

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
April 27, 2011

Present: Richard E. Snyder, Chairman
Bruce Murphy
Donna Weiss Carson
Justin Madden
Diana Steffen, Secretary

Ben Kotowski was absent.

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:40 p.m.

MINUTES OF MARCH 23, 2011 – *Mr. Murphy made the motion to accept the minutes as prepared, Mr. Madden seconded and the motion passed unanimously by 4-0.*

IN-LAW SUITES, DEFINITION OF FAMILY AND DWELLINGS – Mr. Madden said he has found there is an expectation in society that in-law suites will be permitted because of the need for relatives to move in with family due to job losses, aging parents, cost of assisted living facilities, etc. Young family members cannot afford their own homes and often move back home after college, but want to live separately. He felt that the main issue for Russell is that it relies mostly on septic systems. The question to be answered first is whether, for example, a five-acre lot can support going from two to five people to perhaps seven to ten, without damage to the septic system, and taking into account O.D.N.R. rules, runoff and groundwater. Mr. Snyder said they need to determine if Professor Yoram Eckstein's water study in the 1980's was based on population density for septic systems and ground water. This study was used, with other factors, to provide the basis for the three and five-acre residential zoning in the Township. Mr. Snyder suggested that the Commission research the density issue and a definition of in-law suites for the next meeting.

The Commission discussed Pomfret, Connecticut's "Accessory Apartment" regulations which Mr. Snyder had found online. Mr. Snyder recommended the Commission review the Pomfret regulation and then discuss whether to use parts of it, and also look further at other communities' rules. He asked Mr. Machnics what he considers to be an in-law suite when people bring in plans. Mr. Machnics indicated that mostly people do not say they are planning an in-law suite, but show an unfinished area as part of a bigger project. They will then later change that area into a separate unit.

Mr. Snyder said that the latest census shows Russell's population to be going down, so density may not be as much of an issue for the next two decades, but it must be considered for the future. Mr. Murphy questioned whether there will be pressure to have rental units in a house, and Mr. Machnics said he believes there are some in Russell now.

Mr. Madden said that Pomfret has a workable definition of family: "One or more persons occupying a dwelling unit, provided that unless all members are related by birth, marriage, or legal adoption, no such family shall contain over three (3) persons." This is easier to understand than Russell's definition, and so provides guidance for enforcement. Mr. Murphy suggested studying the legal memorandum from the State of New York that Mr. Snyder had found, as it may provide a good framework for a definition of family. After the Commission answers the questions regarding density and definitions, Mr. Madden recommended considering what else to allow with certain parameters, such as whether to permit a separate building as an in-law suite or whether it must be connected to the main house. He noted that Pomfret permits a detached unit. Another situation that may arise as the job world changes is a homeowner may rent out rooms and one of those tenants may decide to have a home office.

Action Item: Mr. Madden will write up an outline of the process the Commission should use towards defining and regulating in-law suites. He will research the definition of family, but all Commission members will also look for usable definitions. Ms. Weiss Carson will research the groundwater study and the 1975 Guide Plan to find out whether density was considered. She will also ask a former Trustee.

FRONT YARDS ON CORNER LOTS – The Chairman reviewed aerial photos of the intersection of Caves Road and Fairmount Road, plus some individual corner lots, to help understand the different situations that can arise when people wish to build an accessory building. He explained that Russell's definition of 'yard' is different from the County Model, and he felt the best solution would be to mesh the two. He reviewed the County Model regulation for Permitted Buildings, Structures and Uses in Required Yards. This regulation needs to be included in the Zoning Resolution, since currently nothing is permitted in the front yard. This leads to the question of corner lots. Mr. Snyder asked Mr. Machnics to draw on the board a typical situation when someone wishes to build in the front yard of a corner lot. Mr. Snyder said he believed the purpose of treating both yards fronting on a street as front yards was to keep them free of accessory structures, in order to provide a clear area between the house and the streets.

Action Item: Mr. Snyder will give the subject further review. Mrs. Steffen will find out the history of the 1993 and 1998 amendments to Section 5.2.B which involve corner lots.

OTHER BUSINESS – Mr. Murphy handed out O.R.C. 519.02 that provides the authority for a Township to regulate buildings and uses. He had analyzed that paragraph in relation to General Welfare, and found that different items and uses are regulated under different purposes. This is very confusing and he suggested the Commission read over his analysis. The language in the Zoning Resolution may need to be adjusted wherever an item is mentioned. He noted that non-residential buildings and uses can be regulated under all the different wording, including general welfare, whereas residential property may only be regulated under public health and safety.

There being no other business, Mr. Murphy moved to adjourn, Mr. Madden seconded and the meeting adjourned at 9:23 p.m.

Respectfully submitted,

Diana Steffen
Secretary

Date

Richard E. Snyder
Chairman

Date