

**Minutes of  
ZONING BOARD OF APPEALS  
June 1 , 2009**

**MEMBERS PRESENT**

Mrs. Yanicelli, Chairman  
Mr. Barfuss, Secretary  
Ms. Miller  
Mr. Moylan  
Mr. Ziotas

**MEMBERS ABSENT**

**ALTERNATES PRESENT**

Mr. Socci  
VACANCY

**ALTERNATES ABSENT**

Mr. Engel

Also in Attendance:

Steve Kleppin, Town Planner/Sr. Enforcement Officer

**MEETING OPENED**

At 7:34 p.m.

Chairman Yanicelli explained to those members of the public present how the proceedings would be conducted, and that discussion and possible decision on each public hearing item would be held after the public hearing on each item.

**PUBLIC HEARING**

The Chairman then called the Public Hearing to order in the Town Hall Board Room and read the call, as follows:

**LEGAL ADVERTISEMENT**

A Legal Notice was also published in the New Canaan News Review  
NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, MAY 21, 2009 9A

STATE OF  
CONNECTICUT  
TOWN OF  
NEW CANAAN  
ZONING BOARD  
OF APPEALS  
NOTICE IS HEREBY  
GIVEN that the ZONING  
BOARD OF APPEALS of  
the Town of New Canaan  
will hold a Public Hearing  
on Monday, June 1, 2009 in  
the Board Room of the Town  
Hall at 7:30 p.m. to hear the

following applications:  
1. Upon application of Peter  
and Mary Freiberg, owners,  
273 Ponus Ridge Road, for  
Variances of Sections 3.5.E.2  
and 7.1.B.2.b to expand a  
legally non-conforming structure  
with a proposed front  
yard setback of 36 feet in lieu  
of the 45 feet required and a  
side yard setback of 12 feet  
in lieu of the 35 feet required,  
for property in the Two Acre

Residence Zone (Map 25  
Block 241 Lot 5).  
HANDICAP ACCESS  
DURING MEETING:  
Please notify the Planning  
& Zoning office in advance  
if wheelchair accessibility is  
required.  
FRANK BARFUSS,  
Secretary  
May 15, 2009  
5-21  
5-28

**1. James G. O'Brien and Barbara Scott, owners, 56 Woodland Road**

Upon application of James G. O'Brien and Barbara Scott, owners, 56 Woodland Road, for a Variance of Section 3.5.E.2 to amend existing variance from 9'1" to 7'5" side yard setback to accommodate bilco door, for property in the One Third Acre Residence Zone (Map N Block 34 Lot 51). (Not opened at May 4, 2009 meeting.)

Not opened. Will be heard at July 13, 2009 meeting.

**2. Peter and Mary Freiberg, owners, 273 Ponus Ridge Road**

Upon application of Peter and Mary Freiberg, owners, 273 Ponus Ridge Road, for Variances of Sections 3.5.E.2 and 7.1.B.2.b to expand a legally non-conforming structure with a proposed front yard setback of 36 feet in lieu of the 45 feet required and a side yard setback of 12 feet in lieu of the 35 feet required, for property in the Two Acre Residence Zone (Map 25 Block 241 Lot 5).

Peter Freiberg presented the application. The hardship is a large area of wetlands and undersized lot. No one spoke in opposition, and Mr. Freiberg stated he had verbal support from his next door neighbors, Fred and Dorothy Brush, 281 Ponus Ridge.

The Public Hearing was closed on this Item.

Upon motion of Mr. Barfuss, second of Mr. Moylan, the Board unanimously voted to approve the application per the plans submitted.

Conditions, modifications, or restrictions are as follows:

1. Per Zoning Location Survey dated 5/3/04, revised through 1/19/09, and prepared by RKW Land Surveying.
2. A2 Foundation Plan; A3 1<sup>st</sup> Floor Plan, A4 2<sup>nd</sup> Floor Plan, A5 Attic Plan A6 Roof Plan, A7 North Elevation, A8 West Elevation, A9 South Elevation, A10 East Elevation, A11 Garage – 1<sup>st</sup> Floor Plan, A12 Garage – 2<sup>nd</sup> Floor Plan, A13 Garage – North Elevation, A14 Garage – East Elevation, A15 Garage – West Elevation, A16 Kitchen Elevation, A17 Porch Elevation, A18 Dining Room Elevation, all dated 9/9/08, revised through 2/5/09; A19 Thomas' Room Elevation; and A20 Master Bathroom Elevation, all dated 9/8/08, revised through 3/5/09. All prepared by John N. Kelly, Architect.

### **Regular Meeting**

#### **3. Approve Minutes of May 4, 2009 Meeting**

The Board unanimously voted to approve the minutes of the May 4, 2009 Meeting upon motion of Mr. Barfuss and second of Mr. Moylan.

#### **4. Other matters as may properly come before the Board.**

- a. Reminder - NEMO Training on June 9, 2009 at 7:00 p.m.

#### **5. Adjournment**

There being no further business to come before the meeting, the Board unanimously voted to adjourn at 7:43 p.m.

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FRANK BARFUSS, Secretary

### **LEGAL ADVERTISEMENT**

Also published in the New Canaan News Review  
8A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JUNE 11, 2009

TOWN OF NEW CANAAN  
ZONING BOARD OF APPEALS  
NOTICE IS HEREBY  
GIVEN that the ZONING  
BOARD OF APPEALS of the  
Town of New Canaan after  
a Special Meeting Public  
Hearing held on Monday, June  
1, 2009 duly adopted the following  
resolution. Approved  
applications become effective  
upon the filing of a copy thereof

in the office of the Town  
Clerk.  
1. RESOLVED, application  
of Peter and Mary  
Freiberg, owners, 273 Ponus  
Ridge Road, for Variances of  
Sections 3.5.E.2 and 7.1.B.2.b  
to expand a legally non-conforming  
structure with a proposed  
front yard setback of  
36 feet in lieu of the 45 feet

required and a side yard setback  
of 12 feet in lieu of the  
35 feet required, for property  
in the Two Acre Residence  
Zone (Map 25 Block 241 Lot  
5) is approved per the plans  
submitted.  
FRANK BARFUSS,  
Secretary  
June 5, 2009  
6-11