

May 13, 2004

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

Alternates: Mark Averill, Todd Catlin

Guests: Gene Swanson, Paul Manson, Press

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

Public Hearing - Continued

Mr. White seated regular members Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Mark Averill.

ZBA-0404 request of Gene D. Swanson II, 18 Cook Street, for a variance from Zoning Regulations 11.6.1.c (side yard setback), 12.1.1 (setback form watercourse) and 17.4.a (increasing the nonconformity of a nonconforming structure), to build a deck. Gene Swanson was present to represent his application. Mr. Swanson began by explaining the setbacks from the proposed deck. They were as follows: on the "Borger" side 13' to the property line, on the right-of-way side 17'6" from the property line, in the rear 91' to the property line and the front 55' to the property line. On his map Mr. Swanson has outlined the existing porch in red and the proposed porch in turquoise. Mr. Swanson has spoken with Mike Ajello the Inland Wetland enforcement officer because of a stream located off his property. Mr. Swanson will have to go on to the Inland Wetlands Commission. The proposed porch will measure 30' x 16'. It will be 7'6" off the ground. In speaking with his neighbors Mr. Swanson said he received positive feedback. Mr. Swanson will use pressure treated wood and possibly composite decking. He will be removing the existing porch. The porch serves as the second exit to the house. The front of the house is level with the road and has a front porch which has two steps up to it. The Swanson's use the Town right-of-way for parking. Mr. Swanson stated that the existing porch is not up to code and unsafe for their toddler. The house was previously occupied by Mr. Swanson's grandmother; he has owned it since 1999. This appears to be the only place to put the porch. Mr. White asked for further questions or comments from the public.

MOTION: to close ZBA-0404 request of Gene D. Swanson II, 18 Cook Street, for a variance from Zoning Regulations 11.6.1.c (side yard setback), 12.1.1 (setback form watercourse) and 17.4.a (increasing the nonconformity of a nonconforming structure), to build a deck was made by Mr. Snook, seconded by Mr. Sedito, by a 5-0 vote.

MEETING

Mr. Snook admits it's hard to perceive a hardship, but also hard not to approve such a modest request. Mr. Averill felt this request is reasonable, noting the safety issue with the child; he has no problem approving the request. Mr. Sedito added that the existing deck is small and not suitable for egress. Ms. Roberts agrees with other members this obviously will not become an extension of the existing house, which is always a concern. Mr. White questioned the use of the new Special Exception Application, which would apply to older homes in an effort to extend their life and use.

MOTION: to approve ZBA-0404 request of Gene D. Swanson II, 18 Cook Street, for a variance from Zoning Regulations 11.6.1.c (side yard setback), 12.1.1 (setback form watercourse) and 17.4.a (increasing the nonconformity of a nonconforming structure), to build a deck by a 5-0 vote.

PUBLIC HEARING

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

ZBA-0405 Request of Corax Corp., 248 West Shore Road, for a variance from Zoning Regulations 12.14.1 & 12.14.3 (generator location), 11.5.1 (lot coverage) and 17.4.a (increasing the nonconformity of a nonconforming structure) to install a generator and addition to existing structure. Paul Manson was present to represent his application. Mr. White read the (2) letters of request into the record. Mr. Manson explained that there is now an impervious surface of flagstone and a chimney between the main house and guest house. The house was built in 1938 and added onto in 1964. Mr. Manson presented a computer image of the connection between the main house and guest house. The addition will add 57 sq. ft.; it will be approximately 8' x 20'7", it is 67' from the front property line and 68' to the water. Present lot coverage is 5792. The A-2 survey presented does not show several walkways on the property but Mr. Manson included them in his calculations. Mr. Manson stated that he is also proposing to add a second story onto the guest house; he will bring the roof line of the guest house into the roof line of the main house. The guest house is presently (1) story approximately 15'7" x 23'. Mr. White interjected that there needs to be an exact plan presented, things are very sensitive in the lake area. There needs to be true documentation of coverage, there is a difference between closing the gap and closing the gap and going up in volume. The A-2 survey has no dimensions, is missing both walkways and the driveway. Mr. Sedito stated that the survey is poor; the commission deals with the property not the applicant. Mr. Manson interjected that he is asking for 1/10th % the impact is minimal. Mr. White does not disagree but they need to look at the project as a whole. Mr. Snook added that this is not just an extension of the patio, it's increasing the structure what is the goal? The commission needs more detail and concrete measurements. It needs the plotted distance from the watercourse, exact footprint of the addition, exact lot coverage and elevations. Mr. Sedito was concerned with the applicant stating a "connection" between the guesthouse and main house, when in fact he will truly be changing the structure. Discussion then went on to the generator part of the application. Mr. Manson admitted that the generator has already been installed. It is 2' x 4', 1500 watts. Mr. Snook voiced his concern with the noise levels around the lake. Mr. Sedito asked if a contractor installed the generator and if a trench was dug to the house for electrical. Mr. Manson confirmed that all the work has been done already by a contractor. Members asked without a variance? Without a permit? Ms. Leab questioned the legal notice requirements; this was not noticed for distance to the lake. Members went on to discuss different locations for the generator. Mr. Manson stated that there was an existing propane tank, the generator is located on a pad and self tests once a week for 7 minutes. He chose a location that seemed quietest to his neighbors and himself. One neighbor Betty Sutter submitted in writing that she had no objection to the compressor. It was concluded that as presented there was not enough information to go forward with this application. Mr. White told the applicant that he could withdraw and reapply or continue and bring more information to the next meeting. There was discussion about getting all the information together by the next meeting. At this point Mr. Manson withdrew his application. Mr. White reminded Mr. Manson that the generator is in violation and needs to be moved to be within the Zoning Regulations or he needs to reapply for a variance.

PUBLIC HEARING - CONTINUED

Mr. White seated regular members Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Todd Catlin.

ZBA-0403 request of Carolyn Vanderlip, 28-30 Shearer Road, for a variance from Zoning Regulation 12.14.1 (generator location), to install a generator. There was no one present to represent this application. Mr. Catlin has seen the property and noted a location near the guest house that he

believes would conform to the Zoning Regulations. Mr. White asked for questions or comments from the public.

MOTION: to close ZBA-0403 request of Carolyn Vanderlip, 28-30 Shearer Road, for a variance from Zoning Regulation 12.14.1 (generator location), to install a generator was made by Ms. Roberts, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Mr. Snook is not in favor of granting this variance based on the information provided; he sees a whole spectrum of locations that fall within the regulations. Mr. Catlin agrees with Mr. Snook and added there is no hardship. Mr. Sedito would have to vote no also based on information that members don't have. Ms. Roberts and Mr. White agree.

MOTION: to deny ZBA-0403 request of Carolyn Vanderlip, 28-30 Shearer Road, for a variance from Zoning Regulation 12.14.1 (generator location), to install a generator by a 5-0 vote.

Mr. Catlin corrected the adjournment time from the April 15, 2004 minutes to read 7:54pm.

MOTION: to accept the minutes as corrected of the April 15, 2004 meeting was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

OTHER BUSINESS

There was discussion on the requirement for an A-2 survey for ZBA applicants. Pam Osborne Secretary will contact Mike Zizka about language to allow for leeway of this requirement up to the discretion of members.

MOTION: to adjourn was made by Mr. White at 9:30pm, all agreed.

Submitted subject to approval,

Pamela L. Osborne, Secretary