

August 18, 2011

Present: Polly Roberts, Todd Catlin, Kathy Leab, Randolph Snook and Peter Bowman

Alternates: Roderick Wyant III, Todd Peterson

Absent:

Staff: Shelley White, Mike Ajello

Also Present: Mr. Johnson, Mr. Sweeney, Ms. Chapin, Ms. Amdurer, Mr. Neff, Engineer, Mr. Sedito, Ms. Kaplan, Ms. Bishop-Wrabel

Chairman Polly Roberts called the meeting to order at 7:30pm.

PUBLIC HEARING

Seated: Polly Roberts, Todd Catlin, Kathy Leab, Peter Bowman and Randy Snook

ZBA-0898 - Request of West Mountain Builders (Nauiakas-Harrison), 10 Loomarwick Road, for Variance, Zoning Regulation(s) 11.6.1(Minimum Yard Setbacks), to construct a patio within 50' setback of property boundary.

Mr. Johnson of West Mountain Builders and Mr. Sweeney, Property Manager were present to discuss this application. Mr. Johnson stated that he is requesting this variance for a patio, which already exists. He stated that the owners applied for a Special Exception for the patio and pergola last year and were denied because of the scale of the pergola. Mr. Catlin stated that the Commission approved of the patio but the Special Exception was denied because the pergola did not meet the requirements of a Special Exception. Mr. Johnson stated that the property with the patio is under the lot coverage limit and the neighbor's concern regarding an existing water line has been resolved since the patio does not go over the water line. Ms. White confirmed that 7 out of 8 return receipt postcards were returned to the Land Use Office and that neighbors had come in to look at the plan and no one expressed any concerns. Ms. Roberts asked if the patio follows the dimensions on the map titled Zoning Location Survey, prepared for Amy Nauiakas & Michael Harrison, by CJOJ LLC. Land Surveying and Engineering, with a revision date of July 8, 2010. Mr. Johnson stated that he believed the patio does follow the dimensions of the survey. The Commission and Mr. Johnson briefly discussed if the patio had been measured. Mr. Ajello confirmed that the survey does include the driveway up to the property line in the lot coverage calculations. Mr. Catlin asked Mr. Johnson to speak about the hardship. Mr. Johnson stated that it is a small house on a difficult lot and the owners use the patio for dining space. He stated that the patio was made of pea stone and is permeable. There were no further questions or comments from the public or the Commission.

Motion:

to close ZBA-0898 - Request of West Mountain Builders (Nauiakas-Harrison), 10 Loomarwick Road, for Variance, Zoning Regulation(s) 11.6.1(Minimum Yard Setbacks), to construct a patio within 50' setback of property boundary,
by Mr. Snook, seconded by Mr. Catlin, by 5-0 vote.

MEETING

Mr. Snook stated that he did not have any objections to the previous application or this application. Mr. Catlin stated that he thought that this was a rebuilding of an existing patio. He stated that he was perturbed that the property owners built the patio without a Variance and that the ZBA should not be informed after something is built because the owner did not have time to go through the correct process. Ms. Leab stated that contractors should be aware of the Town's Regulations. Mr. Bowman stated that he

did not object to the patio on the previous application. He stated that the pictures seem to depict a larger patio than what is indicated on the Zoning Location Survey and that he would like the ZEO to confirm the dimensions as a condition of an approval. Ms. Roberts stated that she did not have a problem with the patio on the last application but the pergola was an issue and did not meet the criteria of a Special Exception. She stated that it is “outrageous” that a property owner would build something without going through the proper process because they think the Town wouldn’t mind. Mr. Snook stated that he feels that the ZBA did give the applicant the impression that the patio was approved and he could see how the mistake was made. Ms. Leab stated that the neighbors that were opposed to the previous application have not expressed any objections to the patio. The Commission agreed that the approval would be conditional and that the dimensions of the patio should be confirmed by the ZEO and match the Zoning Location Survey that is on file for this application.

Motion:

to approve ZBA- 0898 - Request of West Mountain Builders (Nauiakas-Harrison), 10 Loomarwick Road, for Variance, Zoning Regulation(s) 11.6.1(Minimum Yard Setbacks), to construct a patio within 50’ setback of property boundary with the condition that the patio does not exceed the dimensions indicated on approved A-2 survey on file, passed by 5-0 vote.

PUBLIC HEARING

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

ZBA-0899 – Request of Chapin, 42 Rabbit Hill Road for Special Exception, Zoning Regulation 17.5 (increasing Non Conformity), to expand the length of existing garage 4’ 4”.

Ms. Chapin, property owner, was present to present her application. She stated that she would like to expand the length of the garage because she was unable to fit her car. Ms. Chapin stated that it will remain a two-car garage, just the length of the garage would increase and there would be one door. She confirmed that the floor plan of the living space above would not increase. She discussed plans to relocate the septic, which she has discussed with the Town Sanitarian. There were no further questions or comments from the public or the Commission.

Motion:

to close ZBA-0899 – Request of Chapin, 42 Rabbit Hill Road for Special Exception, Zoning Regulation 17.5 (increasing Non Conformity), to expand the length of existing garage 4’ 4”, by Ms. Leab, seconded by Mr. Wyant, passed by 5-0 vote.

MEETING

Mr. Snook stated that this is a very moderate increase and a property owner should be able to fit their car in their garage and he had no objections to this application. Mr. Bowman, Ms. Leab and Mr. Wyant agreed with Mr. Snook and stated that they had no objections to this application. Mr. Catlin read the requirements of a Special Exception and stated that he feels that this application fits the criteria

Motion:

to approve ZBA-0899 – Request of Chapin, 42 Rabbit Hill Road for Special Exception, Zoning Regulation 17.5 (increasing Non Conformity), to expand the length of existing garage 4’ 4”, passed by 5-0 vote.

PUBLIC HEARING

Seated: Polly Roberts, Todd Catlin, Kathy Leab, Peter Bowman, and Randy Snook

ZBA-0900 – Request of Amdurer, 235 Baldwin Hill Road for Variance, Zoning Regulation(s) 11.6.1 (Minimum Yard Setbacks), to construct an addition and deck with stairs on the rear of the house.

Mr. Neff, Engineer and Ms. Amdurer, property owner, were present to present this application. Mr. Neff stated that the addition to the house is already framed out but the deck and stairs have not been built. Ms. Amdurer stated that she stopped construction once she found out that she was not in compliance with the Zoning Regulations. Mr. Neff and the Commission looked at the map titled Zoning Location Survey, prepared for Phyllis Amdurer, by Roy Cheney, dated July 2011. Mr. Neff stated that the lot is non conforming and is technically considered an interior lot because it does not meet the frontage requirements. Mr. Catlin asked why this was not a Special Exception. Mr. Ajello stated that since the addition is already framed out, the property owner is unable to apply for a Special Exception and must apply for a Variance. The Commission and Mr. Ajello discussed Zoning Regulation 17.5.A.1. Mr. Snook stated that he did not feel that all the necessary details and dimensions are included on the survey and the survey does not match the floor plan.

The Commission discussed whether or not Ms. Amdurer would like to withdraw this application and apply again to including a request for increase in lot coverage, and more detailed drawings that include dimensions and window locations. Ms. Bishop-Wrabel, neighbor, was present. She asked for some clarification regarding the fenestration on the north side of the addition and was concerned about how the proposed deck was going to be secured in such a steep area and that the stairs will be constructed as indicated on the provided drawings. Ms. Bishop-Wrabel stated that she and her husband are not opposed to this application and feels that Ms. Amdurer has a very restrictive lot. Ms. Amdurer stated that she would put plantings around the proposed deck and would like to address any concerns that Ms. Bishop-Wrabel and her husband would have. Ms. Amdurer submitted a letter of withdrawal for this application and will reapply and include the information that the Commission has requested.

PUBLIC HEARING

ZBA-0901 – Request of Brad Sedito (Schwartz), 173 West Shore Road for Variance, Zoning Regulation(s) 12.1.1(Wetlands Watercourse Setback), to install a retaining wall.

Mr. Sedito and Mr. Neff were present to represent Mr. Schwartz, property owner, for this application. Mr. Sedito, Mr. Neff and the Commissioners looked at the map titled Sediment & Erosion Control Plan, Garage Area Landscaping, by Brian Neff, Engineer, with a revision date of 8-8-11. Mr. Neff stated that the Inland Wetlands Commission approved this plan at their last meeting. Mr. Sedito stated that the retaining wall would direct the water away from the garage and terrace and would decrease the grade which would also accommodate an emergency vehicle to gain access to the back of the house. The Commission, Mr. Sedito and Mr. Neff discussed the drainage surrounding the garage. Mr. Sedito stated that the retaining wall would be a dry stacked stone wall. There was a brief discussion regarding whether stone walls are considered structures. There were no further questions or comments.

Motion:

to close ZBA-0901 – Request of Brad Sedito (Schwartz), 173 West Shore Road for Variance, Zoning Regulation(s) 12.1.1(Wetlands Watercourse Setback), to install a retaining wall,
by Mr. Catlin, seconded by Mr. Snook, passed by 5-0 vote.

MEETING

Mr. Catlin stated that he did not have any issues with this application and that he feels the retaining wall is modest and serves a purpose. Mr. Bowman stated that he did not have any objections to the proposed

retaining wall and that it is just a small part of the work that is being done to the property. Ms. Leab stated that she agreed with Mr. Bowman. Mr. Snook stated that the proposed retaining wall would divert the flow of surface water and that he does not have a problem with this application. Ms. Roberts stated that she agrees with Mr. Snook and is glad that the Inland Wetlands Commission has approved this proposed retaining wall. She stated that the grade of the lot is a hardship on this property.

Motion:

to approve ZBA-0901 – Request of Brad Sedito (Schwartz), 173 West Shore Road for Variance, Zoning Regulation(s) 12.1.1(Wetlands Watercourse Setback), to install a retaining wall, passed by 5-0 vote.

Consideration of Minutes

The minutes of July 21, 2011 were considered.

Motion:

to approve the minutes of the July 21, 2011 regular meeting of the Washington Zoning Board of Appeals as submitted,
by Ms. Roberts, seconded by Mr. Catlin, passed by 5-0 vote.

Other Business

Ms. Roberts introduced Ms. Joan Kaplan who is running on the Democratic ticket for the Zoning Board of Appeals open Alternate position.

Mr. Catlin stated that he represents the ZBA in the POCD Subcommittee and Ms. Braverman and Ms. Jahnke have announce that there would be meeting in September. He stated that the ZBA is a reactionary commission but if there were any members of the Commission that would like to provide input to the revisions of the POCD that they might forward them to Ms. White or him.

Motion:

to adjourn at 8:35 pm, by Polly Roberts.

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk