

October 16, 2008

Zoning Board of Appeals Minutes - October 16, 2008

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

Alternates: Roderick Wyant III, Georgia Middlebrook

Absent: Alt. Peter Bowman

Staff: Shelley White

Others: Diane Dupuis, Brian Neff, Karen Silk, Jim Kelly, Paul Szymanski, Linda & Mark Conlon, Mr. & Mrs. Timothy Coakley, Bob Wilson, Margaret Grimes, Alison Melahn

Brad Sedito, Chairman called the meeting to order at 7:32pm.

PUBLIC HEARING

7:32 pm

Mr. Sedito seated regular members, Polly Roberts, Katharine Leab, Todd Catlin, Randy Snook and himself.

ZBA-0826, Request of Jennifer Bol, 44 Slaughterhouse Road, petition for special exception, Zoning Regulation 17.4.a (increasing non conformity), 11.6.1 (front yard setback), to raise height of second floor and construct a deck.

Mr. Brian Neff, Engineer, was present to represent this application. Mr. Neff read the letter of explanation to the members of the ZBA. Mr. Sedito stated that the attached garage had been approved previously and asked how many bedrooms the house has. Mr. Neff stated it would stay a two bedroom house because the septic could not be enlarged due to the proximity of wetlands. Mr. Catlin asked if this plan had been to the Inlands/Wetlands Commission. Mr. Neff confirmed that it had and that it was approved. Mr. Sedito questioned why the applicant did not apply for a variance to the wetland setback for the deck as well. Mr. Sedito stated that the special exception could be granted as long as the applicant obtained a variance for the wetland setback. Mr. Sedito asked the height of the proposed and existing roof. Mr. Neff stated that the existing roof is 24.4 ft. and the proposed is 28.3 ft. He stated the existing pitch of the roof is 6/12 and proposed pitch is 12/12. Mr. Neff stated the increase to the height of the house would be 7.9 ft. Ms. Roberts questioned the difference in height of the back dormer to the front dormer. Mr. Neff stated it was for the height and that the back dormer is over the master bedroom while the front dormer is over a stairway. Ms. Roberts stated that it looks awkward. Mr. Catlin asked if the house was going to be torn down and reconstructed. Mr. Neff said that the existing house is going to be renovated. Mr. Sedito asked for the existing and proposed square footage. Mr. Neff stated the existing square footage is 1298 sq.ft. and the proposed is 1738 sq.ft. Mr. Catlin referred to section 13.1.b standards and that part of the special exception is that the renovations are in keeping with the existing building and the appearance. Mr. Catlin stated that if the roof were to be dropped by 1 ft. the view would be more pleasing from the street. Ms. Roberts stated that the special exception could be approved with the contingency that the roof pitch of the back dormer is changed to match the front gable. Mr. Neff stated that he thought the applicant would be agreeable to this request. Mr. Sedito stated that the ZBA would like to see revised elevation drawings and for the applicant to obtain a variance for the wetland setback at the November ZBA Meeting. Mr. Sedito asked if there were any more questions from the commissioners or the public. Ms. Karen Silk, mother of Jennifer Bol stated that the cottage would be

kept simple and made more “commodious” with the proposed improvements.

Motion: to close the public hearing to consider application ZBA-0826, Request of Jennifer Bol, 44 Slaughterhouse Road, petition for special exception, Zoning Regulation 17.4.a (increasing non conformity), 11.6.1 (front yard setback), to raise height of second floor and construct a deck, by Ms. Roberts, seconded by Mr. Snook, by a vote of 5-0.

MEETING

Mr. Catlin stated he was in favor the petition for special exception as long as the pitch of the roof was revised and the applicant obtains the variance for the wetland setback. Ms. Leab agrees with Mr. Catlin. Ms. Roberts stated that it is a good candidate for a special exception and the house will remain modest with the proposed renovations. Mr. Snook stated that it seems to meet all the requirements of the special exception. Mr. Sedito agrees with Mr. Snook.

Motion: to approve ZBA-0826, Request of Jennifer Bol, 44 Slaughterhouse Road, petition for special exception, Zoning Regulation 17.4.a (increasing non conformity), 11.6.1 (front yard setback), to raise height of second floor and construct a deck with the following contingencies: reduction in height of rear dormer to match front dormer, present revised elevation drawing at the November ZBA Meeting, obtain a variance for wetland setback for the deck, by a vote of 5-0.

7:58 pm

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

PUBLIC HEARING

ZBA-0827, Request of Dale & Marvin Meltzer, 19 Rabbit Hill Road, petition for special exception, Zoning Regulation 17.5.a.1 (front setback), to construct a front terrace and installation of air conditioner compressor.

Attorney, Jim Kelly was present to represent this application for Dale and Marvin Meltzer. Mr. Kelly presented pictures of the site. He reminded the Commission that the Meltzer had been granted a special exception in 2004. Mr. Mike Ajello, ZEO, had inspected the site and noticed some discrepancies with the approved plan and the existing structures. Mr. Kelly and the Commissioners looked at site plans that indicated the location of the air conditioner compressor and the front terrace. The terrace and air conditioner compressor have been installed. Mr. Kelly stated that the Meltzers take full responsibility and didn't realize that it these items needed to be approved. Mr. Sedito stated that he had visited the site and the compressor cannot be seen from the road. Ms. Leab stated that the installation of this compressor and other noise generating equipment prior to approval has been happening more frequently. Mr. Sedito asked if there were any other questions or comments from the Commissioners or the public.

Motion: to close the public hearing to consider application ZBA-0827, Request of Dale & Marvin Meltzer, 19 Rabbit Hill Road, petition for special exception, Zoning Regulation 17.5.a.1 (front setback), to construct a front terrace and installation of air conditioner compressor, by Ms. Roberts, seconded by Ms. Leab, by 5-0 vote.

MEETING

Mr. Sedito informed the Commissioners need to look at this application as if the terrace and compressor have not been installed. Ms. Leab stated that the approved “snapshot” was not followed. Mr. Catlin stated

that he was not sure if the air conditioner compressor meets the need of a special exception. There was a discussion among the Commissioners about whether or not the compressor was a structure or not. Ms. Roberts stated that the compressor is not as noisy as a generator. Mr. Sedito stated that if this had come to the ZBA pre-installation they would have probably had to move it. Mr. Catlin stated that the terrace is an improvement to the house. Mr. Snook stated that he could understand why the applicants could have thought these installations were okay because the compressor is close to the house and within the setback. Mr. Sedito stated that it should have been part of the drawings with the 2004 application. Ms. Roberts stated that she had no problem with the compressor but is annoyed with that the patio was already built without approval. Mr. Sedito stated that the terrace is a marginal reason for continued use of the house but is aesthetically pleasing and he is reluctantly in favor.

Motion: to approve ZBA-0827, Request of Dale & Marvin Meltzer, 19 Rabbit Hill Road, petition for special exception, Zoning Regulation 17.5.a.1 (front setback), to construct a front terrace and installation of air conditioner compressor, by 5-0 vote.

PUBLIC HEARING

8:20 pm

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

ZBA-0828, Request of Mark & Linda Conlon, 6 Valley Road, application for variance, Zoning Regulation 12.1.3 (watercourse setback for septic), 12.1.2 (Shepaug River setback), 11.6.1 (front yard setback), 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), for addition to existing barn and house and installation of new septic system.

Paul Szymanski, Engineer, Mark and Linda Conlon were present to represent this application. Mr. Szymanski gave the Commissioners an overview of the project. Mr. Sedito asked if any of the house was in the front yard setback. Mr. Szymanski replied, "No." Mr. Sedito asked if the Conlons had a usable garage or if they were parking their cars on the driveway. Mr. Szymanski stated they did not have a usable garage. Mr. Szymanski stated that the existing barn will be made into a usable garage and a studio and would the setback would not change with this structure. Mr. Sedito asked if Inlands/Wetlands had approved this plan. Mr. Szymanski said that it has not. Mr. Szymanski stated the proposed septic is further away from the watercourse than the existing septic and they are planning on removing an existing shed which is close to the watercourse. He stated that there are two existing wells on the property and one of which will be abandoned. Everything is within 200 ft of the Shepaug River. Mr. Sedito asked if there were any elevation drawing of the proposed new house. Mr. Szymanski stated that they do not have the drawings yet and that the proposed house will be limited in size to 2500 sq. ft. Mr. Sedito stated that it would be more helpful to have the elevation drawings. Mark Conlon presented the proposed floor plan. Ms. Roberts pointed out a discrepancy between the site plan and the floor plan. Ms. Leab stated that the ZBA could only approve a specific plan. Mr. Catlin stated that the plans were "vague." Mr. Sedito requested that pictures of the area between the house and the river and the barn and the river are important and that the views from the river must be maintained. Mr. Conlon asked if the elevation drawings would be able to answer the ZBA's questions. Mr. Sedito said that they would need elevation drawings of the barn, and house. Ms. Roberts asked if the barn was going to be renovated. Mr. Szymanski stated that it will be knocked down and rebuilt. Mr. Sedito stated that the studio is a separate issue and that a garage is seen as necessary. Mr. Sedito stated that the porch is an expansion of an existing building and would like to see it as a special exception. Ms. Roberts asked if the studio and garage could be flipped so that the structure would be further away from the river. Mr. Szymanski stated that part of the plan was to maintain the existing view from the roadway. Mr. Sedito asked if there were

any more questions from the Commissioners or the public. Mr. Tim Coakley, neighbor to the Conlons stated he was okay with the proposed plans.

Motion: to continue the public hearing to consider application ZBA-0828, Request of Mark & Linda Conlon, 6 Valley Road, application for variance, Zoning Regulation 12.1.3 (watercourse setback for septic), 12.1.2 (Shepaug River setback), 11.6.1 (front yard setback), 12.1.1 (wetlands/watercourse setback), 17.4.a (increasing non conformity), for addition to existing barn and house and installation of new septic system, by Mr. Catlin, seconded by Ms. Roberts, by 5-0 vote.

PUBLIC HEARING

8:45 pm

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

ZBA-0829, Request of Margaret Grimes, 27 Wykeham Road, application for variance, Zoning Regulation 17.4.a (increasing non conformity), 11.6.1.c (side & front yard setback), to expand attic.

Mr. Bob Wilson and Ms. Margaret Grimes were present to represent this application. Mr. Wilson explained that the roof needs to be replaced and Ms. Grimes would like to make the attic studio larger in the process. Mr. Sedito asked why this wasn't a special exception. Ms. Roberts stated that this was an originally a variance that was approved. Mr. Sedito stated that the applicant was previously approved for a shed dormer and now looking for approval of a reverse gable. The Commissioners looked at the plans. Ms. Roberts asked why the plan was changed. Ms. Grimes stated that a gable would bring would enable a window that would provide more light which is important for her painting. Her roof now has a tarp on it. Mr. Catlin stated that Ms. Grimes would have less room with a gable. Ms. Grimes stated that the light was important to her. Mr. Sedito asked if there were any questions from the Commission or the public.

Motion: to close the public hearing to consider application ZBA-0829, Request of Margaret Grimes, 27 Wykeham Road, application for variance, Zoning Regulation 17.4.a (increasing non conformity), 11.6.1.c (side & front yard setback), to expand attic, by Mr. Sedito, seconded by Ms. Leab, by 5-0 vote.

MEETING

Mr. Snook stated that the application seemed pretty straight forward. Ms. Roberts stated that the obvious hardship is the size of the house and questioned whether the applicant needs to rescind the previous variance. Ms. Leab agrees with Ms. Roberts. Mr. Catlin stated that this property has a lot of zoning issues and he does not have a problem with it. Mr. Sedito stated that this could have come in as a special exception.

Motion: to approve application ZBA-0829, Request of Margaret Grimes, 27 Wykeham Road, application for variance, Zoning Regulation 17.4.a (increasing non conformity), 11.6.1.c (side & front yard setback), to expand attic, by 5-0 vote.

PUBLIC HEARING

8:55 pm

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

ZBA-0830, Request of Alison Melahn, 67 River Road, petition for special exception, Zoning Regulation 11.6.1.b (interior lot setback) under section 17.5.a.1 (granting special exception), to add a dormer, bay window and overhang to existing dwelling and construct a shed.

Ms. Melahn was present to represent this application. Ms. White state that Ms. Melahn had been to the Inlands/Wetlands Commission was approved. Ms. Melahn and the Commissioners looked at the proposed plan. The Commissioners asked questions about the ceiling height on the existing 2nd floor. Mr. Snook asked if there were any elevation drawings. Ms. Melahn stated that she did not have any. The Commissioners stated that they needed the elevations and dimensions. Mr. Snook stated there is not enough information for the Commission to approve this application. Mr. Catlin stated that it is necessary that the Commission approve something specific. Mr. Sedito suggested that the special exception be continued to the November ZBA meeting and that Ms. Melahn needs to provide the proposed elevations, dimensions for the house and the garden shed.

Motion: to continue the public hearing to consider application ZBA-0830, Request of Alison Melahn, 67 River Road, application for variance, Zoning Regulation 12.1.1(wetlands/watercourse setbacks), 17.4.a (increasing non conformity), to construct 2nd story front shed dormer, rear shed roof overhang & garden shed, by Mr. Catlin, seconded by Ms. Leab, by 5-0 vote.

Motion: to continue the public hearing to consider application ZBA-0831, Request of Alison Melahn, 67 River Road, petition for special exception, Zoning Regulation 11.6.1.b (interior lot setback) under section 17.5.a.1 (granting special exception), to add a dormer, bay window and overhang to existing dwelling and construct a shed, by Mr. Catlin, seconded by Ms. Leab, by 5-0 vote.

OTHER BUSINESS

Mr. Sedito reviewed an invoice from Town Counsel.

Mr. Sedito asked the Commissioners if they had any corrections or additions to the September 18, minutes.

Motion: to approve the ZBA Regular Meeting Minutes from September 18, 2008.

Motion: to adjourn at 9:30 pm by Mr. Catlin, seconded by Mr. Snook, by a 5-0 vote.

Shelley White, Land Use Clerk
October 22, 2008