

TOWN OF WASHINGTON

Bryan Memorial Town Hall

Post Office Box 383

Washington Depot, Connecticut 06794

Zoning Commission Regular Meeting

MINUTES

November 23, 2020

7:30 P.M. – Meeting Via Zoom Conference

MEMBERS PRESENT: Chairman Solley, Mr. Reich, Ms. Hill, Ms. Radosevich, Mr. Werkhoven

ALTERNATES PRESENT: Ms. Smith, Mr. Sivick

STAFF PRESENT: Ms. White, Ms. Rill, Mr. Tsacoyannis

PUBLIC PRESENT: Ms. Solomon, Mr. Barnet, Mr. Start, Mr. Johnson, Mr. Patel, Mr. Glass, Mr. Moore, Mr. Drabczynski, Other Members of the Public

PUBLIC HEARINGS:

Chairman Solley called the meeting to order at 7:34pm

Seated for this Public Hearing will be Chairman Solley, Mr. Reich, Ms. Hill, Ms. Radosevich, and Mr. Werkhoven.

Request of Request of Didier, 51 Green Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a deck.

Mr. Start, representing the property owner of 51 Green Hill Road, explained to the Commissioners that the deck, located on the rear side of the home, has rotted and needs replacement. He explained that there was a cement block foundation, a staircase and an egress to the second floor. A letter from Professional Engineer, Alan M. Rosa, dated October 18, 2020 stated that the overall condition of the current porch was poor.

Ms. White read her Completion Report for the Commission, and the application was found to be in order.

Mr. Werkhoven stated that he had driven past the property a few days prior and noticed that you could see the rotten wood from the road. Chairman Solley stated the same.

Chairman Solley questioned where the contractors would be parking with the property located in between two roads. Mr. Start explained that he has asked the property owner to ask her tenants to

park in another location while the work was being completed. He estimated that the work would take between 5 to 7 business days, which impressed the Commission.

With no other questions from the Commission or the Public, Chairman Solley asked for a Motion to close the Public Hearing.

MOTION: To close the Public Hearing for the Request of Request of Didier, 51 Green Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a deck. Motion made by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Request of Patel, 168 New Milford Turnpike, for a Special Permit from Section(s): 13.13 – Housing in Business Districts – for an apartment (15min 22sec.):

Dr. Patel, owner of 168 New Milford Turnpike, stated that he was requesting a Special Permit to add an apartment over his current podiatry office.

Chairman Solley stated that he had stopped by the property earlier in the week and had met Dr. Patel, who showed him the proposed location of the apartment.

Ms. White gave an overview of her Completion Report. The application was complete and in order.

Mr. Reich asked where the access to the second story was located. Dr. Patel explained that there was a stairwell in the hallway close to his podiatry office that leads to the second floor.

MOTION: To close the Public Hearing for the Request of Patel, 168 New Milford Turnpike, for a Special Permit from Section(s): 13.13 – Housing in Business Districts – for an apartment. Motion made by Mr. Reich, seconded by Mr. Werkhoven, passed 5-0 vote.

Request of 34 and 46 Potash Hill Road, LLC, 35 Potash Hill Road for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a barn (23min 46sec.):

Mr. Moore and Mr. Drabczynski, representing the property owner, stated that through the consultation of a structural engineer, the barn was racked 6-8 inches, and is temporarily braced. The recommendation was that the barn be replaced/rebuilt. The barn will be used for the same purpose of storage and parking, and had received Wetlands approval. There would be no change in the size or scale, no heating or cooling, however there would be electricity running to it. There would be windows added to allow light.

With no further questions from the Commission nor the public, Chairman Solley motioned to close the Public Hearing.

MOTION: To close the Public Hearing for the Request of 34 and 46 Potash Hill Road, LLC, 35 Potash Hill Road for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a barn. Motion made by Chairman Solley, seconded by Ms. Hill, passed 5-0 vote.

Request of Glass, 67 East Street, for a Special Permit – Section(s): 13.11.3 – Accessory Apartment – Detached, for an accessory apartment over a detached garage (33min 44sec.):

Mr. Johnson, representing the property owner, stated that the garage was a pre-existing, conforming structure on the property. The garage was built in the year 2000, just prior to the current owners purchase of the home. The current structure is a two-car garage with an open loft above it. The property owners are proposing to add a floor system along with a front and rear dormer, creating a 648 square foot accessory apartment. There will not be any change to the driveway or access, and the footprint will stay the same.

Mr. Johnson explained that Mr. Neff, a local engineer whom had designed the current septic system, had designed this system as well, with the waste being pumped to the current septic system. The property owners needed to obtain a State Variance from the Connecticut Department of Health for this system, and had done so.

Mr. Werkhoven questioned whether the property owners planned on residing at the main dwelling. Mr. Johnson explained that the Glass family would be residing in the main dwelling, and the apartment would be used for family.

Ms. White reviewed her Completeness Report for the Commission.

Ms. Hill stated that she had a few concerns; the first being a letter from Steep Rock Association approving of the plans. Ms. White explained that it had been received by the Land Use Office and it was on file.

Ms. Hill's second concern was 13.11.3.H – "The apartment shall utilize the same driveway as the principal use", explaining that the driveway for the house and garage seemed to be in two separate locations, and believed that the property owner needed a Variance instead.

Ms. White explained she had considered this while reviewing the application, however felt that because the driveway was already there and approved by the Board of Selectmen, that it was a non-issue. Mr. Tsacoyannis agreed with Ms. White, stating that they believed that the garage was considered to be a part of the "principal use" of the main dwelling, therefore the second driveway was not the main focus of the application.

Mr. Glass, property owner, explained that his youngest son would be using the proposed apartment, and that his son did not drive, having grown up in Manhattan. The driveway was primarily used by his son-in-law during visits, and their landscaper during the Summer months. Mr. Glass also mentioned that he and his wife had been present for the last few Zoning Commission meetings and pointed out that their neighbor had added a second driveway to their property. Mr. Tsacoyannis stated that the second driveway would have been approved by the Board of Selectmen, not the Zoning Commission.

The Commissioners discussed whether or not there could be a Condition of Approval that states if the applicant receives a Variance from the Zoning Board of Appeals, it can receive the Special Permit from Zoning. Ms. Hill did not feel that this was the correct way to do this, and Ms. White agreed. After a lengthy discussion, Ms. White emailed Land Use Attorney Michael Zizka.

Attorney Zizka responded to the email promptly, asking for clarification of the current use of the dwelling. After Ms. White's response, Attorney Zizka replied by stating the accessory apartment would be utilizing the same driveway as the principal use. The regulation does not prohibit the main dwelling from having more than one driveway.

MOTION: To close the Public Hearing for the Request of Glass, 67 East Street, for a Special Permit – Section(s): 13.11.3 – Accessory Apartment – Detached, for an accessory apartment over a detached garage. Motion made by Chairman Solley, seconded by Ms. Radosevich, passed 5-0 vote.

REGULAR MEETING:

Chairman Solley called the Regular Meeting to Order at 9:04pm. He then seated himself, Ms. Hill, Mr. Reich, Mr. Werkhoven and Ms. Radosevich.

CONSIDERATION OF THE MINUTES:

MOTION: To approve the October 26, 2020 Zoning Commission Meeting Minutes as submitted. Motion made by Mr. Werkhoven, seconded by Ms. Hill, passed 5-0 vote.

PENDING APPLICATIONS:

Request of Request of Didier, 51 Green Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a deck:

MOTION: To approve the Request of Request of Didier, 51 Green Hill Road, for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a deck, with the following condition: keep parking of any vehicles off of Town and State roads. Motion made by Mr. Werkhoven, seconded by Ms. Hill, passed 5-0 vote.

Request of Patel, 168 New Milford Turnpike, for a Special Permit from Section(s): 13.13 – Housing in Business Districts – for an apartment:

MOTION: To approve the Request of Patel, 168 New Milford Turnpike, for a Special Permit from Section(s): 13.13 – Housing in Business Districts – for an apartment. Motion made by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

Request of 34 and 46 Potash Hill Road, LLC, 35 Potash Hill Road for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a barn:

MOTION: To approve the Request of 34 and 46 Potash Hill Road, LLC, 35 Potash Hill Road for a Special Permit from Section(s): 17.9 – Replacement of a Nonconforming Structure – to rebuild a barn. Motion made by Chairman Solley, seconded by Mr. Reich, passed 5-0 vote.

Request of Glass, 67 East Street, for a Special Permit – Section(s): 13.11.3 – Accessory Apartment – Detached, for an accessory apartment over a detached garage:

MOTION: To approve the Request of Glass, 67 East Street, for a Special Permit – Section(s): 13.11.3 – Accessory Apartment – Detached, for an accessory apartment over a detached garage. Motion made by Chairman Solley, seconded by Mr. Werkhoven, passed 5-0 vote.

OTHER BUSINESS:

Continued Consideration Re: 12.8 Temporary Uses – Revisions:

There would be a Special Meeting held on December 14, 2020 at 7:30pm via Zoom Virtual Meeting regarding 12.8 – Temporary Uses.

Continued discussion regarding the letter from Planning Commission Chair, Wayne Hileman, regarding Section 3.2 – Zoning District Boundaries, and extending the waiver to Washington Depot and Woodville:

Chairman Solley has requested that Attorney Zizka look into combining all four Business Districts and stream lining them all to make it easier. The other Commissioners agreed that this was a good idea.

ENFORCEMENT:

Mr. Tsacoyannis reported that the Zoning Board of Appeals had rejected the Application of 57 Flirtation Avenue, however, Selectman Brinton was in discussions with neighboring Eversource to possibly make a lot line revision, making the setbacks in the Ryder's favor.

The Commission discussed 101 Wykeham Road and the town's options were as far as enforcing clean-up of the property. Due to impending litigation there was a hold on proceeding. Mr. Werkhoven asked for the names of the Plaintiffs of each case. Ms. White stated that the cases were "Purnell vs. Washington Zoning Commission" and "Giampetro vs. Washington Inland Wetlands Commission and 101 Wykeham Road, LLC".

COMMUNICATIONS:

None

PRIVILEGE OF THE FLOOR:

Mr. Werkhoven asked Chairman Solley if he could fill the Commission in on a meeting that took place between First Selectman Brinton and the Chairpersons of each Commission/Board. Chairman Solley stated that the meeting was considered to be an Executive Session Meeting, therefore he could not discuss what was said.

ADMINISTRATIVE BUSINESS:

None

ADJOURNMENT:

MOTION: To adjourn the November 23, 2020 Washington Zoning Commission Meeting at 9:25pm. Motion made by Ms. Radosevich, seconded by Mr. Werkhoven, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Tammy Rill
Land Use Clerk
December 1, 2020