Members Present: Samantha Addonizio Butts, William Jones Jr., Rick Hudson, Kathy Fazzone, and Alternates: Ann Chiaramonte and Jarred Bonner

Absent: Kenric Gubner

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

Public: D. Febbraio, and M. Febbraio

Call to Order: Chair S. Addonizio-Butts Called the Meeting to Order at 7:10 p.m.

Alternates A. Chiaramonte and J. Bonner were Elevated to Voting Status

K. Fazzone recused herself from Case 685 and moved to the audience during the Public Hearing and Deliberation.

Public Hearing:

ZBA Case 685- 8 Sunny Lane- (M-20, L-62) Febbraio, David & Maryanne- Requesting Variance of Section 384- Increase of Non-Conformity Other Than Use- to allow placement of a 12' x 16' accessory shed in the exact footprint shown on the submitted A-2 survey. Requesting Variance from Section 331.5 Minimum Setback requirement for a side-yard setback from 25' to 0' to allow placement of a 12' x 16' accessory shed in the exact footprint shown on the submitted A-2 survey. Requesting Variance of Section 384- Increase of Non-Conformity Other Than Use- to allow construction of a 32' x 16' swimming pool in the exact proposed footprint location as submitted on the A-2 survey. Requesting Variance from Section 331.5 Minimum Setback Requirements from 25' to 13' to allow construction of a 32' x 16' swimming pool all in accordance with and in the exact footprint locations as submitted on the A-2 survey entitled "Property Survey prepared for David M. & Maryanne Febbraio, 8 Sunny Lane, Fairfield County, CT," Dated June 11, 2018. Prepared by the Office of PAH, Inc Land Surveyors. Zone A

Chair Addonizio-Butts opened the Public Hearing for ZBA Case 685- 8 Sunny Lane- (M-20, L-62) Febbraio, David & Maryanne. R. Hudson read the Legal Notice into record. The Legal Notice was published in the Town Tribune on June 28th and July 5, 2018. Three abutting neighbors were notified by certified mail on June 26, 2018. One piece of correspondence was received to the Zoning office. Ms. Addonizio Butts reviewed the application file, which included an application, a hardship letter, a list of abutting neighbors' addresses and the certified mail receipts. Also in the application file was a field card of the 2.19 acre property, a denied Zoning application, and 8 photographs of the property from several points of view. Also in the application file was an A-2 survey entitled "Property Survey prepared for David M. & Maryanne Febbraio, 8 Sunny Lane, Fairfield County, CT," Dated June 11, 2018. Prepared by the Office of PAH, Inc Land Surveyors, and pool plans from Rainbow Pools. Mr. & Mrs. Febbraio were present to speak on behalf of their application. W. Jones joined the Meeting at 7:18 pm. The correspondence from abutting neighbor E. Burke of 6 Sunny Lane was read into record, stating opposition to the application to install a pool and shed within close proximity to her property line. The Febbraio's presented the photographs of their property to the Board, showing the drastic rock formation to the rear of their house and discussed the severe topography surrounding the house. The existing septic sits along the northwestern portion of the front yard. The well sits at the southern edge of the front yard. There are two retaining walls located close to the well. The applicants are seeking a variance to the Side yard setback from 25' to 13.0' to allow placement of a 32' x 16' swimming pool on the southern edge of their property. There is a 20' x 40' deck on the rear of the house that will be minimized to allow the pool to
be placed in a more compliant location, but they would like to retain a reasonable portion to create safe passage between the house and the pool. They have explored all other locations on their property for a compliant location for the pool, however they have been met with challenges regarding the unique terrain and limited flat areas in their yard. They have considered blasting away at a portion of the stone cliff located at the rear of the house, however they have had water issues in those locations and don’t want to create new problems. Additionally the applicants have taken into consideration the proximity to the neighbors property and plan to use noise minimizing pool equipment to reduce any possible negative impact. There is an existing drain at the location where the pool is being proposed, that will be moved to an alternate location to redirect flow of runoff toward other existing drains. The Febbraio's stated they are prepared to install the pool in a smaller footprint than they are requesting since they really have no idea what their limitations will be until they get an excavator on the property. They have chosen to install a gunnite pool which will allow a natural formation according to the shape they can carve from the rock. The second variance the Febbraio's are requesting is for a 12' x 16' shed which is pre-existing on the property. They are seeking approval of the location where it currently exists to bring the shed location into compliance. Currently, one corner of the shed sits directly on the property line on the southern edge. The Febbraio's stated the shed was placed where it is to minimize the visual impact for the neighbors, while providing useful access for equipment and storage. They have also planted screening to minimize visual impact from the road. Chair, S. Addonizio-Butts asked if the neighboring properties share the same difficult terrain. The applicants confirmed they do. The applicants stated they explored several alternate locations for the shed but were met with the same challenges such as severe terrain and rock outcropping and limitations created by the septic fields and well location. The Board had no additional questions.

R. Hudson Moved to close the Public Hearing of- ZBA Case 685- 8 Sunny Lane- (M-20, L-62) Febbraio, David & Maryanne.  
Seconded by: W. Jones  
Vote: For: Unanimous

Deliberation of Public Hearing I:

ZBA Case 685- 8 Sunny Lane- (M-20, L-62) Febbraio, David & Maryanne

Chair S. Addonizio-Butts opened the deliberation of Case 685. Discussion followed regarding the severe topography which greatly limits the use of a large portion of the property. The location of the well and septic limit the use of the front yard. The house sits at the foot of a solid rock cliff in a small flat area which then slopes down toward Sunny Lane. There is currently a 20' x 40' deck attached to the rear of the house which is 30 feet from the side yard property line. The deck location is adjacent to the proposed pool location. Consideration was given to the fact that the pool may be built in a smaller footprint pending what is uncovered during excavation. The Board discussed the proposed pool size and orientation in relation to the proximity to the setback. The Board discussed the current placement of the shed and possibilities of re-locating to a compliant area. The Board agreed the topography of this property is very challenging, however the owners do seem to have reasonable use of the land. Upon further discussion the Board agreed to bifurcate the Motions for variance. Neither Motion carried.

R. Hudson Moved to Approve ZBA Case 685- 8 Sunny Lane- (M-20, L-62) Febbraio, David & Maryanne- Requesting Variance of Section 384- Increase of Non-Conformity Other Than Use- to allow placement of a 12’ x 16’ accessory shed in the exact footprint shown on the submitted A-2 survey. Requesting Variance from Section 331.5 Minimum Setback requirement for a side-yard setback from 25’ to 0’ to allow placement of a 12’ x 16’ accessory shed in the exact footprint shown on the submitted A-2 survey, entitled "Property Survey prepared for David M. & Maryanne Febbraio, 8 Sunny Lane, Fairfield County, CT," Dated June 11, 2018. Prepared by the Office of PAH, Inc Land Surveyors. Zone A  
Seconded by: W. Jones  
Vote: For: 3/ Against :2
R. Hudson Moved to Approve ZBA Case 685- 8 Sunny Lane- (M-20, L-62) Febrario, David & Maryanne- Requesting Variance of Section 384- Increase of Non-Conformity Other Than Use to allow construction of a 32' x 16' swimming pool in the exact proposed footprint location as submitted on the A-2 survey. Requesting Variance from Section 331.5 Minimum Setback Requirements from 25' to 13' to allow construction of a 32' x 16' swimming pool all in accordance with and in the exact footprint locations as submitted on the A-2 survey entitled "Property Survey prepared for David M. & Maryanne Febrario, 8 Sunny Lane, Fairfield County, CT," Dated June 11, 2018. Prepared by the Office of PAH, Inc Land Surveyors. Zone A
Seconded by: W. Jones Vote: For: 3/ Against :2

K. Fazzone returned to the table and resumed Voting status for the remainder of the meeting.

Approval of Minutes: Regular Monthly Meeting of May 1, 2018
K. Fazzone Moved to Approve the Minutes of May 1, 2018 as amended: to add under the Public Hearing I, for 16 Brinsmade, add to the sentence: after D.O.T. re-graded the road (add) "and cut down several trees".
Seconded by: K. Gubner Vote: For: 4 / Abstained: 2

Adjournment: A. Chiaramonte Adjourned the Meeting at 9:23pm.

Respectfully submitted:

Christine Branson, Administrative Clerk
June 19, 2018
APPROVED AS FINAL AT THE SEPTEMBER 4, 2018 RMM