



ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
April 5, 2016, 7:00 pm
Mallory Town Hall

FINAL

Commissioners Present: Rick Hudson, Will Jones, Kathy Fazzone and Alternates, Richard Lenihan, and Kenric Gubner

Absent: Samantha Addonizio, and Brooke O'Dwyer

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

Public: Steven Vazquez

Commissioner Rick Hudson acted as Chair in the absence of S. Addonizio.

Alternates, K. Gubner and R. Lenihan were Elevated to Voting status.

Call to Order: R. Hudson Called the Meeting to Order at 7:01 p.m.

Public Hearing

Case 659- Miletich, Joseph 3 Old Forest Road (aka Map -74, Lot- 747) Requesting a Variance of Section 331.5 Minimum Setback Requirements, Front Yard Setback from 50 feet to allow the construction of a 24 foot x 24 foot garage 25 feet from the front property line as indicated on an A-2 survey map entitled "Zoning Location Survey prepared for Joseph Miletich, 3 Old Forest Road, Sherman, Connecticut, Dated February 16, 2016, Revised 2/ 15/16 prepared by the office of Robert W. Grossenbacher L.S, New Milford, CT 06776. Zone A

Acting Chair, R. Hudson reviewed the variance application proposed for 3 Old Forest Road for construction of a 24 foot x 24 foot garage, 25 feet within the front yard setback. The warning was published in the Citizen News on March 23, 2016 and the Town Tribune on March 30, 2016. Three abutting neighbors were sent notice via Certified mail of the Public Hearing. Correspondence was read into record from abutting neighbor Eliza Paley of 1 Old Forest Road, in favor of the application. The letter of hardship was read into record and Health approval has been received. Acting Agent Steven Vazquez, of Evergreen Construction was present to speak on behalf of the applicant. An accompanying agent letter is in the file. Photographs of the proposed area were presented and discussed, as well as the sloping and rocky topography of the land. The A-2 survey provided was discussed by the Commission. The septic sits to the rear right of the home and the well head is approximately 12 feet from the edge of the road. Mr. Vazquez stated originally he proposed to place the garage outside of the front yard setback, but was met with ledge outcroppings. The Health Application that was approved was based upon the garage positioned in a conforming location.

W. Jones Moved to Close the Public Hearing for Case 659- Miletich, Joseph 3 Old Forest Road (aka Map -74, Lot- 747)

Seconded by: K. Fazzone

Vote: For: Unanimous

Deliberation

The Board discussed the topography of the property, which slopes significantly just past the house. There are several large boulders throughout the property. Much of the neighboring properties share the same slope and there was an appearance of ledge present on many of the properties. The Board agreed they had difficulty finding a unique hardship to justify the requested Variance, stating there seemed to be adequate land on which to construct the garage in conforming areas. The Board denied this application without prejudice.

K. Fazzone Moved to Approve Case 659- Miletich, Joseph 3 Old Forest Road (aka Map -74, Lot- 747) Requesting a Variance of Section 331.5 Minimum Setback Requirements, Front Yard Setback from 50 feet to allow the construction of a 24 foot x 24 foot garage 25 feet from the front property line as indicated on an A-2 survey map entitled "Zoning Location Survey prepared for Joseph Miletich, 3 Old Forest Road, Sherman, Connecticut, Dated February 16, 2016, Revised 2/ 15/16 prepared by the office of Robert W. Grossenbacher L.S, New Milford, CT 06776. Zone A
Seconded by: W. Jones Vote: For: 0 / Against: 5

Approval of Minutes

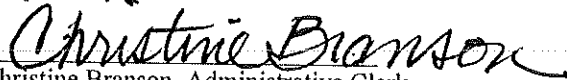
Minutes of Regular Monthly Meeting February 2, 2016

Tabled until the next meeting.

Adjournment

R. Lenihan Moved to Adjourn the meeting at 7:58 pm.

Respectfully submitted:



Christine Branson, Administrative Clerk

April 12, 2016

* APPROVED AS FINAL AT THE JUNE 7, 2016 RMM