Members Present: Samantha Addonizio, Rick Hudson, Kathy Fazzone, Will Jones and Alternates, Richard Lenihan and Kenric Gubner

Absent: Brooke O'Dwyer

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


Alternates Rich Lenihan and Kenric Gubner were elevated to Voting Status for the duration of the Hearings.

W. Jones Recused himself from the continuation of Cases 673 and 674, stating he was not in attendance during the openings of these Cases and therefore was not familiar with the discussions.

Call to Order: Chair S. Addonizio Called the Meeting to Order at 7:02 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 foot print 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 September 21, and again on September 28, 2017. Since the last meeting, the applicant submitted a letter dated July 18, 2017 granting an extension of 21 days beyond the normal 35 days allowed to the Board. An additional letter was submitted from Mrs. Ruane dated August 18, 2017 requesting her case be extended to the October 3rd, 2017 meeting. Chair Addonizio read the letter into record. Mrs. Ruane had requested her case be continued to tonight's meeting. Atty. J. T. Deakin was present to speak on behalf of his client, A. Ruane who was also present. Atty. Deakin presented an Agent letter signed by Mrs. Ruane. The Zoning office did not receive any correspondence in relation to this application. ZBA Member W. Jones stated he has a conflict of interest and wished to recuse himself from this Public Hearing, for reason that he was not present for the beginning of the hearing that took place on July 18, 2017. Mr. Jones additionally stated he and Atty. Deakin are lifelong friends, their fathers shared a Law Practice for many years. Atty. Deakin provided a brief history of the property, stating the dwelling that exists on this property built was in 1806 and was once a barn that belonged to the abutting property. This dwelling was renovated in the 1950's and again in the 1970's. Atty. Deakin stated this dwelling conforms to use but not setbacks. The home shares a well with the neighboring property. The size of the existing dwelling is of modest size (1,960 sq. ft.) and the owner desires to construct an addition (1,728 sq. ft.). The property is 0.976 acres and has wetlands along the Eastern edge created by a brook. The Western side of the property shows a driveway that allows access to a property behind owned by T. Lescynski. Atty. Deakin submitted a letter from the Lescynski family, Tom, Jeff, and Pete stating that they were aware of the proposed addition, and did not object to this activity. The owner is proposing to change the roof from a shed roof to a hip roof on the existing dwelling. Atty. Deakin stated he feels the proposed addition is in keeping with the P.O.C.D. in relation to the desire to preserve historic structures and homes. The Board recognized this pre-existing non-conforming dwelling is situated very close to the roadway at 37.9’ to the front property line and
12' to the side property line, any exterior building activity would require a Variance. The 1,728 sq ft addition would be placed at the rear of the existing dwelling along the Western edge of the property. The Side Yard Set-Back is 25'; the Variance being requested is from 25' to the new proposed step edge of 4'. The addition would sit 7' off of the side property line. An additional Variance being requested, Section 384, Increase of Non-Conformity, Other than Use is to modify the roof at the front of the dwelling and increase the footprint of the structure of the legal non-conforming dwelling. Atty. Deakin went on to describe the topographical hardships created by the land, stating the property features retaining walls, and very large old trees. The property slopes from the house toward the west. Atty. Deakin additionally stated that the applicant and her Architect explored different locations for the addition but were challenged with the possibility of impairing the structural integrity of the existing home if the addition was configured differently than proposed. The Board questioned where the new proposed well would be located. Atty. Deakin stated the ideal location would be near the center or back of the property, away from the road. The survey shows a garage situated 98' from the brook on the Eastern side of the property. Several stone walls are located along the Northwestern corner of the property. The proposed addition would meet the rear and western side setback requirements. Atty. Deakin referenced two examples of case law that were appealed in Superior Court, and provided a copy for the record. The Commission asked if alternate locations were explored for placement of the addition. Mrs. Ruane described a drop off along the Eastern side of the house. She stated the reason the proposed location was chosen was because there would be less of a topographical hardship.

**K. Gubner Moved** to Close the Public Hearing of Case 673: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30)

**Seconded by: R. Lenihan**

**Vote: For: Unanimous**

**Deliberation of Case 673: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30)**

Chair S. Addonizio opened the Deliberation portion of Case 673: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30). The Board discussed the hardships that were listed in the letter from Mrs. Ruane. The Board recognized the location of the dwelling creates increased non-conformity due to the proximity of the Front Yard Setback. Any alteration to the dwelling will require a variance. The Board discussed at length the possibility of locating the proposed addition in a more conforming area of the property. They recognized that moving the proposed addition toward the center of the might not be aesthetically pleasing but would reduce the volume of non-conformity. The A-2 survey submitted does not show existing or proposed septic or existing or proposed well locations.

**K. Gubner Moved** to Approve the Public Hearing of Case 673: Ruane, Paul & Amanda - 1 Anderson Road West- (M-33, L-30) 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. 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

**Seconded by: R. Lenihan**

**Vote: For: 0 / Against: 4 (R. Lenihan, R. Hudson, K. Gubner and K. Fazzone) (1 Abstained: W. Jones)**

**Public Hearing II:**

**Continuation of 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
Chair S. Addonizio opened the Continuation of the Public Hearing of 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 September 21, and again on September 28, 2017. Since the last meeting one piece of correspondence from David Lakhdhir who lives at 73-77 Spring Lake Road has been received and was read into record. Mr. Lakhdhir states in his letter that he is a direct abutter of Mr. Hogan's property. He states the current condition of the dwelling is in "derelict condition". Mr. Lakhdhir states he has no objection to the proposed improvements to 69 Spring Lake Road. A hardship letter was submitted with the application and was read into record. Mr. J. Hogan was present to speak on behalf of his application. Mr. Hogan is seeking a variance of Section 331.5 Front Yard Set-Back, from 50' to 41', 4" for porch footprint and stairs to allow a safe walkway and covered access to the front door. Mr. Hogan stated at some point there was a covered porch in this location that was removed. This is the only access to the dwelling.


Deliberation of Case 674: Hogan, Joseph- 69 Spring Lake Road (M-22, L-11)

Chair S. Addonizio opened the Deliberation portion of Case 674: Hogan, Joseph- 69 Spring Lake Road (M-22, L-11). The Board agreed the pre-existing non-conforming dwelling sits very close to the front yard setback at 46.8 feet. They recognized the request for a covered porch and stair is reasonable use of the only access-way to the home. They additionally agreed the request was minimal in impact by only expanding the width of the front step to run along the side of the house.

K. Gubner Moved to Approve Case 674: Hogan, Joseph- 69 Spring Lake Road (M-22, L-11). 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. 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.

Seconded by: K. Fazzone Vote: For: 4 / Against: 1 (Lenihan)

The Board took a five minute recess beginning at 8:40pm and ending at 8:47pm

W. Jones was seated as a Voting Member for the remainder of the Meeting.

Public Hearing III:

Case 677: Cleary, Kevin & Meredith- 1 Holiday Point ( M-78, L-13) Requesting a Variance of Section 384, Increase of Non-Conformity, Other than Use to construct a two story addition at the rear of the dwelling and increase the foot print of the structure of the legal non-conforming dwelling by 1,200 square feet. Requesting a variance of Section 331.5 Front Yard Set-Back, from 50' to 10', 4" on the Northern side of the property. Requesting a variance of Section 331.5 Front Yard Set-Back, from 50' to 35' on the Western side of the property. All in accordance and in the exact footprint shown on an A-2 Survey submitted entitled " Property Survey prepared for Kevin & Meredith Cleary, 1 Holiday Point Road, Town of Sherman, Fairfield County, CT”. Dated May 31, 2017, (Revised August 30, 2017 for proposed additions) and all in accordance with building plans submitted entitled,
Chair S. Addonizio opened the Public Hearing of Case 677: Cleary, Kevin & Meredith- 1 Holiday Point (M-78, L-13) R. Hudson read the Legal Warning into record. The Warning was published in the Town Tribune on September 21, and again on September 28, 2017. Certified letters were sent to two abutters. No correspondence was received. There was an Agent letter in the file appointing Erich Diller of Evolve Design Group to speak on behalf of the applicants. Mr. Diller was present to speak, as well as the applicants Kevin & Meredith Cleary. The letter of hardship was read into record. The house sits on a corner, along two roads, which require a fifty foot setback on each side. The North side of the dwelling sits 0.5’ and 1.5’ at the Northwest and Northeast corners. The septic sits parallel along Holiday Point Road only 25’ feet from the road edge. This historic home was built in 1807, before the Zoning Regulations were created. Mr. Diller came forward to speak on behalf of the application. Mr. Diller provided several photographs of the existing dwelling and surrounding areas along the road to show the close proximity to the road. Mr. Diller stated there were many challenges that he and the homeowners faced when attempting to find a conforming location for the proposed 1,200 square foot, two story addition. Mr. Diller presented an A-2 survey showing shaded areas depicting a sliver of conforming area within the existing dwelling. The existing dwelling sits directly against the State Highway line along Route 37. As an effort to reduce the newly created non-conformity, the proposed addition will step away from the State Highway line approximately 13.5, deeper into the property. Also discussed was a DoT approved planting plan to screen the dwelling from the adjacent traffic.

**R. Hudson Moved** to Close the Public Hearing of Case 677: Cleary, Kevin & Meredith- 1 Holiday Point (M-78, L-13).

**Seconded by**: R. Lenihan  
**Vote: For: Unanimous**

**Deliberation of Case 677: Cleary, Kevin & Meredith- 1 Holiday Point (M-78, L-13)**

Chair S. Addonizio opened the Deliberation portion of Case 677: Cleary, Kevin & Meredith- 1 Holiday Point (M-78, L-13) The Board recognized the pre-existing non-conforming dwelling sits inside of two front yard setbacks, because the lot has two roads that abut the property. The dwelling predates Zoning Regulations. The Board discussed the shaded A-2 survey that Mr. Diller provided and agreed there was very little that could be done to enlarge the dwelling without needing a variance. The Board agreed that it seems every effort possible was made to reduce increased Non-Conformity, by pushing the addition inside the property farther than the existing dwelling.

**R. Hudson Moved** to Approve Case 677: Cleary, Kevin & Meredith- 1 Holiday Point (M-78, L-13) Variance of Section 384, Increase of Non-Conformity, Other than Use to construct a two story addition at the rear of the dwelling and increase the foot print of the structure of the legal non-conforming dwelling by 1,200 square feet. Variance of Section 331.5 Front Yard Set-Back, from 50’ to 10’, 4” on the Northern side of the property. Variance of Section 331.5 Front Yard Set-Back, from 50’ to 35’ on the Western side of the property. All in accordance and in the exact footprint shown on an A-2 Survey submitted entitled " Property Survey prepared for Kevin & Meredith Cleary, 1 Holiday Point Road, Town of Sherman, Fairfield County, CT". Dated May 31, 2017, (Revised August 30, 2017 for proposed additions) and in accordance with building plans submitted entitled, "Evolve Design Group LLC, Project: Cleary Addition, 1 Holiday Point Road, Title: Footprint Plan". Dated 08/29/17. Zone A.

**Seconded by**: K. Gubner  
**Vote: For: Unanimous**

**Public Hearing IV:**

**Case 678: Greenwald, Eric & Lisa- 23 Ledgewood Drive (M-73, L-14)** Requesting a Variance of Zoning Section 384- Increase of Non-Conformity Other Than Use- for a total increase of 732 sq. ft. for construction of deck and stairs. Requesting Variance from Section 332.5 Front Yard Setback from 50’ to 2.9’ for location of a stairway. Variance from Section 332.5 Front Yard Setback from 50’ to 27.5’ for location of deck. Requesting Variance from Section 332.5 Rear Yard Setback from 25’ to 38.9’ for location of a deck. Variance from Section 332.5 Rear Yard Setback from 25’ to 18.7’ for location of stairway. Variance from Section 332.5 Rear Yard Setback from 25’ to 0’ for stairway. Variance from Section 332.5 Rear Yard Setback from 25’ to 3.9’ for a gravel landing. Variance from Section 332.5 Rear Yard Setback from 25’ to 14.2’ for a stairway; built all in accordance as shown in the exact
Chair S. Addonizio opened the Public Hearing of Case 678: Greenwald, Eric & Lisa- 23 Ledgewood Drive (M-73, L-14). R. Hudson read the Legal Warning into record. The Warning was published in the Town Tribune on September 21, and again on September 28, 2017. Certified letters were sent to three abutters. No correspondence was received. There was an Agent letter from the property owners in the file appointing David Richardson of Scotts Landscaping, LLC and Paul Szymanski of Arthur Howland & Assoc, P.C. to speak on behalf of the applicants. There was also a letter from Deer Run Shores Property Owners Association, Inc. granting permission to the property owner Eric Greenwald to remove the existing stairs crossing the two foot wide strip above the 440 line and replace them with new steps. Mr. Richardson was present to speak on behalf of the application. The letter of hardship was read into record. Photographs were provided to show the challenging topography of the land, the rear of the dwelling where several decks and stairs are located and the waterfront area. Presently the homeowner states they do not have reasonable access to their front door, the original exterior stairway was never constructed due to the steep topography. In the letter of hardship they state they use a bedroom door presently to gain access to the dwelling. The house sits on a steep cliff side leading down to the lake, at the top of the property. When the dwelling was originally built, an elaborate series of stairs and decks were constructed to allow access to the water. The stairs and decks are in now disrepair and pose a safety risk, in order for the homeowner to replace the decks, they are required to seek a variance because a large portion of the property is non-conforming. An A-2 survey was provided which showing all of the setbacks, including a two foot strip that Deer Run Shores Property Owners Association owns between the 440' Line and the property line for 23 Ledgewood Drive. There is also a 4 foot strip owned by Deer Run Property Owners Association at the top of the property, where a proposed stairway is shown measuring 2.9 feet from the property line. The intent for the reconstruction of the stairs and decking is to simplify the construction and lessen the increase of non-conformity. Currently the existing stairs and decking all together equals 1,032 square feet. The new proposed construction is 300 square feet less than existing, reducing non-conformity.


Deliberation of Case 678: Greenwald, Eric & Lisa- 23 Ledgewood Drive (M-73, L-14)

Chair S. Addonizio opened the Deliberation portion of Case 678: Greenwald, Eric & Lisa- 23 Ledgewood Drive (M-73, L-14). The Board recognized the difficult topography of this property and pre-existing non-conforming dwelling and decks. The Board discussed the A-2 survey that was provided and agreed there was very little that could be done without needing a variance. The Board recognized the efforts made to reduce the non-conformity, by simplifying the decks and stairs toward the lake. The Board also agreed it is a reasonable request to have access to the front door.

R. Hudson Moved to Approve Case 678: Greenwald, Eric & Lisa- 23 Ledgewood Drive (M-73, L-14) Variance of Zoning Section 384- Increase of Non-Conformity Other Than Use- for a total increase of 732 sq. ft. for construction of deck and stairs. Requesting Variance from Section 332.5 Front Yard Setback from 50’ to 2.9’ for location of a stairway. Variance from Section 332.5 Front Yard Setback from 50’ to 27.5’ for location of deck. Requesting Variance from Section 332.5 Rear Yard Setback from 25’ to 38.9’ for location of a deck. Variance from Section 332.5 Rear Yard Setback from 25’ to 18.7’ for location of stairway. Variance from Section 332.5 Rear Yard Setback from 25’ to 0’ for stairway. Variance from Section 332.5 Rear Yard Setback from 25’ to 3.9’ for a gravel landing. Variance from Section 332.5 Rear Yard Setback from 25’ to 14.2’ for a stairway; built all in accordance as shown in the exact footprint on an A-2 survey submitted entitled "Existing Conditions Map, (Showing Proposed Deck & Steps), Prepared for Eric & Lisa Greenwald, 23 Ledgewood Drive, Town of Sherman, County of Fairfield, State of Connecticut. Prepared by Arthur H. Howland Assoc., P.C Dated 12/6/15. Last Revised 9/13/17. Zone B

Seconded by: W. Jones Vote: For: Unanimous
Approval of Minutes of Regular Monthly Meeting September 5, 2017

Due to the length of this current Meeting, Approval of the September 5th, 2017 Minutes were tabled until the November Meeting.

Adjournment

K. Gubner Moved to Adjourn the meeting at 10:00 p.m.

Respectfully submitted:

______________________________
Christine Branson, Administrative Clerk
October 27, 2017

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