**ZONING BOARD OF APPEALS**

MINUTES

Public Hearing – Regular Meeting

**September 15, 2016**

7:30 P.M. Main Level Meeting Room

**MEMBERS PRESENT:** Ms. Roberts, Mr. Bowman, Mr. Wyant

**MEMBERS ABSENT:** Mr. Catlin

**ALTERNATES PRESENT:** Mr. Wildman, Ms. Kaplan

**ALTERNATES ABSENT:** Mr. Horan

**STAFF PRESENT:** Mr. Ajello

**OTHERS PRESENT:**  Mr. Johnson, Mr. Deperno, Mr. Merritt

Ms. Roberts called the meeting to order at 7:40 p.m.

**PUBLIC HEARING:**

Seated: Ms. Roberts, Mr. Bowman, Mr. Wyant, Mr. Wildman, Ms. Kaplan

**ZBA-1019: (Continued) Request of Elazar Milbaur/119 West Shore Road/Request for Variance from 11.6.1C Side Yard Setback and 11.5.1A Maximum Lot Coverage:**

Mr. Eliot Johnson of West Mountain Builders in Washington, CT presented the application. He submitted revised plans dated August 22, 2016 prepared by DAS Studio Architects, New York, NY. Mr. Johnson reviewed this property and its challenges with respect to lot coverage, setback and parking difficulty. Members had questions regarding the retaining walls. Mr. Johnson explained that these existing retaining walls will not be changed. He informed the member that there will be metal railings drilled into the steps and steps will made of granite. Mr. Johnson noted that there have been no issues with adjoining neighbors.

Ms. Roberts asked if the Public or members had any questions. None were noted.

**MOTION**: To close the Public Hearing for ZBA-1019: Request of Elazar Milbaur/119 West Shore Road/Request for Variance from 11.6.1C Side Yard Setback and 11.5.1A Maximum Lot Coverage. By Mr. Wyant, seconded by Ms. Kaplan, passed by 5-0 vote.

Ms. Kaplan stated she feels this is a reasonable plan. Mr. Bowman agreed with Ms. Kaplan, stating this is a good plan based on the presentation and no alteration of the grade, nor intrusion into the existing property. Ms. Roberts agreed as well. She stated the hardship is the very small size of this lot and its typography. Mr. Wyant was in agreement with the other members and supports this application. Mr. Wildman concurred.

**MOTION:** To approve ZBA-1019: Request of Elazar Milbaur/119 West Shore Road/Request for Variance from 11.6.1C Side Yard Setback and 11.5.1A Maximum Lot Coverage, according to the architectural plans prepared by DAS Studio dated August 22, 2016. Passed 5-0 vote.

**ZBA-1020: (Continued) Request of Michael Deperno/63 Wykeham Road/Request for Variance from 12.1.1 Wetland and Watercourse Setbacks:**

Seated: Ms. Roberts, Mr. Bowman, Mr. Wyant, Mr. Wildman, Ms. Kaplan

Mr. Michael Deperno represented the application. At this meeting, he submitted plans dated September 8, 2016 by Mr. Mike Alex which applicant received via email. Mr. Deperno explained that the location of this structure is now at 15 ft. from the rear of the home, from its original location of 10.5 ft. Mr. Deperno noted that the side yard setback is at 60 ft. Board members reviewed the map in detail. Mr. Deperno noted that Inland Wetlands has approved application. Ms. Roberts asked if there were any questions from Board or Public. Mr. Ajello, Zoning Enforcement Officer, stated with regard to the septic system, this will be the responsibility of the Sanitarian to make a decision of approval.

After further discussion regarding the plans submitted, the Board consensus was that these plans presented are still unclear and discrepancies exist. Ms. Roberts informed applicant that the Property/Boundary Survey from Mr. Alex has to not only be sealed, but show accurate dimensions. The map presented was signed, dated and notated by Mr. Deperno. The Board members made decision to request the applicant submit to Land Use Office within six months a sealed accurate As Built Survey showing the location of this structure in relation to the home and from the side yard setback, both northerly points to the home. Ms. Roberts explained specifically to Mr. Deperno what is to be listed on the As Built Survey to be submitted.

**MOTION:** To close the Public Hearing for ZBA-1020, request of Michael Deperno/63

Wykeham Road/Request for Variance from 12.1.1 Wetland and Watercourse Setbacks. By Ms. Kaplan, seconded by Mr. Wyant, passed 5-0 vote.

Mr. Bowman stated based upon the conditions noted, he supports the application. Ms. Roberts, Mr. Wyant, Mr. Wildman and Ms. Kaplan were all in agreement with the conditions put in place and are in support of this application.

**MOTION:** To approve ZBA-1020, request of Michael Deperno/63 Wykeham Road/Request for Variance from 12.1.1 Wetland and Watercourse Setbacks, with condition that an accurate As Built Survey be provided to the Land Use Office within six months, clearly showing the location of this structure from the side yard and both northerly points to the home. Passed by 5-0 vote.

**ZBA-1021: (Continued) Request of Douglas Hamilton/183 West Shore Road/Request for Variance from 11.6.1 Minimum Setback and Yard Dimensions and 12.1.1 Wetland**

**and Watercourse Setbacks.**

With respect to ZBA-1021, Request of Douglas Hamilton/183 West Shore Road/Request for Variance from 11.6.1 Minimum Setback and Yard Dimensions and 12.1.1 Wetland,

the applicant has formerly requested in writing to have this application continued. Copy of this letter is in file.

**OTHER BUSINESS**:

Motion was made to add discussion of other business to the agenda.

**MOTION:** To add this preliminary discussion of other business to the agenda. By Ms. Roberts, seconded by Ms. Kaplan, passed 5-0 vote.

Mr. Jeff Merritt, contractor for 135 East Shore Road, was present to consult with the Board regarding this property. Mr. Merritt explained this was in regard to questions for a generator being placed inside a barn structure. Mr. Merritt stated his client has a non-conforming lot and reached maximum lot coverage. He did have photos of the lay out of the barn and explained they would like to put the generator in the bottom of the barn, which is an open empty storage area. Mr. Merritt explained that by placing the generator in this location, it would avoid having to apply for a structure and setback variance. However, he noted that Mr. Ajello advised them that the decibel rating of the unit would more than likely be too high at the proposed location which is close to edge of the lake. Mr. Merritt would like to put a muffler on this generator to which would reduce the decibel rating to less than 25%, bringing it much less than 50 DB at the property line. He noted that the building inspector was in support of this plan.

After discussion between Mr. Merritt, Mr. Ajello and Board members, it was the consensus of the Board that this application was deemed appropriate and no action required from Zoning Board of Appeals.

**CONSIDERATION OF MINUTES:**

With respect to consideration of the minutes from the ZBA meeting held August 18, 2016, Board members were in agreement to wait to approve them until the next scheduled meeting.

**ADJOURNMENT:**

**MOTION**: To adjourn the meeting at 8:35 p.m. By Mr. Wyant, seconded by Ms. Roberts. Passed 5-0 vote.

Submitted by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Donna Pennell, Land Use Clerk

 September 20, 2016