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

Members Absent: Alternate D. Raines

Audience: M. Carpanzano, J. Huber, F. Huber, J. Burruano

Other: C. Branson, Administrative Clerk

Call to Order: K. Gubner Called the Meeting to Order at 7:06 pm.

Public Hearing I:
ZBA Case # 702- Colen, Stephen- 28 Deer Run Trail, Sherman, CT. (M-69, L-39)- Requesting Variance of Section 332.5 Minimum Setback Requirements, Front Yard Setback from 50’ to 38.3’ (for construction of a new house). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 2.6’ (retaining wall and covered stairs). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 6.2’ (elevated patio structure). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 21.4’ (balcony) all in accordance with submitted A-2 survey entitled” Zoning Location Map with Proposed structure, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores, Town of Sherman, County of Fairfield, State of Connecticut.” Prepared by Arthur H. Howland & Associates. Dated June 20, 2019; last revised July 18, 2019. Requesting Variance of Section 358.1 Impact on Adjacent Property to allow a change in surface elevations not more than 2’ at a distance of 5’ from the Northwest property line only as necessary to accommodate the new proposed septic system as shown on plan entitled; “Proposed B100a Sanitary Code Complying Area Plan, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores Town of Sherman, County of Fairfield, State of Connecticut.”. Prepared by Arthur H. Howland & Associates. Dated February 8, 2019; last revised May 24, 2019 (additional test hole) Reference Section A-A of drawing. Zone B.

Chair, K. Gubner opened the Public Hearing. Clerk C. Branson read the Legal warning into record. The Legal warning was published in the Town Tribune on July 25th and August 1, 2019. Three abutting neighbors were sent the Legal warning by certified mail. The application file contained an executed, notarized form, with an attached sheet entitled “Schedule A” describing the requested variances, there was an Agent Letter designating Michael Carpanzano the ability to speak on behalf of the owners. There was a hardship letter describing the hardships created by the land. There was an Engineer’s report from Silva Associates describing the existing foundation as substandard and recommends the foundation be demolished and a new foundation poured to accommodate the proposed construction. There was a Flood Base Elevation report from Arthur H. Howland & Associates, stating the proposed construction is above the flood elevation line. There was an A-2 survey, a B-100a (septic plan), and building plans for the proposed new construction. M. Carpanzano was invited to speak on behalf of the application. M. Carpanzano submitted three letters of correspondence from neighbors; N. Volkmar, R. Zweibel, and C. Fenton, all in favor of the proposed construction. Also M. Carpanzano submitted a new A-2 Survey with a revised date of 08-26-2019 with an updated building coverage percentage. Note: The file contained a misfiled Health Approval for a different address, which was not part of the application. M. Carpanzano submitted a copy of the correct Health approval from his records which had attached an email from the Health Department, confirming the existing septic system is approved for four bedrooms, this has now become part of the application file. Mr. Carpanzano presented the Board with a visual map which he shaded yellow the conforming area of the property, which was a small wedge. Mr. Carpanzano stated the existing dwelling is a little under 50% in a conforming location. The homeowner would like to install a new septic which would require a soil build up of three feet on one side of the property. Mr. Carpanzano discussed storm water provisions with the Board. Additionally Mr. Carpanzano provided a visual comparison of the existing lot coverage at 14.01% compared to the proposed lot coverage at 13.92%. Mr. Carpanzano stated the proposed new construction brings more square footage into conformity than the existing dwelling. * Mr. Carpanzano referred to a report he compiled of house sizes in the immediate neighborhood that were renovated within the past seven years. Mr. Carpanzano asked if the Board wanted to see the report. Chair K. Gubner stated it was not necessary. Mr. Carpanzano stated even if the owners were considering keeping the same footprint, they would still be required to go before ZBA because the foundation must be demolished to become compliant to todays’ building codes. Discussion followed regarding the increase of 400 square feet of the new proposed footprint.
Amendment to Minutes of August 6, 2019, ZBA CASE 702- Colen, Stephen- 28 Deer Run Trail, Sherman, CT. (M-69, L-39) Public Hearing. The Board agreed the renovation comparison report that Mr. Carpanzano submitted after the close of the Public Hearing was not a valid submittal and should be removed from Public Record.

**Chiaramonte Moved** to close the Public Hearing of ZBA Case # 702- Colen, Stephen-28 Deer Run Trail, Sherman, CT. (M-69, L-39)- Requesting Variance of Section 332.5 Minimum Setback Requirements, Front Yard Setback from 50’ to 38.3’ (for construction of a new house). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 2.6’ (retaining wall and covered stairs). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 6.2’ (elevated patio structure). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 21.4’ (balcony) all in accordance with submitted A-2 survey entitled” Zoning Location Map with Proposed structure, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores, Town of Sherman, County of Fairfield, State of Connecticut.” Prepared by Arthur H. Howland & Associates. Dated June 20, 2019; last revised July 18, 2019. Requesting Variance of Section 358.1 Impact on Adjacent Property to allow a change in surface elevations not more than 2’ at a distance of 5’ from the Northwest property line only as necessary to accommodate the new proposed septic system as shown on plan entitled; “Proposed B100a Sanitary Code Complying Area Plan, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores Town of Sherman, County of Fairfield, State of Connecticut.”. Prepared by Arthur H. Howland & Associates. Dated February 8, 2019; last revised May 24, 2019 (additional test hole) Reference Section A-A of drawing. Zone B.

Seconded by: K. Fazzone Vote: For: Unanimous

Deliberation of Public Hearing I:

ZBA Case # 702- Colen, Stephen- 28 Deer Run Trail, Sherman, CT. (M-69, L-39)-
The Board discussed the hardships the applicant listed in the letter as well as the increase in volume of the proposed new construction. The Board recognized the pre-existing non-conforming dwelling and difficulties added by the terrain and shape of the lot. However, several members shared their difficulty justifying the hardships in relation to the new proposed construction. One member stated he disagreed with the other members, commending the applicant for the reduction of non-conformity in the proposed plans as well as upgrading the septic and improving storm water management. The Board discussed the fact that the Zoning Regulations changed regarding side and rear setbacks going from 15 feet to 25 feet creating pre-existing non-conformity to many homes in the B Zone. Mr. Carpanzano approached the Board upon leaving the meeting and handed Ms. Branson the * renovation comparison report he referred to during the deliberation portion of the hearing.

* Amendment to Minutes of August 6, 2019, ZBA CASE 702- Colen, Stephen- 28 Deer Run Trail, Sherman, CT. (M-69, L-39). The Board agreed the renovation comparison report that Mr. Carpanzano submitted after the close of the Public Hearing was not a valid submittal and shall be removed from Public Record.

**Chiaramonte Moved** to Approve ZBA Case # 702- Colen, Stephen- 28 Deer Run Trail, Sherman, CT. (M-69, L-39)- Requesting Variance of Section 332.5 Minimum Setback Requirements, Front Yard Setback from 50’ to 38.3’ (for construction of a new house). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 2.6’ (retaining wall and covered stairs). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 6.2’ (elevated patio structure). Requesting Variance of Section 332.5 Minimum Setback Requirements, Rear Yard Setback from 25’ to 21.4’ (balcony) all in accordance with submitted A-2 survey entitled’ Zoning Location Map with Proposed structure, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores, Town of Sherman, County of Fairfield, State of Connecticut.” Prepared by Arthur H. Howland & Associates. Dated June 20, 2019; last revised July 18, 2019. Requesting Variance of Section 358.1 Impact on Adjacent Property to allow a change in surface elevations not more than 2’ at a distance of 5’ from the Northwest property line only as necessary to accommodate the new proposed septic system as shown on plan entitled; “Proposed B100a Sanitary Code Complying Area Plan, prepared for Stephen R. Colen & Helen S. Colen, 28 Deer Run Trail, Deer Run Shores Town of Sherman, County of Fairfield, State of Connecticut.”
K. Fazzzone Moved to Recess the Meeting for 5 minutes at 8:27 pm

K. Gubner Reconvened the Meeting at 8:33 pm

A. Chiaramonte recused herself from Case #703

Alternate V. Gentile was elevated to Voting Status.

Public Hearing II:

Chair, K. Gubner opened the Public Hearing. Clerk C. Branson read the Legal warning into record. The Legal warning was published in the Town Tribune on July 25th and August 1, 2019. Two abutting neighbors were sent the Legal warning by certified mail. No correspondence was received. The application file contained an executed form, a hardship letter, a copy of the original subdivision map and a copy of a previously granted Variance dated June 29, 1978, filed in the Land Use Records under Volume 38, Page 922 and an attached letter from Mr. Huber filed in the Land Records under Volume 38, Page 923. The existing Variance grants the ability to construct a three car garage on (formerly Lot G-90) 25a Skyline Drive, to be considered accessory to the primary dwelling which is located across the road (formerly Lot G-22) joining these lots by Variance. The Huber’s never built the garage. They have since sold Lot G-22 not realizing the variance bound the two properties together. Now the Huber’s would like to sell Lot G-90, now referred as 25a Skyline Drive. In order to sell this property now, they need to come before ZBA to request the removal the Variance previously granted.


Seconded by: V. Gentile Vote: For: Unanimous

Deliberation of Public Hearing II:
ZBA Case #703- Huber, Fred & Joan- 25a Skyline Drive, Sherman, CT. (M-55, L-03)-

The Board discussed the request to extinguish the existing Variance granted in 1978. The Board agreed to remove the Variance.


Seconded by: K. Fazzzone Vote: For: Unanimous

Approval of Minutes:
ZBA Regular Meeting Minutes of June 4, 2019

No action took place, the Minutes were tabled to the next meeting.

ZBA Special Meeting Minutes of June 11, 2019

No action took place, the Minutes were tabled to the next meeting.
Adjournment: W. Jones Adjourned the Meeting at 8:50pm

Respectfully submitted by:

_______________________________
Christine Branson, Administrative Clerk to the Board
August 20, 2019
Approved as written at the September 10, 2019 Meeting
*AMENDED AT THE OCTOBER 1, 2019 ZBA MEETING