



ZONING BOARD OF APPEALS

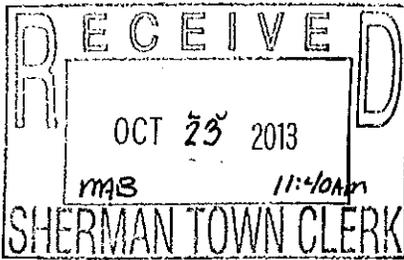
Regular Monthly Meeting

September 3, 2013

7:00 pm

Mallory Town Hall

FINAL



Commissioners present: Dale Baird, Joseph Chiamonte, Kathy Fazzino, Will Jones and Alternate Gary Smolen
Absent: Samantha Addonizio, Alternates Lucy Pollack, and Rick Hudson
Christine I. Branson, ZBA Administrative Clerk was in attendance.

Alternate Gary Smolen was elevated to Voting Status.

Chairman Dale Baird called the meeting to order at 7:04 p.m.

Public Hearing:

Case # 635

Ken Fisher & Robin Cohen- 10 Laurel Drive South (aka Map 68, Block 57) –
Requesting a variance of Section 231.4 to allow location of a New Single Family Dwelling and Accessory Building (Garage) to be located within land areas defined under Sections 331.3 and 332.3 sub-section iii (slopes greater than 25%) as indicated on an A-2 Survey Map entitled “ Robin Cohen & Ken Fisher, Site Development Plan, 10 Laurel Drive South, Town of Sherman, Fairfield County, CT dated 05-06-2013, Revised 05-29-2013, prepared by John M. Farnsworth PC.” Zone A.

John McCoy, of J.F.M Engineering Inc. spoke on behalf of the application, proposing merging lots 9 and 10, and re-developing the property. The existing primary dwelling would be demolished, placing a new primary dwelling with seven bedrooms and reducing size and purpose of the existing dwelling into a garage/ studio space without plumbing. Mr. McCoy stated, the property presents a considerable amount of slope greater than 25%. Mr. McCoy additionally stated the owners did not merge the lots together yet, but would upon approval of this application. He stated the plans submitted create minimal environmental impact, utilizing the existing well and driveway. Approval has been granted by the Wetlands Commission and Health has approved a plan for a new septic system built to accommodate the proposed dwelling. Also present for this application was David Chin from West Chin Architect, PLLC. Two sets of Architectural drawings were presented to the ZBA, the first a conceptual color rendering of the exterior of the proposed new dwelling. The second entitled “Sherman House” depicting the proposed interior designs. This new structure will be ¾ hidden within the hillside with a flat roof. The studio would follow the same lines, hidden within the hill-side, the top floor would be used for parking. The lake front side would be fully exposed. The ZBA discussed the topography of the land in relation to hardship and the size of the proposed new dwelling. Abutting neighbor Christine Marks spoke with concern regarding the possibility of blasting and creation of a new driveway. Correspondence from Town Council, Atty. Knapp of Branse, Willis & Knapp, LLC. was read into record.

Business

Case # 635

Ken Fisher & Robin Cohen- 10 Laurel Drive South (aka Map 68, Block 57) – The Commission discussed the topography of the land. The conceptual rendering of the proposed dwelling was helpful in understanding the proposed development of the properties and dwelling. Discussion followed regarding the overall size of the proposed dwelling and that it would not fit in harmoniously with the neighborhood. The Board discussed the fact that the house could be built on lot # 9 without a variance.

Commissioner G. Smolen made a Motion to Grant Approval a variance of Section 231.4 to allow location of a New Single Family Dwelling and Accessory Building (Garage) to be located within land areas defined under Sections 331.3 and 332.3 sub-section iii (slopes greater than 25%) as indicated on an A-2 Survey Map entitled “Robin Cohen & Ken Fisher, Site Development Plan, 10 Laurel Drive South, Town of Sherman, Fairfield County, CT dated 05-06-2013, Revised 05-29-2013, prepared by John M. Farnsworth PC.” Zone A.

Seconded by: Commissioner W. Jones Vote: For: 3 (W. Jones, G. Smolen, K. Fazzone) Against: 2 (J. Chiaramonte, D. Baird)

DENIED

Public Hearing:

Case # 636

Gorman, Ralph- White Silo Farm- 32 Route 37 East (aka Map 18, Lot 4)- New Cingular Wireless PCS LLC (AT&T) requesting variance of Section 331.5- Front yard Set-Back of 30.4 feet and Section 356.3E5- Percentage of Lot coverage of buildings for wireless services to allow 600 square feet of personal wireless service building coverage as indicated on an Plan and Elevation A-1 entitled “White Silo Farm Site SR-2041, 32 Route Thirty Seven East, Sherman, CT 06784 Dated 6/9/2011 Revision 5: Dated 6/6/13, prepared by ProTerra Design Group, LLC. Zone A. Commissioner W. Jones stated on record, he was related by family to a property owner which AT&T has proposed to place a telecommunications tower, but felt comfortable proceeding with this Case since it is a different property and owner. Atty. Alexander of Cuddy and Feder spoke on behalf to the application. Atty. Alexander referred to the survey submitted with the application showing the location of the proposed shed. AT&T is proposing to wrap the shed to mimic barn siding and add a sliding barn style door which would blend in with the existing structures. The placement options of the shed are limited, since the existing barn is actively used for agricultural farming. The property owner must to be able to pull in and out of the barn with a large tractor and other farm equipment. It is also AT&T’s intention to make minimal changes to an existing driveway to allow a turnaround for service vehicles. The Commission discussed various placement options. Atty. Alexander suggested an update to the Town Zoning Regulations , to date the Regulations allow a maximum of 500 sq. ft. accessory building space which does not allow enough space for other carriers to co-locate within an existing structure.

Business

Case # 636

Gorman, Ralph- White Silo Farm- 32 Route 37 East (aka Map 18, Lot 4)- The Commission discussed at length the hardship created by the land. The Commission agreed the space for accessory buildings should be increased to encourage co-locating on existing towers. However there was difficulty coming to an agreeable placement of the shed. The Board questioned if they had jurisdiction to hear the appeal, and if denied would this be a State of Federal court issue was raised. The second half of the Variance was continued to the next Regular Meeting of October 1, 2013.

Commissioner G. Smolen made a Motion to bifurcate Case # 636 into separate variances.
Seconded by: Commissioner J. Chiaramonte Vote: For: Unanimous

Commissioner J. Chiamonte made a Motion to Grant a Variance of Section 356.3E5- Percentage of Lot coverage of buildings for wireless services to allow 600 square feet of personal wireless service building coverage as indicated on an Plan and Elevation A-1 entitled "White Silo Farm Site SR-2041, 32 Route Thirty Seven East, Sherman, CT 06784 Dated 6/9/2011 Revision 5: Dated 6/6/13, prepared by ProTerra Design Group, LLC. Zone A# 636.

Seconded by: Commissioner K. Fazzone Vote: For: Unanimous

GRANTED

Commissioner G. Smolen made a Motion to table further discussion and continue Case # 636 at the next ZBA Regular Monthly Meeting of October 1, 2013 .

Seconded by: Commissioner K. Fazzone Vote: For: Unanimous

Election of Officers

Commissioner W. Jones made a Motion to appoint Commissioner Dale Baird to continue as Chair to the ZBA. Seconded by: Commissioner K. Fazzone Vote: For Unanimous

Elections of Vice Chair and Secretary were tabled until next Regular Meeting of 10/01/13.

Adjournment

Commissioner G. Smolen made a Motion to adjourn the Meeting at 10:20 pm.

Seconded by: Commissioner K. Fazzone Vote: For Unanimous

Respectfully Submitted by,



Christine Branson

Planning and Zoning Administrative Clerk

September 11, 2013

Approved with Amendments at the October 1, 2013 Meeting.