

October 20, 2005

Present: Edmund White, Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts

Alternates: Todd Catlin

Guests: Gene Wrabel, Robert Benn, Dirk Sabin, Michael Riva, Sevara Jeleva, Sean Woodward, Jacqueline Henning, David Behnke, Lindsay Gruson

The Chairman, Edmund White called the meeting to order at 7:30pm and read the legal notice for tonight's meeting.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0516 Request of Wykeham Partners, 240 Wykeham Road, a petition for special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations. Gene Wrabel of Shepaug Valley Electric was present to represent this application. The certified mail notice for this application was sent from New York on Monday October 17th, 2005. Two certified notices were sent to "resident" at 106 & 110 Wykeham Road, the application is for 240 Wykeham Road. Mr. Wrabel began by explaining the type and location of generator proposed. The generator will be a propane run 12kw Kohler with sound enclosure, used to provide heat and hot water during power failure. It has a 65db at 7 meters and is proposed to be located approx. 150' from the structure principally served on the south east side of an existing barn/garage. A stonewall is being built on the south side of the proposed generator to shield noise from the house. Mr. Sedito asked if the applicant could extend the stonewall to shield noise from the other sides of the generator as well? Mr. Wrabel said he could suggest that to the applicant. Mr. White asked if other locations had be explored for placement of the generator. Mr. Wrabel stated that the power for the house comes from the south/east corner of the barn/garage so the proposed location made the most sense. Mr. White asked about locating the generator inside the garage? Mr. Wrabel felt this brought up issues with exhaust and fuel. Mr. Wrabel said he would speak with the applicant about the certified mail notices.

MOTION: to continue ZBA-0516 Request of Wykeham Partners, 240 Wykeham Road, a petition for special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations, was made by Mr. Sedito, seconded by Ms. Leab, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0517Request of Robert Benn, 26 Bell Hill Road, a petition for special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations. Robert Benn was present to represent his application. Mr. Benn began by explaining why he was seeking a special exception instead of complying with zoning regulations for the proposed installation of his generator. Mr. Benn stated that placing the generator within 25' of the structure principally served would amplify the noise for the

neighbor on the north because the generator would be located in the open on top of a hill, on the east it would place the generator nearer to the road and neighbors across the street. The proposed location is behind a detached existing garage which is 35' from the house. Mr. Benn stated that there is a valley and ledge which create a noise barrier. With the existing propane tanks located behind the garage Mr. Benn felt this was an optimal spot. The proposed generator will be a 12kw; Mr. Benn stated that he will take every step possible to contain noise and is 99% sure it has a sound enclosure. No specifications were submitted for the generator. Mr. Benn stated that he owns the lot to the west of his property (behind the garage and proposed generator location). Mr. White asked for questions or comments from the public. The proposed generator will be placed on a slate pad. Mr. Snook asked Mr. Benn if he had any input in writing from his neighbors. Mr. Benn stated that he contacted four of the six neighbors and spoke with the neighbor to the north (Parker & Rogness) who is closest to his house; they were in favor of the proposed location. Members were in agreement that Mr. Benn is to submit specifications for the proposed generator and that it have a sound enclosure. Mr. Benn agreed.

MOTION: to close ZBA-0517 Request of Robert Benn, 26 Bell Hill Road, a petition for special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations, was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

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Mr. Snook had reservations but with the stipulation that generator specifications are submitted and a sound enclosure be used he is ok with this application. Ms. Leab feels the property is a hardship and favors granting the special exception with the stipulations. Mr. Sedito stated that the proposed site will have less of an impact on the neighboring properties. Ms. Roberts agrees the proposed location is a better location than placing the generator within 25' of the house. Mr. White is in agreement also with the stipulations on specifications and sound enclosure.

MOTION: to approve Request of Robert Benn, 26 Bell Hill Road, a petition for special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0518 Request of Arthur Sachs & Susan Lerner, 104 Kielwasser Road, a petition for special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations. Ten certified mail notices were sent out to property owners within 200' of the applicant's property on Friday October 14, 2005, five receipts have been returned. Dirk Sabin, landscape architect was present to represent this application. Mr. Sabin began by stating that the applicant's house is currently under construction at 104 Kinney Hill Road and they are proposing a 12 or 15kw generator with sound enclosure. Mr. White informed Mr. Sabin that they need to choose a specific size generator before the special exception will be granted. Mr. Sabin noted that the proposed generator's location to existing property lines as 74', 145', 272' and 280' (also noted on the grading and lay out plan dated March 1, 05). He located the nearest residence at approx. 400' away. The applicant proposes to place the generator next to a to-be-built detached barn; they will create a rock alcove and evergreen screening around the generator. Michael Riva (84 Kinney Hill Road) and Sevara Jeleva (88 Kinney Hill Road) adjacent property owners came forward to review the proposed location. Ms. Jeleva asked about placing the

generator on the other side of the residence away from their property. Mr. Sabin stated that there was ledge to the west side. Ms. Jeleva added that they hear the construction as well as the Decker's pool equipment running. Mr. Sabin stated that the applicant's pool equipment will be inside the proposed barn. Mr. Snook noted that the db level at the property line would be 50db which is modest and a stockade fence would help with noise levels. Ms. Roberts read into the record a letter from Sevara Jeleva and Kenneth Paul dated October 20, 2005. Mr. Sedito asked Mr. Sabin to locate the neighboring properties residences, which he did. Mr. White suggested that some type of enclosure, perhaps a shed with insulation would cut down on noise. Mr. Sabin will speak to the applicant's about enclosures, will be in contact with Ms. Jeleva and invited both ZBA members and Ms. Jeleva to inspect the proposed generator site.

MOTION: to continue ZBA-0518 Request of Arthur Sachs & Susan Lerner, 104 Kielwasser Road, a petition for special exception, a request for a generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations, was made by Ms. Roberts, seconded by Mr. Sedito, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0519 Request of Jacqueline Henning, 1 New Preston Hill Road, for a variance from Zoning Regulations 12.1.2 (set back from the E. Aspetuck River), and 11.6.1.c (setback from front yard and side yard), for additions to existing dwelling. Sean Woodward of Woodco LLC, Jacqueline Henning and David Behnke were present to represent this application. Mr. Woodward explained that the applicant is proposing the addition of two open decks (8'x11' and 5'x6') off the existing house and explained that if it were not for the river/wetland issue he would have applied for a special exception. The proposed porches will allow egress from the livingroom and bedroom. Mr. Woodward feels the entire property is a hardship it's a preexisting nonconforming. The house was built in 1921 and has a stone foundation, they are flipping the kitchen and bedroom (which was located in the front of the house and will now be located in the rear) for safety reasons. The front door has an existing covered porch. Mr. Woodward stated that the acreage is .38 acre and calculated existing lot coverage as 864sq. ft., with the additions it will be 1506 sq. ft., they are allowed 1693 sq. ft. The porch off the bedroom will be kept on the same plane with the house. No A-2 survey was submitted with this application. In discussion Mr. Woodward stated that the additions will cost approximately \$4,000 an A-2 survey could run 25% of that cost. Mr. Woodward stated that the deck is going 8' out from the house, in line with the house, they are not increasing the distance to the side yard which he approximates at 2'-3'. He went on to explain that a right of way exists on this side of the house, the property is a family sub-division which predates zoning. Members are uncomfortable with the close side yard property line and no A-2 survey. Mr. White suggested the applicants look at adjoining properties for a surveyors pin from which measurements could be taken. Mr. Snook added that it would be in the best interest of the applicant to have an A-2 survey, you may be renovating on somebody else's property. Mr. Behnke noted that the applicant is on a limited budget. Mr. White stated the need to nail down exact locations. Mr. Snook went on to say that the requested renovations are modest, in the owner's best interest you need to know you own what you are building on, you need to know the location of the existing house relative to the property line. Mr. White asked for comments or questions from the public. Secretary Pamela Osborne received and noted a phone call from Doris Waldron, secretary of the New Preston Women's Club stating that they have no objection to the proposed application.

MOTION: to continue ZBA-0519 Request of Jacqueline Henning, 1 New Preston Hill Road, for a variance from Zoning Regulations 12.1.2 (set back from the E. Aspetuck River), and 11.6.1.c

(setback from front yard and side yard), for additions to existing dwelling, was made by Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated regular members Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0520 Request of Lindsey & Jane Gruson, 61&62 Frisbie Road, for a variance from Zoning Regulation 11.6.1 (front yard setback), to construct a porch on existing dwelling. Lindsay Gruson was present to represent his application. Ms. Roberts read the applicant's letter of request into the record. Mr. Gruson explained that he wants to extend an existing porch on his house. There is a right-of-way "old town road" which exists 21'5" from the front corner of Mr. Gruson's house/porch according to the A-2 survey submitted dated August 26, 1998. Mr. Gruson stated that this "old town road" has a stonewall running across it and is his lawn which becomes a hay field. Mr. Gruson owns the adjoining parcel to the "old town road" shown on the A-2 survey as 32.641 acres. He added that he has started working with the Town of Washington to abandon this section of Frisbie Road. Mr. Gruson stated that he is not changing the front of the house, the additions start on the north side. Members need an exact footprint of the existing house showing the proposed 6' porch addition with measurements to the property line. Ms. Leab explained that this needs to be a snapshot, precise; the variance stays with the property forever. Members requested exact measurements of existing and proposed showing the closest point to the property line.

MOTION: to continue ZBA-0520 Request of Lindsey & Jane Gruson, 61&62 Frisbie Road, for a variance from Zoning Regulation 11.6.1 (front yard setback), to construct a porch on existing dwelling, was made by Ms. Roberts, seconded by Ms. Leab, by a 5-0 vote.

Consideration of Minutes from September 15, 2005: tabled to November 17th meeting.

Other Business

Members briefly discussed the A-2 survey requirement and guidelines for generators.

A letter was received and filed on September 22, 2005 from Harold Wellings and Lynn Baldwin regarding ZBA-0406, Wellings 298 West Shore Road.

The October 20, 2005 meeting of the Washington Zoning Board of Appeals was adjourned at 9:55pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary