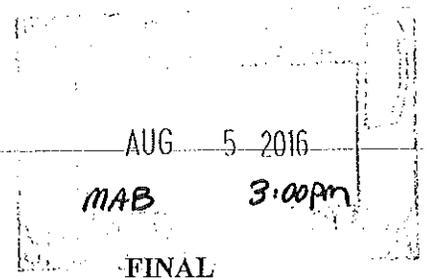




ZONING BOARD OF APPEALS
Regular Monthly Meeting Minutes
July 5, 2016, 7:00 pm
Emergency Services Facility



Commissioners Present: Samantha Addonizio, Rick Hudson, Will Jones, Kathy Fazzone and Alternates Rich Lenihan, and Brooke O'Dwyer

Absent: Kenric Gubner

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

Public: Michael Carpanzano

Call to Order: S. Addonizio Called the Meeting to Order at 7:04 p.m.

Alternate B. O' Dwyer was Elevated to Voting status.

R. Hudson Moved to Amend the Agenda to correct a typographical error in the Deliberation reference of the Agenda.

Seconded by: K. Fazzone

Vote: For: Unanimous

Public Hearing I

Case 662- Irwin, Gil & Barbara- 39 Deer Run Trail (Map 69, Lot 38)- Requesting a Variance of Section 332.5 Minimum Side Yard Setback from 25' to 0.0' to allow installation of lattice within the footprint of an existing non-conforming structure, requesting a Variance of Section 384 Non-Conformity, Other Than Use, to allow an increase of non-conformity of the existing deck as indicated on pages 3, 4, and 5 of First Light "Approved" letter of Filing Consent, dated May 16, 2016, and requesting Variance of Section 324.3B Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment and Section 332.5 Minimum Side Yard Setback from 25' to 15.8' to allow installation of an emergency standby generator in a specific location all shown on the A-2 Survey entitled "Existing Conditions Map , prepared for Gilon I. Irwin & Barbara S. Irwin, 39 Deer Run Trails, Town of Sherman, County of Fairfield, State of Connecticut. Dated May 26, 2016, latest revision June 2, 2016." Prepared by Arthur H. Howland & Associates, P.C. Zone B.

Chair, S. Addonizio reviewed the contents of the application file. The Legal Warning was published in the Town Tribune on June 23rd and again on June 30th, 2016. One abutting property owner was identified and sent a Certified letter with the warning. There is an Agent letter designating Michael Carpanzano to act on the applicant's behalf. Also with the application, is correspondence from First Light dated May 16, 2016 entitled "Letter of Filing Consent" and details regarding the proposed activity on the property. This letter shows a signature of approval from Inland Wetlands Agent R. Cooper. A note from the Building inspector that the walkway is waived. Additionally, a signature from the Health Department showing the proposed activity is waived from consideration. Also in the file is a letter of hardship and an A-2 survey map showing the area of proposed activities. Chair Addonizio asked Mr. Carpanzano to join the table to speak on behalf of the application. Mr. Carpanzano explained the proposed activity to place a stand by generator under an existing deck on the Southern side of the existing home and then to screen the underside of the deck to block the view of the propane tanks and generator. The materials proposed for the screening will be 2" open lattice placed two feet above grade to span 8 feet high, partially wrapping two sides of the deck and steps up to the next level. The existing building and attached decks are pre-existing, non-conforming due to the fact that they are all built within very close proximity of the 440' contour line. This property is unique since it is located on Thimble Island and is intertwined by the 440' contour line. Mr. Carpanzano supplied several photographs showing the area where the proposed activity is to take place. The Board reviewed the A-2 Survey and discussed with Mr. Carpanzano the type of enclosure and that it cannot be fully enclosed at any point in the future. There are a total of four variances being requested in this application; Section 332.5 Minimum Side Yard Setback from 25' to 0', 0" for placement of lattice, Section

384 for the increase of non conformity, Section 324.3 B Placement of Noise Making Equipment, and Section 332.5 Minimum Side Yard Setback from 25' to 15.8' for placement of the generator.

R. Hudson Moved to Close the Public Hearing for Case 662 - Irwin, Gil & Barbara- 39 Deer Run Trail (Map 69, Lot 38).

Seconded by: K. Fazzone

Vote: For: Unanimous

Deliberation

Case 662 - Irwin, Gil & Barbara- 39 Deer Run Trail (Map 69, Lot 38)

The Board discussed the unique limitations of this property due to the 440' contour line. There is very little that could be done to improve the property without needing to apply for a variance. The proposed location of this activity would cause the least amount of increased non-conformity. The applicant explored several other locations but was met with challenges due to windows or other obstacles that would not comply with Building code or with First Lights' regulations. First Light has approved this location as stated in their Letter of Filing Consent. Discussion continued in reference to the need to place a condition to never allow the full enclosure of the space beneath the deck. The Board recognized there is an increase of Non-Conformity, yet it is not an increase to the existing footprint.

R. Hudson Moved to Approve Case 662- Irwin, Gil & Barbara- 39 Deer Run Trail (Map 69, Lot 38)- to allow Variance of Section 332.5 Minimum Side Yard Setback from 25' to 0.0' for installation of lattice within the footprint of an existing non-conforming structure, and allow a Variance of Section 384 Non-Conformity, Other Than Use, for an increase of non-conformity of the existing deck as indicated on pages 3, 4, and 5 of First Light "Approved" letter of Filing Consent, dated May 16, 2016, and allow Variance of Section 324.3B Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment and allow variance of Section 332.5 Minimum Side Yard Setback from 25' to 15.8' for installation of an emergency standby generator in the exact footprint location as shown on the A-2 Survey entitled "Existing Conditions Map , prepared for Gilon I. Irwin & Barbara S. Irwin, 39 Deer Run Trails with conditions that the area beneath the deck shall never be fully enclosed in the future.

Seconded by: K. Fazzone

Vote: For: Unanimous

Approval of Minutes

Minutes of Regular Monthly Meeting June 7, 2016

K. Fazzone Moved to Approve Minutes of Regular Monthly Meeting June 7, 2016 as written.

Seconded by: R Hudson Vote: For: 4 Abstain: 2 (R. Lenihan and W. Jones)

Adjournment

R. Hudson Moved to Adjourn the meeting at 7:50 pm.

Respectfully submitted:


Christine Branson, Administrative Clerk

July 12, 2016

* APPROVED AS FINAL AT THE AUGUST 2, 2016 RMM