

May 11, 2006

Present: Edmund White, Katharine Leab, Bradford Sedito, Randolph Snook

Alternates: Todd Catlin, Georgia Middlebrook

Guests: Tammy Zinick

Edmund White, Chairman called the meeting to order and read the legal notice for tonight's meeting. Mr. White went on to state that ZBA-0612 Request of Barbara & Peter Wodtke, 155 West Shore Road, petition for Special Exception for expansion of Nonconforming Dwelling has been withdrawn.

PUBLIC HEARING

Mr. White seated Katharine Leab, Bradford Sedito, Randolph Snook, himself and alternate Todd Catlin.

ZBA-0611 Request of Mark Snow, 75 West Mountain Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2, 12.14.3 of the Zoning Regulations. Tammy Zinick of Permit Me Please was present to represent the applicant. Members received information on the db rating for the proposed (already installed) generator, which also stated that there was a residential muffler on the unit. Ms. Zinick stated that Mr. Snow told her the closest neighbor is approx. 1/4 of a mile away. Ms. Zinick went on to say that the area between the neighbor and the generator is wooded which creates a natural buffer. She added that the generator is surrounded on 3 sides with solid fencing. Mr. Sedito verified that there was no sound proof housing around the generator. Ms. Zinick located the neighboring properties on the map. Mr. White asked for further questions.

Motion: to close ZBA-0611 request of Mark Snow, 75 West Mountain Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2, 12.14.3 of the Zoning Regulations was made by Mr. Sedito, seconded by Ms. Leab by a 5-0 vote.

MEETING

Mr. Catlin visited the site, he feels it is unfortunate that electrical contractors continue to install generators in violation of the zoning regulations and ZBA has to deal with them after the fact. He feels this is the perfect example for a special exception, it is in the middle of nowhere, and he has no problem with the application. Mr. Snook and Ms. Leab agree. Mr. Sedito agrees also but is upset about the generator being installed with out a permit; he has spoken to the contractor. Mr. Sedito stated that ZBA could have had input on the specs for the generator if it had been installed according to the regulations. Mr. White agrees, as the generator already exists with the fence enclosure he is OK with the application.

MOTION: to approve ZBA-0611 Request of Mark Snow, 75 West Mountain Road, petition for special exception, a request for generator to be situated farther from the structure principally served than is specified under Section 12.14.1, 12.14.2, 12.14.3 of the Zoning Regulations as per map labeled Exhibit A on file by a 5-0 vote.

Pamela Osborne, Secretary circulated a draft letter for distribution to "local" electrical contractors informing them of the Zoning Regulations 12.14 for generators, air conditioners, pool equipment and other noise generating equipment. Members made a few additions to the letter and agreed it should be sent out to 5 local contractors.

MOTION: to accept the minutes of the April 20, 2006 Zoning Board of Appeals meeting as submitted was made by Mr. Catlin, seconded by Mr. Snook by a 5-0 vote.

Members had a lengthy discussion on the proposed changes to the Zoning Regulations pertaining to parking, coverage and setbacks in the business districts. Mr. White attended the Planning Commission meeting and also spoke with David Owen, Zoning Board Chairman. Mr. Catlin is bothered by this rewriting of the Zoning Regulations also he's feels they are headed down a slippery slope. With the proposed changes they will be changing the flow of how things would be handled. They will hold a public hearing on May 22nd as the Planning Commission has approved the changes. Mr. Sedito felt that perhaps some press coverage would enlighten people, if these changes are made and a precedent is set it will be tough to say no to future applications. Mr. White went on to state that the proposed changes are way beyond anything he imagined and leave development wide open in the business districts, no other town has these regulations. Mr. Snook is concerned with the proposed setbacks and being able to build on the property line. Mr. White felt that the Planning Commission did not fully comprehend the implications of the changes. He will speak with Atty. Zizka and David Owen again.

The May 11, 2006 meeting of the Zoning Board of Appeals was adjourned at 8:08pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary