

November 15, 2007

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

Alternates: Peter Bowman, Georgia Middlebrook, Roderick Wyant III

Guests: Timothy Coakley, Tammy Zinick, Dorota Habib, Shauna Holiman, Joel Johnson, Brian Neff, Rick Matschke

Brad Sedito Chairman called the meeting to order at 7:35pm.

PUBLIC HEARING CONTINUED

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

ZBA-0720 Request of Timothy M. Coakley, 2 Valley Road, application for variance to Zoning Regulations 11.6.1c (front setback), 17.4 (increasing nonconformity (and 12.1.2 (Shepaug River setback) to add a dormer and deck to existing house. Timothy Coakley was present to represent his application. Mr. Coakley has submitted drawings of his proposed additions as requested. Mr. Sedito recapped the variance requests and asked for public comment or questions. Ms. Roberts asked if the existing side porch would be connected to the proposed back porch. Mr. Coakley said it would not be connected.

Motion: to close ZBA-0720 Request of Timothy M. Coakley, 2 Valley Road, application for variance to Zoning Regulations 11.6.1c (front setback), 17.4 (increasing nonconformity (and 12.1.2 (Shepaug River setback) to add a dormer and deck to existing house was made by Mr. Catlin, seconded by Mr. Snook by a 5-0 vote.

MEETING

Mr. Snook is in favor of this request and feels it is reasonable. Ms. Roberts agrees he is not increasing the footprint for the house, but is adding a deck, a modest request. Mr. Catlin feels the hardship with the property is clear. Mr. Bowman agrees and Mr. Sedito added that it is a minor change.

Motion: to approve ZBA-0720 Request of Timothy M. Coakley, 2 Valley Road, application for variance to Zoning Regulations 11.6.1c (front setback), 17.4 (increasing nonconformity (and 12.1.2 (Shepaug River setback) to add a dormer and deck to existing house by a vote of 5-0.

PUBLIC HEARING

Mr. Sedito seated Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook and himself.

ZBA-0721 Request of Steven Shapiro, 50 Turner Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations to move a generator. Tammy Zinick of Permit Me Please was present to represent this application. Ms. Zinick began by explaining that the generator exists 36" from the house, located under a deck, space between the generator and deck is 17". She went on to say that when the generator runs it vibrates within the house, the proposed location is down a slope in a grassy area which is heavily wooded. Ms. Zinick spoke and explained the project to Anne Fuchs. Three certified mail notices were sent out and two cards were returned. A note was received by Estelle Bronson in favor of the application. Ms. Zinick stated that the applicant was willing to plant

seven 6' evergreens to shield the generator. She went on to state that it would not be visible from the road, had an exhaust silencer and would be 60' from the property line. Mr. Catlin asked Tammy to explain how the generator would be quieter in the proposed location than where it is now. Ms. Zinick felt that the location now was so close to the house that the sound amplifies. The unit is a 30kw. Mr. Snook has a problem with the proposed location being so close to the property line and the impact on neighbors, he stated that the evergreens will not cut down the noise. Mr. Sedito suggested the public hearing be continued so that a better location could be looked into. Mr. Bowman suggested insulating above and at the base of the existing generator. Ms. Zinick agreed to continue the public hearing and look into other alternatives.

Motion: to continue ZBA-0721 Request of Steven Shapiro, 50 Turner Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations to move a generator was made by Ms. Leab, seconded by Mr. Snook by a vote of 5-0.

Public Hearing

Mr. Sedito seated Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook and himself.

ZBA-0722 Request of Rumsey Hall School, 184/201 Romford Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations. Dorota Habib was present to represent this application. Brad Sedito informed members that he was an adjoining property owner and made sure everyone was comfortable with him being seated on this application, everyone was fine. Twelve certified mailings were sent out on October 30th, 10 had come back. Pamela Osborne explained that a certified mail notice to Stephanie Fenwick had not returned, Ms. Fenwick is the adjacent property owner whose complaint initiated an investigation of the generator, she heard the generator running during a power outage Ms. Habib apologized to the members for submitting an application after-the-fact. The generator was installed 99' away from the building. They chose the location because of the terrain and access to propane and electricity. The generator was installed in January of 2007. Ms. Habib submitted an email to the file from the Robb's attorney. The generator is a 100kw. Mr. Snook commented that the size of generators is getting larger and with the 25' regulation he feels this causes more noise. Dorota explained that the school wanted to provide a location able to house all the students in case of a power outage. Mr. Catlin stated that the existing site is the obvious site for the generator and asked about future plans for a hockey rink and dormitories, was another generator needed? Ms. Habib answered that the hockey rink and dormitories will be located further up the hill and no generator will be needed, just the ice rink equipment which does produce noise. Mr. Snook measured the noise level at 50db at the center of the river. Members felt comfortable with the installation of a 6' high stockade fence on three sides, with the opening facing west, around the existing generator to address the noise. Mr. Sedito asked for comments or questions from the public.

Motion: to close ZBA-0722 Request of Rumsey Hall School, 184/201 Romford Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations was made by Mr. Catlin, seconded by Ms. Roberts by a 5-0 vote.

MEETING

Ms. Roberts scolded the applicant for the after-the-fact application, she understands the location, it makes sense with the fence she is comfortable with it. Mr. Catlin has mixed feels about this application. It makes sense where it is located, but he is upset about the continued after-the-fact applications that come

in. Ms. Leab and Mr. Snook agree. Mr. Snook added that the closest property line is 400' with a db rating of 50 which is tolerable. Mr. Sedito also commented on the after-the-fact application and how Rumsey Hall School is usually very good with their applications. He feels that with the fence installed this location will have less of an impact on neighbors, it could be installed within the regulations and be 200' closer to neighbors.

Motion: to approve ZBA-0722 Request of Rumsey Hall School, 184/201 Romford Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations per Site Plan - Big Top Generator on file by Smith & Company dated October 22, 2007, with the stipulation that a three-sided 6' high stockade fence, with the open end facing west be installed by a vote of 4-1.

Bradford Sedito, Polly Roberts, Katharine Leab, Randolph Snook voted in favor.

Todd Catlin voted against.

Public Hearing

Mr. Sedito seated Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook and himself.

ZBA-0723 Request of Shauna Holiman and Robert Hackney, 125 West Shore Road, an application for a variance to Zoning Regulations 11.6 (setback), 12.1.1 (setback to wetlands and watercourse), 17.4 (increase the nonconformity) to rebuild a cabana and deck. Shauna Holiman, Joel Johnson and Brian Neff were present to represent this application. Ms. Holiman began by stating that she uses this structure as an art studio, it was renovated 20 years ago and is now tilting toward the lake. Mr. Neff explained that the piers are tilting toward the lake, they have moved and fractured, the project will be a tear down. The applicant received wetlands approval last night. Mr. Holiman stated that the beams are inadequate and with a flat roof there is leaking when snow builds up, they would like to change the pitch to match the house and add the cupola for charm. There is no change in footprint. Regulations allowed 26' in height, the proposed is 17' to the top of the cupola. Mr. Catlin asked about hardship. Ms. Holiman felt that with all the massive building with stone going on around the lake, perhaps she could set a better precedent. Mr. Catlin noted that there are other small access buildings with flat roofs around the lake, but he does understand the desire to make improvements when rebuilding. Mr. Johnson stated that the deck will be rebuilt as it exists, the present deck is unsafe notching has been done to accommodate the decking. Mr. Sedito asked for further comments or questions.

Motion: to close ZBA-0723 Request of Shauna Holiman and Robert Hackney, 125 West Shore Road, an application for a variance to Zoning Regulations 11.6 (setback), 12.1.1 (setback to wetlands and watercourse), 17.4 (increase the nonconformity) to rebuild a cabana and deck was made by Mr. Snook, seconded by Mr. Catlin by a vote of 5-0.

MEETING

Mr. Snook is in favor of this application, an adjacent lake side cottage is much higher. He went on to say that the added light and windows would be advantages for a painter. The proposed enhances and improves what exists. Ms. Leab noted how hard the board has been on boathouses in the past. She understands the need of lighting for an artist, she can see a small element of hardship. Ms. Roberts does not take into consideration the artist view. The proposed is keeping within the existing footprint, while adding height, perhaps this will set a good example around the lake. Mr. Sedito is struggling to find hardship, you can rebuild the structure with the existing roof pitch.

Motion: to approve ZBA-0723 Request of Shauna Holiman and Robert Hackney, 125 West Shore Road, an application for a variance to Zoning Regulations 11.6 (setback), 12.1.1 (setback to wetlands and watercourse), 17.4 (increase the nonconformity) to rebuild a cabana and deck by a 4-1 vote.

Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook voted in favor.

Bradford Sedito voted against.

Public Hearing

Mr. Sedito seated Polly Roberts, Todd Catlin, Katharine Leab, Randolph Snook and himself.

ZBA-0724 Request of Holly Hill Farm LLC, 87 Whittlesey Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations. Rick Matschke was present to represent this application. Mr. Matschke explained that they are rebuilding an existing barn and adding on a car port in which the generator will be located. It will be a 150kw generator and located 85' from the house. Mr. Matschke stated that the jacket does not have to be removed to place it inside the carport. Mr. Catlin is concerned with sound echoing into Hidden Valley from the site. Rick stated that it would be quieter than placed within 25' of the house. Peter Bowman suggested installing walls to enclose the generator on three sides. Mr. Snook agreed.

Motion: to close ZBA-0724 Request of Holly Hill Farm LLC, 87 Whittlesey Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations was made by Ms. Roberts, seconded by Ms. Leab by a 5-0 vote.

MEETING

Ms. Leab felt there would be little impact, it is a sensible place. Mr. Catlin agreed the location is terrific, he is happy with the added walls. Ms. Roberts has no problem with this application. Mr. Snook agrees. Mr. Sedito feels that the proposed should have less of an impact than placing it within 25' of the house.

Motion: to approve ZBA-0724 Request of Holly Hill Farm LLC, 87 Whittlesey Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Sections 12.14.1, 12.14.2, and 12.14.3 of the Zoning Regulations per Lower Floor Plan for Barn at Holly Hill Farm by Allen Greenberg, Architect dated 15 August 2007 on file with the stipulation that the generator be isolated by walls on three sides within the garage by a 5-0 vote.

Correspondence from Robert L Fisher, Jr., Esq. regarding ZBA-0708, Lars Anderson, 35 Gunn Hill Road. Members received copies of a letter dated October 30, 2007 requesting that the board revoke or rescind the Special Exception granted to Mr. Andersson on May 17, 2007.

Motion: to revoke ZBA-0708, Request of Lars Andersson, 35 Gunn Hill Road, request for a special exception for expansion of nonconforming dwelling as per plans on file, per request submitted by Robert L. Fisher, Jr., Esq. dated October 30, 2007 was made by Mr. Sedito, seconded by Ms. Roberts by a vote of 5-0.

Motion: to accept the minutes of the October 18, 2007 meeting of the Washington Zoning Board of Appeals as submitted was made by Mr. Snook, seconded by Ms. Roberts by a vote of 5-0.

Motion: to elect Bradford Sedito as Chairman of the Washington Zoning Board of Appeals was made by Ms. Roberts, seconded by Mr. Sedito by a 5-0 vote.

Motion: to elect Polly Roberts as Vice-Chairperson of the Washington Zoning Board of Appeals was made by Mr. Catlin, seconded by Mr. Sedito by a 5-0 vote.

Other Business/Discretion of the Chair

Pamela Osborne, secretary informed members that she received an email from Aimee Hoben, of Murtha Cullina saying that the trial date set for November 20th in the White/Jacobson matter was being continued at least 30 days because Ms. Jacobson has broken her leg.

Motion: to adjourn at 9:10pm. Was made by Mr. Sedito, seconded by Ms. Roberts by a 5-0 vote.

Submitted subject to approval,

Pamela L. Osborne, Secretary