Members Present: Samantha Addonizio, Rick Hudson, Kathy Fazzone and Alternates: Brooke O'Dwyer, Richard Lenihan and Kenric Gubner

Absent: Will Jones

Also in Attendance: Christine I. Branson, ZBA Administrative Clerk

Public: P. Szymanski, of Arthur H. Howland & Associates, LLC.

Alternates Brooke O'Dwyer, Rich Lenihan and Kenric Gubner were elevated to Voting Status for the duration of the Hearings.

Call to Order: Chair S. Addonizio Called the Meeting to Order at 7:12 p.m.

Public Hearing I:

Continuation of Case 673: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30) Requesting a variance of Section 384, Increase of Non-Conformity, Other than Use to modify the roof at the front of the dwelling and increase the footprint of the structure of the legal non-conforming dwelling. Requesting a variance of Section 331.5 Side Yard Set-Back, from 25' to 4' for porch stairs and variance from 25' to 7' to proposed 36' x 6', 6", porch and Front Yard Setback to allow vertical expansion within the existing footprint as shown in the exact footprint shown on a submitted survey entitled "Property Survey prepared for Paul P. Ruane, 1 Anderson Road West, Town of Sherman, Fairfield County, CT" Latest revision dated June 29, 2017". Prepared by the office of PAH, Inc. Land Surveyors and as shown on submitted architectural plans dated June 29, 2017. Zone A

Chair S. Addonizio opened the Continuation of the Public Hearing of Case 673 Ruane, Paul & Amanda - 1 Anderson Road West. R. Hudson read the Legal Warning into record. The Warning was published in the Town Tribune on August 24th, and again on August 31st, 2017. Since the last meeting, the applicant submitted a letter to the Board. Chair Addonizio read the letter into record dated August 18, 2017. Mrs. Ruane has requested her case be continued to the October 3, 2017 meeting.

R. Hudson Moved to Continue Case 673: Ruane, Paul & Amanda 1 Anderson Road West to the October 3rd, 2017 ZBA Meeting. 
Seconded by: R. Lenihan Vote: For: Unanimous

R. Hudson Moved to re-order the Agenda to allow Case 676 to be heard next.
Seconded by: R. Lenihan Vote: For: Unanimous

Public Hearing II:

Case 676- Town of Sherman- 43 Route 39 North- (M-23 , L-15) - Requesting Variance of Section 365 Municipal Signs, from 12 sq. ft to 24 sq. ft. to allow placement of a sign mounted to the wall of the Municipal Wash Station in the exact location shown on a submitted marked-up Site plan (exhibit A) and photograph (exhibit B). Zone A

Chair S. Addonizio opened the Public Hearing for Case 676- Town of Sherman- 43 Route 39 North- (M-23 , L-15). R. Hudson read the Legal Warning into record. The Warning was published in the Town Tribune on August 24th, and again on August 31st, 2017. The applicant submitted a letter to the Board dated September 5, 2017. Chair Addonizio read the letter into record. In the letter, First Selectman C. Cope (the applicant) stated at this time the Town wishes to withdraw the application.
Moved to accept the First Selectman C. Cope's request to withdraw of Case 676- Town of Sherman- 43 Route 39 North- (M- 23 , L- 15).

Seconded by: K. Gubner Vote: For: Unanimous

Deliberation of Public Hearing II:

No deliberation took place, the application was withdrawn by the First Selectman.

Moved to re-order the Agenda to allow Case 675 to be heard next.

Seconded by: R. Lenihan Vote: For: Unanimous

Public Hearing III:

Case: 675- TLF Holdings, LLC- 161 Green Pond Road (M-64, L-33) requesting modification of Variances granted in Case 647: Variances Granted under of Section 332.5 Front Yard Setback from 50' to 8' to allow construction of bridge. Modification of Variance Granted of Section 384 Increase of Non-Conformity, Other than Use for placement of the bridge in the modified footprint as indicated on an A-2 Survey Map entitled " Existing Conditions & (Former) Proposed Construction Zoning Location Map, prepared for TLF Holdings, LLC, Lots 18 & 19 Candlewood Lake Estates, Section E, 161 Green Pond Road, Town of Sherman, County of Fairfield, State of Connecticut. Date: July 20, 2017, Sheet: ZL.4" Prepared by Arthur H. Howland & Associates, P.C. Zone B

Chair S. Addonizio opened the Public Hearing for Case: 675- TLF Holdings, LLC- 161 Green Pond Road (M-64, L-33). R. Hudson read the Legal Warning into record. The Warning was published in the Town Tribune on August 24th, and again on August 31st, 2017. Two abutting neighbors were notified by Certified Mail. No correspondence has been received in reference to this case. Chair Addonizio reviewed the application file, in it was a completed application, a hardship letter, an agent letter appointing Paul Szymanski, of Arthur H. Howland & Associates, LLC to speak on the owners behalf. Also in the file was architectural plans entitled "Evolve Design Group llc, Project: Wolsnky Residence, 161 Green Pond Road, ZBA Submittal Preliminary Plans, Dated: 04/07/14" and an A-2 Survey entitled " Existing Conditions and (Former) Proposed Construction Zoning Location Map, Prepared for TLF Holdings, LLC Lots 18 & 19 Candlewood Lake Estates, Section E, 161 Green Pond Road, Town of Sherman, County, State of Connecticut". Dated July 20, 2017, Last revised: August 14, 2017. Prepared by Arthur H. Howland. Several photographs were provided with the application pointing out topographical hardships on the property. Mr. Szymanski came forward to present the case. This property was granted a Variance in 2014 requesting the same variance as now. The reason the application is back in front of the ZBA is because the original A-2 survey submitted, did not show accurate measurements to the front yard setback. The Variance granted in 2014 for the front yard setback was from 50' to 8' for construction of a bridge to allow access to the front door. Over 50% of the dwelling is in a non-conforming location. Mr. Szymanski points out that several neighboring homes on this road share the same topographical hardships. Mr. Szymanski noted that the architectural drawings that were submitted in 2014 were graphically correct. The inconsistency was on the original submitted A-2 survey where the wrong scale was used to depict the closest point from the bridge edge, the plan showed 12.5 feet which actually should have been 7.5 feet. The bridge was constructed exactly as the variance was allowed, however when the As- Built was submitted to the ZEO for compliance it came to light that an incorrect scale was used. Mr. Szymanski is requesting the Board modify the Variance to reflect the corrected A-2 survey entitled " Existing Conditions and (Former) Proposed Construction Zoning Location Map, Prepared for TLF Holdings, LLC Lots 18 & 19 Candlewood Lake Estates, Section E, 161 Green Pond Road, Town of Sherman, County, State of Connecticut". Dated July 20, 2017, Last revised: August 14, 2017. Add dimensions & Setbacks to House " with a corrected Front Yard setback from 50' to 8'. There were no additional questions or comments from the Board. There were no comments from the audience.

Moved to Close the Public Hearing of Case: 675- TLF Holdings, LLC- 161 Green Pond Road (M-64, L-33).

Seconded by: K. Fazzone. Vote: For: Unanimous

Deliberation of Public Hearing III:

Chair S. Addonizio opened the Deliberation portion of the Meeting for Case 675. The Board discussed the unique
topography of the property which pushed the dwelling location so close to the front yard setback. The Board recognized owner's desire to gain access to the dwelling from street level by constructing a bridge to bypass the several steps down and then up. Additionally the Board recognized there was minimal impact to the ground by creating the proposed wooden bridge. This Variance retains the character neighboring homes and does not change the current use. The Board recognized the inconsistency of measurements shown on the original A-2 survey and the desire to submit a corrected version in order to comply with the final sign off from the ZEO. No additional comments were made.

K. Gubner Moved to Approve Case: 675- TLF Holdings, LLC- 161 Green Pond Road (M-64, L-33)- requesting modification of Variances granted in Case 647: 'Variances Granted under of Section 332.5 Front Yard Setback from 50’ to 8’ to allow construction of bridge. Modification of Variance Granted of Section 384 Increase of Non-Conformity, Other than Use for placement of the bridge in the modified footprint as indicated on a corrected A-2 Survey Map entitled “Existing Conditions & (Former) Proposed Construction Zoning Location Map, prepared for TLF Holdings, LLC, Lots 18 & 19 Candlewood Lake Estates, Section E, 161 Green Pond Road, Town of Sherman, County of Fairfield, State of Connecticut., Sheet: ZL.4 Dated: July 20, 2017. Last revised: August 14, 2017- Add dimensions & Setbacks to House with a corrected Front Yard setback from 50’ to 8’.” Prepared by Arthur H. Howland & Associates, P.C.

Seconded by: R. Lenihan  

Vote: For: Unanimous

Public Hearing IV:

Case 674: Hogan, Joseph- 69 Spring Lake Road (M-22, L-11) Requesting a variance of Section 384, Increase of Non-Conformity, Other than Use to extend the 5’, 4” pre-existing non-conforming front porch to 20’, 7.5 ” long by 5’, 4” wide, along the length of the house at the front of the dwelling to create overhead protection with stairs and increase the non-conformity a total of 80 square feet. Requesting a variance of Section 331.5 Front Yard Set-Back, from 50’ to 41’, 4” for porch footprint and stairs shown in the exact location shown on a submitted survey entitled “Existing Conditions Map, for property to be conveyed from Keith H. Fredlund and Scott R. Fredlund to Getaway LLC area= 102,314 sf/ 2.3488 AC., 69 Spring Lake Road, Town of Sherman, Fairfield County, CT” dated Sept. 15, 2009”. Prepared by Arthur H. Howland & Associates, P.C. Civil Engineers, Land Surveyors. and as shown on submitted architectural plans entitled, " Renovations to the Residence 69 Spring Lake Road, Sherman, CT " Prepared by Amara Associates, LLC. dated July 31, 2017. Zone A

Chair S. Addonizio opened the Public Hearing for Case: 674: Hogan, Joseph- 69 Spring Lake Road (M-22, L-11). R. Hudson read the Legal Warning into record. The Warning was published in the Town Tribune on August 24th, and again on August 31st, 2017. At this time it was recognized the applicant was not present, the Clerk confirmed that he intended to be at the meeting. There was a severe thunderstorm earlier in the evening that may have caused something that prevented Mr. Hogan's attendance. The Board agreed to continue the case to October 3rd, 2017 allow the applicant the opportunity to be in attendance.

R. Hudson Moved to Continue Case 674: Hogan, Joseph- 69 Spring Lake Road (M-22, L-11) to be heard at the October 3rd, 2017 Meeting at Mallory Town Hall, beginning at 7:00pm.

Seconded by: K. Gubner  

Vote: For: Unanimous

Approval of Minutes

Minutes of Regular Monthly Meeting July 18th, 2017

B. O’Dwyer Moved to Approve Minutes of Regular Monthly Meeting of July 18, 2017 as written.

Seconded by: K. Gubner  

Vote: For: Unanimous

Adjournment

K. Gubner Moved to Adjourn the meeting at 8:47 p.m.

Respectfully submitted:

Christine Branson, Administrative Clerk
September 19, 2017

APPROVED AS WRITTEN AT THE RMM ON 11-07-2017