

March 21, 2013

Present: Polly Roberts, Todd Catlin, Kathy Leab, Peter Bowman, Rod Wyant

Alternates: Chip Wildman, Todd Peterson, Joan Kaplan

Staff: Shelley White, Mike Ajello

Also Present: Ms. Curtis, Architect, Mr. Sabin, Landscape Architect, Mr. Connolly, Architect, Atty. Coploff

Ms. Roberts, Chair, called the meeting to order at 7:30 pm.

Seated: Polly Roberts, Todd Catlin, Kathy Leab, Peter Bowman, Rod Wyant

PUBLIC HEARING

ZBA-0941 – Request of Karabell/Alger, 112 River Road, for Special Exception, Zoning Regulation Section(s)12.14 (Noise Generating Equipment), to install a generator more than 25' from the building principally served.

Ms. Curtis, Architect and Mr. Sabin, Landscape Architect were present to represent the property owners for this application. Ms. Curtis and the Commissioners looked at the site plan titled "Alger/Karabell," sheet LA-1, by Joeb Moore Architects, dated 1-30-13 and discussed the proposed location for a generator. Ms. Curtis noted that the garage has not been built yet but they are planning on locating the generator on the side of the garage that is opposite the street side. She stated that the two walls of the insulated garage, the fencing around the generator and the earth berms with the plantings would provide sound buffering.

The Commissioners, Ms. Curtis and Mr. Sabin looked at an aerial photograph of the property with a diagram showing the surrounding properties and the decibel level at the property lines. The Commission discussed the decibel levels at the property line directly across the street. Ms. Curtis stated that this diagram only shows the decibel levels without the generator against the garage because the garage has not been built. Mr. Sabin stated that there are trees and rock outcroppings to the north and east of the property that would provide additional sound buffering. He stated that locating the generator within 25-feet of the house would not provide as much sound buffering as this proposed location.

Mr. Catlin read section 12.14.5 and 12.14.3 of the Zoning Regulations.

Mr. Sabin stated that because the other areas of the property where the generator could be located are more open these areas do not provide the sound buffering that the proposed location provides and the noise would carry further.

There were no further questions or comments.

Motion:

to close the Public Hearing for ZBA-0941 – Request of Karabell/Alger, 112 River Road, for Special Exception, Zoning Regulation Section(s)12.14 (Noise Generating Equipment), to install a generator more than 25' from the building principally served, by Ms. Leab, seconded by Mr. Wyant, passed by 5-0 vote.

MEETING

Ms. Leab stated that this is a very reasonable location and shows a great deal of awareness of the surrounding properties. Mr. Bowman agreed with Ms. Leab and stated that he feels that this is a very considerate location for the generator. Ms. Roberts stated that she feels the applicant substantially demonstrated that this is the best location for the generator on this property. Mr. Wyant agrees with everyone and feels that the proposed location is the best location for the generator. Mr. Catlin stated that he agrees that the applicant has proven that this is the best location for the generator and that the earth berms, buildings and plantings would provide additional sound buffering.

Motion:

to approve ZBA-0941 – Request of Karabell/Alger, 112 River Road, for Special Exception, Zoning Regulation Section(s) 12.14 (Noise Generating Equipment), to install a generator more than 25' from building principally served per site plan titled "Alger/Karabell," sheet LA-1, by Joeb Moore Architects, dated 1-30-13 and supporting documents in the file, passed by 5-0 vote.

PUBLIC HEARING

ZBA-0942 – Request of Kessler, 103 West Mountain Road, for Special Exception, Zoning Regulation Section(s) 12.14 (Noise Generating Equipment), to install generator & air conditioning condenser more than 25' from structure principally served, & pool equipment more than 50' from pool.

Mr. Connolly of Halper Owens Architects was present to represent the property owners for this application. He stated that the generator and the air conditioning units would serve the pool house. He and the Commissioners looked at the site plan titled "103 West Mountain Road," sheet Z100, by Halper Owens Architects dated 2-27-13 which indicates a 5-foot high fieldstone retaining wall around three sides of the a/c condensers and the generator as well as a 6 foot high stockade fence on the fourth side. The site plan indicates that the pool equipment is proposed to be located in a garden shed that it is 63 feet away from the pool.

Ms. White verified that the Land Use Office received seven out of the ten green return receipt cards. Atty. Coploff stated that the Resnick's emailed their acknowledgement to him.

The Commissioners took a moment to look over the acoustical report performed by Brookes Acoustics Corporation, dated 3-20-13 (on file in the Land Use Office).

Mr. Connolly noted that the generator is proposed to be located 61 feet away and a/c unit located 57 feet away from the building principally served (pool house).

The Commissioners looked at the site plan.

Mr. Catlin stated that the acoustical report indicates that the generator operates at 69 decibels and with distance and placement of other materials the decibel level is significantly reduced.

Mr. Bowman asked why the equipment could not be located closer to the pool house.

Mr. Connolly stated that the area is very constrictive with the wetlands regulated setback and they

wanted to locate the equipment away from the neighbors, road and other house.

Mr. Bowman stated that he did not feel that this was the best location for the generator.

There was a brief discussion regarding carbon monoxide and other possible locations that the equipment could be located.

Mr. Catlin stated that he drove out to the site and feels that this is a fairly remote location with a steep incline behind the proposed location of equipment. He feels that it would not bother any of the surrounding properties.

There were no further questions or comments.

Motion:

to close the Public Hearing for ZBA-0942 – Request of Kessler, 103 West Mountain Road, for Special Exception, Zoning Regulation Section(s) 12.14 (Noise Generating Equipment), to install generator & air conditioning condenser more than 25' from structure principally served, & pool equipment more than 50' from pool,
by Mr. Catlin, seconded by Mr. Wyant, passed by 5-0 vote.

MEETING

Mr. Catlin stated that he feels that this is a reasonable location and is very remote. He is satisfied with that the information provided by the acoustical report shows that the decibel level would be lower than 50 at the nearest property line. Mr. Wyant stated that he agreed with Mr. Catlin and feels that the proposed area is the best location for the equipment. Mr. Bowman stated that he has a mixed opinion on this application because he feels that there was not much effort made to put the equipment closer to the building served but does agree that it is located in a remote area and does comply with the requirements. Ms. Leab stated that she agrees with Mr. Bowman. Ms. Roberts stated that she agrees with Mr. Catlin and feels that the location is remote enough not to affect the surrounding neighbors. Mr. Catlin feels that this is the type of property that the Special Exception was written for and he does not have a problem with the pool equipment being located in a nearby shed and the a/c condenser unit next to the generator.

Motion:

to approve ZBA-0942 – Request of Kessler, 103 West Mountain Road, for Special Exception, Zoning Regulation Section(s) 12.14 (Noise Generating Equipment), to install generator & air conditioning condenser more than 25' from structure principally served, & pool equipment more than 50' from pool, per site plan titled "103 West Mountain Road," sheet Z100, by Halper Owens Architects dated 2-27-13 and supporting documents in the file, passed by 5-0 vote.

OTHER BUSINESS

Seated: Roberts, Catlin, Leab, Bowman, Wyant

Consideration of the Minutes:

The Commission considered the Minutes of the January 17, 2013 regular Meeting of the Zoning Board of Appeals.

Corrections:

Page 3 under ZBA-0938 - motion: to close should read: to close the Public Hearing for ZBA – 0938– Request of Sen, 116 Shearer Road, for Variance, Zoning Regulation Section(s) 11.6 (Yard Setback), to add two 20' x 28' patios, by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

Page 4 under ZBA-0939-2nd sentence should read: Mr. Szymanski, present to represent the property owners, stated that there were two addresses on the field card and the deck was applied for under the wrong address.

Motion:

to approve the Zoning Board of Appeals Regular Meeting Minutes of January 17, 2013 as amended,

by Ms. Roberts, seconded by Mr. Wyant, passed by 5-0 vote.

Adjournment:

Motion:

to adjourn at 8:20 pm, by Ms. Roberts, seconded
by Mr. Wyant, passed by 5-0 vote

Ms. Roberts adjourned the meeting.

Submitted Subject to Approval,
Shelley White, Land Use Clerk