

August 16, 2006

Present: Edmund White, Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts

Guests: Tim Lee, William & Jeanne Byrne, Mary Ann Totten

Edmund White, Chairman called the meeting to order at 7:40pm and read the agenda for tonight's meeting.

Public hearing continued

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, Polly Roberts and himself.

ZBA-0613 Request of Foothills Group, 55 West Shore Road, petition for Special Exception for expansion of nonconforming dwellings to renovate existing buildings. Tim Lee was present to represent his application. All ZBA members have done a site visit to the property. Mr. Lee stated that the plan remained the same as the revised plan brought to the July 20, 2006 meeting with the stair tower moved to be less obstructive to the view from the Byrne's property. Mr. Lee went on to say that he felt the proposed was reasonable and he is willing to prune trees which will open up the view, there is no lot coverage increase, according to calculations they are allowed 6449.058 sq. ft. and they are using 5891 sq. ft. Mr. Lee noted that the garage roof height will increase and he will add a copula, his original plan added a second floor. He went on to say that the existing garage was under built, the roof is sagging. The shed will be rebuilt on the same footprint; the roof will have an 8'pitch to match the house and garage. Mr. Snook asked about enlarging the house toward the driveway which seems to be reasonably level. Mr. Lee answered that financially and feasibly it didn't make sense, there would be much more site work and his architect agreed that going up was better. The existing structure has three bedrooms and the proposed has three bedrooms, they will move a bedroom upstairs and add a bath upstairs as well. Tim Lee ended by stating that the faade will increase by 23%. Mr. White read a letter dated August 3, 2006 from Michael A. Zizka, Esq. Mr. Byrne addressed members by saying he would like to see the applicants expand vertically, he feels the proposed will permanently damage his property; the increased height is what bothers them. Ms. Leab asked Mr. Byrne if the applicant agreed to remove trees, would it make a difference. Mary Ann Totten, the Byrne's real estate agent stated that the view is what sells properties on the lake. Tim Lee felt that the proposed additions blocks a small portion of the view, the project is reasonable in scope. The applicants have wetlands approval. Members went over Section 17.5C 1&2 of the Zoning Regulations. In closing Mr. Lee stated that the original plans have been revised, he has tried to work with the neighbor and has offered to remove trees, the height of the garage has been reduced, they have moved the stair tower which reduces the height on that side of the house by 1 1/2 '. He noted that they have a letter of support from the Lecher's a neighboring property owner and he feels the alterations will increase property values. When meeting with his architect and engineer Mr. Lee stated they all felt the proposed has the least amount of site disturbance, is in keeping with the natural site and is a good project which will bring the property up to date. Mr. Byrne referred members to sections 17.5 B&C and 13.1 B (2 & 8) on which he is basing his objections. Members reread those sections. Mr. White asked about lighting and requested that lighting be low (no peak lighting), no landscape or decorative lighting. Mrs. Byrne addressed members by stating her concern with the driveway and bridge over which the applicants have a right-of-way and maintain.

MOTION: to close ZBA-0613 Request of Foothills Group, 55 West Shore Road, petition for Special Exception for expansion of nonconforming dwellings to renovate existing buildings was made by Ms. Leab, seconded by Ms. Roberts by a 5-0 vote.

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Ms. Leab felt that given the interpretation of the regulations and willingness of the applicant to have lighting stipulations and remove trees she cannot vote against it. Mr. Snook would like to see written stipulations about tree cutting in the deed so future property owners are aware, to help with the view from the Byrne's home. Mr. White had a problem mandating tree cutting, not knowing the impact to the slope or other wetlands issues. Mr. Sedito felt that you have to trust the applicant to honor his offer of cutting trees to open the view from the Byrne's property. Mr. Sedito feels the proposal is reasonable in scope, location, appearance etc. It is not an unreasonable addition; they did reduce the proposal in scale and scope. Mr. Sedito referenced Atty. Zizka's letter about reduced property values and an appraiser's opinion as basis for a denial. Ms. Roberts interjected that you could probably find an appraiser of the opposite opinion. In closing Mr. Sedito referenced Section 17.5 C (1) supporting the continued use of a single family dwelling, the existing house is old, small with bedrooms that aren't suitable, which needs an expansion. He believes the proposed is supporting the continued use of a single family dwelling and there is no basis to turn down the application. Ms. Roberts thinks it's a very modest proposal; the use is not intensifying because it's going from a three bedroom house to a three bedroom house. She understands the Byrne's point of view and is sympathetic to it but having done a site visit doesn't feel the proposed is taking away from their view. Granted it would be nice to cut trees and open up the view. Mr. Roberts went on to say she appreciates the applicant's cutting back on what was originally proposed. She does not feel that the proposed will create a nuisance, it's not fun to have construction going on but you have to look beyond that. Referencing 17.5 C (1&2) Ms. Roberts stated that the proposed is not going to promote housing choice or economic diversity, a house on the lake is always going to be out of range for affordable housing, but she does feel that the proposed supports the continued use of a single family dwelling. The project is reasonable in scope, location, appearance and extent, the applicant has paid attention to the site, size, location and architecture and she strongly agrees that it is better for the site, land and topography to go up and not out. Mr. White agrees and feels the board has done their job; the proposed extends the life of a single family dwelling. It is an interesting site; he would rather not see it blasted. Mr. White went on saying you can debate about the views, noting that the Byrne's house was built in one direction which you can tell there was a great view at one point, which has since grown in, you can not legislate that. The proposed came in larger, both the house and garage, a lot of work has been done to keep it reasonable. He would be in favor of the proposed with the lighting stipulation and the understanding that the commission hopes that something would be done with the vegetation.

MOTION: to approve ZBA-0613 Request of Foothills Group, 55 West Shore Road, petition for Special Exception for expansion of nonconforming dwellings to renovate existing buildings, as per revised plans by O'Brien Architecture, LLC dated 7/20/2006 on file, with the stipulation that the lighting shine downward, be as low to the ground as possible for safety reasons and that the lighting not shine upward or outward toward the adjacent property by a 5-0 vote.

MOTION: to approve the minutes of the July 20, 2006 meeting of the Zoning Board of Appeals as submitted was made by Mr. Sedito, seconded by Mr. Snook by a 5-0 vote.

The August 16, 2006 meeting of the Zoning board of Appeals was adjourned at 8:45pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary