

ROCKY HILL PLANNING BOARD
Minutes of the August 11, 2009 Meeting

Present: T. Bremner, C. Cann, T. Corlis, L. Goldman, D. Kluchinski, G. White, R. Whitlock,
E. Zimmerman

Absent: R. Ayrey, M. Blasch, C. Pihokken

Also present: V. Kimson and K. Philip

Statement Of Adequate Notice

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the Municipal bulletin board and filed with the Municipal Clerk. The meeting was called to order at 7:30 p.m.

Open Public Comment Period: The meeting was opened to the public. Being that no one wished to address the board, the public portion of the meeting was closed.

Approval of Minutes

- a) March 10, 2009 (closed session) - Motion made by R. Whitlock and L. Goldman seconded the motion to approve the closed session minutes of March 10, 2009. The vote was 7-0 in favor of those eligible to vote. Motion carried.
- b) April 14, 2009 - Motion made by D. Kluchinski and L. Goldman seconded the motion to approve the regular meeting minutes of April 14, 2009. The vote was 6-0 in favor of those eligible to vote. Motion carried.
- c) April 14, 2009 (closed session) - Motion made by L. Goldman and D. Kluchinski seconded the motion to approve the closed session minutes of April 14, 2009. The vote was 6-0 in favor of those eligible to vote. Motion carried.
- d) May 12, 2009 - Motion made by R. Whitlock and D. Kluchinski seconded the motion to approve the regular meeting minutes of May 12, 2009 as amended. The vote was 8-0 in favor of those eligible to vote. Motion carried.
- e) June 9, 2009 - Motion made by L. Goldman and E. Zimmerman seconded the motion to approve the regular meeting minutes of June 9, 2009. The vote was 8-0 in favor of those eligible to vote. Motion carried.

Chairman's Comments and Correspondence:

Vice Chairman Cann stated that the application for Brian Peters will be heard first since more time will be needed to review the proposal for the Trinity Church.

APPLICATIONS:

- a) **Brian Peters**
Certificate of Appropriateness - wall construction
12 Montgomery Avenue; Block 3, Lot 9

Brian Peters, applicant, was sworn in and stated that he would like to build a 2.5 foot high wall along the front yard of his property. The brick material considered for this improvement was presented to the board. He stated that the slope of the front yard is fairly steep. L. Goldman asked if there will be a cap stone. Mr. Peters confirmed that a capstone will be provided, the proposed bricks will be staggered and epoxy will be placed between the layers. R. Whitlock stated that the applicant is new in town and began digging for the wall; he was made aware that

approval would be needed because the home is within the historic district. V. Kimson stated that a wall is considered a structure and Planning Board review is required.

G. White asked if the applicant had considered a natural stone. Mr. Peters stated that this was considered but the cost was much higher than the brick and he could not afford this. G. White asked about Belgian block and Mr. Peters stated that he felt the brick chosen would fit the character of a traditional home. D. Kluchinski asked about the treatment for the ends of the wall. Mr. Peters stated that he will square off the wall around the corner of the hill. The resulting height of the corner will be the same as the driveway so it would become a retaining wall for that portion his property. G. White suggested the applicant consider a gray colored stone for the wall.

The meeting was opened to the public. Being that no one wished to address the board, motion was made and seconded to close the public portion of the meeting.

Motion was made by L. Goldman and E. Zimmerman seconded the motion to approve the certificate of appropriateness request for the construction of a 2.5 foot wall. The vote was 7-1 in favor. Motion carried.

For: Cann, Corlis, Goldman, Kluchinski, White, Whitlock, Zimmerman
Against: Bremner
Abstain: No one

b) Trinity Church
Historic Preservation Review - House Demolition
5 Montgomery Avenue; Block 3, Lots 9 and 10

Gerald Muller, Esq., legal counsel for the applicant, stated that the applicant is requesting approval to demolish a house at 5 Montgomery Avenue. The Trinity Church owns the house and the lot at 5 Montgomery, there is property behind 5 Montgomery which the church also owns but there is no driveway access because the previous access had been vacated after land was preserved for open space. The house at 5 Montgomery encompasses almost the entire width of the lot, it has no historic value and the cost to refurbish the house is uneconomical. The previous owner of 5 Montgomery did not drive and street parking is not permitted on Montgomery Avenue so not having a driveway was not an issue for the previous homeowner. Mr. Muller stated that because parking is not provided, this impacts the market value of the home. The church would like to demolish the house and construct a new house in the rear along with a driveway and parking area. Details of the house have not been determined to date.

The following individuals were sworn in: Lawrence DeCicco – senior warden for the church; Constance Greiff – historic preservation consultant and planner, and; Doris Hartmann, preservation consultant. V. Kimson explained that the applicant has no plans for development, they are asking for a demolition permit only.

Mr. DeCicco stated that the property was willed to the Church by a parishioner who passed away several years ago. The home and its contents were left to the Church. Mr. Muller handed out copies of the tax map (exhibit A-1) and seven photographs of the property (exhibit A-2). Mr. DeCicco stated that nothing is constructed on the back lot; the previous owner of the property had advised that her father intended to build another home on the back lot but this never

occurred. Mr. DeCicco advised that proceeds from the sale will be returned to the Church. He stated that the previous owner wished to help with the church's endowment for a full time ministry.

Mr. Muller referred to photographs #4 and #5 and asked if the driveway is on the Church's property. Mr. DeCicco stated that the driveway is on the neighboring property owned by Lorraine Fair. Off street parking is not available. The previous owner of 5 Montgomery died at the age of 97 and stopped driving many years ago so a parking space was not needed. If she had a visitor, they were able to use the driveway next door. Mr. DeCicco described the condition of the home and advised that the air conditioning unit and furnace needs to be replaced, the home has not been remodeled since the late 50's or early 60's. Renovations are needed to the kitchen and bathroom, they estimate the total cost for these improvements to be approximately \$25,000 to \$35,000. Mr. DeCicco advised that they don't have the funding needed for refurbishment and marketing. Mr. DeCicco stated that the applicant would like to sell the property to a builder who would then make an application for construction of a new building. The intent is to do whatever is most advantageous financially. G. White asked if the applicant has an estimate for demolition. Mr. DeCicco stated that they did not get estimates but \$10,000 to \$15,000 should cover removal of the foundation and regrading.

Doris Hartmann stated that she is a member of the church and she is a preservation consultant. She has been very involved with community affairs since the 60's and she is familiar with the house. She stated that the house has no historic significance but it is part of the streetscape, the interior has no fireplace and the baseboards and door frames are minimal. T. Bremner asked the historic significance of the house. L. Goldman stated that the house is listed as harmonizing in a 1980 report prepared by Constance Greiff. Harmonizing is the term used when describing the character given to a house. Constance Greiff stated that this home is listed on the national register for Rocky Hill structures. She inspected the home recently and presented ten photographs to the board (Exhibit A-3). She stated that the first five photographs show the character needed to be considered historic. The streetscape for the west side of 5 Montgomery is very uniform whereas the east side is quite different. She stated that this house is listed as harmonizing but is insignificant for the uniformity of the streetscape, landscaping could be installed for the same affect.

Mr. Muller stated that there is a terra cotta ornament attached to the rear wall of the existing house and the applicant would like to include the salvaging of this piece as part of the demolition contract. He advised that some of the photographs show this feature, it is not visible from the street but it is visible from the green acres land. The terra cotta piece had been made by the previous homeowner's father.

T. Bremner stated that he is concerned about what will be built on that lot. Mr. Muller stated that the applicant believes that once a demo permit has been granted the property will be more marketable and making an application for a new structure which may not be the final design did not make any sense to them. The Church would ask the purchaser to be sensitive to the historic district with their design, and enhance the landscaping along the streetscape. E. Zimmerman stated that he is concerned that since it is a 12 month permit, demolition should take place within the year but he does not want a vacant lot. He recommends that the lot be regraded and seeded while waiting for construction to take place for the rear parcel. C. Cann stated that the demolition permit is only good for 12 months. V. Kimson stated that if the home is demolished the board can require a deed restriction noting that the new owner agrees to grade it, seed it and

maintain it. Mr. DeCicco stated that the applicant has no problem with this obligation. V. Kimson stated that the residential lot must be maintained like all residential lots. Mr. Muller stated that mowing will be done at regular intervals.

The meeting was opened to the public.

Eric Hintz, 3 Montgomery Avenue, stated that he lives next door and the previous owner passed away approximately three years ago. Since her death, the property has been neglected so he tries to help maintain the property. He stated that it is interesting that the Church is saying the house has no historic value and is in shambles, it is true that the house has gotten worse over the last three years but improvements can be done or the house can be moved to another location offering enough room for a driveway. He acknowledged that the house is in disrepair but the overriding concern is what will be constructed in the rear. He asked if fencing will be provided. He advised that water flows are a concern so he asked if asphalt will be used for the driveway. He stated that there are too many unanswered questions. As a building contractor, he estimates the cost to demolish the property to be between \$25,000 and \$30,000 not \$15,000 as testified to by the applicant. He recommended that the Church sell the property as is and then a builder could come before the board with plans for demolition and new construction in the rear. He also stated that he is willing to share his driveway and provide access to the rear property.

Alex Obay, 7 Montgomery Avenue, was sworn in and stated that he thought the meeting was about demolishing the existing house and building a new home. He stated that he would not mind the house being torn down because it is not very appealing but if the permit is granted there is the potential for a new house to be constructed in the rear. He asked what efforts had been made to create viability to sell the house and has anything been done to maintain the property? He stated that perhaps the property can be rented out.

Mr. DeCicco stated that the home was willed to the Church and then it was contested by her nephew for two years. The Church did not have the title until a year ago and they do not have the funds to put any money in to the house plus parking issues make this parcel unattractive. The intention is for the Church to not demolish the building but receive the right to demolish. Mr. DeCicco stated that the Church does not wish to take on the cost to demolish the building. Mr. Muller stated that the property is more valuable being marketed as one parcel and the new owners would be made to understand what approvals are needed to construct anything in the rear.

R. Whitlock stated that last year there was a permit issued for garage demolition at 7 Montgomery Avenue but the construction department was unaware that approval was required because it is in an historic district. Mr. Hintz stated that he may be able to do the demo for a lesser amount than what other contractors may offer as a bid. He said that he emailed the Church and asked what they had in mind for the rear parcel but no response had been received to date. He also called the Church but they have not called him back. He believes that the Church may already have a buyer and this is a concern.

V. Kimson read aloud the ordinance about demolishing a structure built before 1930. The permit shall be granted only if the condition of the structure would preclude the owner from making money. The applicant testified that there is no driveway and no parking on the street which makes marketing the parcel difficult. In addition, the structure is also not historically significant and the Church is not able to fund the necessary repairs.

Mr. DeCicco stated that the applicant does not have a buyer and this plan has been in place for months. Mr. Muller stated that there are no funds available to refurbish the house. Mr. DeCicco stated that the Church is currently running a \$600,000 deficit for their operating budget therefore money from this property is vital.

G. White suggested the Church be asked to maintain the property and discuss with the neighbors options for selling the property. Mr. Hintz stated that he knows people who are willing to buy the land along with the house and this is why he has been skeptical. Mr. DeCicco stated that they did receive one offer but it was rejected. V. Kimson suggested this matter be carried to the next meeting so the applicant has a chance to entertain thoughts from adjacent property owners. Mr. DeCicco stated that the existing property is a real detriment and the land in the rear is land locked. V. Kimson stated that the ordinance permits a 12 month approval so improvements to the property could be requested at the time an extension request is made.

Being that no one else wished to address the board, motion was made and seconded to close the public portion of the meeting.

Board discussion took place. L. Goldman stated that approval should be granted with a condition that the timing for demolition should occur when the planned development is known and that the terra cotta piece be salvaged and used on site or donated to the Library. The approval should also note that the owner is responsible to maintain the property. V. Kimson stated that the applicant may apply for an extension after 12 months.

T. Corlis stated that to tear this building down would change the character of the neighborhood. Motion was made by L. Goldman and G. White seconded the motion to approve the demolition permit with the above noted conditions.

The vote was 8-0 in favor. Motion carried.

For: Bremner, Cann, Corlis, Goldman, Kluchinski, White, Whitlock, Zimmerman
Against: No one
Abstain: No one

Being that there were no other matters before the board, motion was made and seconded to adjourn the meeting at 9:40 p.m. Motion carried.

The next meeting is scheduled for Tuesday, September 8, 2009.

Respectfully submitted,

Kerry A. Philip
Secretary