

MINUTES SITE VISIT OF JULY 21, 2014

APPROVED MEETING OF SEPTEMBER 15, 2014

Present: S. Bogert, **Chair**; S. Perley, **Vice-Chair**; O. Gibbs, D. Greski, M. Foote, R. Smith, K. Geraci

Absent: None

S. Bogert called the site visit to order at 6:30 pm.

He let the members know that the first section of the deck could be built without any zoning approvals. He pointed out where the 10 foot setback was and where the corner is that protrudes into the area.

He asked the neighbors what their feelings are now that they can see the area in question and realize that the deck can be built without the variance, just a bit smaller. This does not affect any activity that might be performed here.

He said that the neighbors are concerned not only with what Mr. Cooper may do but for the next owner, as the variance goes with the land. He said that we look at zoning, not just for the current owner, but for the next owner as well.

D. Greski asked if the proposed deck will be equal with the deck already on the front and J. Cooper said yes, it will be tied into the current deck. D. Greski clarified that the height will be the same as the height that exists today and J. Cooper said yes. D. Greski said it will carry down to the end and J. Cooper showed him where the structure would end.

D. Greski said he doesn't know what the rules and regulations are regarding power lines and questioned J. Cooper on whether he had contacted the power company about the pole adjacent to the deck. This is high enough that no one can touch the line but if there is ever a situation where the wires come down, they will come down on the deck. D. Greski said that is a question he feels needs to be addressed and S. Bogert said that is more of a building permit issue. He said the deck would be legal zoning wise, up to a point, and when the permit is reviewed that is when things like that would be looked at. All that is being discussed here is whether or not he has the ability to extend the deck.

D. Greski said he understands that but if the words aren't in there referencing it, he is afraid that the issue won't get discussed at the permitting level. S. Bogert said that is a building issue and S. Saunders said she doesn't feel this is in the purview of the ZBA.

D. Greski said he is looking at this from a safety issue, which is one of the first things the ZBA talks about. The project cannot impact safety, cannot create a safety issue. He said he doesn't know whether this would or not but that is one of the things we need to address. S. Bogert said that is a good point, but he feels that is not in our purview as the deck can be built anyway – just a smaller size. If the power line were to come down it would come down on the portion of the deck which can be built anyway. D. Greski said he does understand that.

The abutters questioned the building process and it was explained that J. Cooper could build the smaller deck with no ZBA approvals but still has to get the building permit and have inspections done. The ZBA is just here to discuss the larger deck but the applicant still has to go through the building permit process. They would take a look and if the power lines are an issue, and would handle that.

One of the abutters had additional questions and S. Bogert explained the application and the zoning process to her. He explained that the applicant wants to have the larger deck in order to end the deck in an appropriate spot, and not interfere with an existing window. Their privacy would not be disturbed by doing this. He asked the abutter if she felt this would be an issue. She said she feels there would not be any zoning issues with the proposal.

The abutters said that they thought the deck would be going in a different direction and that trees would have to be removed. S. Bogert said that is why the ZBA determined the best thing would be is to hold the site walk so everyone had the opportunity to be on site and hear everything involved.

J. Cooper said he had reached out to the abutters on January 24 and had heard nothing. One of the abutters said that not everyone is here at that time of year. J. Cooper said he had sent pictures and information to their management company on 4 occasions.

O. Gibbs let the abutters know that there will be no roof and this won't be enclosed. It will remain a deck.

The abutters said they had no problems with the additional section of the deck as long as it remains an open deck. S. Saunders clarified that the deck would be a rectangular shape.

S. Bogert asked if the president of the association, Glenn McKiel, would be ok with this and the abutters said they didn't feel he would have an issue. S. Bogert was told that Glenn McKiel is president of Summer Hill and S. Saunders clarified that the abutters in attendance were residents of Summer Hill; they said they were.

S. Bogert thanked everyone for coming out and for their time. S. Saunders clarified that the members would return to City Hall, enter the formal meeting, and make their decision.

The meeting adjourned and the members returned to City Hall for the scheduled ZBA meeting.

Respectfully Submitted by:

Kristine Y. Snow