

April 15, 2010

Present: Polly Roberts, Kathy Leab, Todd Catlin

Alternates: Roderick Wyant III, Todd Peterson, Peter Bowman

Absent: Brad Sedito, Randolph Snook

Staff: Mike Ajello, ZEO, Shelley White

Others: Curt Smith, Land Surveyor, Bob Powell, Architect, Bob Ullram, Marie Swanson, Vinnie Forese

Vice-Chairman, Polly Roberts called the meeting to order at 7:35 pm.

PUBLIC HEARING

Mr. Wyant recused himself.

Seated: Polly Roberts, Kathy Leab, Todd Catlin, Peter Bowman, Alt. & Todd Peterson, Alt.

ZBA-0864 - Request of The Gunnery, Inc., 99 Green Hill Road, for Variance, Zoning Regulation(s) 11.5.1.c (lot coverage), to add stone terrace to Schoolhouse Building.

Ms. Roberts read the legal notice published in Voices on April 4, and April 11, 2010. Ms. White stated that 19 notices were sent out to the surrounding property owners and the Land Use Office received 19 return cards. Mr. Bob Ullram, Business Manager of the The Gunnery, Inc. introduced himself and gave a brief description of why they would like to update the building. Mr. Curt Smith, Land Surveyor, from Smith and Company discussed the location of the Schoolhouse Building. The Commissioners and Mr. Smith looked at the map titled The Gunnery, Schoolhouse Addition Site Plan For ZBA, and the map titled The Gunnery Schoolhouse Addition, Summary of Coverage, both dated February 19, 2010 by Smith and Company. Mr. Smith explained the location of the terrace and small addition as well as the pathways that will be converted to pervious pavers. He explained that the small addition and terrace to the Schoolhouse Building would result in an increase of lot coverage of 1,025 square feet that would be offset by a conversion of 1,025 square feet of paved walkways to pervious walkways. Mr. Powell, Architect, stated that the building would be used for additional classrooms and additional space for the library. He stated the proposed walkway and vestibule would be ADA compliant and the proposed elevator would allow handicap access to the second floor. The Commissioners looked at the Proposed 1st Floor Plan and Proposed 2nd Floor Plan, titled School House Renovations, The Gunnery, drawing number A-2, dated 10/28/09, by Wieber, Powell and Grunigen Inc. Mr. Powell stated that the north side vestibule and terrace is approximately a 1,000 sq. ft. footprint and the south side addition is also approximately a 1,000 sq. ft footprint. Mr. Ullram stated that the pervious pavers installed 2 years ago have stayed in place perfectly. Mr. Smith distributed a handout titled Jordan Cove Urban Watershed Project, Glen Brook Green Subdivision, Waterford, CT, Uni Eco Stone Case Study. The Commissioners reviewed the Summary of Coverage. Mr. Smith explained where the pervious pavers would replace existing paved walkways. Mr. Powell stated that the Historic District Commission has approved the proposed addition. He stated that much needed classrooms would be lost if they had to put the elevator in the existing building and that the addition allows for the whole building and both front and rear entrances to be ADA compliant as well as sufficient space for the elevator and two additional classrooms. He stated the existing entry is not ADA compliant.

Motion:

to close ZBA-0864 - Request of The Gunnery, Inc., 99 Green Hill Road, for Variance, Zoning Regulation 11.5.1.c (lot coverage), to add stone terrace to Schoolhouse Building,
by Ms. Leab, seconded by Mr. Catlin, by 5-0 vote.

MEETING

Ms. Leab stated the hardship is that no matter where The Gunnery decides to add on it will be over the lot coverage limit. She stated that this seems to be the best solution to the problem and she approves the proposed plan. Mr. Bowman stated that he thought the terrace and vestibule would provide adequate space for handicap access and more than just a means of entering and exiting the building and that he was in favor of this application. Mr. Catlin stated that he is favor of this application and feels that it is important that The Gunnery is renovating the Schoolhouse to make it ADA compliant. He stated that normally the ZBA does not allow switching coverage of one item for another, however, it is a modest addition that is in keeping with the architecture. He stated that he thought it was great that The Gunnery has found that there are no problems with the pervious pavers and that they will be using more of them for their walkways. Mr. Peterson agreed with Ms. Leab and Mr. Catlin. He stated that he is glad to see that they will be using the pervious pavers, he stated that he thinks the addition is in keeping with the character of the original building and that he is favor of this application. Ms. Roberts stated that she agreed with the other Commissioners. She stated that she would like to reiterate that the ZBA does not generally trade coverage but that she thinks that the pervious pavers ameliorate the issues with runoff. She stated that the addition is modest and the terrace addresses ADA requirements and that she is in favor of this application.

Motion:

to approve ZBA-0864 - Request of The Gunnery, Inc., 99 Green Hill Road, for Variance, Zoning Regulation 11.5.1.c (lot coverage), to add stone terrace and small addition to Schoolhouse Building for a net increase in coverage of 1,025 square feet, by 5-0 vote.

PUBLIC HEARING

Mr. Catlin recused himself.

Seated: Polly Roberts, Kathy Leab, Peter Bowman, Alt., Todd Peterson, Alt., & Rod Wyant, Alt.

ZBA-0866 – Request of Swanson/Forese, 41 Horse Heaven Road, for Variance, Zoning Regulation(s) 11.4.5 (requires up to 50' access way width), to allow access strip of less than 50 feet to serve an interior lot.

Ms. Roberts read the legal notice published in Voices on April 4, and April 11, 2010. Ms. White stated that four notices were sent out to neighboring property owners and that the Land Use Office received all four return postcards. Ms. Marie Swanson and Mr. Vinnie Forese were present. The Commissioners and applicants looked at the Property/Boundary Survey, prepared for Marie Swanson and Vincent Forese, 41 Horse Heaven Road, dated January 2010, by Mr. T. Michael Alex, Surveyor. Ms. Roberts stated that the property is accessed from a driveway that runs through the property owned by the Liotta Family Trust at 43 Horse Heaven. Ms. Swanson stated that Parcel 'A' already has a house on it and they would like the option to build a house on Parcel 'B'. Mr. Forese stated that there is an existing right of way that runs through the property of Yolanda C. Joseph. Ms. Roberts stated that the property owners were seeking a variance for the required width of the access way because neither neighbors would grant the Swanson/Forese's an easement to make either possible access ways 50 ft. wide. Ms. White read a statement from Mr. James Palomba, 248 Woodbury Road, dated April 14, 2010, stating that he had no objections to application ZBA-0866. Ms. White read a letter from Mr. Chris Liotta, Trustee for the Liotta

Family Trust, 43 Horse Heaven Road, dated December 14, 2009, that stated they were not in favor of increasing the width of the right of way but they were in favor of the plan to subdivide the property. Ms. White read an email sent from Antony Sheriff (power of Atty. For Yolanda Joseph), dated April 15, 2010, which states that Ms. Joseph does not support this application. Ms. White read a letter from Mr. William Freer of 246 Woodbury Road, dated December 9, 2009 and a letter from William and Dale Genovese of 31 Horse Heaven Road, dated December 11, 2009, both stating that they had no objections to this application. Ms. Roberts, Ms. Swanson and Mr. Forese discussed the history of the property, deeds and right of ways. In a letter from Atty. Mike Zizka, dated March 8, 2010, to Janet Hill, Land Use Administrator, regarding the Forese- Swanson Application, he stated that the "lot may not lawfully be divided as proposed" (on file in Land Use Office). Ms. Roberts stated that Atty. Zizka said 'no' based on the way the Town of Washington's Zoning Regulations are written, which requires a 50 foot wide right of way. She stated that the 50-foot width is a 'patch' of land and that the driveway itself does not need to be 50 feet wide. She stated that she feels the applicants should go to the Zoning Commission and ask for clarification of the intent of Regulation 11.4.5. Ms. Roberts stated that the 50-foot width is normally the width that is required for a road into a sub development. She stated that the ZBA grants variances for some of the Zoning Regulations when possible, and that these variances are permanent records that come with the land. She stated that Regulation 11.4.5 is strict. The Commission and the applicants discussed revisions and when the most recent revision to this regulation was put in effect approximately 10 years ago. Mr. Forese asked if it was still possible to put another house on the property. The Commission discussed the possibilities of building another structure. Ms. Roberts stated that when the ZBA receives "very specific legal counsel, we serve the Town better by respecting that legal counsel." She stated that it seems that the applicant's neighbors feel that granting an easement to allow a 50-foot access way would have a negative impact on the value of their properties. She recommended that they go back to the neighbors and explain that a 50-foot wide driveway is not necessary. Mr. Ajello explained that granting an easement to allow a 50- foot access way could hinder Ms. Joseph's property to be subdivided in the future, but Mr. Liotta may not have enough property to sub divide. Mr. Ajello explained the Zoning Amendment process to the applicants. There were no further questions from the Commission or the public.

Motion:

to close ZBA-0866 – Request of Swanson/Forese, 41 Horse Heaven Road, for Variance, Zoning Regulation(s) 11.4.5 (up to 50' access way width), to allow access strip of less than 50 feet to serve an interior lot,
by Ms. Leab, seconded by Mr. Bowman, by 5-0 vote

MEETING

Ms. Leab stated that the Regulation does not allow this. Mr. Bowman agreed with Ms. Leab. Mr. Peterson stated the best situation would be if the neighbors could work this out. He stated that he sympathizes with the applicant but there are liabilities to consider. Mr. Wyant stated that the applicants' families have owned the property for 80 years and he feels that it is too bad that the neighbors could not be more cooperative. Ms. Roberts stated that she agreed with the other Commissioners and that this is unfortunate for the applicants but the Commission must consider the Zoning Regulations and Atty. Zizka's advice.

Motion:

to deny ZBA-0866 – Request of Swanson/Forese, 41 Horse Heaven Road, for Variance, Zoning Regulation(s) 11.4.5 (up to 50' access way width), to allow access strip of less than 50 feet to serve an interior lot,

Ms. Leab, Ms. Roberts, Mr. Bowman, and Mr. Peterson voted to deny, Mr. Wyant voted to approve, by 4-1 vote.

PUBLIC HEARING

ZBA-0867 – Request of Rumsey Hall School 200 Romford Road, for a Variance, Zoning Regulations 11.5.1.c (lot coverage), for pedestrian walkways.

Ms. White read a letter to the ZBA, dated April 14, 2010, from Dorota Habib, CFO & Business Manager of Rumsey Hall School, requesting a continuance.

Motion:

to continue the Public Hearing for ZBA-0867 - Request of Rumsey Hall School 200 Romford Road, for a Variance, Zoning Regulations 11.5.1.c (lot coverage), for pedestrian walkways, salt pad, and 4 storage sheds

by Ms. Roberts, seconded by Mr. Wyant, by 5-0 vote

CONSIDERATION OF THE MINUTES

The Regular Meeting Minutes of March 18, 2010 were considered.

Motion:

to approve the minutes of the March 18, 2010, regular meeting of the Washington Zoning Board of Appeals as submitted,

by Ms. Roberts, seconded by Ms. Leab, by 5-0 vote.

ADJOURNMENT

Motion:

to adjourn at 8:26 pm,

by Ms. Roberts, seconded by Ms. Leab.

Ms. Roberts adjourned the meeting.

Submitted subject to approval,

Shelley White
Land Use Clerk