

October 17, 2013

Present: Polly Roberts, Kathy Leab, Peter Bowman, Rod Wyant

Alternates: Todd Peterson, Chip Wildman, Joan Kaplan

Absent: Todd Catlin

Staff: Mike Ajello, Shelley White

Also Present: Mr. & Mrs. Slaymaker, Mr. & Mrs. Tomczyk

Ms. Roberts, Chair, called the meeting to order at 7:30 pm.

PUBLIC HEARING Continued:

Seated: Roberts, Leab, Wyant, Bowman, Wildman, Alt.

ZBA –0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1(Yard Setbacks), 12.1.1.b (Wetlands/Watercourse Setback), 11.5.1.a (Lot Coverage), 17.4(Non-conforming Structures) to renovate existing boat house.

There was no one present at the time of this Public Hearing. Ms. Roberts tabled this discussion until after the following public hearings on the agenda.

PUBLIC HEARING

Seated: Roberts, Leab, Wyant, Bowman, Peterson, Alt.

ZBA – 0954 – Request of Slaymaker, 17 Sunset Lane, for Special Exception, Zoning Regulations Section 17.5 (Increasing Nonconforming Structure), to build a mudroom and garage on to existing dwelling.

Mr. and Mrs. Slaymaker were present to present this application. Mr. Ajello explained that Section 17.5.1.b was amended to allow a Special Exception if the property owner is seeking relief from a wetland and watercourse setback provided that the IWC has already approved the proposed plan.

Mr. Slaymaker and the commissioners looked at the map titled “Site Plan Prepared for Robert Slaymaker by Berkshire Engineering & Surveying, LLC, sheet 1/1, dated 5-22-13.” He stated that they would be removing a partially nonconforming shed, concrete slab and retaining wall and restoring the lawn back to a natural grade.

The commissioners looked at the elevation drawings and floor plan of the proposed garage and mudroom.

There was a brief discussion regarding the size of the proposed garage and mudroom. Mr. Slaymaker stated that the Inland Wetlands Commission has approved this proposed plan. He confirmed that it would be a two and half car garage and there are no plans for anything to be built above the garage.

There were no further questions or comments.

Motion:

to close the Public Hearing for ZBA – 0954 – Request of Slaymaker, 17 Sunset Lane, for Special Exception, Zoning Regulations Section 17.5 (Increasing Nonconforming Structure), to build a mudroom and garage on to existing dwelling,
by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

MEETING

Ms. Leab feels that the garage is large but the application is straightforward and the proposed available space would house items that are currently left in the yard. She stated that she did not have any objections. Mr. Bowman stated that he feels that the proposed garage is pretty large but has been approve by the IWC and that is the main reason for this Special Exception so he does not have any objections. Ms. Roberts stated that this application meets the requirements of Section 17.5.C.2 and she is in favor. Mr. Wyant stated that he agrees with the other commissioners, this application is straightforward and he supports it. Mr. Peterson feels that there aren't any issues and although the garage footprint is close in size to the house the house is not that big. He stated that he is in favor of this application.

Motion:

to approve ZBA – 0954 – Request of Slaymaker, 17 Sunset Lane, for Special Exception, Zoning Regulations Section 17.5 (Increasing Nonconforming Structure), to build a mudroom and garage on to existing dwelling, as per "Site Plan Prepared for Robert Slaymaker" by Berkshire Engineering & Surveying, LLC, sheet 1/1, dated 5-22-13 and other pertinent documents in the file, passed by 5-0 vote.

PUBLIC HEARING

Seated: Catlin, Leab, Wyant, Bowman, Kaplan, Alt.

ZBA – 0955 – Request of Tomczyk, 39 River Road, for Special Exception, Zoning Regulation 17.5 (Increasing Nonconforming Structure), to replace existing 1 car garage with 2 car garage and redesigned driveway.

Mr. and Mrs. Tomczyk were present to present this application. The Tomczyks and the commissioners looked at the map title "Property Boundary Survey, prepared for Frank Henry Tomczyk & Debbie Marsh Tomczyk," by T. Michael Alex, with a revision date of 9-20-13. Mr. Tomczyk pointed out the changes in the configuration of the driveway and the footprint of the proposed two-car garage.

It was noted that the side yard setback was the only non conformity. The commissioners looked at the elevation drawings of the proposed garage labeled "39 River Road Garage Elevation 01 and 02" and a photo of the house labeled "East side of house and existing garage" (on file in the Land Use Office).

Mr. Tomczyk confirmed that the proposed garage would have a side door and would not be attached to the house.

The commissioners looked at the footprint of the proposed garage and noted the footprint dimensions as 26' x 25'.

There were no further questions or comments.

Motion:

to close the Public Hearing for ZBA – 0955 – Request of Tomczyk, 39 River Road, for Special Exception, Zoning Regulation 17.5 (Increasing Nonconforming Structure), to replace existing 1 car garage with 2 car garage and redesigned driveway, by Ms. Leab, seconded by Mr. Wyant, passed by 5-0 vote.

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Mr. Wyant stated that this application was well prepared and the proposed garage and driveway improves the site. Mr. Bowman said that he had no objections to this application, the proposed garage is a reasonable size and it would be located further from the neighbor's property line than the current garage. Ms. Kaplan agreed with the other commissioners. Ms. Leab stated that the proposed plan meets the requirements for Section 17.5.C.2 and she does not have a problem with it. Ms. Roberts agreed with Ms. Leab.

Motion:

to approve ZBA – 0955 – Request of Tomczyk, 39 River Road, for Special Exception, Zoning Regulation 17.5 (Increasing Nonconforming Structure), to replace existing 1 car garage with 2 car garage and redesigned driveway as per the map title "Property Boundary Survey, prepared for Frank Henry Tomczyk & Debbie Marsh Tomczyk," by T. Michael Alex, with a revision date of 9-20-13 and other pertinent documents in the file, passed by 5-0 vote.

PUBLIC HEARING Seated: Roberts, Leab, Wyant, Bowman, Wildman, Alt.

ZBA— 0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1(Yard Setbacks), 12.1.1.b(Wetlands/Watercourse Setback), 11.5.1.a(Lot Coverage), 17.4(Non-conforming Structures) to renovate existing boat house.

There was no one present for this application.

The commissioners agreed that they should vote on the application.

Motion:

to close the Public Hearing for ZBA— 0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1(Yard Setbacks), 12.1.1.b(Wetlands/Watercourse Setback), 11.5.1.a(Lot Coverage), 17.4(Non-conforming Structures) to renovate existing boat house, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

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Motion:

to deny ZBA— 0951 – Request of Beck, 3 Perkins Road, for Variance, Zoning Regulations 11.6.1(Yard Setbacks), 12.1.1.b(Wetlands/Watercourse Setback), 11.5.1.a(Lot Coverage), 17.4(Non-conforming Structures) to renovate existing boat house, by 5-0 vote.

Ms. Roberts noted that the public hearing for this application was in August and the ZBA had requested some modifications due to the height and general size of the structure and no revisions

have been submitted amending the application.

OTHER BUSINESS Consideration of the Minutes:

The Commission considered the Minutes of the September 19, 2013 regular Meeting of the Zoning Board of Appeals.

Motion:

to approve the Zoning Board of Appeals Regular Meeting Minutes of September 19, 2013, by Mr. Wyant, seconded by Ms. Roberts, passed by 5-0 vote.

Annual Report

Ms. Roberts distributed a draft of the Commission's annual report and the statistics for the past year.

The commissioners briefly discussed the statistics.

The commissioners briefly discussed the draft of the annual report and provided feedback.

Adjournment:

Motion:

to adjourn at 8:05 pm, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk