

PRESENT: Dever, Chairman; Pelczar, Vice-Chairman; Thorpe, Reichlen, Goodheart, Edney, Code Enforcement Officer, Tivnan, Clerk

Thorpe moved, Goodheart seconded, THAT WE APPROVE THE MINUTES OF JULY 14, 2011 as presented.

PUBLIC HEARING

2952: RICHARD DEMARK: An appeal for a SPECIAL EXCEPTION (ARTICLE V, SECTION D-2A) to create an accessory apartment above an existing garage, Tax Map R12, Lot 5, located at 114 Chase Road in the Forestry/Rural District.

Rick Demark-I would like to build an accessory apartment above our garage. I will go down the criteria with my responses. The first one is related to whether or not this proposed use would change the character or appearance of the neighborhood. I believe this apartment will not do that. It will be above an existing garage. The footprint won't change, only the roofline because there will be a dormer on one side and a window dormer on the other side, facing an abandoned road. A similar apartment exists next door. There are not many of us on Chase Road right now. I don't think anyone would be able to see it except for the Dath's in the winter time. I don't believe the proposal will be injurious, noxious or offensive and not detrimental to the neighborhood. The use will be strictly residential which is consistent with the other uses in the neighborhood. The third one is the use will not be contrary to the public health, safety or welfare or cause traffic congestion. If we get 10 cars on Chase Road in a day, that is heavy. All state codes will be followed, so I don't believe there will be any unsanitary or unhealthful conditions. My further narrative explains my initial intent was to upgrade the existing septic but at this point I believe the distance would be too far. My plot plan shows a second location. I plan to tap into our existing well. I have provided you with a floor plan. Following what is allowable; we have 1785 sf. in the existing dwelling unit. The proposed net floor area is 672 sf. in the apartment, totaling 2457 sf., 40% of that would be 982 sf. The proposed net floor area of 672 sf. is below the allowable. There will be no change to the existing access. Including the two bays in the garage, we would have a total of 5 parking spaces. Hearing closed at 7:10PM.

2953: 185 REALTY TRUST, LLC: An appeal for a SPECIAL EXCEPTION (ARTICLE VIII, DEFINITION-SETBACK) to allow off street parking within the front setback, Tax Map S25, Lot 11A, located on Waukewan Street in the B/I District.

Carl Johnson (Advanced Land Surveying) – This project went before the Planning Board and the overall proposal it to take the unused lot which has a dilapidated building and a bomb zone parking area and merge it with the abutting lot which is owned by Mr. Leighton. Once the lots are merged, build a new building on Tax Map S25-11A that would have similar trade type businesses as the door company and also the other lots that are headed up towards the highway. In developing this property, we would have a

connection between the two parking lots in the back and have an exit only going out to the road that leads to the Waukegan Condominiums and to also have a connection between the parking lots in the front, which we are considering tonight that is in the front setback. One of the problems with this site is there is a wetland complex with an associated drainage that goes back into a drainage treatment area that was constructed for the condominiums, which cuts the lot in half. The previous owner of this site had some wetland violations on this property and Mr. Leighton inherited those and is in the process of working with DES to resolve them. A restoration plan has been submitted to DES. Only the front half is able to be developed. In order to get a reasonable size building and have enough parking to accommodate that, we decided it would be better to apply for a Special Exception for a limited amount of parking in the front setback rather than shove the building all the way down as far as we could towards the front of the property and cram the parking in the back. We think keeping the building back from the highway is consistent with the distance of the abutting building. There is a typo on the original plan. There are 7 spots but the note says proposed 6 spots. There is a good deal of landscaping being proposed in the front to screen the parking from the road. Parking in the front is consistent with other properties that are developed on this roadway. We are not changing the access. Special Exception general criteria is the use won't be detrimental to the neighborhood. This is consistent and identical to the character of the neighborhood. It will not be injurious, noxious or offensive because of the limited nature of the businesses, the few numbers of parking spaces, and the landscaping component. It won't be contrary to the public health, safety or welfare or cause traffic congestion. In order to come before you with the Special Exception we needed to have conditional approval from the Planning Board which we did receive as well as an Architectural Design Review. Thorpe – How wide is the entrance from Waukegan Street that will be the common entrance for Overhead Door and this new building. Johnson - It's about a 40' entrance. You come into it more to the right than the left. Thorpe – As I understand the requirements for parking within the front setback, the driveway can't be wider than 30'. What are you going to do to achieve this? Johnson – Actually on this parcel under question, the driveway is not on Waukegan Street. We are not creating a non-conforming situation with the entrance on Waukegan Street as a result of putting parking on this lot. That is a previously existing entrance approved on three site plans. I believe the intent of that is when you are creating a situation you are not allowed to do that. Thorpe – (OK) Reichlen – What is the additional paved area going to be? Johnson – S25-11A, which is this lot, total coverage is 28.8% and 75% is allowed in the zone. I think your question was how much more pavement is there going to be than there is now. Reichlen – Correct. Johnson – There is no pavement now. It's all dirt and gravel. The lot coverage in the town treats gravel as pavement for lot calculations. The Planning Board directed the applicant to hire an engineer to develop a drainage plan and that was submitted as part of the application. The drainage plan includes an infiltration trench which eventually goes into a rain garden. The building is 5,502 sf. and the pavement and walkway is 8,450 sf. The total is 13,952 sf. which is 28.8%. The abutting lot is 34,166 sf. When combined the coverage is 50%, 75% allowed. Goodheart- Is it your intent to have low shrubs in the front of the parking? Johnson – Correct. Hearing closed at 7:26 PM

DELIBERATION

2952: RICHARD DEMARK:

Thorpe – I was at the property and I believe all the criteria for a Special Exception have been met. Dever – And the specific criteria has been met also. Goodheart- I am in agreement with Dave.

Goodheart moved, Reichlen seconded, IN CASE # 2952, RICHARD DEMARK, I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE V, SECTION D-2A) TO CREATE AN ACCESSORY APARTMENT ABOVE AN EXISTING GARAGE, TAX MAP R12, LOT 5, LOCATED AT 114 CHASE ROAD IN THE FORESTRY/RURAL DISTRICT BE GRANTED, AS IT MEETS ALL THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

Dever - Thirty day appeal period.

2953: 185 REALTY TRUST, LLC:

Dever – I had the same concern you had with the driveway but looking at it noticed it wasn't on the property, plus you can say it is a shared driveway so half goes on one side and half on the other. I don't have a problem with this.

Reichlen moved, Pelczar seconded, IN CASE # 2953, 185 REALTY TRUST, LLC: I MOVE THE APPEAL FOR A SPECIAL EXCEPTION (ARTICLE VIII, DEFINITION-SETBACK) TO ALLOW OFF STREET PARKING (7 SPACES AS PROPOSED) WITHIN THE FRONT SETBACK, TAX MAP S25, LOT 11A, LOCATED ON WAUKEWAN STREET IN THE B/I DISTRICT BE GRANTED , AS IT MEETS THE CRITERIA FOR A SPECIAL EXCEPTION. Voted 5-0 in favor.

Dever - Thirty day appeal period.

Meeting adjourned at 7:30 PM

Respectfully submitted,

Christine Tivnan
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on September 8, 2011

Jack Dever -Chairman