

TOWN OF WASHINGTON
Bryan Memorial Town Hall
Post Office Box 383
Washington Depot, Connecticut 06794
Zoning Board of Appeals Regular Meeting
May 23, 2019

7:30 PM- Main Level Meeting Room

Members Present: Mr. Bowman, Mr. Wyant, Mr. Wildman

Members Absent: Mr. Horan, Mr. Peterson

Alternates Present: Mr. Weber, Mr. Gunnip

Public Present: Mr. Haddad, Ms. Haddad, Ms. Collins, Mr. Marcucci, Mr. Crisillo, Mr. Tittmann, Mr. Jacobs, Ms. Jacobs, Mr. Monteleone, Mr. Copp, Ms. Sutter, Other Members of the Public

Chairman Bowman called the meeting to order at 7:32pm. He then seated himself, Mr. Wyant, Mr. Wildman, Mr. Weber and Mr. Gunnip.

ZBA-1072: Request of Kandel, 28 Tinker Hill Road (23sec.):

Mr. Tittmann of Tittmann Consulting and Design, representing the property owners, stated that his clients decided to bring the project to a minimum and simplify the design as much as possible. They will be using the premises strictly as a boathouse, and scaled back the volume of the proposed structure, while keeping the exact same footprint. They will be keeping the exact deck, but may replace the boards on top of it.

Mr. Bowman stated that the Board received a letter, dated May 23, 2019, written by Attorney Copp from Cohen and Wolf, Attorneys at Law, whom represent the Lake Waramaug Association, stating that they were against the proposed boathouse.

Mr. Bowman stated that while looking at the proposed plans, he was not sure if a Variance was still needed, and that a Special Exception through Zoning may be more appropriate.

Open the Floor to the Public (9min. 11sec.):

Attorney Copp on behalf of the Lake Waramaug Association stated that one of main concerns of his client was that the proposed structure was going to be used for more than a boathouse, but that Mr. Tittmann had clarified that the use was strictly for a boathouse and not a hang out. Mr. Copp went on to say that he believed, according to the

Town of Washington's Regulations, that Mr. Tittmann's clients possibly needed a Special Permit under Section 17.9 – Replacement of a Nonconforming Structure.

MOTION: To close the Public Hearing, by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.

Mr. Bowman stated that he believed that this possibly needed to be seen by the Zoning Commission and request a Special Permit, Special Exception (Regulation Section 17.9.B.4 – Replacement of a Pre-Existing Nonconforming Structure), because the proposed was now compliant with Zoning Board of Appeals regulations, but encouraged Mr. Tittmann to request a continuance with the Zoning Board of Appeals anyways, in case the Zoning Commission disagreed.

MOTION: To grant a continuance to ZBA-1072: Kandel, 28 Tinker Hill Road, for a Variance – Section(s) 17.9.4 – Replace a Non-Conforming Structure, 11.3.1.c – Minimum Lot Size – to replace an existing boathouse, by Mr. Weber, seconded by Mr. Wyant. Passed by 5-0 vote.

ZBA – 1074, Request of Collins, 113 Bee Brook Road – for a Variance from Section 11.6.1 – Side Yard Setback, and 12.1.2 – Water Course Setback – for an expansion of an existing porch landing (23min. 47sec.):

Ms. Collins stated that the current porch is designed as a 4' x 4' area, and she is proposing to expand the area to 6' x 9'.

Mr. Bowman measured the map, provided by Ms. Collins, checking to see how far back from the State Road the property is. Ms. Collins stated that Bee Brook Road (also known as Route 47), was approximately 200 feet from the home. Mr. Bowman requested that Ms. Collins get a current survey of the property for the record.

MOTION: To close the Public Hearing, by Mr. Wyant, seconded by Mr. Wildman, passed 5-0 vote.

The Board agreed that there was not a significant change being made, therefore they felt the proposed could pass, with the condition that an accurate survey be provided for the record, documenting the Variance of 32.3 feet.

MOTION: To approve, with conditions, the request of ZBA-1074: Collins – 113 Bee Brook Road, for a Variance from Section(s): 11.6.1 – Minimum Setback/Yard Dimensions, 12.1.2 – Watercourse Setback – to expand existing porch, by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.

ZBA – 1076 – Request of Fast, 12 Green Hill Road, for a Variance from Section 11.6.3 – to construct a Fence (38min. 19sec.):

Mr. Crissillo, representing Ms. Fast, presented a design map for the property, stating that the fence would be running along the property line for privacy reasons, in an L-shape, approximately 8.5 feet from the corner of the home.

MOTION: To close the Public Hearing, by Mr. Wyant, seconded by Mr. Gunnip, passed 5-0 vote.

The Board agreed that this is a difficult location, and that they did not see any problem with this very modest request.

MOTION: To approve the request of ZBA-1076: Fast, 12 Green Hill Road, for a Variance from Section(s): 11.6.3.B – for fence Installation, by Mr. Wyant, seconded by Mr. Weber, passed 5-0 vote.

ZBA- 1077 – Request of Haddad, 141 West Shore Road, for a Variance from Section 11.6.1 – Minimum Setback – for a Garage (49min. 41 sec.):

Ms. Haddad explained that she had been seen before the Board previously and had been approved for the garage, however, when the contractor staked out the garage, she discovered that her vehicle would be hitting a slate porch while backing out, so they wished to move the garage 5 feet within the setback. Ms. Haddad pointed out that if they were to do this, they would be 51 feet out of the wetlands setback, and not close to another home. The Board asked Ms. Haddad if there were any changes made to the structure itself, and she stated that the only proposed change would be to move the structure over 5 feet.

Chairman Bowman asked if the property owners considered rotating the garage. Ms. Haddad stated that they were unable to do so because of a retaining wall on one side, and wetlands on the other side would cause the garage to not be within the setback.

Chairman Bowman then stated that the Board had received two letters regarding this case, one from Mr. Kleinberg of West Shore Road, dated May 23, 2019, and another from Cohen and Wolf Attorneys at Law, also dated May 23, 2019. Both letters were against the proposed changes.

Attorney Copp, representative for Lake Waramaug Association stated that it seemed that this was a “self-created” issue and not an actual hardship. He stated that there seemed to be other alternatives for this issue, rather than moving the garage completely.

Chairman Bowman stated that if Ms. Haddad wanted to move forward with moving the garage that it would need to be a brand new application with an exact plan, and the process would start back at step one. Her other option would be to withdraw the application and move forward with the original plan with Variance with no changes. Ms. Haddad stated that she would like to withdraw the application.

ZBA – 1078: Request of Jacobs, 257 West Shore Road, for a Variance from Section(s) 11.6.1.C and 11.6.3 – Setbacks and 12.1.1 – Wetlands and Watercourse Setback (1hr. 08min. 33sec.):

Mr. Monteleone representing Mr. Jacobs and Ms. Jacobs, stated that he appeared before Inlands and Wetlands to build a patio on the property of 257 West Shore and was approved to do so. The Town of Washington issued a building permit to the Jacobs', so he built the patio. He was then told by the Building Department that he was not in compliance.

Ms. Jacobs stated that she believed they had done everything the proper way, including okaying everything with the Lake Waramaug Task Force, having soil samples done, making sure the rocks they were using were approved. Mr. Jacobs stated that he had assumed that because a building permit was issued that they were allowed to begin the work. Three months after completion, they had received a letter from former Zoning Enforcement Officer, Ms. Hozda, stating that they were not in compliance with Zoning Regulations and would need to appear in front of the Commission. He said if they had known that they needed to appear in front of the Zoning Commission, they would have done so, and that they had never meant to break any rules whatsoever.

Chairman Bowman stated that the Board had received a letter, dated May 23, 2019 from Cohen and Wolf, Attorneys at Law, representing The Lake Waramaug Association, whom are against the work completed at this site.

Mr. Monteleone stated that the patio was once a wooden structure and that they had replaced it with rocks. The grade was not changed whatsoever, and where there was once sand, there was now sod.

Chairman Bowman questioned whether or not this property was actually theirs, if they had proof, such as the deed. Ms. Jacobs stated that on the Tax Assessors map, it shows that they own both Block 41 and Block 42. Chairman Bowen questioned whether they had an accurate survey or accurate site plan for the property. Mr. Gunnip questioned whether or not they had a copy of their deed, to which they replied, "no". Mr. Gunnip emphasized the importance of having a deed, simply to know where your property lines are in situations such as these.

Chairman Bowman stated that he had a number of concerns and would like to get the advice of legal counsel before moving ahead, and would like an accurate survey at the next meeting so that the Board can see where the property lines are before they grant the Variance.

MOTION: To grant a continuance to ZBA-1078: Jacobs, 257 West Shore Road, for a Variance from Section(s) – 11.6.1.C and 11.6.3 – Setbacks, and 12.1.1 – Wetlands and Watercourse Setbacks, by Mr. Wyant, seconded by Mr. Gunnip, passed 5-0 vote.

CONSIDERATION OF MINUTES (1hr. 29min 48sec.):

Chairman Bowman stated that he had a correction that he would like to send Ms. Rill, and asked that the Board hold off on voting for the minutes until the June meeting. All agreed.

MOTION: To adjourn the May 23, 2019 meeting at 9:02pm, by Mr. Bowman, seconded by Mr. Wildman, passed 5-0 vote.

Respectfully Submitted,

Tammy Rill

Land Use Clerk

May 29, 2019

***Filed subject to approval**

****All documents are on file in the Land Use Office, and a digital recording of this meeting is available upon request.**

