



ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
February 2, 2016
7:00 pm
Mallory Town Hall

FINAL

Commissioners Present: Samantha Addonizio, Will Jones, Kathy Fazzino and Alternates, Kenric Gubner, and Brooke O'Dwyer

Absent: Rick Hudson and Alternate Richard Lenihan

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

Public: J. Rynn, E. Olson, J. Beatty, D. Cushnie

Call to Order:

Chair, S. Addonizio Called the Meeting to Order at 7:02 p.m.

Alternates, K. Gubner and B. O'Dwyer were Elevated to Voting status for all three cases.

Continuation of Public Hearing 1

Continuation of Case 655- Ferriss, Janice, 10 Anderson Road East (aka Map- 33, Lot- 25) Requesting a variance of Section 331.5 Minimum Setback Requirements to allow a Front Yard Setback of 24.5 feet from 50 feet, - for erection of a 12 foot x 12 foot prefabricated gazebo in the footprint proposed and shown on an A-2 survey map entitled : "Property Survey Prepared for Janice Orton Ferriss, 10 Anderson Road East, Town of Sherman, Fairfield County, CT, dated October 29, 2014, Revised December 31, 2014 Last Revised November 18th, 2015 for Gazebo location. Prepared by PAH, INC Land Surveyors. Zone A

Chair, S. Addonizio opened the continuation of Case 655 and reviewed new materials that were received since the close of the last meeting on January 5th, 2016. Mrs. Ferriss has provided an Agent letter as well as several photos of the property. Acting Agent, J. Beatty was present to speak on behalf of the property owner. Mr. Beatty has a background in carpentry and excavating and has worked for Mrs. Ferriss. Mr. Beatty is very familiar with the layout of this property. He began by describing the significant upward slope; beginning at the left of the house and consistently runs along the entire left side of the property. There are large areas of wetlands to the rear of the house, additionally; existing well, septic and reserve area. To the right of the house there is a very narrow strip of property that is fairly level but there would not be sufficient space to move a large vehicle through to possibly place the gazebo to the rear of the house. The area where the gazebo sits is the only flat area on the property according to Mr. Beatty. Even with that, he commented, the land had to be worked to create a flat area for the gazebo to be where it is. The Board discussed the survey map and the new photos. Mr. Beatty explained where the photos were in relation to the survey. Mr. Beatty added originally Mrs. Ferriss had hoped to place the gazebo in the rear yard, but no equipment would fit around the house without removing several trees and regarding the land entirely which still would not reduce the amount of wetlands at the rear of the house.

K. Fazzino Moved to Close the Public Hearing for Case 655- Ferriss, Janice, 10 Anderson Road East (aka Map- 33, Lot- 25).

Seconded by:K. Gubner

Vote: For: Unanimous

Deliberation

Case 655- Ferriss, Janice, 10 Anderson Road East (aka Map- 33, Lot- 25)

The Board discussed the general topography of the surrounding properties and agreed there was a difficult slope which was unique to Mrs. Ferriss' property. Two members were able to visit the property and agreed the topography created few options for finding a conforming location for the gazebo. The gazebo is approximately 25 feet into the front yard setback, the Board is requesting Mrs. Ferriss return with new plans and measurements to move the gazebo away from the front yard setback as much as possible to reduce non-conformity. This case was denied without prejudice.

K. Fazzone Moved to Approve as presented Case 655- Ferriss, Janice, 10 Anderson Road East (aka Map- 33, Lot- 25) variance of Section 331.5 Minimum Setback Requirements to allow a Front Yard Setback of 24.5 feet from 50 feet, - for erection of a 12 foot x 12 foot prefabricated gazebo in the footprint proposed and shown on an A-2 survey map entitled : "Property Survey Prepared for Janice Orton Ferriss, 10 Anderson Road East, Town of Sherman, Fairfield County, CT, dated October 29, 2014, Revised December 31, 2014 Last Revised November 18th, 2015 for Gazebo location. Prepared by PAH, INC Land Surveyors.

Seconded by: K. Gubner

Vote: For: 0, Against: 5

Public Hearing 2

Case 657- Wechsberg, Orin & Bachrach, Nancy, 54 Skyline Drive (aka Map- 55, Lot-13)- Requesting a variance of Section 332.5 Minimum Setback Requirements and Front Yard Setback Section 324.3B Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment to allow non-conforming front yard setback of 21. 4 feet from 50 feet to at the location proposed on an A-2 survey entitled: "Limited Property / Boundary Survey, prepared for Nancy Bachrach and Orin Wechsberg, 54 Skyline Drive , Sherman, Connecticut. Date: December 25, 2015", prepared by Charles C. Farnsworth L.L.S. JOHN M. FARNSWORTH & ASSOCIATES, 38 Bridle Road , New Milford, CT 06776. Zone A

Chair, S. Addonizio reviewed the application, A-2 survey, Agent letter, related materials, and read the letter of hardship into record. Acting Agent, Eric Olsen of Jennings Oil was present to speak on behalf of the applicant. Mr. Olsen presented several photographs depicting the topography of the land surrounding the house. The A-2 survey showed a unique front yard property boundary. The pool and dwelling exist within the front yard setback and have received previous variances in 1979 and 1989 and the well sits outside of the property line. The request for variance is to install a wall mount heat pump to provide an alternate heat source to a wing of the dwelling that had electric heat. The pump was already installed, Mr. Olsen stated he was not aware additional permits were necessary. The unit is approximately 35" wide, 13" deep, 27" high, Mr. Olsen stated. The manufacturers' specifications require the propane be a certain distance from the unit or it will not operate properly. The best location for function places the wall mounted unit within the front yard setback. The property surrounding the dwelling to the rear and sides drops off dramatically which limits alternate placement of the unit.

K. Gubner Moved to Close the Public Hearing for Case 657- Wechsberg, Orin & Bachrach, Nancy, 54 Skyline Drive (aka Map- 55, Lot-13).

Seconded by: B. O'Dwyer

Vote: For: Unanimous

Deliberation

Case 657- Wechsberg, Orin & Bachrach, Nancy, 54 Skyline Drive (aka Map- 55, Lot-13)

The Board discussed the unique topography of the property, noting the severe drop off to the rear and sides of the dwelling as well as the pre-existing non-conformity of the dwelling being in the front yard setback. The consensus of the Board was, very little impact created by the placement of the unit, specifically since it is not touching the ground.

K. Gubner Moved to Approve Case 657- Wechsberg, Orin & Bachrach, Nancy, 54 Skyline Drive (aka Map- 55, Lot-13)- due to the extreme topographic slope of this property, variance of Section 332.5 Minimum Setback Requirements and Front Yard Setback Section 324.3B Generators, Air Conditioners, Pool Filters and Other Noise Generating Equipment to allow non-conforming front yard setback of 21. 4 feet from 50 feet to at the location proposed on an A-2 survey entitled: "Limited Property / Boundary Survey, prepared for Nancy Bachrach and Orin Wechsberg, 54 Skyline Drive , Sherman, Connecticut. Date: December 25, 2015", prepared by Charles C. Farnsworth L.L.S. JOHN M. FARNSWORTH & ASSOCIATES, 38 Bridle Road , New Milford, CT 06776.
Seconded by: K. Fazzone **Vote: For: Unanimous**

Public Hearing 3

Case 658- Cushnie, Karen & Doug, 44 Mill Pond Road (aka Map -10, Lot- 4) Requesting a Variance of Section 213 and Section 332.5 Minimum Setback Requirements to 10.0 feet from 25 feet for the construction of a 28 foot x 36 foot storage structure as proposed and shown on an A-2 survey map entitled "Zoning Location Survey prepared for Douglas & Karen Cushnie, portion of property 44 Mill Pond Road, Sherman, Connecticut, Dated November 16, 2015", prepared by the office of Robert W. Grossenbacher, L.S, New Milford, CT 06776. Zone B

Chair, S. Addonizio reviewed the application, A-2 survey, Agent letter, and read the letter of hardship into record. Acting Agent, Joe Rynn spoke on behalf of the Applicant. Mr. Rynn showed the Board on the A-2 survey where the location of the proposed storage building will sit in relation to the proximity of the 440- line. Mr. Rynn stated there is a significant amount of ledge just behind where the structure is proposed. They will not know until excavation begins, but if at all possible, the building will be pushed away from the 440- line as much the ground will allow. In addition to the ledge, there is a large amount of wetlands in this area of the property, which creates fewer options for conforming placement of the building.

W. Jones Moved to Close the Public Hearing Case 658- Cushnie, Karen & Doug, 44 Mill Pond Road (aka Map -10, Lot- 4)
Seconded by: K. Fazzone **Vote: For: Unanimous**

Deliberation

Case 658- Cushnie, Karen & Doug, 44 Mill Pond Road (aka Map -10, Lot- 4)

The Board recognized the unique hardship, as stated in the letter. The Board discussed the 440 line in relation to the proposed placement of the building. There was additional discussion of the ledge outcroppings within the area around the proposed site. Discussion then turned to the significant amount of wetlands within this portion of the property. The consensus of the Board was the proposed building site would be in keeping with the other properties in the area.

W. Jones Moved to Approve Case 658- Cushnie, Karen & Doug, 44 Mill Pond Road (aka Map -10, Lot- 4) Variance of Section 213 and Section 332.5 Minimum Setback Requirements of 25 feet to 10.0 feet for the construction of a 28 foot x 36 foot storage structure in the footprint shown on an A-2 survey map entitled "Zoning Location Survey prepared for Douglas & Karen Cushnie, portion of property 44 Mill Pond Road, Sherman, Connecticut, Dated November 16, 2015", prepared by the office of Robert W. Grossenbacher, L.S, New Milford, CT 06776. Zone B
Seconded by: B. O'Dwyer **Vote: For: Unanimous**

Approval of Minutes

Minutes of January 5, 2016 Regular Monthly Meeting

K. Gubner Moved to Approve the Minutes of Regular Monthly Meeting January 5, 2016 as written.
Seconded by: W. Jones **Vote: For: Unanimous**


Approval of Proposed FY 2016-17 Budget:

K. Gubner Moved to Approve the FY 2016-17 Zoning Board of Appeals Budget as Proposed.
Seconded by: W. Jones **Vote: For: Unanimous**

Adjournment

W. Jones Adjourned the meeting at 9:25 pm.

Respectfully submitted:


Christine Branson, Administrative Clerk
February 9, 2016