**ZONING BOARD OF APPEALS**

MINUTES

Public Hearing – Regular Meeting

**December 15, 2016**

7:30 P.M. Main Level Meeting Room

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

Mr. Peterson

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

**ALTERNATES ABSENT:** Mr. Horan

**STAFF PRESENT:** Mr. Ajello, Ms. Pennell

**OTHERS PRESENT:**  Mr. Eliot Johnson

**PUBLIC HEARING:**

Mr. Catlin called the meeting to order at 7:30 p.m.

Seated: Mr. Catlin, Ms. Roberts, Mr. Bowman, Mr. Wyant, Mr. Peterson

**ZBA-1024:** Request of Elazar Milbaur/119 West Shore Road/For Variance from Section 11.5.1.A Maximum Lot Coverage, Section 11.6.1 Minimum Setback and Yard Dimensions, Section 12.14 Noise Generating Equipment.

It was noted for the record that all abutters had been properly notified via certificate of mailing and no communications from any of the abutters were received.

Mr. Eliot Johnson of West Mountain Builders was present representing the applicant. Mr. Johnson presented plans prepared by DAS Studio dated 11-07-16 and photos of the home/property. He stated that previously there was a single propane tank located on the roadside of the home. Mr. Johnson explained that this location no longer meets code requirements due to being too close to the windows in this location and causing venting issues. He stated that the proposed plan is to relocate the two new propane tanks to the backyard alongside an existing enclosed shed. Mr. Johnson stated these tanks will not be visible to neighbors or from the road. He further noted the propane tanks are rented from Bantam Fuel. The propane tanks will be placed on a gravel surface which will have a precast fiberglass pad under them. Mr. Johnson noted that these propane tanks will be used to heat the home.

Mr. Johnson stated that the applicant is proposing the installation of two AC compressors about 2’ square and 21” in height. He noted that the proposed location of these AC units is where the old propane tanks were located, which is on the east side of the home. Mr. Catlin asked what they would be sitting on and Mr. Johnson explained there would be no concrete slab underneath them and they will be on the same footprint.

Ms. Kaplan inquired as to the sound decibel for these AC compressors. Mr. Johnson did not have that information, but will look into this and provide this information to the Board. Board members were concerned with the potential noise from these units. Mr. Johnson stated that as this property is very small, there was no ideal location for the units that would make the noise less of an issue for neighbors. Ms. Roberts questioned why they could not be placed alongside the propane tanks. Mr. Johnson explained it would be too far from the home. Mr. Ajello also noted that Building Department restricts AC compressors being placed near propane tanks.

Members suggested tucking the AC compressors in further to the home so that they look less conspicuous, as well as placing plantings to also be more visually appealing. Mr. Johnson stated the homeowners are willing to place plantings around these units.

Mr. Catlin felt that these units are fairly modest and if thoughtfully planted out they will be nicely tucked in and visually acceptable.

In response to Ms. Kaplan’s concerns with the noise level meeting regulations, as well as the plantings being aesthetically pleasing, Mr. Johnson stated that he will provide the manufacturer’s specification with regard to the decibel levels and plantings will be appropriate. All Board members were in agreement that the decibel level of said units needs to be provided.

Mr. Bowman stated that he does feel the proposed location for the AC compressors is the best location, but does want to be sure they are planted out appropriately. He also suggested installing a small fence around that would help push noise upward rather than out towards adjacent property owners. Mr. Catlin was concerned that the fence would cause further encroachment to the setback. Mr. Bowman replied stating that a 2” thick fence installed 18” off the units would help, as well as plantings in front of the fence. Mr. Catlin asked Mr. Johnson if the applicant would be willing to consider this. Members suggested the fence be 24” in height to assist the noise pushing upward as Mr. Bowman had mentioned. Mr. Catlin recommended an L shaped fence along two sides so that they can be accessible for servicing them. Mr. Johnson believes the applicant would be willing to comply with this.

Mr. Johnson then discussed the proposed installation of the generator. He noted the existing issue with homes on Lake Waramaug losing power due to the lines running through wooded areas. Due to this concern, the applicants would like to install a generator. He explained that they would like to place the generator inside the shed located in the back of the property. Mr. Johnson stated it would be vented out the south side of the shed. He noted that the decibel level of this generator is 65 decibels, 12kw in size and is a liquid cool model which does run quieter than the air cooled units, as well as a much lower RPM level. Mr. Catlin asked if this shed was insulated and Mr. Johnson noted it was not. Ms. Kaplan and other members felt that insulating the shed would help with noise reduction. Mr. Johnson was in support of this suggestion, as well as having all required ventilation completed.

Mr. Bowman is concerned about how this shed will be vented and the issue of carbon monoxide being vented out. He ideally would like to see the venting done straight up and out the top of the building rather than on the side, which could potentially could cause an issue with the exhaust being vented towards the home.

Mr. Catlin requested Mr. Ajello’s input with regard to the venting of generators. Mr. Ajello explained that when discussing the venting of generators, it involves the air being pulled in by the generator and sent out from the generator blower. He stated that the motor of an interior generator is vented through an exhaust pipe with a muffler, and vented in the safest direction. Mr. Ajello stated there is a concern if the exhaust does collect when the air is stale and there are low lying areas. Although Mr. Ajello does not feel this is a concern with this property’s layout, he does believe that venting the generator through the roof is the best option.

Mr. Catlin stated that the area Board members should be focusing on is the generators noise and location. He believes Mr. Johnson is a licensed and competent contractor and the Building Department will be sure that regulations are upheld and all safety requirements are enforced.

Ms. Roberts did note an error on a letter submitted by Mr. Johnson with regard to lot coverage. In the letter it referred to the total increase in lot coverage as 25%. For the record, this was a typo and the correct increase in lot coverage is .25%.

Mr. Catlin asked if there were any further questions. None were noted.

**MOTION:** To close the Public Hearing for ZBA-1024: Request of Elazar Milbaur/119 West Shore Road/For Variance from Section 11.5.1.A Maximum Lot Coverage, Section 11.6.1 Minimum Setback and Yard Dimensions, Section 12.14 Noise Generating Equipment. By Mr. Wyant, seconded by Ms. Roberts. Passed 5-0 vote.

Mr. Peterson stated that given all the conditions that will be put in place, he is in support of this application. Mr. Wyant agreed with Mr. Peterson’s comments and supports this application. Mr. Catlin stated he also agreed, feeling this is a tricky lot and the applicant is willing to put into place several items to help with aesthetics and noise level. Ms. Roberts also agreed with the members, stating she believes the locations are the most reasonable ones for the equipment. Mr. Bowman stated in general he is in support of the locations, the fence and plantings around the AC compressors. He did state that he is concerned with the ventilation of the generator being located in the shed. Mr. Bowman is not certain what the applicant will do to ventilate the equipment properly or what the plan is to reduce the noise level. Mr. Bowman does not support the generation portion of this application.

**MOTION:** To approve ZBA-1024: Request of Elazar Milbaur/119 West Shore Road/For Variance from Section 11.5.1.A Maximum Lot Coverage, Section 11.6.1 Minimum Setback and Yard Dimensions, Section 12.14 Noise Generating Equipment, per plans by DAS Studio dated 11-07-16, subject to the following conditions: 1.) Any change to the approved site plan will void the variance; 2.) Applicant agrees to install a solid fence no less than 6” above the AC compressors on the east sides of the AC compressors, as well as plantings; 3.) Applicant will insulate shed for modest noise abatement; 4.) Applicant to submit documentation of the decibel level for the AC compressors. Passed by a 4-1 vote, with Mr. Bowman voting against the application due to concerns for the ventilation of the shed for the generator and what the plan will be to reduce noise level of such generator.

**CONSIDERATION OF MINUTES:**

**MOTION:** To accept the November 16, 2016 meeting minutes as amended. By Mr. Wyant. Passed 5-0 vote.

**OTHER BUSINESS:**

The calendar was presented for approval, but there was an error noted on one of the meeting dates. This will be corrected and presented at the next scheduled meeting for approval.

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A brief discussion was held regarding future applications as the one presented tonight. With future applications, Board members would like to have applicants present an A-2 survey. Members also supported Mr. Bowmen’s suggestion of having an As Built that shows a full description of what was exactly done to the property, showing that the conditions of approval of such application were carried out.

**ADJOURNMENT:**

**MOTION:** To adjourn the meeting at 8:30 p.m. By Mr. Catlin. Passed 5-0 vote.

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

Donna Pennell, Land Use Clerk

December 21, 2016