yard Setback – Applicants spoke regarding issue of how porch came about. Board members discussed that the builder should've known about the front yard setback issue. No matter whose fault it was, the porch is over the setback and the commission will need to discuss what they wish to do regarding this issue later in the regular meeting. G. Kendall closed the Public Hearing at 7:26 pm.

**II. REGULAR MEETING – G. Kendall opened the regular meeting at 7:26 pm.**

1. Seat Alternates – Robert Bitondi was seated as an alternate.
2. Citizen's Comments - None
3. Items to Add to Agenda - None
4. Approve Minutes of December 15, 2008 – R. Galante made a motion to approve the minutes of December 15, 2008. It was duly seconded by E. Cartier. All in favor.

**III. CURRENT BUSINESS**

1. Georgie Davis & James McNamara, 57 Murdock Road, Variance of Section 10.4.1, Front Yard Setback – Discussion by Board members of not knowing who did what and when or who dropped the ball. It was mentioned that maybe a letter should be written to the builder and/or Zoning Enforcement Officer and Building Official. The Board would like to know what procedures and/or penalties are in place when a builder does extra work without the required permits. There will be further discussion of this issue at the next meeting. The porch is not going to be an eye sore or cause any problems for others. Members had a concern of not setting a precedent with the approval of this variance. B. Hull made a motion to approve the variance and the motion was seconded by L. Cartier. G. Kendall mentioned that the Commission needs to give a reason for granting the approval. B. Hull restated his motion to grant the variance for the following reasons and condition: 1) the violation is minimal, 2) their setback with the violation exceeds the setback for most of the rest of the road, 3) the violation was not caused by property owners, 4) granting the variance would have no negative affect on any of the abutters, and 5) if the variance is granted, it's based on the condition there will

be no further changes to the size and shape of the porch. Motion was seconded by L. Cartier. All in favor.

**IV. NEW BUSINESS**

1. Correspondence – None.

**V. OTHER BUSINESS**

1. Agenda items for next meeting –
2. Citizen’s Comments – None
3. Review of the application form – Members went over the edited application form and made more changes and corrections. The final version of the application form will be submitted for approval and vote at the next meeting of the Board. This item will be added to the agenda for the next meeting.

- VI. ADJOURNMENT** – A motion was made by B. Hull to adjourn the meeting. It was seconded by L. Cartier. All in favor. Meeting adjourned at 8:17 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: \_\_\_\_\_