

# May 21, 2009

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

**Alternates:** Rod Wyant, Georgia Middlebrook

**Absent:** Peter Bowman, Alt

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

**Others:** Will Hopkins, Andy Peklo, Bruce Hamilton, Brooke Baxter, Paul Frank, Ed Berman, Beth Whitty

Brad Sedito, Chairman called the meeting to order at 7:31 pm.

## **PUBLIC HEARING (CONTINUED)**

Seated: Brad Sedito, Todd Catlin, Randy Snook, Polly Roberts, Kathy Leab.

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. Will Hopkins was present to represent this application. Mr. Hopkins submitted a letter of withdrawal for the pool and the patio. A letter was submitted from Jorge Criollo, Stonewalls By George LLC, dated 5/21/09, stating the patio was pre existing and has been reconstructed within the same footprint. The commissioners examined the dimensions of the addition to the front porch of the guest cottage. Mr. Hopkins signed corrections to the proposed porch dimensions on the Property Boundary Survey, prepared for New Preston Hill, LLC, 20 New Preston Hill Road, revision dated 5/20/09, by T. Michael Alex. The proposed porch dimensions were corrected as 34'2" x 7'. Ms. Roberts asked if the Linen's were notified. Ms. White confirmed they were. Mr. Sedito asked Mr. Hopkins to discuss the hardship for the variance. Mr. Snook stated the hardship is that the frontage is less than 200 feet if the lot was 201 feet they would not need a variance. Ms. Roberts stated the porch addition was on the interior side of the lot. Mr. Catlin stated it is a pre-existing non-conforming lot.

Motion: to close the public hearing for 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 construct porch, by Ms. Leab, seconded by Mr. Snook, by 5-0 vote.

## **MEETING**

Ms. Leab stated she thought it was a minimal hardship and a minimal change and she was in favor of this application. Mr. Catlin stated there is a land based hardship due to the width of the lot and that the addition onto the porch of the guesthouse is an improvement and he is in favor of the application. Mr. Snook and Ms. Roberts agreed with Ms. Leab and Mr. Catlin. Mr. Sedito stated he had a hard time agreeing with the rest of the commission and that the application was lacking accurate information.

Motion: to approve application 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 construct a 34' 2" x 7' porch addition on to the guest cottage, by 4-1 vote, Mr. Sedito voted no because he did not see a hardship.

## **PUBLIC HEARING**

Seated: Brad Sedito, Polly Roberts, Randy Snook, Todd Catlin, Kathy Leab.

ZBA-0847 - Request of Peklo Design & Joinery P.C. (Resnick & Klema), 356 Nettleton Hollow Road,

for Special Exception, Zoning Regulation 11.6.1(front yard setback), 17.4.a (increasing non conformity), to construct an addition on rear of house, small addition to the north entrance, reconstruct & slightly increase size of chimney, reconstruct & expand west entrance.

Mr. Andrew Peklo, Architect of Peklo Design & Joinery P.C. was present to represent this application. Ms. White stated there was proof of certified mailing for the notifications of the hearing to the neighbors. Mr. Ajello stated Mr. Roettger of 368 Nettleton Hollow Road, called to say that he did not have any objections and that he supports this application. Mr. Peklo submitted photos of Nettleton Hollow Road from the driveway of the property. Mr. Peklo presented plans of proposed additions and alterations for Resnick/Klema Residence, 356 Nettleton Hollow Road, by A. Peklo, dated 4-22-09. Mr. Peklo indicated all alterations and additions within the setbacks with green shading on the plans. Mr. Sedito asked the age of the house. Mr. Peklo stated the main part of the house was built in the 1700's and has been added on to over the years. Mr. Peklo stated there is a cement block chimney and the increase in size would be no more than the thickness of the stone facing that would be applied to the surface. The commission told Mr. Peklo they would need to approve a specific dimension. Mr. Peklo indicated the chimney would not exceed 4'x 4'. He noted and initialed this on the plans. Mr. Sedito asked if there were any comments from the public. Ms. Irene Allen of 143 West Mountain Road, shares a property line with the Resnick/Klemas. She stated the additions are improvements to the old house and will add to the longevity of the property and that she is in favor of the application.

Motion: to close the public hearing for application ZBA-0847 – Request of Peklo Design & Joinery P.C. (Resnick & Klema), 356 Nettleton Hollow Road, for Special Exception, Zoning Regulation 11.6.1(front yard setback), 17.4.a (increasing non conformity), to construct an addition on rear of house, small addition to the north entrance, reconstruct & slightly increase size of chimney, reconstruct & expand west entrance, by Mr. Snook, seconded by Ms. Roberts, by 5-0 vote.

## **MEETING**

Mr. Snook stated he thought it was a modest set of revisions and he is in favor of the application. Ms. Roberts stated the improvements support the continued use of this house and she is in favor of the application. Mr. Catlin stated the modifications support Zoning Regulations 17.5.c.1 and 13.1.b items 1-8 and he is in favor of this application. Ms. Leab stated that this application is in the spirit of the Special Exception and prevents an old home from being destroyed and allows for continued use. Mr. Sedito stated he agreed with the other commissioners and is in favor of this application.

Motion: to approve application ZBA-0847 – Request of Peklo Design & Joinery P.C. (Resnick & Klema), 356 Nettleton Hollow Road, for Special Exception, Zoning Regulation 11.6.1(front yard setback), 17.4.a (increasing non conformity), to construct an addition on rear of house, small addition to the north entrance, reconstruct & slightly increase size of chimney, reconstruct & expand west entrance, by 5-0 vote.

## **PUBLIC HEARING**

Seated: Brad Sedito, Todd Catlin, Randy Snook, Polly Roberts, Kathy Leab

ZBA-0848 – Request of The Lake Waramaug Country Club, 314 West Shore Road, for Variance, Zoning Regulation 17.4 (increasing non conformity) & 6.6.6.a (dock size), to replace existing dock.

Mr. Bruce Hamilton, President of the Lake Waramaug Country Club and Mr. Brooke Baxter, member of the Lake Waramaug Country Club were present to represent this application. Mr. Sedito stated that according to the Perimeter Survey (prepared for Lake Waramaug Country Club, Inc, by Charles Farnsworth, dated June 19, 2001) the dock seems to be outside of the property line and he asked who owns the property below the water where the dock floats. Mr. Baxter stated that he understands that the

property owner owns the land half way to the opposite shore. Mr. Frank stated that he agrees with most of what Mr. Baxter has said but that control of what goes on the waters of the lake are subject to the State of Connecticut. Mr. Ajello and the commissioners discussed about how ownership of the property under the water is defined. Mr. Hamilton stated the current dock is very old and unsafe and new dock was designed to be safer. He stated that, historically it was meant to accommodate 8 boat slips. Mr. Hamilton stated that he talked with the Lake Waramaug Association and they proposed shortening the dock. Mr. Catlin stated the new dock is double in size and is concerned that the new dock has the ability to moor 12 boats instead of 8. Mr. Baxter explained how the members pay for an assigned boat slip and there are only 8 slips available. There was a discussion about how many boats could actually be moored on the proposed dock. Mr. Snook stated the new dock should be shown on the A-2 Survey. Mr. Frank stated that the Lake Waramaug Association sees two public concerns: 1) restrict bulking out into the lake and 2) structures in the lake that affect the safety. The Lake Waramaug Task Force would like to see the docks length decreased from 75 feet to 65 feet. Mr. Frank submitted the proposed modification (on file in Land Use Office). Mr. Ed Berman of the Lake Waramaug Authority stated the Authority is concerned with everything to do about safety on the lake. Mr. Berman stated that every proposed dock is looked at. He stated the LMA are reluctant to have any structure that goes out this amount of footage in to the lake. Mr. Berman stated docks of this size are hazardous. Mr. Sedito asked if the LMA were in agreement with the Lake Waramaug Association's modifications to the dock. Mr. Berman stated that he and the State Trooper would have go to the property and look at it while it was in the lake. He stated they support the extra width. The commission stated they would like to see the Lake Waramaug Country Club, Lake Waramaug Association and Lake Waramaug Authority come to some sort of agreement.

Motion: to continue the public hearing for application ZBA-0848 – Request of The Lake Waramaug Country Club, 314 West Shore Road, for Variance, Zoning Regulation 17.4 (increasing non conformity) & 6.6.6.a (dock size), to replace existing dock, by Todd Catlin, seconded by Randy Snook, by 5-0.

## **PUBLIC HEARING**

Seated: Brad Sedito, Todd Catlin, Randy Snook, Polly Roberts, Kathy Leab

ZBA-0849 – Request of Beth Whitty (Maier), 94 Wykeham Road, for Special Exception, Zoning Regulation 17.4.a (increasing non conformity) to build a pergola.

Ms. Beth Whitty was present to represent this application. Ms. White confirmed proofs of certified mailings of the notification of the public hearing were received. Ms. Whitty described the existing patio, dimensions of the proposed pergola and displayed pictures of the façade of the house. The commission looked at the elevation drawings. The commission stated they would agree to a 10ft deep by 12 ft wide pergola with the overhang allowable within the Zoning Regulations.

Motion: to close the public hearing for application ZBA-0849 – Request of Beth Whitty (Maier), 94 Wykeham Road, for Special Exception, Zoning Regulation 17.4.a (increasing non conformity) to build a pergola, by Mr. Catlin, seconded by Ms. Roberts, by 5-0 vote.

## **MEETING**

Ms. Leab stated the application is straightforward and historically accurate. Mr. Catlin stated the pergola is modest in scope, aesthetically pleasing and historic in nature. Ms. Roberts agreed and stated the pergola adds a minimal increase to the footprint. Mr. Snook stated he was in favor of this application. Mr. Sedito stated it is not a very large encroachment into the front yard setback and it will enhance the appearance of the house.

Motion: to approve application ZBA-0849 – Request of Beth Whitty (Maier), 94 Wykeham Road, for

Special Exception, Zoning Regulation 17.4.a (increasing non conformity) to build a pergola, by 5-0 vote.

## **CONSIDERATION OF THE MINUTES**

Mr. Sedito asked if there were any corrections to the regular meeting minutes of April 16, 2009.

Motion: to approve the minutes of the April 16, 2009, meeting of the Washington Zoning Board of Appeals as submitted, by Mr. Catlin, seconded by Ms. Roberts, by 5-0 vote.

## **OTHER BUSINESS**

Discussion of Ms. Hill's Memo re: wetlands & watercourse setbacks by Special Exception language:

Mr. Sedito asked if anyone had received his email regarding this subject. No one had received the email. The commission tabled the discussion for the next meeting.

There was a conversation regarding the windmill regulations.

## **ADJOURNMENT**

Motion: to adjourn at 9:40 pm by a 5-0 vote.

Filed subject to approval:

Shelley White, Land Use Clerk