

May 12, 2011

Present: Randolph Snook, Todd Catlin, Peter Bowman, Kathy Leab

Alternates: Roderick Wyant III, Todd Peterson

Absent: Polly Roberts

Staff: Shelley White, Mike Ajello

Also Present: Mr. & Mrs. Tomczyk, Mr. Hileman, Mr. Sabin, Landscape Architect, Ms. Gordon, Mr. van Wyck, Atty. Kelly, Mr. Frank, Mr. Horrigan, Mr. Sullivan, Architect, Mr. Werkhoven, Ms. Gorra

Vice Chairman Todd Catlin called the meeting to order at 7:30 pm.

PUBLIC HEARING, Continued

Seated: Todd Catlin, Randy Snook, Peter Bowman, Kathy Leab, Rod Wyant, Alt.

ZBA-0891 - Request of Tomczyk, 39 River Road, for Special Exception, Zoning Regulation(s) 17.5(Increasing Non conformity), installation of air conditioning unit, construction of a mud room and deck to rear of the house.

Mr. and Mrs. Tomczyk were present to present this application. Ms. Tomczyk explained that Mr. Ajello, ZEO, informed them that they needed a Special Exception for the installation of the air conditioner unit and they had not realized this. She stated that this was their weekend home and now it is their full time residence and they are seeking approval for the air conditioning unit as well as a proposed mudroom and a deck. Mr. Tomczyk stated that they had received approval for a Special Exception for an addition in 2006 and the addition was constructed smaller than what was approved and the air conditioning unit is within the previously approved footprint. The Commission and Mr. and Mrs. Tomczyk looked at the Property/Boundary Survey, prepared for Frank and Debbie Tomczyk, by T. Michael Alex, Land Surveyor, dated August 2006 and hand drawn elevations, photos and the 1st floor plan. There was a brief discussion regarding the ramp to the deck. Mr. Tomczyk stated that they are under 8% lot coverage. Mr. Hileman, adjoining neighbor, stated that he does not have a problem with the air conditioning unit or the proposed plan for additional work. Ms. White confirmed that three return receipt postcards out of four notices sent were returned to the Land Use Office. There were no more questions or comments.

Motion:

to close ZBA-0891 - Request of Tomczyk, 39 River Road, for Special Exception, Zoning Regulation(s) 17.5(Increasing Non conformity), installation of air conditioning unit, construction of a mud room and deck to rear of the house,
by Mr. Wyant, seconded by Ms. Leab, by 5-0 vote.

MEETING

Mr. Snook stated that the request is minor and reasonable and he is in favor of the application. Mr. Bowman stated that he agreed with Mr. Snook and that the proposed plan is appropriate. Mr. Wyant stated that he supported this application. Ms. Leab stated that the deck and mudroom is good for the winters and it supports continued use of a single-family dwelling. Mr. Catlin stated that the proposed plan meets the Special Exception criteria and he supports this application.

Motion:

to approve ZBA-0891 - Request of Tomczyk, 39 River Road, for Special Exception, Zoning Regulation(s) 17.5(Increasing Non conformity), installation of air conditioning unit, construction of a mud room and deck to rear of the house, passed by 5-0 vote.

PUBLIC HEARING

Seated: Todd Catlin, Randy Snook, Peter Bowman, Kathy Leab, Todd Peterson, Alt.

ZBA-0892 - Request of Gordon, 180 West Shore Road, for Variance, Zoning Regulation(s) 11.6.1(Front Side & Rear Setback) & 12.1.1 (Wetlands & Watercourse Setback), to construct a canopy over entry door to boathouse and a 4'x 6' storage shed.

Ms. Gordon and Mr. Sabin, Landscape Architect, were present to present this application. Mr. Sabin and the Commission looked at the Property Survey prepared for Kimberly Gordon by Charles Farnsworth L.L.S., dated October 28, 2010. Mr. Sabin described the existing structure and displayed a photo of the rotted doorframe and stated that the Gordons are seeking a variance to construct a canopy over the entry door to the boathouse that would project 2 feet from the wall of the structure and provide shelter as well as address the water drainage issue at the front door. The Commission looked at the floor plan, north, south, east & west elevations included in the drawing titled Proposed Renovations @ 180 West Shore Road for Kim Gordon, by D. Sabin dated 3-2-11. Mr. Sabin submitted an architectural drawing of the proposed shed that includes front, side views and dimensions, dated 5-12-11. He stated that the boathouse does not have room for storage and the proposed 4' x 6' shed would provide storage for boating equipment. Ms. Gordon stated that the shed would mainly be used for storing gas tanks and it would be locked. Mr. Sabin stated that the boathouse is pre-existing non conforming and is 408 sq. ft. which does not allow room for storage. There was a discussion regarding the meaning of 'boathouse'. Mr. Snook asked where the main house was located. Mr. Sabin stated that there is not a main house and that this boathouse is on its own parcel and is being used as it always has been used; as sitting space to enjoy the lake with a dock for a boat. Mr. Sabin stated that the basic structure of the building would not change and that the proposed changes would slightly decrease lot coverage and that the lot coverage calculations were submitted to Zoning. Mr. Ajello stated that he researched this property and found that it has been used as a 'cabana' since the 1970's and there are many structures on the lake that are considered a boathouse but are not used to store boating equipment. He stated that these could not be created today with our current zoning regulations but the Gordons have improved the structure and made the site safer by reducing the foot pattern on the road.

Mr. Catlin read an email sent to Ms. Roberts from Mr. Paul Frank on May 11, 2011. Mr. Frank's email stated that the owners of 180 West Shore Road have made great improvements to the property but he is concerned about an additional structure to a lot that already exceeds lot coverage and is part of the sensitive Lake Waramaug area. Mr. Ajello stated that the concrete steps and walkway have been removed and have been replaced with pervious surfaces and crushed stone which will improve drainage. Mr. Sabin stated that they have worked hard to increase infiltration on this property because they realize that lot coverage is an issue for properties surrounding the Lake. There was a brief discussion regarding the definition of 'stepping stone.' Mr. Sabin stated that the existing lot coverage was around 27% and with the proposed plan it would be 26%. Mr. Catlin stated that he is struggling with the shed in relation to the lot coverage. Mr. Sabin stated that the Inland Wetlands Commission approved this plan in the fall of 2010.

Mr. Catlin stated that the Land Use Office received an undated, anonymous letter opposing this proposed plan (on file in the Land Use Office) and read it into the record. Mr. Wyant stated that he feels this letter should be disregarded since it was not signed. Mr. Ajello stated that the use of the boathouse is what the use has been in the past and that the term 'boathouse' is used to describe many structures on Lake Waramaug that do store boat equipment and others that are places to enjoy the Lake by a dock or beachfront. Ms. Gordon stated that they use this boathouse while they spend the day on the lake. Some people stay in the boathouse when others are on the Lake and sometimes they have a barbeque before

they leave. She stated that they would be replacing the composting toilet with an eco john that uses a propane tank (that will be removed in the winter) and there would not be a sleeping loft but temporary scaffolding was set up in the boathouse to do ceiling and window renovations. Ms Gordon stated that they plan to install a prefabricated wood-burning fireplace.

The Commission discussed concerns about the shed. Mr. Catlin stated that he is not in favor of what he feels is a 'coverage swap,' by taking out concrete and then adding the shed in an area where there were no structures. He stated that he did not feel that the need for the shed is a land based hardship. Ms. Gordon submitted a signed, hand written note withdrawing the request for a variance for a shed, dated May 12, 2011. There were no further questions or comments.

Motion:

to close ZBA-0892 - Request of Gordon, 180 West Shore Road, for Variance, Zoning Regulation(s) 11.6.1(Front, Side & Rear Setback) & 12.1.1 (Wetlands & Watercourse Setback), to construct a canopy over entry door to boathouse and a 4'x 6' storage shed, by Mr. Snook, seconded by Ms. Leab, by 5-0 vote.

MEETING

Mr. Snook stated that he is in favor of the small canopy over the front door and feels that the lack of it is a problem and he feels that it would be appropriate for the ZBA to approve this application. He stated that the boathouse would continue to be used as it has in the past. Mr. Peterson agreed with Mr. Snook and stated that he was satisfied that the shed was withdrawn. Ms. Leab stated that she was not in favor of the shed and that over time, people have been allowed to do things to their boathouse but things are more defined in the zoning regulations now. Mr. Bowman stated that he was concerned that the ZBA could be establishing, by precedent, a new use for structures along the lake and boathouses seem to be a vague area in the zoning regulations. He stated that he feels comfortable that the use is being continued as it has been used in the past and that the canopy is a minor addition but he did have concerns about the amount of hard surfaces that were introduced coupled with the fact that the applicant did not include lot coverage calculations with the application. Mr. Catlin stated that he would feel more comfortable if the applicant had submitted the lot coverage calculations and that he was pleased that the Inland Wetland Commission has approved the plan, that it is a modest and attractive improvement and that he was in favor of this application with the shed withdrawn.

Motion:

to approve ZBA-0892 - Request of Gordon, 180 West Shore Road, for Variance, Zoning Regulation(s) 11.6.1(Front, Side & Rear Setback) & 12.1.1 (Wetlands & Watercourse Setback), to construct a canopy over entry door to boathouse only. The 4'x 6' storage shed was withdrawn, passed by 5-0 vote.

PUBLIC HEARING

Seated: Todd Catlin, Randy Snook, Peter Bowman, Kathy Leab, Rod Wyant, Alt.

ZBA-0893 - Request of van Asch van Wyck, 7 Kirby Road, for Special Exception, Zoning Regulation(s) 17.5 (Increasing Non conformity), to raise roof 8.5' at the rear of the house.

Mr. van Wyck was present to discuss this application. Mr. van Wyck stated that his house is comprised of two barns and the rear barn ceiling has exposed beams that people hit their head on because it was never brought to code and he is proposing to raise the roof 8 ½ feet which would bring the rear barn roofline 3 ft. above the front barn roofline. The Commission and Mr. van Wyck discussed the height of

the ceiling with the proposed roof. Mr. van Wyck stated that there are different floor heights in this part of the house and they would like to make it all one height and would be losing inches when this is done. The Commission looked at the drawings titled Existing Ground (1st Fl.) And First (2nd Fl.) Floor Plans, Sheet E-3 with revision date of 4-26-11, Proposed Exterior Elevation- North, Sheet A-2 and Proposed Exterior Elevation – East & West, dated 4-23-09, by F&H Architectural Design and Consulting as well as photos of the existing structure. Mr. Bowman and Mr. Catlin expressed concern with the scope and scale of the proposed increase. Mr. Snook stated that he did not see anything wrong with the proposed plan and does not find any serious objections with the plan. The Commission and Mr. van Wyck had a lengthy discussion about different ridgeline heights. Mr. van Wyck asked what height the Commission would approve. Mr. Catlin stated that the Commission could not request an exact height. Mr. van Wyck stated that he would consult with his architect and see what height the roof could be raised to meet building code as well as allow usable interior space and then he would come to the June 16, 2011 ZBA meeting. He requested that the Public Hearing be continued. There were no more questions or comments.

Motion:

to continue ZBA-0893 - Request of van Asch van Wyck, 7 Kirby Road, for Special Exception, Zoning Regulation(s) 17.5 (Increasing Non conformity), to raise roof 8.5' at the rear of the house, by Mr. Wyant seconded by Mr. Snook, by 5-0 vote.

PUBLIC HEARING

Seated: Todd Catlin, Randy Snook, Peter Bowman, Kathy Leab, Todd Peterson, Alt.

ZBA-0894 - Request of Lanyi, 105 West Shore Road, for Variance, Zoning Regulation(s) 6.6 (Lake Waramaug Lake District - Docks), 17.4 (Non Conforming Structure), to rebuild existing boathouse with higher roof.

Atty. Kelly and Mr. Horrigan were present, representing the owner of the property and the applicant and Atty. Kelly submitted a copy of the deed to the property and a copy of the Inland Wetlands Commission approval. The Commission, Atty. Kelly and Mr. Horrigan looked at the Property Boundary Survey map of Cheeree Hill, prepared for 105 West Shore Road LLC, by T. Michael Alex, dated April 2011. Atty. Kelly stated that, in essence, the structure in question is a covered concrete dock and the gazebo is in disrepair and needs to be rebuilt and the owner would like to raise the roof by two feet because the existing roof is too low and raising the roof would make the structure more conforming. He stated that the structure would be built using the same footprint and the decking needs to be replaced to meet building code which would raised the height of the floor about 6 inches. Mr. Catlin asked if any work needs to be done to the concrete. Mr. Horrigan stated that Mr. Neff looked at the dock and it is structurally sound and when the water is lower they will fill in any cracks. Atty. Kelly submitted photos of the existing structure. The Commission looked at the drawing titled Plan Section Elevations, sheet D101A, dated 4-27-11, by Halper Owens Architects LLC. Two dormers were indicated on the drawing but the proposed plan is to have 3 dormers. Atty. Kelly indicated the third dormer on the East Elevation drawing; sheet D101A and initialed the change. He stated that there is a safety issue regarding the existing height and the structure needs to be rebuilt to become more conforming and to continue the existing use. There were no further questions or comments.

Motion:

to close ZBA-0894 - Request of Lanyi, 105 West Shore Road, for Variance, Zoning Regulation(s) 6.6 (Lake Waramaug Lake District - Docks), 17.4 (Non Conforming Structure), to rebuild existing boathouse with higher roof, by Mr. Snook, seconded by Ms. Leab, by 5-0 vote.

MEETING

Mr. Snook stated that the existing structure is in disrepair and the proposed plan would be suitable for further use and he does not have any concerns about this application. Mr. Catlin stated that he agrees with Mr. Snook and that the increase in height is modest and he has no issues with this application. Mr. Bowman agrees with Mr. Snook and Mr. Catlin and stated that the proposed plan is an attractive covered dock. Mr. Peterson stated that this proposed plan would improve this focal point on the Lake back to a usable state and he is in favor of this application. Ms. Leab stated that the increase is modest and she feels it would not attract undue attention.

Motion:

to approve ZBA-0894 - Request of Lanyi, 105 West Shore Road, for Variance, Zoning Regulation(s) 6.6 (Lake Waramaug Lake District - Docks), 17.4 (Non Conforming Structure), to rebuild existing boathouse with higher roof, passed by 5-0 vote.

9:12-9:15 Commission break.

PUBLIC HEARING

Seated: Todd Catlin, Randy Snook, Peter Bowman, Kathy Leab, Rod Wyant, Alt.

ZBA-0895 - Request of First Congregational Church of Washington, for Variance, Zoning Regulation (s) 11.5.1.b (Lot Coverage), 11.6.1.c (Side Setback), 17.4.a (Non Conforming Structure), to install access lift on the eastern side of church.

Mr. Werkhoven and Ms. Gorra were present as representatives of the First Congregational Church and Atty. Kelly and Mr. Sullivan of Halper Owens Architects were also present for this application. Mr. Werkhoven brought a modified plan of the previously approved plan for ZBA-0887 for the Commission to consider. He stated that the Historic District Commission approved this proposed modified plan and it is design to house the lift that the Church plans to purchase. The Commission looked at the drawing titled Elevations, for First Congregational Church, sheet D202, revision date 4-18-11 by Halper Owens Architects LLC. Mr. Werkhoven stated that the modification is smaller and more conforming. The drawing depicts what was previously approved in March and what is being proposed with the modifications. Atty. Kelly stated that the minutes from the March 17th ZBA Meeting seems to suggest that the frontage was on Route 47 when the Church uses Kirby Road as the frontage. He stated that he recommended that the Church reapply to the ZBA so that the Town has a record of what is being done to the building. Mr. Snook stated that the dimensions of the addition are not indicated on drawing D101 titled Partial Plan, revision date 4-18-11, by Halper Owens Architects LLC. Dimensions were indicated by hand and Mr. Werkhoven initialed the changes on the plan. Ms. White confirmed that 10 out of 13 return receipt postcards were returned to the Land Use Office. Mr. Bowman stated that he was fine with the reduction in the plan and stated that handrails would be necessary. There was a brief discussion regarding the architecture. Atty. Kelly stated that if the Commission compares this modified plan to the plan that was approved in March and that the modified plan is more conforming, then no further variance is required and he requested that the fee be waived. Mr. Catlin stated that it is his thought that if this modified plan is to be approved then the ZBA would rescind the previously approved variance. Mr. Werkhoven agreed to withdraw ZBA-0887 request for Variance if this plan is approved. There were no further questions or comments.

Motion:

to close ZBA-0895 - Request of First Congregational Church of Washington, for Variance, Zoning Regulation (s) 11.5.1.b (Lot Coverage), 11.6.1.c (Side Setback), 17.4.a (Non Conforming Structure), to

install access lift on the eastern side of church,
by Mr. Wyant, seconded by Ms. Leab, by 5-0 vote.

MEETING

Mr. Snook stated that he does not see any reason to reject this application, that there is clearly a need to provide handicap access to the Church and he feels the fees should be waived. Mr. Bowman stated that he agrees with Mr. Snook and that waiving the fees would be justifiable in this case. Mr. Wyant and Ms. Leab stated that they agree with Mr. Snook and Mr. Bowman. Mr. Catlin stated that he thinks the modification is modest and is approved by the HDC and he agrees with waiving the fees.

Motion:

to approve ZBA-0895 - Request of First Congregational Church of Washington, for Variance, Zoning Regulation (s) 11.5.1.b (Lot Coverage), 11.6.1.c (Side Setback), 17.4.a (Non Conforming Structure), with the understanding that ZBA-0887 is revoked, to install access lift on the eastern side of church, passed by 5-0 vote.

Consideration of Minutes

The minutes of April 21, 2011 were considered.

Motion:

to approve the minutes of the April 21, 2011 regular meeting of the Washington Zoning Board of Appeals as submitted,
by Mr. Snook, seconded by Ms. Leab, by 5-0 vote.

Motion:

to adjourn at 9:45 pm,
by Mr. Catlin, seconded by Mr. Wyant.

Mr. Catlin adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk