



**Town of Sherman
Planning & Zoning Commission
Regular Monthly Meeting Minutes
Thursday, December 1, 2016 7:00 p.m.
Mallory Town Hall**

FEB 3 2017
11:29 AM
[Signature]

FINAL

Members Present: J. Burruano, N. Volkmar, M. Lee, M. Sichel, J. Finch, T. Hollander, and Alternates: A. Muoio, and R. Peburn

Members Absent: P. Voorhees and Alternate W. Knaak

Invited: Zoning Enforcement Officer R. Cooper and Administrative Clerk C. Branson

Audience: S. Looney, J. DePhillips, K. Murray, J. Cilio, L. Cilio, P. Bailey, B. Manning, and D. Lowe

Call To Order: Chair J. Burruano Called the Meeting to Order at 7:02 p.m.

A. Muoio was Elevated to Voting status for the Public Hearing.

Public Hearing:

3 Fox Run Road- John DePhillips & Susan Pokorne (M-18, L-39) Application for a Special Permit all in accordance with Section 324.3 A, Septic to an Accessory Building, and Section 324.1A - Accessory Dwelling to allow an 1,180 sq. ft. dwelling with a kitchen, bathroom, living space and bedroom to be constructed within an existing structure as shown on proposed building plans submitted by STL Construction and a B-100a Septic Plan designed by Gary Paist, Allied Excavation & Septic, LLC. Zone A

Chair J. Burruano opened the Public Hearing. J. Burruano recused herself from the Hearing, stating she did not attend the Site Walk on November 12, 2016. Secretary M. Lee read the Notice of Public Warning into record. The Notice was published in the Danbury News-Times on November 19th and again on November 28, 2016. Fourteen certified letters were sent to abutting neighbors on November 18th, 2016. Eleven signed certified slips were received, three were returned. One letter was received from an abutter and was read into record later in the meeting. The Commission conducted a site walk on November 12, 2016 to familiarize themselves with the accessory building which the dwelling is proposed to be constructed within. Agent to the Applicant Steven Looney of STL Construction was present to speak on behalf of the applicant. The applicant, Mr. DePhillips was also present. During the site walk, the Commissioners observed an unapproved apartment currently existing within the accessory building. When the owners purchased the property a few years back, they were under the impression the apartment was approved, as it was included in the Real Estate listing. It was not discovered until the applicant came to the Planning and Zoning office that they learned the apartment had not been properly permitted. Since then the owner has been working with the ZEO to bring the apartment into compliance, which is why the application is currently before the Commission. The current size of the apartment exceeds the allowable square footage for an Accessory Dwelling. In order to bring the apartment into compliance, the apartment must not exceed 1,200 square feet. The floor plan submitted shows proposed alterations that would reduce the square footage to below the maximum 1,200.00 square feet. A letter from abutting neighbor John Cilio was read into record, requesting the Commission deny the application based his belief that the apartment is currently occupied. Mr. Cilio stated he has contacted the ZEO previously to alert him of his suspicion, as well as the First Selectman. In addition to his letter, Mr. Cilio provided photographs of vehicles parked along the road with out of state license plates. Following the letter being read into record, Mr. Cilio stood and addressed the Commission during Public Comment, requesting they investigate a possible second pre-existing apartment within the primary household, thought to be located above the garage. Mr. S. Looney, Agent to the Applicant also stood and commented, stating the previous homeowner had applied for and was approved for a Special Permit for a Home Occupation to allow a veterinary office in the space above the garage, which had a sink. Mr. Looney stated that the space above the garage was not being used as an apartment and invited the ZEO to inspect the space if needed. Mr. Looney also stated there were cars parked along the road on occasional evenings. The property was overgrown and just recently the land has been cleared for an updated septic installation for the Accessory Building. ZEO, R. Cooper stated that there were no existing regulations which prevent cars from parking along the road side and no enforceable action could be taken regarding the parked cars. Additionally Mr. Cooper stated he would have a difficult time proving if the drivers of those cars were staying overnight, and where

they slept. Mr. DePhillips spoke during Public Comment, stating he is here tonight to apply for a Special Permit to bring the existing apartment within the accessory building into compliance and would like to correct all of the issues. The Commission reviewed the proposed floor plan that was submitted with the application. Mr. Looney stated that the proposed stairway was an existing spiral staircase, which he was not sure if the Building Inspector would approve with today's building codes, the plan may have to be modified if the stairway is required to be updated. ZEO, R. Cooper stated, if the Commission directed him to inspect the space above the garage, he would schedule a time with the owner. The Commission agreed they had sufficient information to close the Public Hearing.

Commissioner J. Finch Moved to Close the Public Hearing for **3 Fox Run Road- John DePhillips & Susan Pokorne (M-18, L-39)** Application for a Special Permit to allow an Accessory Dwelling to be constructed within an existing structure.
Seconded by: T. Hollander **Vote: For: Unanimous**

Old Business:

Deliberation of 3 Fox Run Road- John DePhillips & Susan Pokorne (M-18, L-39)

The Commission discussed the application and possibility of placing conditions if they were to approve the application. The conditions are: the space above the garage must meet the requirements set forth in the approval of the Special Permit for a home occupation and the space not be usable as an Accessory Apartment. Another condition is to use the language "the Accessory Dwelling shall not exceed 1,200 square feet " rather than approve the submitted floor plans which would allow modification if the stair does in fact need to be changed. The final condition was that the Accessory Dwelling must also show accommodations to allow parking for two cars.

Commissioner N. Volkmar Moved to Approve with Conditions: **3 Fox Run Road- John DePhillips & Susan Pokorne (M-18,L- 39)** Application for a Special Permit all in accordance with, Section 324.1A - to allow an Accessory Dwelling not to exceed 1,200 sq. ft. with a kitchen, bathroom, living space and bedroom to be constructed within an existing structure as shown on proposed building plans submitted by STL Construction. Zone A.
Seconded by: M. Lee **Vote: For: Unanimous**

New Business:

Request for an extension of Approval for Farview Farms Sub-division

The Commission reviewed the Application submitted by landowner, Zave Kubersky, G.P. requesting an extension of the expiration date of Farview Farms Subdivision to October 24, 2022. The original approval date of the 18 lot plus open space parcel was October 24, 2008 with an expiration date of October 24, 2013 by which all public improvements were to be completed. Since then, Section 8-26c (e) of the General State Statute has been revised therefore a new expiration date of October 24, 2017 had been established. The landowner is requesting an additional five year extension. The Commission discussed the Conditions of Approval that were set forth at the time of the approval. The Conservation Easement has not been filed with the Town Clerk. The Commission reviewed the original subdivision maps which show 18 lots of varying size as well as wetlands which were filed on the Land Records at the time of the original approval.

Commissioner M. Sichel Moved to Continue Deliberation for the request to extend the expiration date of Farview Farms Subdivision until the January 5th, 2017 Meeting.
Seconded by: M. Lee **Vote: For: Unanimous**

41 Wanzer Hill Road- Murray, Kevin (M-53, L-26) Application for a Special Permit to allow horse farm on a 29.5 acre property located in the B Zone.

The Commission reviewed the contents of the application file for the Special Permit. ZEO R. Cooper referenced Section 352 Farming and Section 340 Special Permit Approval. Applicant Kevin Murray was present to speak in reference to the application. Mr. Murray stated he purchased the 29.5 acre property along with the 3 acre lot on which his house is located directly abutting the Eastern side of the lot, a year ago with the hopes to put up a small barn to house horses. Temporarily, if the application is approved, Mr. Murray stated he would like to put up fencing for a 30' x 60' paddock with a 12' x 12' run in shed to provide shelter for the horses when necessary until construction of the barn is complete. Also in the file were the names and addresses of six abutting neighbors, and 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 by Arthur H. Howland & Associated, P.C. on November 7, 2014.

Commissioner N. Volkmar Moved to Accept Application for a Special Permit 41 Wanzer Hill Road- Murray, Kevin (M-53, L-26) to allow horse farm on a 29.5 acre property located in the B Zone and set the Public for January 5th, 2017 to take place at Mallory Town Hall Beginning at 7:00 pm.

Seconded by: M. Lee

Vote: For: Unanimous

Approval of Minutes:

Regular Monthly Meeting of November 3, 2016

Commissioner T. Hollander Moved to Approve the Minutes of Regular Monthly Meeting of November 3, 2016 with Amendments.

Seconded by: N. Volkmar

Vote: For: Unanimous

Site-walk Meeting of November 12, 2016

Commissioner T. Hollander Moved to Approve the Minutes of the Site-walk Meeting of November 12, 2016 as written.

Seconded by: N. Volkmar

Vote: For: Unanimous

Correspondence:

Bloom, Dr. Joyce- a letter of opposition was read into record in reference to the proposed Farm Winery Regulation.

Zoning Enforcement Officer's Report:

October / November 2016

Zoning Enforcement Officer, R. Cooper provided the Commission with a report of activities for October and November 2016. Twelve Zoning Permits were approved, seven Statements of Intent were approved, none were withdrawn, none were denied, six permits require further review and three ongoing cases were discussed that require additional investigation.

Commissioner N. Volkmar Moved to Accept the ZEO combined Report of October and November 2016 as presented.

Seconded by: M. Lee

Vote: For: Unanimous

Public Comment:

J. Cilio- requesting clarification regarding what action would be taken if a homeowner were told they are not in compliance or a violation exists and they continued to conduct that activity.

Appointment of Nominating Committee:

Chair J. Burruano appointed the following Commissioners to the Nominating Committee:

Committee Chair- Ted Hollander
Marc Sichel
Paul Voorhees

Approval of the Calendar of 2017 Meetings:

Commissioner N. Volkmar Moved to Accept the 2017 Planning & Zoning Schedule of Meetings as presented.

Seconded by: M. Lee

Vote: For: Unanimous

Committee Reports: None

Chairman Report:

Chair J. Burruano read a statement into record thanking the Commission for a productive year.

Regulation Review:

Commissioner T. Hollander Moved to Accept the proposed changes to Zoning Regulations, Section 324.1A. .1 Accessory Dwellings (a) and Section 324.1A.2 Accessory Apartments (a) to include "*Proof of occupancy shall be provided as part of the Special Permit Application, and may be requested thereafter by the Zoning Enforcement Officer where there is reason to believe that the property owner is not an occupant*" and a Public Hearing for January 5, 2017 at Mallory Town Hall, the Meeting will begin at 7:00 pm.

Seconded by: N. Volkmar

Vote: For: Unanimous

Adjournment:

Commissioner M. Lee Moved to Adjourn the Meeting at 8:49 pm.

Respectfully submitted by:


Christine Branson, Commission Clerk

December 8, 2016

APPROVED AS WRITTEN AT THE FEBRUARY 2, 2017 RMM