

October 26, 2006

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

Alternates: Peter Bowman, Todd Catlin, Georgia Middlebrook

Guests: Michael Gorra, Sandy Bruens, Lindsey Gruson, Roberta Smith, John Watson, Clifford Woodruff, David Plourde, Barbara Kohn, Reese Owens

Vice-Chair Polly Roberts called the meeting to order at 7:30pm. Ms. Roberts welcomed new alternate ZBA member Peter Bowman and announced the resignation of Chairman Edmund White. The following motion of thanks was made:

Motion: of thanks to Ed White, who has resigned from the Zoning Board of Appeals, he came on the ZBA in 1989, became vice-chair in 1994 and chairman in 2001. Ed was a calm, steady, thorough and gentlemanly chair. During his tenure he helped with improvements to the applications, guidelines and worked with the Zoning Commission to refine definitions and special exception standards. Members will miss his experience, guidance, good humor and hard work, made by Ms. Leab, seconded by Mr. Catlin, passed by unanimous vote.

At the November 16, 2006 Zoning Board of Appeals members will elect a new chair and vice-chair.

Public Hearing Continued

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

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. Certified mail notice to property owners within 200' has been completed. Michael Gorra recapped his application to expand the existing entry stoop, which he states will make access safer and easier. The expansion will be 2' on two sides. Mr. Gorra reminded members that this will not be a handicapped access; the handicapped access is in the rear of the building. Ms. Roberts asked for comments or questions from the public.

Motion: to close 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. Catlin, seconded By Mr. Snook by a vote of 5-0.

Meeting

Mr. Catlin stated that he has no issues with this application the request makes sense. Ms. Middlebrook agrees. Mr. Sedito felt that the request was modest and would be a great improvement for the entry way. Mr. Snook and Ms. Roberts were in agreement.

Motion: to approve 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, as per survey map on file for Aspetuck Animal Hospital dated August 2006 by T. Michael Alex, land surveyor by a 5-0 vote.

Continued Public Hearing

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

Request of Frank & Debbie Tomczyk, 39 River Road, a petition for Special Exception for expansion of nonconforming dwelling. Sandy Bruens, contractor was present to represent this application. Added to the file were a letter dated October 11, 2006 from Frank & Debbie Tomczyk which included floor plans of what exists and the proposed, a posterboard with photos of the existing house and neighborhood. Also Sandy Bruens submitted hand drawn outside views of the proposed addition from four sides. Ms. Roberts began by noting that the proposed addition will bring the structure 3.57' from the property line, at present the existing porch is 5.91' from the property line. ZBA members are concerned about this side yard setback. Mr. Bruens stated that the applicants reasoning for not moving the proposed addition is that they have cabinets/heirlooms which fit with their proposed plan, he went on to say that he suggested they move the proposed addition but it is not what the applicants want. Ms. Roberts went on to state that there are alternatives that are workable, sliding the addition to the north, it is level and does not encroach on the well. Mr. Sedito added that the back yard is wide open. Members went on to discuss the proposed new front porch; the non conformity will be decreased because the steps will be removed from the front and put on the driveway side. Ms. Roberts asked for comments from the public. Mr. Bruens asked for clarification of information he recalls from prior ZBA chairman Nick Solley of ZBA being OK with distances from property lines if the proposed is not more than half of what exists. Members don't recall such precedent. Ms. Roberts felt members would like to see a plan which brings the footprint of the proposed addition at 5.91' or more from the property line. Mr. Bruens said he would agree to that and tell the applicants that is how it has to be. Members felt the application should be continued so that Mr. Bruens has an opportunity to speak with the applicants.

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 Mr. Snook, seconded by Mr. Sedito, by a 5-0 vote.

Public Hearing

Ms. Roberts seated Katharine Leab, Bradford Sedito, Randolph Snook, herself and alternate Peter Bowman.

ZBA-0620 request of Jane & Lindsay Gruson, 61 Frisbie Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specifies under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Lindsey Gruson was present to represent his application. Mr. Gruson's proposal is to place the generator inside an existing (three sided) shed at an angle away from the neighboring property. Mr. Gruson went on to state that noise from the generator will be muffled by existing stonewalls, trees, a barn and sloping terrain, he felt that in the proposed location they (the applicant) would be the most bothered by the generator noise. Todd Catlin clarified that the Gruson property is not subdivided into 6 parcels as indicated on the map provided. The distance from the proposed generator location and the nearest property line is 200'; the db rating on the generator at 150' is 57db. Mr. Bowman asked about the exhaust from the generator, noting that it is best to be placed in an open garage and not a closed area. The generator will be powered by propane, a buried tank already exists. Ms. Roberts did a site visit and felt that if the generator was with in 25' of the house it would be noisier for neighbors. Ms. Roberts asked for questions or comments from the public.

Motion: to close ZBA-0620 request of Jane & Lindsay Gruson, 61 Frisbie Road, a petition for special exception, a request for generator to be situated farther from the structure principally

served than is specifies under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations was made by Mr. Snook, seconded by Ms. Leab by a 5-0 vote.

MEETING

Mr. Snook sees no problem with the proposed location. Mr. Sedito agreed, the proposed location has less of an impact on neighbor's property with the protection from the three sided building, stonewalls etc. Mr. Bowman agrees the proposed is a good location. Ms. Leab and Ms. Roberts agreed.

Motion: to approve ZBA-0620 request of Jane & Lindsay Gruson, 61 Frisbie Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specifies under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, as per application on file by a 5-0 vote.

PUBLIC HEARING

Ms. Roberts seated Katharine Leab, Bradford Sedito, Randolph Snook, herself and alternate Todd Catlin.

ZBA-0621 request of Roberta J. Smith, 31 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback), 11.5.1 (lot coverage) and 12.1.2 (setback from East Aspetuck River), to build a garage on existing foundation. Roberta Smith and John Watson were present to represent this application. On October 20, 2006 Ms. Smith combined parcels #8, 9 and 11 to create one parcel known as 31 East Shore Road (which is .715 acres) according to the Town of Washington Land Records. Ms. Smith began by stating that she has received Inland Wetlands approval for this project. She went on to say that the entire parcel is non conforming at approximately 150' wide and due to the proximity to the East Aspetuck River. Ms. Smith submitted a picture of the existing foundation; she stated that the structure was demolished in 1996. She went on to say the existing foundation is 22'x27' and the proposed is 22'x22', they will pour a new foundation inside the existing foundation. Mr. Bowman asked about the height of the building, will it be above Route 45? Ms. Smith said that the drawing submitted was not exactly what was to be built; the ridge/roof line will be at the height of Route 45. Mr. Catlin noted that ZBA approves specifics, the building needs to be sited correctly and to scale in relationship to Route 45 to determine if the proposed is the best option for the garage. Mr. Sedito added that members need to see elevations and cross section of the proposed structure. Clifford Woodruff came forward to address the ZBA. Mr. Woodruff began by stating that he has full use of the driveway which runs by the proposed garage and through Ms. Smith's property. He went on to say that the original structure was 17'x21', he does not consider the existing stone work the original foundation, but something stone masons erected in 1997. Mr. Woodruff considers the proposed garage a safety hazard because of the hill and access, he asked members to search the history of the U.L. Land Trust to see if the land can be built on. Mr. Snook requested a copy of the easement granting the right-of-way for Mr. Woodruff over Ms. Smith's property. The judgment and deed copies were submitted to the file. Mr. Catlin referred to the map noting that the proposed garage appears to encroach on to Mr. Woodruff's right-of-way. Mr. Watson stated that the applicant recognizes the easement, because of the unique topography there is no location to place the garage nearer the house, the function of the garage will be for storage and cars going in and out of the garage will be limited. David Plourde addressed members with his concerns for the proposed garage. Mr. Plourde owns the property on the maps referred to as property of Edith R. Poletto; he submitted photos of the driveway and electrical wires. Mr. Plourde has concerns about prior work being done with out permits. Mr. Snook stated that Mr. Plourde's concerns should be taken to the building department and is not the purview of ZBA. Ms. Smith stated that Mr. Plourde has no rights to pass on the driveway. Ms. Roberts asked the applicants to relocate the building so it didn't encroach on Mr. Woodruff's easement as it appears to do on the maps, address the egress concerns, submit detailed building plans.

Motion: to continue ZBA-0621 request of Roberta J. Smith, 31 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (front yard setback), 11.5.1 (lot coverage) and 12.1.2 (setback from East Aspetuck River), to build a garage on existing foundation was made by Ms. Leab, seconded by Mr. Snook, by a 5-0 vote.

Public Hearing

Ms. Roberts seated Katharine Leab, Bradford Sedito, Randolph Snook, herself and alternate Todd Catlin.

ZBA-0622 request of Roberta J. Smith, 35 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (rear yard setback and 12.1.2 (setback from East Aspetuck River), to build a greenhouse roof on existing foundation. Roberta Smith and John Watson were present to represent this application. Mr. Watson stated that there is an existing barbeque area which they want to put a glass roof and front on to create a greenhouse. The greenhouse will be heated with propane and not habitable. The existing foundation was a cider mill. Mr. Watson noted that hardship lay in the characteristics of the property. Clifford Woodruff addressed ZBA members stating that the existing foundation is jointly owned, it is on Ms. Smith and his property. Mr. Woodruff went on to say that the cider mill was 16'x16' and the existing foundation is 10'5"x22'. Mr. Snook asked the applicants how they were going to place the metal and glass on the existing patio without impinging on the easement/right-of-way of the driveway which appears to front on the existing patio area. Ms. Roberts asked about the safety issue of now placing a glass house on the patio area. Mr. Bowman asked for better drawings/plans for the greenhouse.

to continue ZBA-0622 request of Roberta J. Smith, 35 East Shore Road, for a variance from Zoning Regulations 11.6.1.c (rear yard setback and 12.1.2 (setback from East Aspetuck River), to build a greenhouse roof on existing foundation was made by Ms. Leab, seconded by Mr. Catlin by a 5-0 vote.

PUBLIC HEARING

Ms. Roberts seated Katharine Leab, Bradford Sedito, Randolph Snook, herself and alternate Georgia Middlebrook.

ZBA-0623 request of Barbara Shattuck Kohn, 23 Ferry Bridge Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specifies under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations. Barbara Kohn and Reese Owens of Halper Owens Architects were present to represent this application. Certified mail notice was sent to four property owners on October 19th, 2006 two cards were returned, Mr. Owens also submitted a memo from Susan Graham in favor of the proposed generator. Mr. Owens oriented members with the proposed site on the site plan submitted and went on to say that the generator will be enclosed with a 7' fence and gate on four sides and encased in the best sound enclosure. The location is at the base of a 3' retaining wall and will be surrounded with plantings as well. An aerial view of the area was submitted as well. Mr. Snook noted that the proposed generator has a 55db rating with no enclosure to the nearest property line and is 4'6"x9' in size.

Motion: to close ZBA-0623 request of Barbara Shattuck Kohn, 23 Ferry Bridge Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specifies under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, was made by Mr. Sedito, seconded by Mr. Snook, by a 5-0 vote.

MEETING

Mr. Snook felt that the presentation was very professional and all concerns have been addressed. Mr.

Sedito felt the proposed location would have less of an impact on neighbors. Ms. Middlebrook and Ms. Leab agreed. Ms. Roberts had nothing to add.

Motion: to approve ZBA-0623 request of Barbara Shattuck Kohn, 23 Ferry Bridge Road, a petition for special exception, a request for generator to be situated farther from the structure principally served than is specifies under section 12.14.1, 12.14.2 and 12.14.3 of the Zoning Regulations, as per site plan for Kohn Renovation, dated 09.22.06 by Halper Owens Architects LLC on file by a 5-0 vote.

Motion: to approve the minutes of the September 21, 2006 meeting of the Washington Zoning Board of Appeals as submitted was made by Ms. Roberts, seconded by Mr. Snook by a 5-0 vote.

The October 26th, 2006 meeting of the Zoning Board of Appeals adjourned at 9:52pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary