

July 16, 2009

Present: Brad Sedito, Katharine Leab, Polly Roberts, Randolph Snook

Alternates: Georgia Middlebrook, Roderick Wyant III

Absent: Todd Catlin, Peter Bowman Alt.

Staff: Mike Ajello ZEO, Pamela Osborne

Others: Karen Facey, Jordan Leach, Louis C. Fusco, Paul & Linda Frank, Valerie Friedman, Tom McGowan

Chairman, Brad Sedito called the meeting to order at 7:30pm.

PUBLIC HEARING – CONTINUED

Seated: Brad Sedito, Katharine Leab, Polly Roberts, Randolph Snook, Roderick Wyant III Alt.

ZBA-0851 – Request of Facey, Karen, 151 Litchfield Turnpike, for Variance, Zoning Regulations 11.6.1.b (side yard setback), 12.1.1 (wetlands/watercourse setback), to construct a 20' x 30', 1 ½ story addition & 8' x 8' enclosed breezeway.

Jordan Leach and Karen Facey were present to represent this application. Ms. Facey submitted documentation showing elevations, floor plans and computer generated drawings representing the proposed additions. Ms. Facey gave a recap of the proposed additions explaining the need for a variance because of wetlands and narrow lot size.

The proposed additions are 21'-24' from the side yard boundary. The Inland Wetlands Commission has approved the proposal. The existing single-family dwelling is 968 sq. ft. with three small bedrooms. Ms. Facey went on to state that the addition would have the appearance of a red barn structure; it will be 25.6' high to the peak, with a 12/12-pitch roof. The "barn" structure will be 20' x 30' and the "breezeway" connector will be 8' x 8'.

Members asked about potential patios. Ms. Facey answered that any patios will be grassy or stone in nature. She also stated that she is in favor of preserving the large maple tree on the right corner of the house that she felt would hide most of the proposed addition. Mr. Sedito encouraged questions or comments from the audience.

Motion: to close the public hearing for ZBA-0851 – Request of Facey, Karen, 151 Litchfield Turnpike, for Variance, Zoning Regulations 11.6.1.b (side yard setback), 12.1.1 (wetlands/watercourse setback), to construct a 20' x 30', 1 ½ story addition & 8' x 8' enclosed breezeway, was made by Roderick Wyant III, seconded by Randy Snook, by a 5-0 vote.

MEETING

Mr. Wyant felt that the new documents presented made the plan clear, that the single-family dwelling is in need of upgrading to obtain decent living space.

Mr. Snook agrees the drawings presented are adequate and define the work to be done; he felt the existing living area is small for a three-bedroom home.

Ms. Roberts is in favor of the proposal and appreciates the applicant leaving the original bungalow style dwelling; the addition of the barn makes the proposal organic/countryfied in nature. She felt the location

was an option to keep the structure away from the wetlands area.

Ms. Leab is in agreement also, she felt that keeping the structure part of the existing house is a good idea and will give it continued livability.

Mr. Sedito agreed, the existing house is very small; they could have gone up in volume but what they have proposed fits the contour of the property, which is a long thin lot.

Motion: to approve ZBA-0851 – Request of Facey, Karen, 151 Litchfield Turnpike, for Variance, Zoning Regulations 11.6.1.b (side yard setback), 12.1.1 (wetlands/watercourse setback), to construct a 20'x 30', 1 ½ story addition & 8'x8' enclosed breezeway, as per property survey submitted by Stephen R. Latour RLS dated 12/16/08 and elevation and floor plan drawings submitted by Design Connection LLC marked received 7-13-2009, by a 5-0 vote.

PUBLIC HEARING

Seated: Brad Sedito, Katharine Leab, Polly Roberts, Randolph Snook, Georgia Middlebrook Alt.

ZBA-0853 – Request of Mark Adams, 233 West Shore Road, for Variance, Zoning Regulations 17.4 (increasing non conformity), 11.5 (lot coverage) & 12.1.1 (wetlands/watercourse setback), to build a tennis court.

Louis C. Fusco RLA was present to represent this application. Mr. Fusco presented two poster boards showing pictures and plans of the entire property that included the proposed tennis court. Mr. Fusco explained the elimination of driveway/parking space and structures during the renovation to change the property from a commercial dwelling to a single family home.

Certified mail notice was sent to five property owners (four cards were returned), while looking at the map presented by the applicant it became clear that all property owners within 200' had not been notified, members decided to proceed for the present.

Mr. Fusco went on to explain drainage and run-off work that will be done in association with the proposed installation of the tennis court. This property has been granted several variances in the past. Members had a rather lengthy discussion about the properties lot coverage, which included the installation of a new pool.

Mike Ajello ZEO stated that the pool was on the original application, which received zoning approval; the proposed tennis court was not.

Mr. Snook asked for location of neighboring homes in relationship to the proposed tennis court. Mr. Fusco located the homes on an aerial view of the property from his poster board. Mr. Fusco went on to explain the hardship of working with existing structures and the need to improve drainage.

Mr. Leab expressed her opinion of there being no real hardship for a proposal to install a tennis court, the tennis court is smaller than regular size, there will be disturbance to a very fragile area.

Ms. Roberts stated that the property was overbuilt because it was an inn, pre-existing non-conforming commercial property. It was confirmed that the original pre-construction lot coverage was 22.2%; with the proposed tennis court lot coverage would be 20.2%.

Mr. Snook added that he's having difficulty finding hardship in granting a variance for a tennis court.

Mr. Fusco stressed the fact that the proposal will improve the water quality of water going into the lake. Several members noted that the improvements could be made without the installation of the tennis court.

Mr. Fusco went on to state that there is hardship because of the existing location of the house, the area was a mess with drainage problems, and the applicant is looking to improve the overall property. He went on to say that the tennis court would be located in the woods behind the buildings. Members felt that there was already too much lot coverage for the property.

Mr. Snook asked for questions or comments from the audience.

Tom McGowan from the Lake Waramaug Task Force addressed members; he felt that the applicant has made every effort to protect the lake. Mr. McGowan went on to say that from a lake viewpoint original lot coverage for this property was 22% that was reduced by the approved renovation plan for the property, but now the tennis court comes as an opportunity to fill back up the lot coverage, they are concerned about this. He noted that the proposed tennis court is in an undeveloped open space area.

Mr. Fusco stated that the allowable lot coverage for the property is 12.3%. Mr. Sedito read from a letter submitted by John N. Calabrese PE of Calabrese Engineering, for neighboring property owners Richard and Paula Getnick, expressing concerns about runoff.

Mr. Sedito asked for further questions or comments.

Motion: to close ZBA-0853 – Request of Mark Adams, 233 West Shore Road, for Variance, Zoning Regulations 17.4 (increasing non conformity), 11.5 (lot coverage) & 12.1.1 (wetlands/watercourse setback), to build a tennis court, was made by Ms. Leab, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Ms. Leab felt there was no real hardship, taking into consideration the lake and the amount of disturbance for the proposed tennis court she is not in favor of the proposal. Ms. Middlebrook agrees that there is no real hardship. Ms. Roberts appreciates the work done by Mr. Fusco and she hopes that the applicant would consider still doing the abatement work. She can find no hardship in a tennis court. Mr. Snook agrees. Mr. Sedito stated that this was a pre-existing non-conforming commercial property, a restaurant, it was added onto over the years and is now being renovated as a residence. He felt it is a self-created hardship.

Motion: to deny ZBA-0853 – Request of Mark Adams, 233 West Shore Road, for Variance, Zoning Regulations 17.4 (increasing non conformity), 11.5 (lot coverage) & 12.1.1 (wetlands/watercourse setback), to build a tennis court, by a 5-0 vote.

OTHER BUSINESS/CONSIDERATION OF THE CHAIR

Mr. Sedito asked members if they were aware the Zoning Commission had deleted the Special Exception for generators/noise producing equipment from the regulations. No one was aware.

Mr. Sedito went on to read from the December 2008 Zoning Commission minutes where this was discussed; the Zoning Chairman David Owen stated that he would talk to Mr. Sedito about the proposed change, Mr. Sedito states he was never contacted.

The change was voted on in March, members were disturbed that ZBA was never notified or consulted about the change to the regulations. Mr. Sedito will speak with Janet Hill, Land Use coordinator and then will compose a letter to be circulated to members for their approval to be forwarded to the Zoning Commission.

Motion: to accept the minutes of the June 18, 2009 Zoning Board of Appeals meeting as presented, was made by Ms. Roberts, seconded by Mr. Snook, by a 5-0 vote.

Mr. Sedito was presented with a Length of Service Award from the Connecticut Federation of Planning and Zoning Agencies.

Members received a hand out from Land Use Coordinator Janet Hill "Ten Tips for Commissioners".

Motion: to adjourn at 8:37pm was made by Mr. Sedito, seconded by Ms. Roberts, by a 5-0 vote.

Submitted subject to approval,
Pamela L. Osborne, Acting Secretary