

September 21, 2006

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

Alternates: Todd Catlin, Georgia Middlebrook

Guests: Michael Gorra, Victoria Cherniske, Peter & Christina Klemm, Robert L. Fisher, Jr. Esq., Michael & Jill Lloyd, Armand DiBiase, Cynthia Filkoff, Ed & Zemma White, Michael Rybak, Esq., Joanne Jacobson, Ann Ficks, Deborah Eldridge

Chairman, Edmund White called the meeting to order at 7:30pm and read the agenda for tonight's meeting. Mr. White also noted that he has an application before the Zoning Board of Appeals tonight; Ms. Roberts will step in as Vice-Chair and Mr. White will excuse himself when the White application is presented.

PUBLIC HEARING

Mr. White seated Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Todd Catlin.

ZBA-0615 Request of Ferris Gorra, 278 New Milford Turnpike, for a variance from Zoning Regulation 11.6.1a (front yard set back) and 17.4 (increasing the non conformity of a nonconforming structure) to add on to front stoop. Michael Gorra was present to represent this application. It was noted for the record that only two property owners (Swanson & Truesdell/Charles) were notified, not everyone within 200' of the applicant's property line was notified. Mr. Gorra also had hand written verification of notice from Edmondson. Michael Gorra went on to explain that the existing steps and rail are in disrepair and they would like to enlarge the landing by 2' in width and length, this will make the entrance safer. At present Mr. Gorra explained that the entrance is hard to maneuver with large dogs and carriers. Mr. Sedito asked if the new entrance would be handicapped accessible. Mr. Gorra answered no, they have a handicapped ramp in the rear of the building which does not make for good traffic flow through the office, and 95% of the traffic flow is through the front door. ZBA members had done a site visit and Mr. Catlin noted that the existing entrance was awkward. Mr. Gorra stated that they plan to widen the door to 36". The applicant needs to complete the obligation of certified mail notice to property owners within 200' of their property.

Motion: to continue ZBA-0615 request of Ferris Gorra, 278 New Milford Turnpike, for a variance from Zoning Regulation 11.6.1a (front yard set back) and 17.4 (increasing the non conformity of a nonconforming structure) to add on to front stoop, was made by Mr. Snook, seconded by Mr. Sedito by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Georgia Middlebrook.

ZBA-0616 Request of Frank & Debbie Tomczyk, 39 River Road, a petition for Special Exception for expansion of nonconforming dwelling. Victoria Cherniske was present to represent this application. Edmund White read a letter dated August 28, 2006 from Dennis Hussey endorsing the proposed application. Five certified mail notices were sent out on 9/6/2006 and three were returned. Ms. Cherniske noted that certified mail notice was returned from Cisneros/Macaya and was remailed on 9/14/06. Ms. Cherniske began by explaining that the applicant's would like to extend and add on to an existing side porch. Victoria explained the lay out of the existing house including the upstairs which has two existing

bedrooms. The proposed addition will help modernize the kitchen. The existing side porch is on pillars, they will be adding a foundation. Mr. Snook was concerned with the proposed addition being so close to the property line (3.57'). The existing septic was located off the south/east front corner of the house and the existing well was located on the survey map. Mr. White asked if the applicants had thought about any other location for the proposed addition and also asked for elevations. Ms. Roberts was also concerned about being so close to the property line and asked about sliding the addition to the north. Ms. Cherniske stated that the side porch and new addition will be one room. Members asked for architectural drawings, showing roof lines, elevations etc. ZBA members had done a site visit. Mr. White explained that the Special Exception was created to extend the life of these older homes and the ZBA's charge is to make sure all options have been explored, once the variance is granted it's with the property forever. Mr. White went on to say that members needed to see floor plans showing what exists and what is proposed, before and after outside views that include elevations.

Motion: to continue ZBA-0616 request of Frank & Debbie Tomczyk, 39 River Road, a petition for Special Exception for expansion of nonconforming dwelling was made by Ms. Roberts, seconded by Ms. Middlebrook, by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Todd Catlin.

ZBA-0617 Request of Peter Klemm, 11 Ives Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Christina & Peter Klemm were present to represent their application. They would like to place a generator in the barn close to Ives Road, with the exhaust pointing toward Baldwin Hill Road. The proposed generator is a 15kw, powered by propane, with sound proof housing and they will be installing a louver on the barn for the exhaust. The Klemm's house is in the Historical District and they don't want to see the generator. Mr. Catlin was thrilled to see the generator put in the barn. Mr. Snook asked for a db rating which couldn't be found in the information provided. Mr. Sedito noted that the information stated that the generator would have sound proof housing and high end muffler. Mr. Klemm explained that the generator would be placed in a storage shed attached to the barn that was approximately 15' x 10', consisting of four walls and concrete slab. Mr. Sedito noted that the proposed location would have less of an impact on neighbors. Mr. White asked for comments or questions from the public.

Motion: to close ZBA-0617 request of Peter Klemm, 11 Ives Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations was made by Mr. Snook, seconded by Mr. Catlin by a 5-0 vote.

MEETING

Mr. Catlin has no issues with this application; he's thrilled to see it placed inside. Mr. Snook agrees. Mr. Sedito is in favor of the application because it will have less of an impact on neighbors. Ms. Roberts agrees with granting the special exception but with the condition that a db rating be supplied. Mr. White has no problem with this application.

Motion: to approve ZBA-0617 request of Peter Klemm, 11 Ives Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, generator to be placed in north/east corner of barn shown on survey map dated March 2001, revised 8/29/06 by T.

Michael Alex, land surveyor and be the Oman 15 JC-18R propane powered generator as specification sheet submitted with the condition that db ratings be provided by a 5-0 vote.

PUBLIC HEARING

Mr. White seated Bradford Sedito, Randolph Snook, Polly Roberts, himself and alternate Georgia Middlebrook.

ZBA-0618 Request of Michael A. & Jill F. Lloyd, 149 Whittlesey Road, for a variance from Zoning Regulation 12.1.1, 12.1.2, 12.1.3 (wetlands and watercourses setbacks) to demolish existing house and construct new house. Robert L. Fisher, Jr., Esq. and Michael & Jill Lloyd were present to represent their application. Mr. Fisher began by stating that the existing shed style house is bounded by the Bantam and Shepaug Rivers built on a short foundation at 615.558' above sea level. The new house is proposed at 618' above sea level with a new foundation which will allow water to flow through (FEMA 100yr. flood level is 617'). The new house is proposed in a slightly different location to take advantage of the southern exposure and orient better with the existing pool location. The applicants have been through wetlands and received approval. Atty. Fisher went on to explain the variances which pertain to setbacks from the flood line and rivers. Armand DiBiase and Cynthia Filkoff the architects presented a poster board showing the existing site and went on to describe the 2.25 acre site which they state has little grade change. Existing septic and reserve area were located. Ms. Filkoff went on to say they have designed the house to blend in and be as low as possible, she then went through the floor and elevation plans. The existing house is 2640 sq. ft. and proposed is 2904 sq. ft. According to Ms. Filkoff they have modified the drive way, moving away from the river, added two terraces and changed some lawn into gardens and tried to be sensitive to the site. The outside design of the new house will be shingled at a height of 25", they are allowed 35'. The Lloyds have owned the existing house for six years and they explained that there is not much of a second floor; they need more space for their expanding family. Ms. Roberts read five letters of support which were submitted to the Lloyd's Inland/Wetlands file. Mr. White asked for questions or comments from the public.

Motion: to close ZBA-0618 request of Michael A. & Jill F. Lloyd, 149 Whittlesey Road, for a variance from Zoning Regulation 12.1.1, 12.1.2, 12.1.3 (wetlands and watercourses setbacks) to demolish existing house and construct new house was made by Mr. Snook, seconded by Mr. Sedito by a 5-0 vote.

MEETING

Mr. Snook felt this was a thorough and profession presentation and the hardship issue is clear. Mrs. Middlebrook agreed. Mr. Sedito felt the applicants did a great job; it will be a vast improvement. Ms. Roberts agrees she understands the pivoting of the house. Mr. White also agrees and with wetland approval he's comfortable granting it.

Motion: to approve ZBA-0618 request of Michael A. & Jill F. Lloyd, 149 Whittlesey Road, for a variance from Zoning Regulation 12.1.1, 12.1.2, 12.1.3 (wetlands and watercourses setbacks) to demolish existing house and construct new house as per plans submitted by DiBiase Filkoff Architects dated 15 May 2006 by a 5-0 vote.

PUBLIC HEARING

Ms. Roberts seated Bradford Sedito, Randolph Snook, herself and alternates Todd Catlin and Georgia Middlebrook.

ZBA-0619 Request of Ed & Zemma Mastin-White, 6 Parsonage Lane, for a variance from Zoning

Regulations 11.5.1 (lot coverage), 11.6.1 (front, side & rear yard setbacks), 17.4 (increasing the nonconformity of a non conforming structure), to increase by 6' the variance previously granted for a garage. Ed and Zemma Mastin White were present to represent their application. Mr. White began by stating the purpose for the increase is for a more workable three car garage. Their home is an old 1 1/2 story house, they live in the attic level, the basement is wet, built with piled stones and has a floating floor, and they have no storage space. They use a driveway by means of right-of-way and their leaching fields are on the church's land. With the proposed they will be able to park the cars in a garage. Ed White stated that they have tried to acquire more land over the years to no avail. The original variance granted in 1988 was for a 24' x 30' garage, height of 24'6". What they are proposing is a 24' x 36' garage, height 24'. The proposed will bring the garage 3.44' & 3.34' from the property line Mr. White stated that the second floor will be used for storage. At this point Ms. Roberts asked for comments or questions from the public. Michael D. Rybak Esq. came forward to address ZBA members; Atty. Rybak represents Joanne Jacobson a neighboring property owner. Atty. Rybak asked for a continuance as his client had just received notice on Friday September 15, 2006 and had retained his services within the last 48 hours. Atty. Rybak submitted the following documents to the file: assessor's map (showing the location of the White property) and assessor's card for the White property, Town of Washington Guidelines for Variance Applications (2 pages), copies of documents in the ZBA file for White/6 Parsonage Lane from 9/1988 and legal opinion from 06-CBAR-0656; Feltman v. Easton ZBA. Referencing the assessor's map Atty. Rybak stated that the White property is one of a number of small lots in the area and several other lots have two-car garages, he felt the applicant did not have a unique hardship. Atty. Rybak went on to point out that the assessor's card shows 3,818 sq. ft. of lot coverage and the A-2 survey shows 3,729 sq. ft. for the house/walk, the survey shows 40% lot coverage which would increase if the proposed is granted. Mr. Rybak stated that because the applicant can not acquire land is not a hardship and went on to review the Town of Washington Guidelines for Variance Application and the information he submitted pertaining to 06-CBAR-0656; Feltman v. Easton ZBA. In closing Michael Rybak stated that the applicant has a variance for a two-car garage, the new application for a variance is elective, thus not a hardship. At this point Deborah Eldridge a neighbor at 4 Parsonage Lane addressed the ZBA members saying she feels the addition would be great and is in favor of it. Ms. Eldridge invited members to look at the proposed from her property, it would be quite visible. Ann Ficks another neighbor stated that the Whites have been good neighbors for 18 years and feels the proposed is the best looking and would blend in, she supports the Whites. Joan Jacobson invited ZBA members on to her property to see the impact the proposed would have. At present there are poles erected for the Historic District members to look at, she described the proposed as looming. Mr. White stated that the hardship was in the way the house is set up, if they were to move the garage closer to the house, by removing the studio, it would have a negative impact and make the whole structure look bigger. Atty. Rybak stated that the length of the garage is the issue, the closer to the back property line the more his client will see the structure and plans submitted are sketches his client would like to see architectural drawings. Ms. White submitted a photo of a similar structure to what they want to build. Members were going to do site visits.

Motion: to continue ZBA-0619 request of Ed & Zemma Mastin-White, 6 Parsonage Lane, for a variance from Zoning Regulations 11.5.1 (lot coverage), 11.6.1 (front, side & rear yard setbacks), 17.4 (increasing the nonconformity of a non conforming structure), to increase by 6' the variance previously granted for a garage was made by Mr. Snook, seconded by Mr. Sedito by a 5-0 vote.

Motion: to accept the minutes of the August 16, 2006 meeting of the Washington Zoning Board of Appeals with the following corrections: page 1 under ZBA-0613, line 20 replace vertical with *horizontal*; page 2 under MEETING line 19 replace Mr. with *Ms.*, **was made by Ms. Roberts, seconded by Mr. Catlin, by a 5-0 vote.**

Other Business:

Members discussed the October 19th ZBA meeting, both Mr. White and Ms. Roberts were going to be out of Town. The consensus and agreement was that the meeting be moved to October 26th. Pamela Osborne, secretary will post notice.

Mr. White informed members that Peter Bowman was appointed as an alternate member to the ZBA. Mr. Bowman will be a welcome addition to the board.

Members were given the latest changes to the Zoning Regulations.

The September 21, 2006 meeting of the Zoning Board of Appeals adjourned at 9:20pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary