

Zoning Commission

MINUTES

Public Hearings – Regular Meeting

May 22, 2017

7:30 p.m.

Upper Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Solomon

ALTERNATES PRESENT: Mr. Burnham

ALTERNATES ABSENT: Mr. Sivick

STAFF PRESENT: Mrs. Hill, Ms. Pennell

ALSO PRESENT: Atty. Fisher, Ms. Solomon, Mr. Ebner, Mr. Bennett, Mr. Szymanski,
Ms. Purnell, Mr. Fiedorowicz,

PUBLIC HEARING:

Mr. Solley called the Public Hearing to order at 7:30 p.m. and seated members Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill and Mr. Solomon.

Shepaug Valley Properties/27 Mt. Tom Road/Special Permit: Section 17.9/Expansion of Nonconforming Use/Increase Number of Day Campers, Construct Accessory Buildings:

Mr. Solley read Mrs. Hill's Administrative Review dated 05-22-17 for the record. Mr. Kevin Ebner, manager of Shepaug Valley Properties, presented application. Mr. Ebner gave background on the camp. He stated that this camp has been well received by the public and has grown. He showed the commission members the site plan titled, "First Cut Map" revised April 2017 that was prepared by Mr. Charles C. Farnsworth. Mr. Ebner pointed out the location of the proposed accessory buildings, as well as the location of an alternate site for these buildings if they have difficulty with ledge that exists throughout the property. Mr. Solley explained that if the proposed four buildings included in this application were approved and issues arose with the site location upon construction commencing, a new application would need to be submitted for approval for the alternate site location. Mr. Ebner stated his understanding of this process.

Mr. Ebner stated there are currently 145 campers enrolled. He explained what each accessory building will be used for. He noted that these buildings will be used for activities for the campers, such as arts/crafts, pottery and photo shop. Mr. Ebner stated some buildings may have power, but believes they will have enough light with windows and door openings. He had drawings dated 05-04-17 that were completed by Russell & Dawson Architecture and Engineering. These drawings showed the specifications of the proposed four buildings, which will be 12' x 24'. (Photos were also submitted.)

Although this application proposed to increase the enrollment of campers to 300, Mr. Solley stated that the Health Department has approved an increase in campers to 200 only, having determined that this was the number the lavatory facilities can accommodate. It should be noted that Health Department also approved these four proposed buildings without plumbing.

Mrs. Hill's reported noted that the applicant had stated there are several busses to accommodate transportation of the campers and does not feel traffic will increase. Mr. Ebner stated there have been no complaints received from the abutting property owners.

Also discussed was the planting buffer on the southern boundary line, as required per condition of the 2011 Special Permit that was approved. Mr. Ebner stated that this planting buffer had been eaten by deer. An abutting neighbor, Mr. Steven Fiedorowicz, was present and expressed his desire to have this screening replanted. He stated he had spoken to Zoning Enforcement Officer, Michael Ajello, quite a few years ago regarding the building setback line, as well as the plantings. At this time, Mr. Ajello did make a site visit and spoke to Mr. Ebner, advising him to put in plantings on this boundary line. Mr. Fiedorowicz stated that this was not done and as it was a condition of a prior approved special permit, he would like this to be completed. He also noted there is a Quonset on the building setback line, stating he had informed Mr. Ajello about this. Mr. Solley noted that this Quonset will need to be moved out of the setback line and Mr. Ebner stated this would be taken care of.

Mr. Solley asked if members had any further questions. Mr. Averill questioned these four proposed buildings being utilized for the activities, specifically pottery, Mr. Ebner mentioned and not having plumbing. Mr. Ebner stated there is a water line that runs along the road and campers will utilize the tap along this water line. He noted that this is what they currently use and will continue to do so. Mr. Werkhoven asked how computer activities will be conducted without electrical supply. Mr. Ebner stated the computers will be battery operated.

No further questions from the Public or Commission members. Mr. Fiedorowicz again stated he would like the Zoning regulations enforced and the Quonset moved, as well as plantings put in place. Mr. Solley stated that if this application is approved, the Commission can have these concerns listed as conditions of approval. Mr. Solley questioned the increase in busses to accommodate this increase in population. Mr. Ebner stated one or two buses maximum will be utilized and does not foresee any issues with traffic.

MOTION: To close the Public Hearing for Shepaug Valley Properties/27 Mt. Tom Road/Special Permit: Section 17.9/Expansion of Nonconforming Use/Increase Number of Day Campers, Construct Accessory Buildings. By Mr. Averill, seconded by Mr. Reich, approved 5-0 vote.

REGULAR MEETING:

Mr. Solley called the meeting to order at 8:05 p.m. and seated members Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill and Mr. Solomon.

Consideration of the Minutes:

MOTION: To accept the Regular Meeting Minutes of the April 24, 2017 as submitted. By Mr. Averill, second by Mr. Werkhoven, passed 5-0 vote.

Discussion:**Shepaug Valley Properties/27 Mt. Tom Road/Special Permit: Section 17.9/Expansion of Nonconforming Use/Increase Number of Day Campers, Construct Accessory Buildings:**

Mr. Solley read Section 17.9 of the Zoning Regulations aloud for the record. There was a brief discussion regarding the 2011 approval. Mrs. Hill explained in 2011, it was determined the original overnight camp had been operating for over 50 years and the proposal in 2011 was to expand this nonconforming use by bringing in day campers covering an additional area that was purchased on 27 Mt. Tom Road. Mr. Solley stated it was an expansion of a camp existing for 50 years onto a newly purchased land.

Mr. Werkhoven stated the conditions should be to move the Quonset and that the buffer be replanted with deer resistant plantings. Members were in agreement with this.

MOTION: To Approve Shepaug Valley Properties/27 Mt. Tom Road/Special Permit: Section 17.9/Expansion of Nonconforming Use/Increase Number of Day Campers, Construct Accessory Buildings, with the following conditions: that the Quonset be moved and buffering be replanted with deer resistant plants that will be approved by Zoning Enforcement Officer or the Zoning Commission Chairman. By Mr. Werkhoven, seconded by Mr. Averill, passed 5-0 vote.

Mr. Solomon asked when expanding a nonconforming use such as this application and the Commission looks at the increase in campership population, at what point does the Commission say the expansion is too much. Mr. Solley stated that when initially looking at this application prior to the Health Department reviewing it, he felt that the doubling of 150 to 300 should be looked at very carefully. Mr. Solley stated he shares Mr. Solomon's concern. Mr. Averill pointed out that the applicant would need to apply for any increases in campership through the Zoning Commission.

NEW APPLICATIONS:

Seated: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill and Mr. Solomon.

Washington Art Assoc./4 Bryan Plaza/Special Permit: Section 8.5: Increase Maximum Lot Coverage and 8.6: Decrease Minimum Side, Rear, and Front Yard Setbacks for Additions to Existing Building

MOTION: To schedule a Public Hearing on June 26, 2017, at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Washington Art Association/4 Bryan Plaza/Special Permit: Section 8.5: Increase Maximum Lot Coverage and 8.6:

Decrease Minimum Side, Rear, and Front Yard Setbacks for Additions to Existing Building. By Mr. Solley, seconded by Mr. Averill, passed 5-0 vote.

Wykeham Rise, LLC./101 Wykeham Road/Construct Inn:

Mr. Solomon recused himself at this time. Mr. Solley seated Alt. Mr. Burnham in his place, along with himself, Mr. Reich, Mr. Werkhoven and Mr. Averill.

Atty. Robert Fisher was present to discuss this application. He stated he felt all requested information by Commission Counsel was provided. It should be noted that this application and all supporting documents were handed into the Land Use office on May 17, 2017. Mrs. Hill informed Atty. Fisher that Atty. Olson has not yet reviewed all of the material. Mr. Solley stated he believes there is still outstanding information needed and there are many questions that need to be addressed. Atty. Fisher stated his main reason for submitting this application was to address any questions the Commission members had. Mrs. Hill noted that members need time to review all of the material submitted and then members' questions can be made known.

With regard to the timing of this application, Mr. Solley noted that Commission has 65 days in which to act on this application, (until July 26, 2017). He stated there is a lot of material for the Commission to review and will be questions needing to be addressed. Mr. Solley read Mrs. Hill's Administrative Review on this application aloud for the record so that everyone could be up to date with everything that has transpired of late. With regard to the Settlement Agreement, Mr. Solley stated that this is the first time something like this has been presented to the Commission for consideration, it will take time for the Commission to address all aspects of this application and the applicant needs to be aware of this.

Mr. Paul Szymanski, P.E. and President of Arthur Howland & Associates, was present to discuss this application. He submitted a letter dated May 22, 2017 which stated that, "the map I submitted titled, "Schematic Schedule A-3-1 Inn at Wykeham Rise/for Declaration of a Common Interest Community," dated December 2, 2016, Sheet, "EXHIBIT," is the same site plan as proposed as part of the approved Settlement Agreement with only minor deviation being a minor change in the grading along the rear and sides of the Main Building along with a small retaining wall on the east side of the Main Building." Note these documents listed in this letter were submitted for file at this Zoning meeting.

Mr. Szymanski wanted to address some items mentioned in Mrs. Hill's Administrative Review. A brief discussion took place regarding the kitchen equipment and kitchen layout. Mr. Szymanski wanted clarification on what the Commission was requesting with respect to these areas. Mrs. Hill explained that Health Department signs off on these matters prior to Zoning Commission's review. It was agreed that Mr. Szymanski will meet with Sanitarian, Suzanne VonHolt, and discuss this process. Mrs. Hill stated if the Commission does approve application, but special permit would not be issued until a final letter of approval from DEEP is received. She noted that there are questions with respect to Health Department and this will need to be looked into.

Mr. Szymanski stated he will provide letters of authorizations and the Conservation Easement form. He will also plan to meet with Mrs. Hill to go over floor plans, elevations and address any other areas of concern.

Atty. Fisher stated he would obtain authorization letters from Ms. Klauer. He also noted that there were no conservation easements on this property. In reply to Mr. Reich's questioning, Atty. Fisher stated that the owner of this property is Wykeham Rise, LLC and Ms. Klauer is the manager of this LLC. He stated as manager, she makes the day to day decisions. Atty. Fisher stated he does believe that there are other members, but they do not have any voting rights and such rights are restricted to Ms. Klauer.

Mr. Solley stated as there were easements given to Mr. Federer regarding the property next to him owned by 101 Wykeham Road and the fact that Ms. Klauer is owner of this property, he questioned if these easements have been null and void by a legal action. Atty. Fisher stated that this is a restriction on the property that benefitted Mr. Federer, not an easement. Mr. Solley noted this is part of the Settlement Agreement and needs to be upheld. Atty. Fisher was in agreement with this and stated Ms. Klauer would be as well.

There were no further questions or comments. Mr. Solley stated that in an open meeting, the Commission will need to determine if any of the issues that have arose over the past year with the new proposal are concerns to address as related to the Settlement Agreement. Packets of the information provided by applicant were distributed to members for their review and Commission council will review this material as well.

OTHER BUSINESS:

Seated: Mr. Solley, Mr. Reich, Mr. Averill, Mr. Werkhoven and Mr. Solomon was reseated at 9:10 p.m.

Revision of the Zoning Regulations:

Section 17: Nonconforming Lots, Land, Structures, Uses:

Mrs. Hill prepared a draft that contained changes from the meeting with Atty. Zizka and Atty. Olson, as well as a meeting with Mr. Michael Ajello. She noted that this is in format which can be submitted to the Planning Commission and surrounding Councils of Government.

Mr. Solley stated that it has been proposed to expand the Washington Depot Business District to include 6 Bryan Plaza, 13 River Road, 17 River Road and 10 Blackville Road. He noted the proposed Woodville Business District to be restored to its pre-August 2000 boundaries. Members reviewed these changes and noted the properties to be included in their entirety.

Commission members reviewed and discussed the proposed changes to Section 13.17, Town Landmark Site, Section 16, Signs, Section 17, Nonconforming Lots, Lands Structures and Uses. Mr. Solley stated he would like to set a Public Hearing for these Revisions of Zoning Regulations.

Commission members were in agreement to schedule a Special Meeting for a Public Hearing on the Revision of the Regulations for Monday, August 7, 2017 at 7:30 p.m.

ENFORCEMENT REPORT:

The Enforcement Report dated May 22, 2017 by Zoning Enforcement Officer Mike Ajello was distributed to Commission members.

COMMUNICATIONS:

N/A

PRIVILEGE OF THE FLOOR:

Ms. Purnell stated that since the Wykeham Rise, LLC applicant did not submit all material for this application ten days in advance as required and the Commission may have more time to review this application.

Mr. Purnell also pointed out that the two individuals who spoke on behalf of this application/applicant were unauthorized to do so, as no letter of authorization from applicant has been received.

ADMINISTRATIVE BUSINESS:

N/A

ADJOURNMENT:

MOTION: To adjourn the meeting at 9:40 p.m. By Mr. Solley, seconded by Werkhoven, passed 5-0 vote.

Submitted subject to approval:

By: _____
Donna Pennell, Land Use Clerk
May 25, 2017