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

Members Absent: Alternate D. Raines

Also: C. Branson, Commission Administrative Clerk,

Audience: M. Hawley, D. Hawley, K. Archer, R. Kjep, M. Radu, and L. Mentz

Call to Order: Chair K. Gubner Called the Meeting to Order at 7:14 pm.

K. Fazzone recused herself from Case 704

Alternate Victoria Gentile was elevated to voting status.

PUBLIC HEARING I:
ZBA Case # 704-The Estate of Barbara Lynch, Beverly Stessel, Executrix -23 Orchard Rest Road (M-63, L-7)
Agent: Matthew Hawley-Requesting Variance of Section 332.5 Minimum Setback Requirements-Northern Side Yard-From 25’ to 19.5’. Requesting Variance of Section 332.5 Minimum Setback Requirements-Southern Side Yard-From 25’ to 22.4’. Requesting Variance of Section 384 Non-Conformity Other than Use to increase the non-conformity for construction of a second story addition all in accordance with submitted building plans entitled “Hawley Residence, 23 Orchard Rest Road, Sherman, CT 06784. Proposed Floor Plans” Prepared by Archer Engineering Company, P.C. Dated 08/14/2019 & in accordance with submitted A-2 survey entitled, “ Property Survey Prepared for Matthew G. Hawley 23 Orchard Rest Road, Town of Sherman, Fairfield County, CT. Dated July 22, 2019. Prepared by PAH, INC. Land Surveyors. Zone B.

Chair, K. Gubner opened the Public Hearing for Case # 704. Clerk, C. Branson read the legal notice into record. Legal Notice was published in the Town Tribune on August 29th and September 5th. Three abutting neighbors were sent certified letters. No correspondence was received. The application file included a copy of the Appointment of Executrix Certificate. Additionally there was an agent letter allowing Matthew Hawely the ability to speak on behalf of the application. In the There was an engineer’s structural report, as well as building plans submitted entitled “Hawley Residence, 23 Orchard Rest Road, Sherman, CT 06784. Proposed Floor Plans” Prepared by Archer Engineering Company, P.C. Dated 08/14/2019 & in accordance with submitted A-2 survey entitled, “ Property Survey Prepared for Matthew G. Hawley 23 Orchard Rest Road, Town of Sherman, Fairfield County, CT. Dated July 22, 2019. Prepared by PAH, INC. Land Surveyors. Matthew Hawley and Kevin Archer were present to speak on behalf of the application. Mr. Archer stated the foundation is in good shape and would like to utilize the existing foundation and first floor framing to expand straight up to create a full second floor. The pre-existing, non-conforming structure is situated on a 0.57 acre lot and was built in 1929, pre-dating Zoning Regulations. The structure was originally built to be a summer cottage. Mr. Hawley intends to bring the dwelling up to modern standards for year round enjoyment, while utilizing the original charm of the framing on the first floor and add a full second floor. The Board asked what the existing square footage is. Mr. Archer stated 840 square feet. The board asked what the square footage shall be included with the second story. Mr. Archer stated it shall be 1,680 square feet. The Board asked if the addition shall obstruct neighbors’ view of the lake. Mr. Archer stated the house is set low from street level and the adjacent homes are closer to the lake than this house. There were no further questions or comments.

A. Chiramonte Moved to Close the Public Hearing of ZBA Case # 705
The Estate of Barbara Lynch, Beverly Stessel, Executrix -23 Orchard Rest Road (M-63, L-7).
Seconded by: K. Fazzone Vote: For: Unanimous

Deliberation of Public Hearing I:
ZBA Case # 704-The Estate of Barbara Lynch, Beverly Stessel, Executrix -23 Orchard Rest Road (M-63, L-7)

The Board discussed the pre-existing, non-conforming dwelling built before Zoning Regulations. They appreciated the applicant’s consideration to utilize the existing foundation, which will minimize an increase of non-conformity by going vertical rather than outward. The Board also agreed that this addition will bring the dwelling to a size consistent with the other dwellings in this neighborhood. The Board recognized the unique shape of the narrow lot as well as the challenging topography which limits the buildable areas on the property.
A. Chiaramonte Moved to Approve ZBA Case # 704-The Estate of Barbara Lynch, Beverly Stessel, Executrix -2 Orchard Rest Road (M-63, L-7) Agent: Matthew Hawley- Variance of Section 332.5 Minimum Setback Requirements- Northern Side Yard-From 25’ to 19.5’. Variance of Section 332.5 Minimum Setback Requirements- Southern Side Yard-From 25’ to 22.4’. Variance of Section 384 Non-Conformity Other than Use to increase the non-conformity for construction of a second story addition all in accordance with submitted building plans entitled “Hawley Residence, 23 Orchard Rest Road, Sherman, CT 06784. Proposed Floor Plans” Prepared by Archer Engineering Company, P.C. Dated 08/14/2019 & in accordance with submitted A-2 survey entitled, “Property Survey Prepared for Matthew G. Hawley 23 Orchard Rest Road, Town of Sherman, Fairfield County, CT. Dated July 22, 2019. Prepared by PAH, INC. Land Surveyors. Zone B.
Seconded by: W. Jones  Vote: For: Unanimous

K. Gubner Recessed the Meeting at 7:34 pm.

K. Gubner Reconvened the Meeting at 7:44 pm.

K. Fazzone joined the Meeting for Case 7:44 pm.

PUBLIC HEARING II:

ZBA Case # 705-Bruno, Loretta J. – 2 Lake Shore Woods Road (M-66, L-44) Agents: Robert Kjep and Mihai Radu Architects Mihai Radu and Letitia Mentz- Requesting a Variance of Section 332.5 Minimum Setback Requirements-Rear Yard-From 25’ to 0.1’ for construction of an inclined elevator track with a 6’x 15’ deck. Requesting Variance of Section 332.5 Minimum Setback Requirements-Front Yard-From 50’ to 10.0’ for construction of an enclosed suspended pedestrian walkway. Requesting Variance of Section 332.5 Minimum Setback Requirements-Front Yard-From 50’ to 30’ for construction of an enclosed suspended pedestrian walkway all in accordance with an architectural site plan submitted entitled, “Sherman House, 2 Lake Shore Woods Road, Sherman, CT, Site Plan. Prepared by Mihai Radu Architects and a certified A-2 Survey entitled, “Property Survey Prepared for Lauretta J. Bruno, 2 Lake Shore Woods Road, Town of Sherman, Fairfield County, CT. Dated May 22, 2019. Revised on August 20, 2019”’. Submitted by PAH, INC. Land Surveyors. Zone B.

Chair, K. Gubner opened the Public Hearing for Case # 705. Clerk, C. Branson read the legal notice into record. Legal Notice was published in the Town Tribune on August 29th and September 5th. Three abutting neighbors were sent certified letters. No correspondence was received. The application file included an Agent letter appointing Robert Kjep, Radu Architects, Mihai Radu, and Letitia Mentz the ability to speak on behalf of the application. There was a hardship letter pointing out the severe topography of the land as the hardship. There was a personal hardship letter from the owner stating health reasons as the desire to request the architectural features within this request for Variance. There was a site plan showing and an A-2 Survey. Several photo renderings were submitted showing the proposed structure superimposed onto the topography. Mr. Radu, Mr. Kjep and Ms. Mentz were present to speak on behalf of the application. The Board noted the letter submitted by the homeowner mentioned a health hardship. Seated Alternate V. Gentile handed out copies of an article from a Zoning Seminar regarding compliance with the American’s with Disabilities Act, a brief discussion followed. Mr. Radu presented the Board with blown up details of the A-2 survey for discussion regarding the inclined elevator track and landing, showing the proximity to the lake as well as the challenging topography throughout the property. Mr. Radu also presented the Board with another blown up detail showing the parking area and enclosed walk-way to the front of the house, which shares similar challenging topography. The enclosed walkway and inclined elevator track will allow the homeowner safe and reasonable access to the home and to the lake. The property has an existing dwelling which is difficult to access due to the vast topographical changes through-out, the homeowner stated in her letter that she does not visit this property during winter months due to the difficulty accessing the dwelling. The existing driveway is very steep and can be dangerous during the icy winter months. The proposed new dwelling is designed with architectural features that will allow the homeowner safe access throughout the property. Discussion followed regarding the driveway existing and proposed. There were no further questions or comments.

A. Chiaramonte Moved to Close the Public Hearing for ZBA Case 705 Bruno, Loretta J. – 2 Lake Shore Woods Road (M-66, L-44).
Seconded by: K. Fazzone  Vote: For: 5
Chair K. Gubner opened the deliberations portion of the meeting for Case # 705. The Board began to discuss the proposed new dwelling and topographical hardships that were listed in the letter. K. Fazzone mentioned that there were too many members seated (6). Upon that, J. Bonner stated he will recuse himself from this Case, and left the room. Discussion resumed regarding the unique topography of the land in relation to the hardship letter and mentioned physical limitations of the property owner. The majority of the new proposed dwelling is in a compliant location, utilizing much of the footprint of the existing dwelling, excluding the inclined elevator track with landing deck and enclosed walkway. Discussion followed regarding the mention of a physical hardship and if it were necessary to request further documentation to support a variance based on a disability. The consensus of the Board was to focus on the submitted hardship letter from the Architect which requested the Variances based specifically on topography. The enclosed walkway in entirety is 96 feet long, of which 30 feet in within a non-compliant location. The Board recognized the proposed dwelling was in keeping with others in the neighborhood, which also share similar topographical challenges. The Board recognized the efforts of the proposed building design to keep as much of the dwelling within a compliant location. The Board agreed granting these variances shall allow safe and reasonable use of the property for present as well as future occupants. No further discussion took place.

W. Jones Moved to Approve ZBA Case # 705-Bruno, Loretta J. –2 Lake Shore Woods Road (M-66, L-44) Agents: Robert Kjep and Mihai Radu Architects Mihai Radu and Letitia Mentz- Variance of Section 332.5 Minimum Setback Requirements- Rear Yard-From 25’ to 0.1’ for construction of an inclined elevator track with a 6’ x 15’ deck. Variance of Section 332.5 Minimum Setback Requirements-Front Yard-From 50’ to 10.0’ for construction of an enclosed suspended pedestrian walkway. Variance of Section 332.5 Minimum Setback Requirements-Front Yard-From 50’ to 30’ for construction of an enclosed suspended pedestrian walkway all in accordance with an architectural site plan submitted entitled, “Sherman House, 2 Lake Shore Woods Road, Sherman, CT, Site Plan. Prepared by Mihai Radu Architects and a certified A-2 Survey entitled, “Property Survey Prepared for Lauretta J. Bruno, 2 Lake Shore Woods Road, Town of Sherman, Fairfield County, CT. Dated May 22, 2019. Revised on August 20, 2019”. Submitted by PAH, INC. Land Surveyors. Zone B.

Seconded by: K. Fazzone

Vote: For: 5

J. Bonner joined the Meeting at 8:37 pm.

Acceptance of the ZBA FY 2018-19 Annual Report:

K. Gubner Moved to Approve the ZBA FY 2018-19 Annual Report as presented.

Seconded by: J. Bonner

Vote: For: Unanimous

Approval of Minutes:

ZBA Regular Meeting Minutes of June 4, 2019- Tabled

ZBA Special Meeting Minutes of June 11, 2019- Tabled

ZBA Regular Meeting of August 6, 2019

W. Jones Moved to Approve the Minutes of ZBA Regular Meeting of August 6, 2019 as written.

Seconded by: A. Chiaramonte

Vote: For: Unanimous

Adjournment: J. Bonner Adjourned the Meeting at 8:46pm

Respectfully submitted by:

Christine Branson, Administrative Clerk
September 18, 2019

Approved as written at the October 1, 2019 Meeting