

# September 20, 2012

**Present:** Todd Catlin, Rod Wyant

**Alternates:** Chip Wildman, Todd Peterson, Joan Kaplan

**Absent:** Polly Roberts, Kathy Leab, Peter Bowman

**Staff:** Shelley White, Mike Ajello

**Also Present:** Mr. Komisar, First Selectman Lyon

Mr. Catlin, Vice Chairman, called the meeting to order at 7:35 pm.

Seated: Catlin, Wyant, Wildman, Peterson, Kaplan.

## **PUBLIC HEARING**

ZBA-0929 – Request of Komisar, 154 New Milford Turnpike for Variance, Zoning Regulation(s) 11.6(Setbacks), 12.1.2 (Wetlands Watercourse Setback), to add deck to the back of the building and install a peaked roof canopy over side door.

Mr. Komisar, property owner and owner of Litchfield Kitchen and Bath was present to present this application. He stated that his intention is to move his kitchen and bath business from 262 New Milford Turnpike to this location. The Commissioners and Mr. Komisar looked at a photo of the rear of the building at 154 New Milford Turnpike and Mr. Komisar pointed out that the previous owners installed 4-nine foot sliding glass doors along the length of the building and there is an existing ledger board for a deck. He stated that he would like to put a deck on the back of the building and a peaked roof canopy over the side door, which will be used as the employee entrance and ADA compliant handicap access way. The Commissioners looked at the map titled Zoning Location Survey, prepared for Larry Komisar, by Berkshire Engineering & Surveying, LLC, sheet 1 of 1, dated 8-24-12. Mr. Catlin noted that Mr. Komisar is seeking a 50 ft variance for the side entrance canopy. Mr. Komisar stated that the hardship lies in the topography of the property and it is a 10-foot drop from the existing sliding glass doors. Mr. Catlin noted that the proposed deck is 60.5' long and 10.5-12 feet deep and a small portion of the deck is conforming but the majority is not. Mr. Komisar stated that the majority of the building is non-conforming and the purpose of the side door overhang would be to provide a little bit of shelter for the handicap entrance. The Commissioners looked at the photo of the rear of the building and noted the location of the sliding glass doors. There was a brief discussion regarding the location of the stairs. Mr. Komisar stated that the stairs would be within the footprint of the deck. Mr. Wildman asked how deep the level area is before it drops off. Mr. Komisar stated it was about 15 feet and the footings for the deck would be located in this level location. Mr. Ajello stated that he feels the odd location of the State property line lends itself to the land based hardship. Mr. Catlin agreed. He stated that he wished the mass of the deck could be decrease and suggested that if it were a little shorter, left to right, it would not be visible from the road as much. The Commissioners and Mr. Komisar discussed decreasing the size of the deck. Mr. Catlin stated that Mr. Komisar could amend the plan now and the Commission could vote on it tonight, the Public Hearing could be continued, or the Commission could vote tonight on the application and site plan as is. The Commissioners and Mr. Komisar looked at the site plan again. Mr. Komisar amended and signed the site plan to show the proposed deck dimensions as 54.5 feet long and 10.5-12 feet deep. There were no further comments or questions.

Motion:

to close ZBA-0929 – Request of Komisar, 154 New Milford Turnpike for Variance, Zoning Regulation(s) 11.6(Setbacks), 12.1.2 (Wetlands Watercourse Setback), to add deck to the back of the building and install a peaked roof canopy over side door, by Mr. Wyant, seconded by Ms. Kaplan, passed by 5-0 vote.

## **MEETING**

Mr. Wildman stated that he feels the proposed plan was thought out and with the concessions made he does not have a problem with the proposed deck or side door canopy and is in favor of this application. Ms. Kaplan stated that she agrees with Mr. Wildman. Mr. Wyant stated that he feels the proposed plan was well-presented and well thought out and he is in favor of this application. Mr. Peterson stated that he feels the original intent was to have a deck and with the amendments he does not see a problem with this application. Mr. Catlin stated that he does not have an issue with this application and appreciates the applicant's willingness to decrease the mass of the proposed deck and that this is a tricky piece of property because of the steepness and the proximity of the watercourse and the State property line. He stated that he feels that there is a modest need for the portico over the handicap access and a deck on the back of the building so he is in favor of this application.

Motion:

to approve ZBA-0929 – Request of Komisar, 154 New Milford Turnpike for Variance, Zoning Regulation(s) 11.6(Setbacks), 12.1.2 (Wetlands Watercourse Setback), to add deck to the back of the building and install a peaked roof canopy over side door, passed by 5-0 vote.

## **PUBLIC HEARING**

ZBA-0930 – Request of Town of Washington, 10 Blackville Road for Variance, Zoning Regulation(s) 11.5.1 (lot coverage), 11.6.1(side setback), to construct a garage.

First Selectman Lyon was present to present this application. He stated that this proposed L-shaped garage would replace the garage that burned down and the increase in square footage would allow for storage and mechanic work. The Commissioners and the First Selectman looked at the drawing titled Town Garage Feasibility Study, prepared for the Town of Washington by Lenard Engineering, Inc., with a revision date of 8-17-12. First Selectman Lyon stated that they are proposing to rebuild the Town's garage facility in the area that was previously approved by the ZBA for materials storage and use the existing foundation from the burned garage as the materials storage area. He stated that this proposed plan would increase the number of bays and would centralize the activity in one area, which is in the Commercial Zone portion of the lot. Mr. Catlin noted that this proposed plan is actually less obtrusive into the side yard setback than the previously approved plan for materials storage. Selectman Lyon displayed a map that was highlighted to show the additional lot coverage, the driveway that would be eliminated and turned back to grass and the driveway that would be added on the lower end that would be an extension of the existing paved area. He noted that the concrete pad to the pedestrian doorway would be eliminated. Mr. Lyon stated that there would be an increase of .1% in lot coverage. He said that the current lot coverage is 12.56% and the proposed lot coverage would increase to 12.64%, which is over the 10% for a residential zone but under the percentage for the commercial zone. The First Selectman stated that the existing square footage is 94,675 sq. ft. and the proposed square

footage would be 95,277 sq. ft. and if the proposed garage were built in the previous location of the burned garage it would be more of an increase in lot coverage and in the residential zone portion of the lot. He stated that this proposed plan would eliminate a split facility and would be more efficient. There was a brief discussion regarding plantings for a buffer. The Commissioners and First Selectman looked at the elevation drawings titled Schematic Elevations, prepared for the Town of Washington, Public Works Garage, sheets 1 and 2, by Lenard Engineering, dated September 5, 2012. Mr. Catlin asked if there would be any storage of anything in the courtyard. First Selectman Lyon stated that there might be an occasional vehicle parked there but otherwise nothing would be stored in the courtyard. He stated that the front yard setback is 50 feet from the State Highway line, which meets the Commercial Zone setbacks. First Selectman Lyon stated that the proposed building section across from the existing garage would be slightly lower than the existing building and the center building would be slightly higher to allow for lifts. The Commissioners and First Selectman discussed the height of the proposed addition compared to the existing garage. First Selectman Lyon stated that the proposed structure would be graded and the height of the proposed garage would accommodate the trucks and would cost less to heat. He stated that they could replace the garage in the original location of the burned garage but it would require a larger amount of lot coverage to allow for the extra bays, it would also be in the residential zone portion of the lot, the Town would like to fit the operation in the available space and it meets the Commercial Zone setbacks but is over the Residential Zone setbacks. Mr. Catlin noted that the difference between the two zones is significant and is a hardship. There were no further comments or questions.

Motion:

to close ZBA-0930 – Request of Town of Washington, 10 Blackville Road for Variance, Zoning Regulation(s) 11.5.1 (lot coverage), 11.6.1(side setback), to construct a garage.  
by Mr. Wyant, seconded by Ms. Kaplan, passed by 5-0 vote.

## **MEETING**

Mr. Wildman stated that it seems that the proposed plan would save the Town some money and he is in favor of this application. Ms. Kaplan stated that she is in favor of the proposed plan and feels that they have been thoughtfully developed and designed with an eye to greater efficiency. She stated that she is slightly troubled with the height difference in the rooflines but with the plantings and other elements she feels it would not be too obvious. Mr. Wyant stated that it makes everything more accessible and more efficient and he is in favor of this application. Mr. Peterson stated that he feels this is the best plan because it centralizes all the activity and there is enough room where safety is concerned. Mr. Catlin stated that he feels this is a better site for the building, the plan is more sensitive to the land by keeping it out of the residential portion of the lot, it is a modest increase in lot coverage and is more efficient.

Motion:

to approve ZBA-0930 – Request of Town of Washington, 10 Blackville Road for Variance, Zoning Regulation(s) 11.5.1 (lot coverage), 11.6.1(side setback), to construct a garage, passed by 5-0 vote.

## **OTHER BUSINESS**

Consideration of the Minutes:

The Commission considered the Minutes of the August 16, 2012 regular Meeting of the Zoning Board of Appeals.

Motion:

to approve the Zoning Board of Appeals Regular Meeting Minutes of August 16, 2012 and as submitted,

by Mr. Wyant, seconded by Ms. Kaplan, passed by 5-0 vote.

### **Adjournment**

Motion:

to adjourn at 8:25 pm, by Mr. Wyant, seconded by Ms. Kaplan, passed by 5-0 vote.

Mr. Catlin adjourned the meeting.

Submitted Subject to Approval,  
Shelley White, Land Use Clerk