



Town of Sherman
Planning & Zoning Commission
Regular Monthly Meeting Minutes
Thursday, June 1, 2017, 7:00 p.m.
Mallory Town Hall

DRAFT

Members Present: J. Burruano, N. Volkmar, M. Lee, P. Voorhees and Alternates: W. Knaak, and R. Peburn

Members Absent: T. Hollander, J. Finch, and Alternate: A. Muoio

Also: Administrative Clerk C. Branson

Absent: ZEO R. Cooper

Audience: R. Oppenheimer, L. Oppenheimer, K. Murray, L. Seder, G. Pfaff, M. Carpanzano, J. Motsinger, R. Gorman, C. Sewagen and J. Siegel

Call To Order: Chair J. Burruano Called the Meeting to Order at 7:01 p.m.

Public Hearing I:

Special Permit Application: 9 Locust Lane, (M- 73, L- 24) - Carpanzano, Michael to allow an Accessory Apartment not to exceed 750 square feet to be constructed above a new detached garage with connection to existing septic in accordance with Zoning Regulations 324.1A.2 Accessory Apartments as indicated on submitted building plans entitled "Sherman Lake House, T-1, Revised May 4, 2017, Prepared by Sherman Building Design and in the exact footprint location shown on survey Map entitled "Proposed Sanitary Disposal System Plan, for Michael Carpanzano, 9 Locust Lane, Town of Sherman, County of Fairfield, State of Connecticut. Dated March 3, 2017". Zone A.

Chair J. Burruano opened the Public Hearing for 9 Locust Lane, (M- 73, L- 24) - Carpanzano, Michael to allow an Accessory Apartment not to exceed 750 square feet to be constructed above a new detached garage with connection to existing septic and reviewed the file contents. Commissioner M. Lee read the Legal Notice into record. No Commissioners recused themselves from the Hearing. The Legal warning was published in the Town Tribune on May 18th and again on May 25, 2017. Six abutting property owners were notified by certified mail. No correspondence was received. The Commission conducted a site walk on May 17th, 2017. The proposed building measures 22 foot by 34 foot. The first floor shows three garage doors, a half bathroom, a laundry facility, closets, and a sink. Also included on the first floor is an entry door with a mudroom and an open stairway to the upstairs apartment. The second floor foot print shows an open floor plan for kitchen/ dining/ living room area, a full bathroom with a washer and dryer, and a bedroom. Mr. Carpanzano sketched the approximate location of the driveway, initialed and dated the survey at the last meeting. From the audience, abutting property owner C. Sewagen asked if the applicant intends to rent the Accessory Apartment. Mr. Carpanzano stated he didn't know. Additionally Mr. Sewagen asked when construction will begin. Mr. Sewagen stated for the past three summers there has been constant construction noise next door and it is becoming an annoyance. There were no additional comments from the Public. There were no additional comments from the Commission.

Commissioner N. Volkmar Moved to Close the Public Hearing for 9 Locust Lane, (M- 73, L- 24) - Carpanzano, Michael Special Permit Application to allow an Accessory Apartment not to exceed 750 square feet to be constructed above a new detached garage with connection to existing septic.

Seconded by: P. Voorhees

Vote: For: Unanimous

Public Hearing II:

Special Permit Application: 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) to allow a horse farm on a 29.5 acre property located in the B Zone as shown on an A-2 Survey entitled "Existing Conditions Map", prepared for Kevin Murray, Owners of Record, Mary E. Coyne and James E. Coyne, Trustees, 41 Wanzer Hill Road and Wanzer Hill Road, Town of Sherman, County of Fairfield, State of Connecticut" prepared on November 7, 2014, by Arthur H. Howland & Associates, P.C. Zone B.

Chair J. Burruano opened the Public Hearing for the Special Permit Application: 39 Wanzer Hill Road-Murray, Kevin (M-53, L-26) to allow a horse farm on a 29.5 acre property located in the B Zone, and reviewed the file contents. Commissioner M. Lee read the Legal Notice into record. Alternate Commissioner W. Knaak recused himself from the Hearing. The Legal warning was published in the Town Tribune on May 18th and again on May 25, 2017. Five abutting property owners were notified by certified mail. Three letters of correspondence were received. The Commission conducted a site walk on May 17th, 2017 to familiarize themselves with the proposed site of the horse barn, paddock and manure facility. Health approval has been granted. The Wetland violations have been addressed, corrected, and approval has been granted for the proposed site lay-out. The proposed horse barn will be 10 feet tall at the peak of the roof, and the horse barn measures 80' x 40'. There will be a fenced paddock area with 4' high split rail fencing, shown on the site map. The first correspondence was read into record. Lorraine Pfaff Seder wrote on behalf of herself and parents Elisabeth Pfaff and Werner Pfaff who are direct abutters to the portion of Mr. Murray's land where he proposes to place his horse farm. Mrs. Pfaff Seder stated concerns regarding the size of the proposed barn, and great concerns regarding the placement of the manure facility in relation to the close proximity of her parent's home. Additional concerns stated were regarding contamination from manure to Mr. Murray's own well and nearby streams. Other concerns raised were the air quality for her parents home being close to the proposed manure facility and number of horses anticipated. Photographs were attached to the letter showing the sight distance between her parents and proposed farm. The second letter was from the Candlewood Lake Authority's Executive Director L. Marsicano. Concerns raised in this letter were the close proximity of the proposed horse farm to Squantz Pond and Candlewood Lake. Mr. Marsicano states in the letter that Mr. Murray's property is within 1,000 feet from Candlewood Lake, drainage from the farm is of a major concern and could potentially impact the Lake and Pond during periods of significant precipitation. The third letter was from property abutter Werner Pfaff written by his son Gary. Mr. Pfaff states his concerns regarding permitting a farm in a residential zone; boarding of horses in a residential zone; having an accessory building on a lot with no primary dwelling; and the close proximity of the Pfaff property in relation to the proposed manure facility. Both Lorraine and Gary Pfaff spoke during the Public Comment section of the meeting, reiterating the concerns outlined in their letters and asking the Commission to deny this application based upon the location of the proposed manure facility, or request it moved farther from their property line. Chair, J. Burruano asked Mr. Murray how many horses. Mr. Murray stated he currently owns three horses, the maximum horse count would be six to eight horses at most. Mr. Murray stated he intends to aggressively maintain the manure facility which hopefully would address the manure concerns expressed by abutters. Mrs. Burruano asked about the size of the proposed barn. Mr. Murray stated the barn would house a tack and equipment room, wash stall, and vehicles related to the farm; dump truck, a tractor, an excavator and two pick-up trucks. From the audience Mr. Knaak asked if there would be a riding school on this property. Mr. Murray stated there would not. Mr. Murray further stated that the trails on the property would be located away from the property lines and used by family, no public access. From the audience Lorraine Pfaff Seder and Gary Pfaff asked if the manure facility could be located elsewhere. Mr. Murray stated that he has worked extensively with wetlands to create a place the manure facility in a compliant location, it has been approved as shown on the map. Mr. Murray stated he would have to go back to Wetlands if he were proposing an alternate location. Mrs. Pfaff Seder stated the manure facility would be within view of her parent's home and requests Mr. Murray re-locate the facility. There were no additional questions or comments from the Commission. From the General Public, M. Carpanzano stated that the map would have been created by a certified soil scientist that was submitted to and approved by the Inland Wetlands Commission, if there were concerns of impact they would have been addressed by that Commission. Mr. Murray signed a form consenting for the continuation of the Public Hearing to take place on July 6th, 2017 at Mallory Town Hall.

Commissioner N. Volkmar Moved to Continue the Public Hearing to July 6th beginning at 7:00pm at Mallory Town Hall for a Special Permit Application: 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26) to allow a horse farm on a 29.5 acre property located in the B Zone.

Seconded by: P. Voorhees

Vote: For: Unanimous

Public Hearing III:

Special Permit Application: 24 Cozier Hill Road- Spengler, Donald (M-9, L-39) to allow an Accessory Apartment not to exceed 750 square feet constructed above an existing detached garage with connection to existing septic all in accordance with Zoning Regulations, Section 324.1.A.2 Accessory Apartments as indicated on submitted floor plans entitled "24 Cozier Hill Road, Sherman, CT Proposed bathroom and kitchenette 2nd floor detached garage". Zone B.

Chair J. Burruano opened the Public Hearing for Special Permit Application: 24 Cozier Hill Road- Spengler, Donald (M-9, L-39) to allow an Accessory Apartment not to exceed 750 square feet constructed above an existing detached garage with connection to existing septic and reviewed the file contents. Commissioner M. Lee read the Legal Notice into record. No Commissioners recused themselves from the Hearing. The Legal warning was published in the Town Tribune on May 18th and again on May 25, 2017. Eight abutting property owners were notified by certified mail. No correspondence was received. The Commission conducted a site walk on May 31st, 2017 to view the 23' x 26' building that the Accessory Apartment is proposed. The building plan shows stairs from the first floor and a 396 square foot apartment with an open floor plan with a full bathroom and kitchenette and attached 8' x 8' deck all on the second floor. Health Approval has been granted, attached is a Notice of Exception from the State of Connecticut, Department of Public Health dated 04/10/2017. Also in the file was an agent letter designating Kevin Murray to act of the owner's behalf. There were no additional questions from the Commission. There were no comments made from the audience.

Commissioner N. Volkmar Moved to Close the Public Hearing for 24 Cozier Hill Road- Spengler, Donald (M-9, L-39) Special Permit Application to allow an Accessory Apartment not to exceed 750 square feet constructed above an existing detached garage with connection to existing septic to allow an Accessory Apartment to be constructed above a new detached garage with connection to existing septic.

Seconded by: P. Voorhees

Vote: For: Unanimous

Public Hearing IV:

Special Permit Application: 24 Fox Run Road- Estate of David C. Flatau (M-14 , L-6) to allow an Accessory Dwelling not to exceed 1,200 square feet to be constructed within an existing accessory building with existing septic all in accordance with Zoning Regulations, Section 324.1A Accessory Dwellings as indicated on submitted floor plans. Zone A.

Chair J. Burruano opened the Public Hearing for Special Permit Application: 24 Fox Run Road- Estate of David C. Flatau (M-14 , L-6) to allow an Accessory Dwelling not to exceed 1,200 square feet to be constructed within an existing accessory building with existing septic and reviewed the file contents. Commissioner M. Lee read the Legal Notice into record. Alternate R. Peburn recused himself from the Hearing. The Legal warning was published in the Town Tribune on May 18th and again on May 25, 2017. Eight abutting property owners were notified by certified mail. No correspondence was received. The Commission conducted a site walk on May 31st, 2017 to view the second floor of the building and that the Accessory Dwelling is proposed. Health Approval has been granted, attached is a Notice of Exception from the State of Connecticut, Department of Public Health dated 12/12/2013. The floor plan shows exterior steps to the second floor, entering into an open dining/ living room / kitchen with a full bathroom, and a separate bedroom with closet. The first floor plan shows an office with a mechanical room toilet and sink, wood working shop and garden storage, and does not have interior access to the second floor. The applicant was not present. There were no questions or comments from the Commission. There were no questions or comments from the Audience.

Commissioner N. Volkmar Moved to Close the Public Hearing for 24 Fox Run Road- Estate of David C. Flatau (M-14 , L-6) to allow an Accessory Dwelling not to exceed 1,200 square feet to be constructed within an existing accessory building with existing septic.

Seconded by: M. Lee

Vote: For: Unanimous

Deliberation:

Public Hearing I:

Special Permit Application: 9 Locust Lane, (M- 73, L- 24) - Carpanzano, Michael

The Commission discussed conditions of approval contingent upon the completion of the driveway. Also recognized was the fact that once excavation begins, there may be a need to orient the accessory building to avoid ledge. The ZEO would be able to identify if the adjustments were practical.

Commissioner N. Volkmar Moved to Approve the Special Permit Application for 9 Locust Lane, (M- 73, L- 24) - Carpanzano, Michael to allow an Accessory Apartment not to exceed 750 square feet to be constructed above a new detached garage with connection to existing septic in accordance with Zoning Regulations 324.1A.2 Accessory Apartments as indicated on submitted building plans entitled "Sherman Lake House, T-1, Revised May 4, 2017, Prepared by Sherman Building Design and in the exact footprint location shown on survey Map entitled "Proposed Sanitary Disposal System Plan, for Michael Carpanzano, 9 Locust Lane, Town of Sherman, County of Fairfield, State of Connecticut. Dated March 3, 2017" (Zone A) with conditions that the ZEO approve the final driveway access and approve final setbacks of the accessory building are within a compliant location.

Seconded by: P. Voorhees

Vote: For: Unanimous

Public Hearing II:

Special Permit Application: 39 Wanzer Hill Road- Murray, Kevin (M-53, L-26)

No action was taken, this Hearing was continued to the July 6th, 2017 Regular Monthly Meeting.

Public Hearing III:

Special Permit Application: 24 Cozier Hill Road- Spengler, Donald (M-9, L-39)

The Commission discussed details of the proposed apartment and recognized it was smaller than 750 square feet. The Commission agreed that this application met the criteria for an Accessory Apartment.

Commissioner P. Voorhees Moved to Approve the Special Permit Application for 24 Cozier Hill Road- Spengler, Donald (M-9, L-39) to allow an Accessory Apartment not to exceed 750 square feet constructed above an existing detached garage with connection to existing septic all in accordance with Zoning Regulations, Section 324.1.A.2 Accessory Apartments as indicated on submitted floor plans entitled "24 Cozier Hill Road, Sherman, CT Proposed bathroom and kitchenette 2nd floor detached garage". Zone B.

Seconded by: M. Lee

Vote: For: Unanimous

Public Hearing IV:

Special Permit Application: 24 Fox Run Road- Estate of David C. Flatau (M-14 , L-6)

The Commission discussed the Regulation does not have a stipulation for a minimum square footage for an Accessory Dwelling. Additionally they discussed that the submitted floor plan of the second floor has an exterior staircase access. Conditions were discussed to either limit the Accessory Dwelling to the existing 868 square feet (+ or -) or to require the installation of an internal staircase to link the upper floor with the remaining 332 square feet (+ or -) creating a 1200 square foot Accessory Dwelling.

Commissioner N. Volkmar Moved to Approve the Special Permit Application for 24 Fox Run Road- Estate of David C. Flatau (M-14 , L-6) to allow an Accessory Dwelling not to exceed 1,200 square feet OR an Accessory Dwelling not to exceed 868 square feet (+ or -) square to be constructed within an existing Accessory Building with existing septic subject to the following conditions: The accessory dwelling shall either be limited to the existing 868 square feet (+ or -) on the second floor, OR may be limited to 1,200 square feet

by installing an internal staircase joining the upper existing space with the proposed 332 square foot (+ or -) all in accordance with Zoning Regulations Section 324.1A Accessory Dwellings as indicated on submitted floor plans (Zone A)

Seconded by: M. Lee

Vote: For: Unanimous

New Business:

Application for a Modification of a Special Permit: 12 Chimney Hill Road- Dr. Oppenheimer, Roger & Linda (M- 17, L- 6) to modify number of patients seen weekly and flexible hours of operation.

Chair J. Burruano reviewed the application file. Dr. R. Oppenheimer and L. Oppenheimer were both present to speak on behalf of their application to modify their existing Special Permit to allow a dental practice in a residence. When they originally moved to Sherman and went through the Special Permit process they were not sure how many patients they would be seeing on a daily basis, or the hours needed. As they have settled in and built a patient base they are now discovering the Special Permit is too restrictive. They would like to modify the application to allow flexibility for hours of operation, since emergencies do not typically happen during normal work hours only. They feel they have not impacted the neighborhood as they exist today but do not want to violate any restrictions set forth by the original permit. In addition to the application to modify the Special Permit, the Oppenheimer's brought surrounding town's Home Occupations Regulations to compare. The Commission agreed there was sufficient information in the application file to set a Public Hearing.

Commissioner N. Volkmar Moved to Accept the Application for a Modification of a Special Permit for 12 Chimney Hill Road- Dr. Oppenheimer, Roger & Linda (M- 17, L- 6) to modify number of patients seen weekly and flexible hours of operation., and set a Public Hearing at the July 6th, 2017 Regular Monthly Meeting at Mallory Town Hall, beginning at 7pm.

Seconded by: M. Lee

Vote: For: Unanimous

Application for a Special Permit: 46 Route 39 North, - Beatty, Elizabeth S. L/U, Beatty, George, Allen, Timothy (M-23, L- 45) to allow an Accessory Apartment, not to exceed 750 square feet, constructed within an existing dwelling with connection to existing septic, all in accordance with Zoning Regulations, Section 324.1.A.2 Accessory Apartments as indicated on submitted floor plans. Zone A.

Chair J. Burruano reviewed the application file, there were building plans that show the existing floor plan as well as proposed floor plans showing the configuration of the apartment. Also in the file was an Agent letter designating Joe Beatty to act on behalf of the applicant, and a list of abutters' mailing addresses and the current field card from the Assessor's office. The Commission agreed there was sufficient information in the application file to set a Public Hearing.

Commissioner N. Volkmar Moved to Accept the Application for a Special Permit for 46 Route 39 North, - Beatty, Elizabeth S. L/U, Beatty, George, Allen, Timothy (M-23, L- 45) to allow an Accessory Apartment, not to exceed 750 square feet, constructed within an existing dwelling with connection to existing septic, all in accordance with Zoning Regulations, Section 324.1.A.2 Accessory Apartments as indicated on submitted floor plans (Zone A) and set a Public Hearing at the July 6th, 2017 Regular Monthly Meeting at Mallory Town Hall, beginning at 7pm.

Seconded by: M. Lee

Vote: For: Unanimous

Approval of Minutes:

Regular Monthly Meeting of May 4, 2017

Commissioner M. Lee Moved to Approve the Minutes Of Regular Monthly Meeting May 4, 2017 as written.

Seconded by: N. Volkmar

Vote: For: Unanimous

Zoning Enforcement Officer's Report: April- May 2017

The ZEO was not present but submitted a combined Report for April / May 2017. There were five applications approved. Five Statements of Intent were approved. One "for record only" was approved. No applications were withdrawn. Two Applications remain under review. Chair J. Burruano read into record updates on several cases that have required ongoing investigations as well as Violation Notices. Discussion followed regarding short term rentals. The Commission agreed they would like the ZEO to consult the opinion of the Land Use Attorney regarding short term rentals.

Commissioner M. Lee Moved to Accept the Zoning Enforcement Officer's April/ May 2017 Report as presented.

Secoded by: N. Volkmar

Vote: For: Unanimous

Correspondence:

Oblong Conservancy- the ZEO was contacted recently with a request to install three signs measuring 24' x 30' along Chapel Hill Road, Wakeman Hill Road, and Route 37 South. The Conservancy is part of the Great Swamp Watershed in New York State but has no association with Sherman's land. The Commission would like to discuss with the ZEO further .

Public Comment:

None

Appointment of Alternate to fill Vacancy:

The Commission received a letter from Joel Bruzynski, Chair of the Democratic Town Committee nominating former Alternate Jerry Siegel as a candidate to fill the Alternate vacancy. Mr. Siegel spoke from the audience stating, when he previously served, he felt it was a positive experience and he would like to continue to contribute to the well being of the residents of Sherman. The sitting members of the Commission conducted a paper ballot vote. All votes were in favor for Jerry Siegel to serve as an Alternate with the term expiring January 1, 2018.

Committee Reports: None

Chairman Report: None

Adjournment:

Commissioner M. Lee Moved to Adjourn the Meeting at 9:41 pm.

Respectfully submitted by


Christine Branson, Administrative Clerk

June 15, 2017