

June 20, 2007

Present: Bradford Sedito, Polly Roberts, Todd Catlin, Randolph Snook

Alternates: Peter Bowman, Georgia Middlebrook, Roderick M. Wyant, III

Guests: Floyd Williams, Laurie Hull, Ralph Caprilozzi, Howard Barnet Jr., Edward Fenn

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

Public Hearing Continued

Mr. Sedito seated regular members Polly Roberts, Randolph Snook, himself and alternates Georgia Middlebrook and Roderick Wyant III.

ZBA-0706 Request of Floyd Williams, 210 Bee Brook Road, application for variance from Zoning Regulations 11.6.11.c (setback) and 17.4 (increasing the nonconformity of a nonconforming structure) to enclose an existing deck. Floyd Williams and Laurie Hull were present to represent this application. Certified mail notice was sent to the Matthews on May 17, 2007, the card has been returned, it was also noted that the certified mail notice sent to Joe Bennett was returned unclaimed. Ms. Hull stated that she has spoken with the Bennett's and they are aware of what they are proposing. Plans for the proposed sunroom were reviewed; Mr. Sedito initialed and had Mr. Williams initial the location for the 14x14 sunroom on the survey. Mr. Sedito asked for further questions or comments from members and the public. Mr. Williams located the well and septic on the east and west sides of his house. The house is 1300 sq. ft. the sunroom will be built on an existing porch to add more room for the kitchen area and will be unheated.

MOTION: to close ZBA-0706 Request of Floyd Williams, 210 Bee Brook Road, application for variance from Zoning Regulations 11.6.11.c (setback) and 17.4 (increasing the nonconformity of a nonconforming structure) to enclose an existing deck was made by Ms. Roberts, seconded by Mr. Wyant by a 5-0 vote.

MEETING

Ms. Roberts is in favor of this special exception, the existing house is small and although within the front setback is a considerable distance from the road. Ms. Roberts went on to say that there is ledge and steep hillside around the house and there is no increase being made to the footprint. Mr. Snook is in agreement, stating that this is a modest increase. Ms. Middlebrook and Mr. Wyant agree. Mr. Sedito feels this is a reasonable request, but feels it could have been a special exception request; he is struggling with the hardship issue.

MOTION: to approve ZBA-0706 Request of Floyd Williams, 210 Bee Brook Road, application for variance from Zoning Regulations 11.6.11.c (setback) and 17.4 (increasing the nonconformity of a nonconforming structure) to enclose an existing deck as per map entitled Exhibit A on file by a 5-0 vote.

Public Hearing Continued

Mr. Sedito seated regular members Polly Roberts, Randolph Snook, himself and alternates Georgia Middlebrook and Roderick Wyant III.

ZBA-0709 Request of Ralph & Stacey Caprilozzi, 217 New Milford Trpk., application for variance from Zoning Regulations 11.5.1.a (lot coverage) and 11.6.1.b (setback) to construct a garage. Ralph Caprilozzi was present to represent his application; he submitted a new survey showing the exact location of the proposed garage as well as setbacks. Mr. Caprilozzi stated that he had spoken with neighboring property owner Jeanne Wright and she is fine with the location of the proposed garage. Secretary Pamela Osborne stated that she had sent notice to Ms. Wright as well about the date and time of the continued hearing. The proposed garage will be 24x24 with a maximum height of 22'. Lot coverage calculations were done and are on file with the proposed coverage at 16.48%. Mr. Sedito asked for questions or comments from the public.

MOTION: to close ZBA-0709 Request of Ralph & Stacey Caprilozzi, 217 New Milford Trpk., application for variance from Zoning Regulations 11.5.1.a (lot coverage) and 11.6.1.b (setback) to construct a garage was made by Ms. Roberts, seconded by Mr. Wyant by a 5-0 vote.

MEETING

Mr. Snook did a site visit, he felt that because of the terrain there is no other rational location for the garage and he understands the need for a garage. Mr. Snook feels this is a reasonable request. Ms. Middlebrook agrees and also understands the need for a garage in this climate. She added that siting the garage at the same angle as the house is attractive. Mr. Wyant agreed the siting of the garage was well done and as long as the neighbor is ok with the proposed he is in favor of it as well. Ms. Roberts agrees the garage is modest. Mr. Sedito agrees referencing Atty. Zizka that a garage is a use of right and he feels that having a place to store your vehicles and lawn equipment is better than seeing them outside. Mr. Sedito closed by saying that the proposed garage can not be seen from Route 202.

MOTION: to approve ZBA-0709 Request of Ralph & Stacey Caprilozzi, 217 New Milford Trpk., application for variance from Zoning Regulations 11.5.1.a (lot coverage) and 11.6.1.b (setback) to construct a garage as per survey dated June 14, 2007 by Paul M. Fagan P.C. by a 5-0 vote.

PUBLIC HEARING

Mr. Sedito seated regular members Polly Roberts, Todd Catlin, Randolph Snook, himself and alternate Peter Bowman.

ZBA-0710 Request of Howard & Jane Barnet Jr., 32 Sabbaday Lane, application for variance from Zoning Regulations 11.6.1c (setback), 12.1.1 (wetlands setback) and 17.4 (increasing the nonconformity of a nonconforming structure) to reconstruct barn. Howard Barnet and Edward Fenn were present to represent this application. It was noted that the only return card not received was from Peter and Diana Tagley, all certified mail notices were sent out on June 6th except to Faith Drucker which was sent out on June 11th. Mr. Barnet began by saying that he has lived at 33 Sabbaday Lane for 12 years and this barn is at 32 Sabbaday Lane. Mr. Barnet explained the location of the barn as being right on the road and went on to say that it was in terrible shape sagging with rot. The sill was 1' underground and grade was 2' above the foundation. Last fall they took the barn down with the idea of rebuilding on the existing footprint, they expect to rebuild three of the four bays and raise the roofline 2'. In the future they are planning to use the third bay as living space, the original building had no heat but water for the animals. Mr. Bowman asked if they were planning on rebuilding only three bays why not move the barn back from the road. Mr. Fenn stated that they chose to reduce the setback to the wetlands. Both Mr. Barnet and Mr. Fenn stated that they will use as much of the existing timbers as possible along with new timbers. Members identified the wetlands on the map provided. Mr. Barnet stated that it is their intent not to disturb the wetlands and work with what they have. In closing Mr. Barnet stated that the proposed barn will conform to zoning height requirements. Mr. Sedito asked for further questions or

comments.

MOTION: to close ZBA-0710 Request of Howard & Jane Barnet Jr., 32 Sabbaday Lane, application for variance from Zoning Regulations 11.6.1c (setback), 12.1.1 (wetlands setback) and 17.4 (increasing the nonconformity of a nonconforming structure) to reconstruct barn was made by Mr. Catlin, seconded by Mr. Snook by a 5-0 vote.

MEETING

Mr. Sedito began by stating that the hardship is that the barn was built 200 years ago and the town has added to the road. Mr. Catlin agreed he is familiar with the location and has no issue with the proposed. Mr. Bowman would like to see the rebuilt structure look like what existed, he is nervous because the final product seems undetermined. The structure could look very different depending on siding and windows and they are rebuilding the same hardship right on the road, he would like to see the structure moved back. Mr. Bowman closed by saying he likes the applicant's idea and intent but is not convinced that they are headed in that direction. Mr. Snook feels this is a reasonable request and understands that new materials may be used, the barn was 200 years old. Mr. Snook went on to say that he is relying on what the applicant has discussed, that he intends to replace as close as original and he will be disappointed if the structure is not a red building. Ms. Roberts understands Mr. Bowman's concerns, the applicant's are using existing foundation, and they are also between the road and wetlands. Ms. Roberts is confident that the proposed will look similar to what existed, they are improving the wetlands setback situation and getting the structure above grade. Mr. Sedito began by stating that Mr. Bowman had some good comments, he feels this is a classic hardship due to the ravages of time. They are building it smaller. Mr. Sedito closed by saying the applicant could rebuilt what was taken down and ZBA would have no right to dictate materials, he does have some reservations but all in all is in favor of the proposed.

MOTION: to approve ZBA-0710 Request of Howard & Jane Barnet Jr., 32 Sabbaday Lane, application for variance from Zoning Regulations 11.6.1c (setback), 12.1.1 (wetlands setback) and 17.4 (increasing the nonconformity of a nonconforming structure) to reconstruct barn as per survey dated November 1992, revised 9/2/99 by T. Michael Alex LLS and plans by Fenn Design-Build Services on file by a 5-0 vote.

MOTION: to approve the minutes of the May 17, 2007 meeting of the Washington Zoning Board of Appeals as submitted was made by Mr. Snook, seconded by Ms. Roberts by a 5-0 vote.

Other Business/Discretion of the Chair

Members were given copies of a summons in connection with their granting of a special exception for ZBA-0708 Andersson, 35 Gunn Hill Road, the plaintiff is Sarah Lee Martin.

Meeting adjourned at 8:45pm

Submitted Subject to approval,

Pamela L. Osborne, Secretary