Members Present: K. Gubner, K. Fazzone, A. Chiramonte, and Alternates D. Raines and V. Gentile

Members Absent: W. Jones, and J. Bonner

Also: C. Branson, Board Administrative Clerk

Audience: P. Szymanski and C. Walsh

Call to Order: Chair K. Gubner Called the Meeting to Order at 7:10 pm. Alternates D. Raines and V. Gentile were elevated to voting status for Case # 706 in the absence of W. Jones and J. Bonner.

PUBLIC HEARING I:
Public Hearing I:
ZBA Case # 706- 8 Cedar Point Lane, LLC- 8 Cedar Point Lane, (M. - 74, L. -57)- With reference to Town of Sherman Zoning Regulations, Section 213, and Requesting a Variance from Section 332.5 Minimum Setback Requirements; to allow a setback from the 440 contour line from 25’ to 19.9’ for construction of a new single family dwelling in the proposed location shown on a submitted A-2 survey entitled, “Proposed Construction Zoning Location Survey, prepared for Applicant 8 Cedar Point Lane, LLC; Lots 4,5 and a portion of Cedar Point Lane, Atchison Cove, Lots 4 & 5 Area above 430’ contour. 8 Cedar Point Lane & a portion of Cedar Point Lane, Town of Sherman, County of Fairfield, State of Connecticut”. Dated: December 14, 2018 and revised September 3, 2019. Prepared by Arthur H. Howland & Associates, P.C.; also shown on an A-2 survey entitled “Proposed Site Development & Soil Erosion Control Plan, prepared for Applicant: Jay Adolf; Lots 4, and 5 & a portion of Cedar Point Lane- Atchison Cove; Lots 4 &5 Area above 430’ contour, 8 Cedar Point Lane & a portion of Cedar Point Lane, Town of Sherman, County of Fairfield, State of Connecticut”. Dated: November 7, 2018 and revised September 6, 2019 (revised house). Prepared by Arthur H. Howland & Associates, P.C.; also in accordance to submitted building plans entitled, “Candlewood Residence, Sherman, CT” Prepared by Ike, Kligerman, Barkley. Dated 09/06/19 and in accordance with submitted landscape architectural plans submitted entitled, “Krouse Residence, 8 Cedar Point Road, Sherman, CT; Site Plan; Prepared by: Sabin Landscape Architects, Project Team: Ike, Kligerman, Barkley Architects & Howland & Associates Engineers. Dated September 5, 2019. Zone B.

Chair, K. Gubner opened the Public Hearing for Case # 706. Board Clerk, C. Branson read the Legal Warning into record. Legal Notice was published in the Town Tribune on September 19th and again on September 26th, 2019. Six abutting neighbors were sent certified mail. No correspondence was received. In the application file, there was a hardship letter, an agent letter designating Paul Szymanski of Arthur H. Howland the ability to speak on behalf of the property owner. Architectural drawings were in the case file, along with an A-2 survey, an erosion control plan and a landscape plan. Mr. Szymanski was invited to present the case. Mr. Szymanski provided extra copies of the architectural drawings for the full Board. Mr. Szymanski reminded the Board this property had been before ZBA back in January of this year with a significantly larger proposal, which was denied. Mr. Szymanski presented the new proposed dwelling stating the non-conformity shall be reduced by 78%. In addition Mr. Szymanski stated the existing tennis court, which is in a non-compliant area, shall be completely removed, reducing the non-conforming area by 97%. Mr. Szymanski discussed the difficult topography on this long and narrow lot which is approximately 70% unbuildable due to slope greater than 25% as well as pointing out the presence of the cul de sac which adds to the restricted area overall. Additionally, Mr. Szymanski stated there is an abundance of ledge present on this land. The proximity to the 440 line presents an additional hardship. Mr. Szymanski pointed out these factors on a color survey he had displayed on a presentation board. Mr. Szymanski provided a packet of photographs to the Board showing several homes within the neighborhood of the property being discussed. Mr. Szymanski also pointed out in a few of the photographs several mature trees that exist on the property the owner hopes to preserve to lessen the impact on the lake as well as for privacy. The owner desires to protect the lake frontage and preserve as many natural features as possible. The new proposed two story dwelling is approx. 3,500 square feet in all, and will be situated low on the
K. Gubner Moved to Close the Public Hearing for ZBA Case 706- 8 Cedar Point Lane, LLC- 8 Cedar Point Lane, (M. - 74, L. -57).

Seconded by: D. Raines  
Vote: For: Unanimous

Deliberation of Public Hearing I:
ZBA Case # 706- 8 Cedar Point Lane, LLC- 8 Cedar Point Lane, (M. - 74, L. -57)-
Chair, K. Gubner opened the deliberation portion of ZBA Case # 706- 8 Cedar Point Lane, LLC- 8 Cedar Point Lane. The Board discussed the hardships presented. Several members stated they did not see an unusual hardship and felt the owner would be able to build within the compliant area. One member stated he felt there would not be a significant impact to the neighboring properties and taking into account the modest proposed size of the dwelling and provisions the owner was taking to protect the lake frontage felt he had sufficient reason to grant the request. The Board recognized the efforts made to reduce the amount of non-conformity with the new plan. The Board agreed the topography of this property is difficult, however many members stated they felt there was sufficient area within the compliant space where a dwelling could be constructed without the need for a variance. No more discussion took place. The Variance was not approved.

A. Chiaramonte Moved to Approve ZBA Case # 706- 8 Cedar Point Lane, LLC- 8 Cedar Point Lane, (M. - 74, L. -57)- With reference to Town of Sherman Zoning Regulations, Section 213, and Requesting a Variance from Section 332.5 Minimum Setback Requirements; to allow a setback from the 440 contour line from 25’ to 19.9’ for construction of a new single family dwelling in the proposed location shown on a submitted A-2 survey entitled, “Proposed Construction Zoning Location Survey, prepared for Applicant 8 Cedar Point Lane, LLC; Lots 4,5 and a portion of Cedar Point Lane, Atchison Cove, Lots 4 & 5 Area above 430’ contour. 8 Cedar Point Lane & a portion of Cedar Point Lane, Town of Sherman, County of Fairfield, State of Connecticut”. Dated: December 14, 2018 and revised September 3, 2019. Prepared by Arthur H. Howland & Associates, P.C.; also shown on an A-2 survey entitled “Proposed Site Development & Soil Erosion Control Plan, prepared for Applicant: Jay Adolf; Lots 4, and 5 & a portion of Cedar Point Lane-Atchison Cove; Lots 4 &5 Area above 430’ contour, 8 Cedar Point Lane & a portion of Cedar Point Lane, Town of Sherman, County of Fairfield, State of Connecticut”. Dated: November 7, 2018 and revised September 6, 2019 (revised house). Prepared by Arthur H. Howland & Associates, P.C.; also in accordance to submitted building plans entitled, “Candlewood Residence, Sherman, CT” Prepared by Ike, Kligerman, Barkley. Dated 09/06/19 and in accordance with submitted landscape architectural plans submitted entitled, “Krouse Residence, 8 Cedar Point Road, Sherman, CT; Site Plan; Prepared by: Sabin Landscape Architects, Project Team: Ike, Kligerman, Barkley Architects & Howland & Associates Engineers. Dated September 5, 2019. Zone B.

Seconded by: K. Fazzone  
Vote: For: 1 (D. Raines) Against: 3 (A. Chiaramonte, K. Fazzone, V. Gentile)

Approval of Minutes:

A. Chiaramonte Moved to Approve the ZBA Regular Meeting Minutes of June 4, 2019, ZBA Special Meeting Minutes of June 11, 2019, and ZBA Regular Meeting Minutes of September 10, 2019, as written.

Seconded by: D. Raines  
Vote: For: Unanimous

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.

Adjournment:

A. Chiaramonte Adjourned the Meeting at 8:10pm

Respectfully submitted by:

Christine Branson, Administrative Clerk
October 8, 2019