

# March 19, 2009

**Present:** Brad Sedito, Todd Catlin, Randy Snook, Polly Roberts

**Alternates:** Rod Wyant, Peter Bowman, Alt., Georgia Middlebrook, Alt.,

**Absent:** Kathy Leab

**Staff:** Mike Ajello, ZEO, Shelley White

**Others:** Brian Neff, Engineer, Paul Szymanski, Engineer, Mark & Linda Conlon, Thomas Sawyer, Will Hopkins

Brad Sedito, Chairman called the meeting to order at 7:34 pm.

## **PUBLIC HEARING (CONTINUED)**

Seated: Brad Sedito, Todd Catlin, Randy Snook, Polly Roberts, Rod Wyant, Alt.

ZBA-0840 - Request of Ronna Bennett, 80 East Shore Road, for Special Exception, Zoning Regulation(s) 17.4.a (increasing non conformity), to raise 2nd floor roof, convert porch to living space and addition to rear of the house.

Brian Neff, Engineer was present to represent this application. Mr. Neff stated the owner was agreeable to removing the second floor roof over the deck to reduce the scope of the project. He presented the 1st Floor Plan (drawing A-2), dated January 2009 & 2nd Floor Plan & Sections (drawing A-3), Exterior Elevations (drawing A-4) and Exterior Elevations (drawing A-5) for Bennett Residence, revised date 2/20/09. Mr. Neff stated the footprint of the house would remain the same and there would be an increase of 61% of living space. Mr. Neff stated the proposed bump out would be constructed over an existing walkway and it will measure 4'-8 1/4" x 8'-1 1/2" to accommodate an interior stairway and the roof will be removed and raised approximately 9.8 ft. and will add 381 sq. ft. to the second floor. Mr. Catlin asked if the first floor den would be used as a bedroom since there is a full bathroom on the first floor. Mr. Neff stated the den could not be used as a bedroom and that the house would have to remain a 2 bedroom house due to the size of the septic system and Health Codes. Mr. Snook asked what the proposed change to the ridgeline of the roof would be. Mr. Neff stated the roof would be raised 9.8 ft. Mr. Neff stated the existing house is 864 sq. ft. and with a proposed increase to 1412 sq. ft. Mr. Sedito asked for location of the current septic system. Mr. Neff stated it is located at the southern portion of the property next to the house (indicated on Proposed Site Plan, dated 1-23-09, by Brian Neff, on file in Land Use Office) and that the current system is still working and there is a reserve area for a new septic system on the upper eastern portion of the property when and if it is needed. Ms. Roberts asked for the location of the parking and who owns it. Mr. Neff stated the parking is on state owned property. Mr. Neff and the commission discussed the appearance of the exterior of the house and how it is meant to blend in to the hillside.

Motion: to close application ZBA-0840 - Request of Ronna Bennett, 80 East Shore Road, for Special Exception, Zoning Regulation(s) 17.4.a (increasing non conformity), to raise 2nd floor roof, convert porch to living space and addition to rear of the house, by Randy Snook seconded by Rod Wyant, by 5-0 vote.

## **MEETING**

Mr. Sedito stated he was happy the 2nd floor covered/screened in porch was removed. Mr. Snook stated that he had driven by the property and it can barely be seen. Mr. Wyant stated there was not much the owners could do differently to expand their living space and he supports the application. Mr. Snook stated it is a difficult site and that it would be impossible to do anything differently than what was proposed. Mr. Catlin stated he was still bothered by the proposed plan because it seems to be 'a lot of house for such a small lot'. Mr. Sedito stated that it always has been. Mr. Catlin agreed that it does meet the requirements of a Special Exception and he is in favor of the application. Ms. Roberts stated she is happy that the house is to be expanded within its existing footprint and will be expanded vertically rather than horizontally and is satisfied that the house could not be more than a two bedroom dwelling because of the restricted lot and septic. Mr. Sedito stated the application fits in with the definition of a Special Exception and is reasonable in scope and promotes the continued use of a dwelling and he is in favor of the application.

Motion: to approve application ZBA-0840 - Request of Ronna Bennett, 80 East Shore Road, for Special Exception, Zoning Regulation(s) 17.4.a (increasing non conformity), to raise 2nd floor roof, convert 1st floor porch to living space and addition to rear of the house, in accordance with revised plans dated 2/20/09, by 5-0 vote

## **PUBLIC HEARING**

Seated: Brad Sedito, Todd Catlin, Randy Snook, Polly Roberts, Peter Bowman, Alt.

ZBA-0843 - Request of Mark & Linda Conlon, 6 Valley Road, for Variance, Zoning Regulation(s) 12.1.3(watercourse setback for septic), 12.1.2(Shepaug River setback), 12.2.1 (wetlands/watercourse setbacks), 11.6.1 (front yard setback), to install more conforming septic system, demolish and reconstruct barn with garage addition and demolish and reconstruct house with terrace.

Mr. Szymanski and Mrs. & Mr. Conlon were present to represent this application. Mr. Sedito asked if there was proof of certified mailing to the surrounding neighbors. Ms. White confirmed there was. Mr. Szymanski stated the existing septic system is about 15 ft. away from the Shepaug River. The existing septic is to be abandoned, and a new septic system will be installed approximately 56 ft. away from the river. Mr. Szymanski addressed the issues of the previously withdrawn application for a variance for this property. He stated the proposed plan shows re grading, and a reduced patio. Mr. Catlin asked if the Inlands/Wetlands Commission has approved the plan. Mr. Szymanski stated the Conlons have to go back to I/W for some minor modifications. Mr. Szymanski and the members of the commission looked at the Property Survey & Partial Topographic Map, prepared for Mark & Linda Conlon, by Arthur H. Howland & Associates, P.C., revision date 2/6/09. Mr. Szymanski stated the existing accessory building is approximately 21.8 ft. from the Shepaug River and the proposed accessory building will be 29.8 ft. from the river and the existing front yard setback is 24.8 ft. and proposed will be 29.2 ft. Mr. Snook asked if there was any part of the existing barn that would be used in the proposed plan. Mr. Szymanski stated they would not use any of the existing barn (accessory building) because of the poor condition of the structure. Mr. Snook asked if the Conlons had considered moving the barn closer to the house as suggested by the ZBA with the previous application. Mr. Szymanski stated they felt they would like to keep the character of the property by keeping the separation from the house as well as keeping the same length of the existing barn and it causes more difficulty as the grade becomes steeper closer to the house. Mr. Sedito pointed out that the measurement of the most southern corner of the barn to the front property line was not indicated on the survey and recommended that it should be, in order for the ZBA to approve an exact location of the structure. Mr. Szymanski stated he would make the revisions. The commission and Mr. Szymanski looked at the House/Garage Plans, for Conlon Residence, by Wesley H. Quigley III

Architecture and Design, dated 2/2/09, sheet # A-2. Photographs of the existing structure were also looked at. Mr. Bowman asked if there was an open loft in the garage portion. Mr. Szymanski confirmed it was. Mr. Szymanski stated the proposed house is 5 feet closer to the Shepaug River than the existing house and the proposed house is increasing the front yard setback by approximately 9 ft. Mr. Szymanski stated the existing septic system is approximately 15 ft. from the river and the proposed septic will be 56.3 ft from the river and that the Health Department and the Inlands/Wetlands Commission have approved it. Ms. Roberts asked what the square footage increase was. Mr. Szymanski stated the existing house is approximately 1100 sq. ft. and the proposed house will be approximately 1400 sq. ft. Mr. Catlin asked what the increase of square feet was in the footprints of both the house and the accessory building. Mr. Szymanski stated the house footprint would increase approximately 400 sq. ft. and the accessory building would increase approximately 200 sq. ft.

Motion: to close the public hearing for application ZBA-0843 - Request of Mark & Linda Conlon, 6 Valley Road, for Variance, Zoning Regulation(s) 12.1.3(watercourse setback for septic), 12.1.2(Shepaug River setback), 12.2.1 (wetlands/watercourse setbacks), 11.6.1 (front yard setback), to install more conforming septic system, demolish and reconstruct barn with garage addition and demolish and reconstruct house with terrace, by Todd Catlin, seconded by Randy Snook, by 5-0 vote

## **MEETING**

The members of the commission agreed this entire lot is non-conforming because of its location to the Shepaug River. Mr. Snook stated the proposed plans are a substantial improvement to what exists and the Conlon's have made a reasonable attempt to improve the setbacks. Ms. Roberts stated she was happy to see the proposed studio/garage (barn) has been located closer to the house. She stated she believes every effort has been made to stay within the existing footprint and the proposed plan is modest, and she is in favor of this application. Mr. Catlin stated he is happy that I/W has approved the plans and he believes there has been an effort on the part of the property owners to work with the ZBA and other commissions in the Town of Washington and he is in favor of this application. Mr. Bowman agrees with the other members and believes the plan is modest in scope and is in favor of this application. Mr. Sedito stated the proposed shed (barn) and septic are in better locations and further away from the Shepaug River and the 5 ft. decrease in the Shepaug River setback with the house is a hardship and he is also in favor of this application.

Motion: to approve application ZBA-0843 - Request of Mark & Linda Conlon, 6 Valley Road, for Variance, Zoning Regulation(s) 12.1.3(watercourse setback for septic), 12.1.2(Shepaug River setback), 12.2.1 (wetlands/watercourse setbacks), 11.6.1 (front yard setback), to install more conforming septic system, demolish and construct studio/barn with garage, and demolish and construct house with terrace in accordance with revised plans dated 2/6/09 and with the requirement that the engineer submit site plans with all setback dimensions before ZBA's next meeting on April 16th, by 5-0 vote.

## **PUBLIC HEARING**

Seated: Brad Sedito, Todd Catlin, Randy Snook, Polly Roberts, Georgia Middlebrook, Alt.

ZBA-0844 - Request of Juri & Antoinette Ripinsky, 20 New Preston Hill Road, for Variance, Zoning Regulation 11.6.1.b (front & side yard setback) to install swimming pool, construct porch and patio.

Mr. Hopkins was present to represent the Ripinskys for this application. The ZBA members looked at the

Property/Boundary Survey, prepared for New Preston Hill, LLC, by T. Michael Alex, Surveyor, dated January 2009. After a brief discussion, it was determined the application was missing required information. The applicant will need to provide the dimensions of the proposed patio and it's distance from side property lines, the proposed porch dimensions and measurements, the location of the pool equipment on the survey, a proposed elevation drawing for the porch with measurements, photos of existing porch and proof of proper notification to all neighbors.

Motion: to continue ZBA-0844 - Request of Juri & Antoinette Ripinsky, 20 New Preston Hill Road, for Variance, Zoning Regulation 11.6.1.b (front & side yard setback) to install swimming pool, construct porch and patio, by Polly Roberts, seconded by Randy Snook, by 5-0 vote

## **PUBLIC HEARING**

Seated: Brad Sedito, Polly Roberts, Randy Snook, Peter Bowman, Alt., Rod Wyant Alt.

ZBA-0845 - Request of Elizabeth Gray & Alan Organschi, 153/155 West Morris Road, for Variance, Zoning Regulation 12.1.2 (Bantam River setback), to rebuild house on existing foundation.

Mr. Sawyer of Gray Organschi Architecture was present to represent this application. Mr. Sedito asked how far the house was from the Bantam River and if the Inlands/Wetlands Commission approved the proposed plan. Mr. Sawyer stated it was approximately 142 ft. and they have received approval from I/W. Mr. Sedito asked if there was proof of certified mail notification of the hearing to surrounding neighbors. Ms. White confirmed there was.

Motion: to close the public hearing for application ZBA-0845 - Request of Elizabeth Gray & Alan Organschi, 153/155 West Morris Road, for Variance, Zoning Regulation 12.1.2 (Bantam River setback), to rebuild house on existing foundation, by Polly Roberts, seconded by Rod Wyant, by 5-0 vote.

## **MEETING**

The commission members agreed that the proposed house is being built on an existing foundation, it was previously approved for a special exception and its location to the Bantam River is a hardship. Mr. Wyant, Ms. Roberts, Mr. Bowman, Mr. Sedito and Mr. Snook all expressed they were in favor of approving this application.

Motion: to approve ZBA-0845 - Request of Elizabeth Gray & Alan Organschi, 153/155 West Morris Road, for Variance, Zoning Regulation 12.1.2 (Bantam River setback), to rebuild house on existing foundation, by 5-0 vote.

## **CONSIDERATION OF THE MINUTES**

Motion: to approve the minutes of the February 19, 2009, meeting of the Washington Zoning Board of Appeals as submitted, by Todd Catlin, seconded by Randy Snook, by 5-0 vote.

## **OTHER BUSINESS**

Mr. Sedito read thru the mail. He approved an invoice from Murtha Cullina, Attorneys.

## **ADJOURNMENT**

Motion: to adjourn at 9:10 pm by a 5-0 vote.

Filed subject to approval:

Shelley White, Land Use Clerk  
March 26, 2009