

June 20, 2002

Members Present: Reese Owens, Katherine Leab, Bradford Sedito, Polly Roberts

Alternates Present: Heman Averill, Georgia Middlebrook, Bruce Skoog

Guests: Paul L. Cornell, Jr., Brian Neff, James G. Kelly, Esq., Michael L. Boe, Charles R. Ebersol, Jr., Esq., Selectman Nick Solley

Vice Chairman, Reese Owens opened the meeting at 7:35pm.

PUBLIC HEARING - Continued from May 15, 2002

Mr. Owens seated regular members Katherine Leab, Polly Roberts, himself and alternates Heman Averill and Bruce Skoog.

ZBA-0210, Request of The Melinda Cornell Moran Grantor Trust, 6 Anna Jay Lane, for a variance from Zoning Regulation 11.6.1.b (setback, interior lot), 11.5.1 (coverage), 17.4.a (increase of nonconformity of non conforming building), for addition of a bathroom. Paul L. Cornell Jr. was present to represent the Morans. Members received a copy of the "Soil Inspection & Percolation Test Results" for the property at 6 Anna Jay Lane, done by Brian E. Neff, P.E.. Mr. Neff was present to explain the test results. He stated that the proposed bathroom addition is located within 75' of the existing well which makes it not usable for the septic system area. Mr. Neff identified the area on the east side of the property where the existing subsurface sewage disposal system is now located for the back up system. Mr. Owens asked if there were any changes to the application. Mr. Cornell stated that there were none, he did state that if members felt that the addition was to much the applicants would be willing to give up the closet space. Ms. Roberts commented that the existing lot coverage is 24%, with the proposed addition it would be 25% and the encroachment to the property line goes from 29' to 19'. Mr Cornell explained that this adjoining property is owned by the Morans, the deeds were merged and the property cannot be separated from the first piece. Mr. Owens inquired about the basement, Mr. Cornell stated that there is a cellar under the house. Mr. Owens asked for additional comments and questions from the public.

MOTION: to close the Public Hearing Re: ZBA-0210, Request of The Melinda Cornell Moran Grantor Trust, 6 Anna Jay Lane, for a variance from Zoning Regulation 11.6.1.b (setback, interior lot), 11.5.1 (coverage), 17.4.a (increase of nonconformity of non conforming building), for addition of a bathroom, was made by Mr. Averill, seconded by Bruce Skoog, by a 5-0 vote.

MEETING

Ms. Leab has visited the site twice and is worried about crowding and the addition being more than the house can hold. Mr. Averill recognizes the density factor but does not feel the application is inappropriate. Ms. Roberts feels that they are asking a lot on a tiny lot, but understands the location and is satisfied that it makes sense. Mr. Skoog understands the need for the second bathroom, he feels that perhaps what is proposed is a bit more than needed, smaller would be better. Mr. Owens reminded members of Mr. Cornell's offer to exclude the closet part of the addition. Mr. Owens reread the legal notice and called for a vote.

MOTION: to approve ZBA-0210, Request of The Melinda Cornell Moran Grantor Trust, 6 Anna Jay Lane, for a variance from Zoning Regulation 11.6.1.b (setback, interior lot), 11.5.1 (coverage), 17.4.a (increase of nonconformity of non conforming building), for addition of a bathroom only,

measuring 10'x14', and excluding the walk in closet, by a 5-0 vote.

PUBLIC HEARING - Continued from May 15, 2002

Mr. Owens seated regular members Katherine Leab, Bradford Sedito, Polly Roberts, himself and alternate Heman Averill.

ZBA-0211, Request of William C. Bausch, 24 School Street, for a variance from Zoning Regulation 11.3 (minimum lot size), for lot line revision. James G. Kelly, Esq. was present to represent Mr. Bausch. Atty. Kelly presented a few copies of a "Residential Density Determination Form". The information on this form was filled out by Brian E. Neff, P.E. Engineer. Atty. Kelly explained the information contained in the forms. Both lots (24 & 32 School) are presently nonconforming. Atty. Kelly stated that in making this lot line revision these lots will be more consistent with the neighborhood. Mr. Kelly needs a zoning permit for this lot line revision. Mr. Owens spoke to Atty. Byrne who's opinion is to deny any condition that will create more of a nonconformity. Mr. Kelly felt that Att. Byrne's comments were toward development, which this application is not. They are attempting to make two lots better. Also Atty. Kelly felt it was inappropriate for Atty. Byrne not to give written information and considers his comments hearsay. Mr. Sedito questioned what the reason was behind the lot line revision. Atty. Kelly's response was that basically the owners of 32 School Street would like more room for a dog fence and Mr. Bausch is willing to make a lot line revision. Mr. Owens asked for additional comments and questions from the public.

MOTION: to close the Public Hearing Re: ZBA-0211, Request of William C. Bausch, 24 School Street, for a variance from Zoning Regulation 11.3 (minimum lot size), for lot line revision, was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

MEETING

Mr. Sedito is familiar with the property locations and feels that this lot line revision makes sense and doesn't appear to change anything. Ms. Leab feels that there is no hardship but in keeping with the town's Plan of Development this lot line revision makes sense. Mr. Averill agrees with Ms. Leab but feels the reference to the dog fence is inappropriate for the record. Ms. Roberts appreciates the submittal of the density forms and agrees with the proposed lot line revision. Mr. Owens feels that the location of the lot line is more in harmony with the neighboring properties and regrets Atty. Kelly's references to Atty. Byrne's comments as hearsay. Mr. Owens reread the legal notice and called for a vote.

MOTION: to approve ZBA-0211, Request of William C. Bausch, 24 School Street, for a variance from Zoning Regulation 11.3 (minimum lot size), for lot line revision, by a 5-0 vote.

PUBLIC HEARING

Mr. Owens seated Katherine Leab, Bradford Sedito, Polly Roberts, himself and alternate Georgia Middlebrook.

ZBA-0212, Request of BBNH, LLC, 20 New Preston Hill Road, for a variance from Zoning Regulation 12.5.1 (accessory structure), 11.6.2 (setback from town boundary), to construct garage. Michael L. Boe, A.I.A. was present to represent BBNH LLC (Mrs. Joan Rosenberg). Mr. Boe read his letter of request for a variance. Mr. Boe brought larger copies of map #786 with proposed garage site. Existing garage area is gone because of new construction and the barn is full. Mr. Boe stated that during construction (done on the New Milford parcel) nobody realized a problem with the town boundary line running though the property with set back requirements. Mr. Sedito questioned the fact that when obtaining permits in New Milford the town boundary line was never came into question? Mr. Boe stated

it was never questioned because they are 378' from adjoining property lines. Ms. Roberts questioned the distance of the proposed garage to the town boundary line. Mr. Boe approximates about 3'. Mr. Owens asked how much relief is needed from the town line and can Mr. Boe demonstrate that relief is needed, he feels this is tough to do without knowing specifically when the town line is. Mr. Boe stated that they wanted to have 50' between the existing buildings and the proposed garage. Mr. Owens stated that Mr. Boe seems to have a sense of where the town boundary line is but don't specifically know, therefore neither do the members, therefore they don't know what they are granting if in fact they do grant a variance. Members requested that a survey be done to determine the town boundary line. Mr. Owens raised the question of the Washington piece of property being a potential lot? Mr. Boe stated that the Washington Parcel is a landlocked parcel with no access or road frontage in Washington. Mr. Owens told Mr. Boe he needs to establish why this garage needs to be built within 30' of the Washington Boundary line, why can it not be built in New Milford without a variance? Mr. Boe stated that they want to keep the utility areas to the back of the house and establish a court yard area. Mr. Boe asked if members do site visits? Mr. Owens stated that yes site visits are done. Mr. Boe asked any members who would like to visit the site contact him to gain access.

MOTION: to continue the Public Hearing Re: ZBA-0212, Request of BBNH, LLC, 20 New Preston Hill Road, for a variance from Zoning Regulation 12.5.1 (accessory structure), 11.6.2 (setback from town boundary), to construct garage, was made by Ms. Roberts, seconded by Ms. Leab, by a 5-0 vote.

PUBLIC HEARING

Mr. Owens seated Katherine Leab, Bradford Sedito, Polly Roberts, himself and alternate Heman Averill.

ZBA-0213, Request of Peter Bowman and Lesley Neilson-Bowman , 7 School Street, for a variance from Zoning Regulation 11.6 (side yard setback), 17.4.a (increase non conformity of nonconforming building), for modifications to an existing garage. Mr. Owens asked Mr. Bowman to read his letter of request for a variance. Mr. Bowman stated that he has done modifications to the roof that differ from his previous application and that the patio is not part of this application. Mr. Bowman wants to install a veneer siding on all four sides (approx. 3' thick) of the garage. He is keeping the walls, changing the volumetric increase is up. Mr. Owens asked for additional comments and questions from the public.

MOTION: to close Public Hearing Re: ZBA-0213, Request of Peter Bowman and Lesley Neilson-Bowman , 7 School Street, for a variance from Zoning Regulation 11.6 (side yard setback), 17.4.a (increase non conformity of nonconforming building), for modifications to an existing garage, was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

MEETING

Mr. Sedito is in favor of this variance as he was the first time. Ms. Leab feels this looks better. Mr. Averill agrees with Mr. Sedito and Ms. Leab. Ms. Roberts feels the changes will not be noticed at all. Mr. Owens feels this is a tight lot but felt it was reasonable to modify the appearance with the veneer and that the building was not becoming a two-story building. Mr. Owens reread the legal notice and called for a vote

MOTION: to approve ZBA-0213, Request of Peter Bowman and Lesley Neilson-Bowman , 7 School Street, for a variance from Zoning Regulation 11.6 (side yard setback), 17.4.a (increase non conformity of nonconforming building), for modifications to an existing garage, by a 5-0 vote.

PUBLIC HEARING

Mr. Owens seated Katherine Leab, Bradford Sedito, Polly Roberts, himself and alternate Bruce Skoog.

ZBA-0214, Request of Steven J. Kantor and Ilene Lanier, 240 Wykeham Road, for a variance from Zoning Regulation 11.6.1.b (rear set back), to construct a garage. Charles R. Ebersol, Jr., was present to represent the application for Steven J. Kantor and Ilene Lanier. Atty. Ebersol read the letter of request for a variance. Atty. Ebersol showed a larger map of the entire property and color photos of the house. He explained that 12' from the front of the house is a steep slope, the house was built (by previous owners) on a level band of land running through the property. Michael Alex the most recent surveyor of the land showed two conflicting boundary lines noted by previous surveyors on this property (Robert Hock in 1986 and John H. Farnsworth in 1979). The proposed garage site would be 8' from the Farnsworth line, 25' from the Hock line and 50' from the Alex line. The proposed garage appears to be within the set back lines from both the Alex and Farnsworth surveys. Ms. Roberts asked if Atty. Ebersol has spoken to Janet Hill Zoning Enforcement Officer about a zoning permit. Atty. Ebersol stated that he has not spoken to Janet yet, he felt that obtaining a variance from the closes property line to the garage would stop future disputes from adjoining property owners. Mr. Owens felt that the conflicting lot line is a legal issue. Mr. Ebersol asked to continue this public hearing so he could speak with Janet Hill in the Zoning Department.

MOTION: to continue ZBA-0214, Request of Steven J. Kantor and Ilene Lanier, 240 Wykeham Road, for a variance from Zoning Regulation 11.6.1.b (rear set back), to construct a garage, was made by Ms. Roberts, seconded by Ms. Leab, by a 5-0 vote.

MOTION: to accept the minutes of the May 15, 2002 meeting as submitted, was made by Mr. Sedito, seconded by Ms. Leab, by a 5-0 vote.

OTHER BUSINESS

Secretary, Pam Osborne asked members about posting the minutes on the Town of Washington's website. There were mixed feels about posting the minutes before members have received/approved them. It was decided to table this question until next months meeting.

Selectman Nick Solley asked members to give some though about the possibility of creating a "Green District" which would solve some of the issues that arise in the "Green" area at the Historical and Zoning Commission level. Ms. Leab asked if there has been a draft made. Mr. Solley replied that the issue hasn't made it that far yet. There was further discussion that brought up the density issues as far as schools are concerned. Mr. Owens also brought up the subject of defining lot coverage.

Ms. Osborne made available copies of the "Draft of the Final Report of the Housing Committee", members took the copies Ms. Osborne had, if anyone did not receive one and is interested please contact her.

MOTION: to adjourn was made by Ms. Leab, seconded by Mr. Sedito, by a 5-0 vote at 9:30pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary