

June 17, 2004

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

Alternates: Mark Averill, Todd Catlin

Guests: Harold Wellings, Les Ernhout, Stephen Wright, Hugh O'Donnell, Paul Manson, Press

The Chairman, Edmund White called the meeting to order at 7:30pm.

PUBLIC HEARING

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

ZBA- 0406 request of Harold J. Wellings, 298 West Shore Road, for a variance from Zoning Regulations 11.6.1 (side yard & front yard setback) to construct a garage. Harold Wellings was present to represent his application. Mr. White read the applicants letter of request into the record. Mr. Wellings distributed a photo packet to members. Mr. Wellings used the photos in explaining his neighbors existing garages which he states range from 20' to 40' from the roadside. Mr. Wellings went on to give a history of his house at 298 West Shore Road. When he purchased the house it had an existing 16' attached garage, which became a utility room. Mr. Wellings stated that his basement is dirt and wet, he moved the furnace and water tank from the basement to the utility room. An underground oil tank was removed and the new oil tank was placed in the utility room also. Mr. Wellings installed an engineered septic system in the front yard. In 1998 Mr. Wellings states he received permission to erect a vinyl garage on his property. He also received permission to install a floating dock in his pond across the road which was never installed. Photos #8 and #9 show the style of construction for the proposed garage, which appears identical to the existing house on the property. Mr. White questioned whether Mr. Wellings had ever received permission to increase the square footage of his driveway. Mr. Wellings stated that he had not increased the driveway area. Ms. Swain confirmed the size of the proposed garage at 24'x35' with the garage doors facing towards the lake. Mr. Wellings agreed with the measurements and location adding that in speaking to his neighbor, Rod Funston, his neighbor didn't want to look at the garage doors. Mr. White read a letter dated June 16, 2004 from Rod & Sidney Funston into the record. The letter expressed concern for the size of the proposed structure. Mr. Sedito asked if Mr. Funston would see the proposed garage. Mr. Wellings stated that Mr. Funston would see the proposed garage when entering/exiting his property but not from the house. Mr. Wellings stated that his other neighbor is OK with the proposed structure. The existing vinyl garage is 12'x18'. This property has received (2) previous variances 1) for a pergola 2) for a deck. The plans originally submitted with the application are not being used. The proposed garage will be 40' from the edge of the road and 3' from the property line. Les Ernhout from the public spoke in favor of Mr. Wellings stating that he is a great neighbor and everything he has done has been top notch. Mr. Ernhout believes he will do the best job possible. Ms. Roberts asked about hardship? They chose to remove the existing garage. Could the garage be moved closer to the house and drive into it? Mr. Wellings stated that when the houses in the area were built years ago the garages were all put next to the road. Mr. Wellings stated that what ever grass is removed to construct the garage will be replaced at the opposite end of the driveway. Mr. Snook asked about moving the garage away from the road and driving into it. Mr. Wellings answered that he didn't like the look of garage doors from the road. Mr. White asked about his visual concept that the existing vinyl garage keeps moving. Mr. Wellings stated that it is anchored by 6'x6"s and is unmovable. Mr. White questioned the front line measurements and from what point they were measured? Ms. Roberts felt hardship could be found in the property itself. It was decided that Mr. Wellings would stake out the proposed structure (perhaps smaller at only 24'x24') and show the setback measurements from the front and side yards. Mr. Wellings will call the Land Use office when this is ready so the members could be

informed and make individual visits. Mr. Wellings will also submit new complete floor plans with elevation. Mr. White asked for additional comments and input from the public.

MOTION: to continue ZBA- 0406 request of Harold J. Wellings, 298 West Shore Road, for a variance from Zoning Regulations 11.6.1 (side yard & front yard setback) to construct a garage was made by Ms. Leab, 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-0407 request of Caroline Vanderlip, 28 Shearer Road, for a variance from Zoning Regulations 12.5.2 (no accessory structure shall be higher or larger in ground floor area than the principal structure, except in connection with an agricultural use) and 12.14.1 (generator location), to make several changes to an existing building, including garage space and install a generator. Secretary Pam Osborne informed members that she had only received back (1) certified mail receipt. Hugh O'Donnell was present, he is a neighbor within 200' of the property, and he received certified mail notice today. Stephen Wright was present to represent this application. Mr. Wright stated that the certified mailings were done last week. Mr. White read the letter of request into the record. Mr. Wright began by stating that this property was subdivided in 1994 and the only garage space was given to the other parcel. The building being renovated was an agricultural building added onto several times. The front portion was used to process turkeys, consisting of coolers, work and utility rooms. There is extensive termite and ant damage the walls are powder according to Mr. Wright. With the proposed changes the building will extend 5' into the driveway, they will fill in an "alley way" between the two buildings, it will become more energy efficient and have more usable space. At present the doorways are poorly protected. On the accompanying plan the yellow highlighted areas are new footprint and the pink areas are roof extensions. Mr. Wright took members on a pictorial tour of the building and immediate property. (These pictures were added to the file) The portion marked "Turkey Cooler" will be leveled and rebuilt and will remain a secondary building. This secondary building is presently larger than the main house. Mr. White asked if there would be a room over the garage. Mr. Wright stated no just the rafters. The present roof is very cut up they will redo roof lines to match the main house. Ms. Leab asked if while adding to the garage they couldn't find space for the generator that would be less obtrusive to the owners and neighbors. This secondary building has a guest house with (3) bedrooms. The main house including the porch is 2125 square feet and the guesthouse at present is 2834 square feet with the proposed improvements would become 3408 square feet plus volume. The proposed garage portion measures 27'x37'. The distance between the main house and the secondary structure is between 16' - 18'. Mr. Sedito confirmed that the height of the guest house will be smaller than the main house. The approximate height of the main house is 30' and the height of the proposed garage will be 18'. Mr. Wright mentioned other alternatives being attaching the main house to the secondary building or adding more driveway and additional buildings. The lot is big enough to do either of these. Mr. Wright feels the proposed changes are more appropriate for the area. Mr. O'Donnell interjected that the "turkey coolers" are difficult to look at and the proposed plan looks good. It was discussed whether the bump-out was needed for the garage and it was confirmed that you would enter the garage by the side facing the neighboring property. Mr. Snook asked if site work had been done. Mr. Wright stated some demolition has been done; the main house is undergoing extensive renovations at present. Discussion went on to the generator which is proposed for installation 150' from the main structure served. Mr. Wright stated that there is landscaped garden around the main house, patio between the pool house and pool; there is an A/C unit next to the main house which the owners would like to move. There is existing pool equipment and a propane tank behind an existing stone wall. The grade drops approximately 12' and they would like to install the 20kw generator next to the pool equipment. Mr. O'Donnell the adjoining property owner commented on the existing A/C units

next to the house. He would not like to see more machinery invade this area to assist in minimizing noise and felt the proposed location helps with this noise issue. Mr. White asked for questions or comments from the public. Mr. White asked that the hearing be continued to assure that adjoining property owners within 200' had received notice.

MOTION: to continue ZBA-0407 request of Caroline Vanderlip, 28 Shearer Road, for a variance from Zoning Regulations 12.5.2 (no accessory structure shall be higher or larger in ground floor area than the principal structure, except in connection with an agricultural use) and 12.14.1 (generator location), to make several changes to an existing building, including garage space and install a generator was made by Ms. Leab, seconded by Ms. Roberts, by a 5-0 vote.

PUBLIC HEARING

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

ZBA-0408 request of Corax Corp., 248 West Shore Road, for a variance from Zoning Regulations 12.14.1 & 12.14.3 (generator location), to install a generator. Mr. Manson was present to represent his application. Mr. Manson explained that he wants to move the generator inside an existing garage. This is an after-the-fact application the generator has already been installed elsewhere on Mr. Manson's property. If the generator is moved into the garage it will be 82' from the house it serves. The adjoining property is lake frontage only. Mr. Manson states that if he moves the generator to within 25' of his house he will be closer to his neighbor's property. Mr. Manson explained that his 95 year old mother stays with them on the weekends and needs a back up source if the electricity fails for climate control. Ms. Swain read the letter of request into the record. The generator is a 15kw. Mr. Manson explained that the garage was built presumably in the 1930's and his driveway is in front of the garage. Mr. White asked for further questions or comments from the public.

MOTION: to close ZBA-0408 request of Corax Corp., 248 West Shore Road, for a variance from Zoning Regulations 12.14.1 & 12.14.3 (generator location), to install a generator was made by Ms. Roberts, seconded by Mr. Sedito, by a 5-0 vote.

MEETING

Mr. Snook felt that being inside the garage the generator would become more sound proof. He is OK with granting a variance. Mr. White reminded members of the history of the generator regulations and the job of balancing what makes sense. Ms. Leab felt that the garage location was a better solution with the least impact. Mr. Sedito agrees with Mr. Snook and Ms. Leab. Ms. Roberts felt that Mr. Manson is being sensitive to his neighbors. Mr. White's concerns are with the sound levels around the lake.

MOTION: to approve ZBA-0408 request of Corax Corp., 248 West Shore Road, for a variance from Zoning Regulations 12.14.1 & 12.14.3 (generator location), to install a generator by a 4-1 vote.

Ms. Leab, Mr. Sedito, Mr. Snook and Ms. Roberts voted to approve.

Mr. White voted to deny.

A brief discussion followed on the current generator regulation and whether there was a need to look at modifying them.

MOTION: to accept the minutes of the May 13, 2004 meeting as submitted was made by Ms. Swain, seconded by Mr. Snook, by a 5-0 vote.

OTHER BUSINESS

Ms. Roberts spoke with Atty. Zizka about the ZBA requirement of an A-2 survey for all applications; it was his opinion that the requirement for the A-2 survey should not change the commission should stick to requiring the A-2 survey.

Members discussed scheduling Atty. Zizka to come speak to them the date was tentatively set for September 23rd.

MOTION: to adjourn was made by Ms. Swain at 9:42pm, all were in agreement.

Submitted subject to approval,

Pamela L. Osborne, Secretary