

ZONING BOARD OF APPEALS
September 8, 2009 Meeting Minutes

Board Members Present: Howard Aspinwall, Curtis Ruckey, Alternate Joseph Lawsing
and Alternate Daniel Merrigan

Town Staff Present: Jennifer Rodriguez, Planning Coordinator and
Assistant Zoning and Wetlands Officer

Mr. Aspinwall called the meeting to order at 7:05 pm.

Board roll call was taken.

MINUTES:

Mr. Aspinwall referred to the July 6, 2009 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Ruckey moved to accept the July 6, 2009 meeting minutes, as published. Mr. Merrigan seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY09-10-02, Owner/Applicant: Andrea Wagner for a variance for the property located at 69 Old County Road to locate a business sign closer than the required setback and with a minor encroachment in the Town right-of-way.**

Andrea Wagner addressed the Board and stated that Yankee Sign had installed her sign and had lined the sign up with her neighbor's sign. She went on to say that when she had submitted her site plan to the Planning and Zoning Commission she had included a photograph of her sign. Ms. Wagner noted that the photograph had clearly

shown the sign in the exact place where it had been installed and that no one had made an issue of it at that time. She went on to say that, if she had to move it back, it would not be seen from the road from either direction.

Mr. Aspinwall asked the Board members for any questions. Mr. Ruckey asked how far the sign sat. Ms. Rodriguez stated that she had measured the distance on site and that it was about 12 or 13 feet from the curb. Mr. Lawsing pointed out that there was no clearly defined curb at that point. Ms. Rodriguez stated that she had measured from the end of the pavement. Mr. Ruckey clarified that the target distance was 14 feet. Ms. Rodriguez explained that 10 feet from the property line was what was required.

A brief discussion took place regarding the possibility of the Town needing to perform road maintenance or widening in the area of the sign at some point in the future.

Mr. Aspinwall asked the Board members for any further questions. They had none.

Mr. Aspinwall asked for any public comments in favor of the application. There were none.

Mr. Aspinwall asked for any public comments in opposition to the application. There were none.

Mr. Aspinwall asked for a motion regarding Application #FY09-10-02. Mr. Ruckey moved to approve Application #FY09-10-02, Owner/Applicant: Andrea Wagner for a variance for the property located at 69 Old County Road to locate a business sign approximately 14 feet from the curb, where 10 feet from the property line is required, with the provision that the owner accepts responsibility for any damage that could occur to the sign during the course of any Town Public Works' activities. Mr. Lawsing seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

- b. Public hearing on Application #FY09-10-03, Owner/Applicant: Mark Pasha for a variance for the property located at 226 Reed Avenue to install a six foot high solid fence where four feet are the maximum.**

Mark Pasha addressed the Board and explained that he had no backyard and no privacy. He went on to say that the fence would not interfere with the corner at all.

Mr. Ruckey asked how far from the road the fence would be installed. Mr. Pasha replied that the fence would be about 60 feet from Reed, where the stop sign was located. He then noted that the fence would be on Sadler. Mr. Ruckey asked how far from Sadler the fence would be. Mr. Pasha replied that it would be within 10 feet of the curb, but that there would be no obstruction to the corner.

Mr. Ruckey asked how far from the abutting property line the fence would be. Mr. Pasha stated that he had spoken to his neighbor and that they did not care how close to the property he put the fence. Mr. Ruckey asked if the fence was allowed on the line. Ms. Rodriguez replied that the fence was allowed on the property line in the front yard, but that the fence was only allowed to be four feet high under the regulations. Mr. Ruckey then asked what kind of fence was going to be installed. Mr. Pasha replied that he would be installing a six foot high stockade fence. Mr. Ruckey commented that they needed to consider the neighbors across the street who would have to look at the fence. Mr. Pasha stated that his neighbors across the street did not oppose the proposed fence.

Mr. Aspinwall asked the Board for any further questions. They had none.

Mr. Aspinwall asked for any public comments in favor of the application. There were none.

Mr. Aspinwall asked for any public comments in opposition to the application. There were none.

Mr. Aspinwall asked for a motion regarding Application #FY09-10-03. Mr. Ruckey moved to approve Application #FY09-10-03, Owner/Applicant: Mark Pasha for a variance for the property located at 226 Reed Avenue to install a six foot high solid fence, where four feet are the maximum, approximately 10 feet from the street on Sadler and on the property line between property indicators 230 and 226 on the GIS map. Mr. Merrigan seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

- c. **Public hearing on Application #FY09-10-04, Owner/Applicant: Carl J. Barnes for a variance for the property located at 19 Greenwood Road to allow an expanded garage and driveway to be located within 4 feet of a side yard, where 12 feet are required for the structure and 10 feet are required for the driveway.**

Carl Barnes addressed the Board and stated that he currently had a garage and a half and that he wanted to expand it by 8 feet wide to make it a two deep garage. He went on to say that it would be no wider than the current driveway. He then explained that the driveway was already that wide half way.

Mr. Barnes stated that he had three neighbors and that the neighbor that the garage bordered had written a letter stating that she had no problem with the proposed garage expansion. He then submitted the letter to Mr. Aspinwall. He went on to say that the other two neighbors were on the opposite side of his house and that they had both stated that they would write letters stating no opposition to the expansion, if they were needed.

Mr. Ruckey asked how long the garage currently was. Mr. Barnes replied that it was 24 feet long. Mr. Ruckey asked if it was a single storey structure. Mr. Barnes replied that it was a single storey structure and that he would keep it that way. He explained that he was going to try to keep the same roof line going.

Mr. Aspinwall asked the Board members for any further questions. They had none.

Mr. Barnes noted that he had no neighbors on the back side of his property.

Mr. Aspinwall asked for any public comments in favor of the application. There were none.

Mr. Aspinwall asked for any public comments in opposition to the application. There were none.

Mr. Aspinwall asked Ms. Rodriguez for any comments. Ms. Rodriguez stated that she had provided a report regarding the application. She then asked how the runoff from the roof was going to be handled and if the neighbors had had any concerns regarding the runoff. Mr. Barnes stated that he was going to continue the current roof line and the runoff from the front would drain off the front of the structure and the runoff from the back would drain off the back of the structure.

Mr. Ruckey referred to the aerial photograph and asked if there was currently a structure behind the house. Mr. Barnes replied that there was no structure behind the house. He then looked at the photograph and stated that the dark square shown in the photograph was actually his garden, not a structure.

Mr. Barnes noted that he had recently had the property surveyed.

Mr. Aspinwall asked for a motion regarding Application #FY09-10-04. Mr. Ruckey moved to approve Application #FY09-10-04, Owner/Applicant: Carl J. Barnes for a variance for the property located at 19 Greenwood Road to allow an expanded garage and driveway to be located within 4 feet of a side yard, where 12 feet are required for the structure and 10 feet are required for the driveway. The variance is solely for the garage and driveway indicated in the application. Any additional changes shall require a return to the Board. The variance is not a permit to build. Please see the Building Department for any necessary permits required prior to site work for the structure and driveway. Mr. Merrigan seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Mr. Ruckey moved to adjourn the meeting. Mr. Lawsing seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:40 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.