

May 20, 2013

Present: Mr. Reich, Mr. Solley, Mr. Werkhoven, Mr. Abella

Alternates Present: Dr. Craparo

Absent: Mr. Fitzherbert, Mr. Dutton, Alt, Mr. Wyant, Alt.,

Staff Present: Ms. Hill, Mr. Ajello, Ms. White

Others Present: Mr. Haddad, Atty. Kelly, Mr. Averill, Ms. Pond, Mr. Charles, Mr. Johnson, Residents

Mr. Reich, Vice-Chairman, called the meeting to order at 7:30 p.m.

Seated: Mr. Reich, Mr. Werkhoven, Mr. Abella, Mr. Solley, Dr. Craparo, Alt. (for Fitzherbert)

PUBLIC HEARING

Haddad/155 West Shore Road/Revision of Special Permit: Section 6.6.12/Extend Dock:

Ms. Hill read the legal notice published in Voices on May 8 & May 15, 2013 as well as the list of documents on file for this application. Atty. Kelly and Mr. Haddad, property owner were present to speak on behalf of this application. Atty. Kelly reminded the Commission that the Haddads had applied for a Special Permit to extend their dock 90 feet out into the lake, which was denied, and today they are here to request that the Zoning Commission approve the additional 30 feet of dock that was added to the existing dock in the summer of 2012. Mr. Haddad submitted depth measurements of the lake water along the 70 feet of dock (50 feet-existing, add'l 30 feet-requested). He stated that the measurements were taken on May 12, 2013 and is about average for this time of year; however, the water depth varies throughout the year, and varies by each year.

Mr. Ajello noted that 20 feet of the dock is on land.

Atty. Kelly stated that the Special Permit is addressing the side yard setback for the dock and that the square footage of the proposed dock is less than the maximum that the zoning regulations permit. Mr. Haddad stated that the proposed dock would be 280 square feet. Ms. Hill confirmed that the proposed dock is under the maximum square footage allowed per the zoning regulations.

Mr. Reich noted that an adjoining property owner, Mrs. Pond, submitted a letter opposing the extension of the dock. Atty. Kelly stated that Mr. Haddad and Mrs. Pond communicated about the proposed dock extension and, as he understood, Mrs. Pond was now okay with the proposed plan.

Mr. Werkhoven asked if the Oberndorf dock was currently in the water. Mr. Ajello stated that he submitted a schematic of the Oberndorf dock that is 60 feet in length and currently in the water. He noted that a photograph of the shoreline of the Oberndorf property was also submitted and depicts the reconstruction of the shoreline to its original location.

The Commissioners looked at the photograph and the schematic of the Oberndorf dock/shoreline. There was a brief discussion regarding the shoreline.

Atty. Kelly submitted a copy of a tax map of 155 West Shore Road and the surrounding properties. He noted that the map shows amount of shoreline each property owner has.

There was a discussion regarding the location and size of the 155 West Shore Road shoreline compared to the neighboring properties.

Mrs. Pond asked how much further the propose dock would extend past the Oberndorf's dock.

Mr. Ajello responded that it would probably little longer due to the differences in the shoreline.

Mr. Haddad stated that the proposed dock would be about even with the Oberndorf's dock.

Mr. Pond and the Commissioners looked at the photographs of the shoreline and the proposed dock.

Mr. Averill stated that he feels the Commission should take caution in reaching a decision as this could set a precedent on the lake and could lead to a lot of docks extending out into the water.

Mr. Haddad stated that the maximum allowed square footage for a dock is 360 sq. ft. and they are requesting 240 sq. ft.

Ms. Hill informed the Commission that Town Counsel said that they are required to consider the impact of natural resources on the shoreline or lake.

It was noted that the material of the proposed deck would be non-treated cedar. The Commissioners felt that this would not impact the natural resources.

There was a discussion regarding the water level of the lake.

There were no further questions or comments.

Motion:

to close the Public Hearing for Haddad, 155 West Shore Road for Revision of Special Permit:
Section 6.6.12: Extend Dock,
by Mr. Solley, seconded by Mr. Werkhoven, passed by 5-0 vote.

REGULAR MEETING

Seated: Mr. Reich, Mr. Werkhoven, Mr. Abella, Mr. Solley, Dr. Craparo, Alt. (for Fitzherbert)

Consideration of the Minutes

The Commission considered the April 22, 2013 regular Meeting Minutes of the Town of Washington Zoning Commission.

Motion:

to accept the Zoning Meeting Minutes of April 22, 2013 as submitted,
by Mr. Werkhoven, seconded by Mr. Solley, passed by 5-0 vote.

The Commission considered the April 23, May 7 & May 14, 2013 Special Meeting Minutes of the Town of Washington Zoning Commission.

Motion:

to accept the Zoning Special Meeting Minutes of April 23, May 7 & May 14, 2013 as submitted, by Mr. Reich, seconded by Dr. Craparo, passed by 5-0 vote.

Pending Application(s)

Haddad/155 West Shore Road/Section 6.6.12/Revision of Special Permit – Extend Dock:

Mr. Reich stated that Mrs. Pond, neighbor to the Haddads, was able to have her questions answered and seems to be satisfied with the proposed plans for the dock. Mr. Ajello stated that he feels that this is a unique situation due to the fact that the dock starts on the beach. He noted that the surface area does not exceed the maximum square footage allowed by the regulations. Dr. Craparo thought the reason for the request to extend the dock was to have the ability to dock the property owner's boat. Mr. Solley stated that they Commission cannot determine what would happen with the water level and it is not their concern. He said that he does not feel that this proposed dock is environmentally damaging and it clears up the existing non-conformity.

There were no further questions or comments.

Motion:

to approve the Revision for Special Permit: Section 6.6.12 to Extend Dock per "Sketch/Site Plan – Haddad – 155 West Shore Road" and supporting File Documents, by Mr. Reich, seconded by Mr. Solley, passed by 5-0 vote.

New Application(s)

Ingrassia/5 Whittlesey Road/Special Permit: Section 13.11.3/Detached Accessory Apartment:

Ms. Hill stated this application is incomplete and still needs a site plan and Health Department approval. She noted that the owner would not be residing on this property, which is a requirement under Section 13.11.3 in the Zoning Regulations and therefore a detached accessory apartment is not a permitted use.

Atty. Kelly stated that the property owner lives on adjoining property.

Mr. Solley asked if the property in question has an existing single-family dwelling.

Atty. Kelly confirmed that there is an existing single-family dwelling. He submitted this application with the idea that a public hearing would be scheduled for the Regular Zoning Commission meeting of June 24, 2013. He stated that the ZBA that meeting is scheduled for June 20, 2013 and they would have the decision in time for the next scheduled Zoning Commission meeting. He submitted a site plan titled Subsurface Sewage Disposal System, Detached Garage Apartment for 5 Whittlesey Road, by Brian Neff, Licensed Engineer with a revision date of 5-8-13. Atty. Kelly stated that the septic plan was submitted to the Health Department and they are waiting for approval.

Atty. Kelly described the property as containing an existing 6 bay garage and an existing dwelling.

The Commissioners and Atty. Kelly looked at a Google map aerial view of the property and its surrounding properties. Atty. Kelly noted that the property at 5 Whittlesey Road has a long

accessway and the property around it is Spring Hill Farm and explained that this same property owner, Ingrassia, owns the majority of the surrounding properties. He stated that the property owners would like to create a summer intern program related to the vineyards that are on the property(s) and that all of these properties are either owned by the Ingrassias or one of their LLCs.

Atty. Kelly submitted a floor plan of the proposed detached accessory apartment and a survey of the property titled Property Survey prepared for 5 Whittlesey Road, LLC dated September 3, 2012 by Charles Farnsworth, LLS. (on file in the Land Use Office).

Atty. Kelly discussed the issue of owner occupancy and stated that the property owners would be willing to accept a condition that the apartment could not be rented because they are intending to use it for an intern and occasional guests. He submitted a letter addressed to the Zoning Commission from Mr. Johnson, Manager, dated May 20, 2013 (on file in the Land Use Office)

Ms. Hill noted that the letter states that the owner "will occupy the property" when the zoning regulations say that the property owner "shall reside on the property."

There was a brief discussion on the language of the zoning regulations. Ms. Hill stated that the regulations are currently being reviewed but with the current language the Zoning Commission cannot vary its own regulations.

Atty. Kelly responded that he is asking the Zoning Commission to consider a broader definition of the

Mr. Solley asked if part of the ZBA could vary part of a Special Permit.

There was a brief discussion regarding the uniqueness of this situation.

Atty. Kelly stated that the intent is to create privacy for the occupant while they are under supervision of the property and the idea was to isolate the summer intern in a house on a separate parcel. He feels that the Zoning Commission has the right to "treat adjoining parcels as one for purposes of zoning." And in this case, would find that the property owner does reside on the property.

Mr. Johnson stated that one of the issues is that most people in this program are women and feels that this would most likely be the case going forward. He said that he would like the intern to have her privacy but not isolated.

The Commission looked at the Google map of the property and briefly discussed variances.

There was a brief discussion regarding large properties and development rights.

There were no further questions or comments.

Motion:

to schedule a Public Hearing for June 24, 2013 at 7:30 pm, in the Upper Level Meeting Room at Bryan Memorial Town Hall for Ingrassia/5 Whittlesey Road/Special Permit: Section 13.11.3/Detached Accessory Apartment, by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Wahlers/43 Wilbur Road/Special Permit: Section 4.4.3/Commercial Horseback Riding Establishment:

Ms. Hill stated that the property owners would like to build an indoor arena. The Commission discussed the expansion of use.

Motion:

to schedule a Public Hearing for June 24, 2013 after the Scheduled Public Hearing for Ingrassia, in the Upper Level Meeting Room at Bryan Memorial Town Hall for Wahlers/43 Wilbur Road/Special Permit: Section 4.4.3/Commercial Horseback Riding Establishment, by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Other Business

Proposed Revisions to Zoning Regulations/ Discussion Draft Revisions Sections 1-12:

Mr. Solley reported that the Revisions Subcommittee revisited the subjects of farm stands and noise producing equipment at their last meeting. Ms. Hill stated that she sent the proposed revisions that have been done to this date to Atty. Olson for review.

The Zoning Revisions Subcommittee scheduled their next meeting for June 4, 2013 at 9:30 am.

Enforcement

Enforcement Report:

The Commissioners considered the Zoning Enforcement Report dated May 20, 2013. Mr. Ajello, ZEO stated that there were no pressing issues at the moment.

Privilege of the Floor

Mr. Charles recommended that the Zoning Commission consider adopting regulations for an 8-32 Affordable Housing Application so there would be guidelines for developers to follow. He stated that he has also suggested that the Town consider adopting a review process similar to the Town of New Milford that would allow an applicant of a major or potentially controversial application to have a comprehensive review. He asked if the Zoning Commission had a sense of when something like this could be considered.

Mr. Solley responded that they are going to continue reviewing the entire book of zoning regulations and he feels that this could be considered during this process.

Mr. Charles asked what the position was of the Zoning Commission with discussing Ms. Purnell's letter dated 1/14/13 (on file in the Land Use Office) regarding the settlement agreement with the Wykeham Project. He feels that this is an opportunity for an after action analysis. He stated that he feels that the Commission owes the community a review of this controversial project.

There was a brief discussion regarding the end of litigation. Ms. Hill stated that she received a copy of the withdraw notice from Town Counsel.

Mr. Solley feels that the Commission needs to make a decision whether it is appropriate to “rehash” an already approved application.

The Commission briefly discussed how they should proceed.

Adjournment

Motion:

to adjourn at 8:55 pm.

by Mr. Reich, seconded by Mr. Abella, passed by 5-0 vote.

Mr. Reich adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk