

## Zoning Board of Appeals Minutes, 03/15/2017

### Zoning Board of Appeals Minutes March 15, 2017 Land Use Meeting Room

**Members in Attendance:** Acting Chair Cliff Snyder, (CS); Al Harper (AH); Robert Fuster, (RF); Clayton Hambrick, (CH); Robert Fuster Jr. (RFjr)

**Absent with notification:** Shawn Leary Considine (SLC); Ned Douglas, (ND); Ethan Berg, (EB)

**Staff present:** Gwen Miller, Land Use Director/Town Planner (GM) and Peggy Ammendola, Land Use Clerk, (PA)

**Scarafoni Associates for South Church Street Associates, LLC, 4 Foxhollow Road (3 Foxhollow Drive in Lee), (Map 1 Parcel 4),** modification of a Special Permit under Section 5.3, "Nonconforming Uses and Structures" to renovate the existing Manor House into rental apartment units.

Presenting the application were the following: Attorney Elizabeth Goodman of Cain Hibbard; Steve Mack of Foresight Land Services; David Carver and Peter Ticonni of CT Management; and Grigori Fateyev of AF Architecture. Attorney Goodman stated South Church Street Associates LLC owns the Manor House at the Meadow Wood Condominium and Mr. Carver has development rights. It is a unit of the condo that is the subject of this application. She said that there was a Special Permit that was issued long ago for the use of this site and there have been several owners. Since the property is divided by the town lines of Lenox and Lee, the applicant will have to go through the permitting process in Lee in addition to this. The Building Commissioner, who works for both Lee and Lenox, is familiar with the project. The entire site, which includes Lakeside Condominium, is included in the Special Permit as at one time it was owned by the same entity.

Mr. Mack reviewed the overall survey of the property which consists of 222 acres and pointed out the parts which are in Lee and Lenox. The town line goes through the project. The front of the Manor House is original with a series of additions added to the back.

Mr. Carver gave an overview of the history of the property saying that Foxhollow School for Girls operated there for 40 years until it closed in 1976. It had been on the market for several years, and at that time there were 270+ acres and included The Mount. An individual from New York City purchased the property and was given a Special Permit in or around 1977. Sometime in the late 80s he split off 50 of those acres to go with The Mount. In consultation with the Towns of Lee and Lenox, Mr. Carver believes that the owner was encouraged to keep the property together rather than to divide it.

Multiple uses were permitted and set up as sub-uses of the property. The Ponds, Lakeside and the Fowler House were granted 99 year ground leases and all sit independently on Meadow Wood Condominium land. RFjr clarified that this is leased space by the property and not owned by the condominium association.

Three large pieces that are restricted from development are referred to as recreational parcels. One of these has a permanent Conservation Restriction and is next to the Mount. A second one has more access to other entities and the third is one which has 600 feet of frontage on Laurel Lake.

Each building is referred to as a unit and each could have several dwelling units. The five units that are in the vicinity of the project have 40 apartments and are not individually owned. They are long term rentals, not time shares. The minimum term is one year, but some of the tenants since this applicant acquired the property in 2012 are still there. There are a total of 15 units that are a part of Meadow Wood Condominium. At the time of acquisition, the buildings were in need of renovation, and during that process it was determined that there was no ADA apartments available. Two, or 5% of the total, have since been created which meets the code requirements. The only two buildings that are in Lenox are the Manor House and Fowler House and they both are one unit. The Manor House has been empty about 3 years. Originally it was used as classroom space for the school.

The individual from NYC who bought the property used this complex as a clubhouse for all of the activities on the property. He wanted to build another 100 condos, a hotel, a public restaurant, etc. When he sold it to Kripalu they used it for office space, some residential and other programs. Enlighten Next followed and for 12 years used the space for commercial and residential.

In response to CS, Mr. Carver confirmed that Westinghouse bought about 300 acres sometime in the 1880s in this vicinity and built a Victorian mansion. The Vanderbilts then purchased the property in 1915 and the house was razed and replaced it in a Greek Revival style. The intent of the Applicant is to restore the Lenox Manor to that look.

The condition of the manor house was such that the Applicant had considered tearing it down, but 95% of the work they do is adaptive reuse and restoring old buildings. The sprawling addition which was put on in the 70s and 80s that was to accommodate the spa, restaurant, etc., will be removed and replaced which will be about the same size. The mansion will be restored and the two will be joined by a glass connector.

Mr. Mack, using the drawings, said that the proposal is to remove the rear portion of the building except for the pool and build the new addition off of the back and new garage units for the dwelling units. The bylaw requires 22 parking places. They are proposing 37 spaces. Twelve would be the garages. Two spots would be handicap accessible.

Mr. Mack said that the water and sewer will be provided by the Town of Lee. Compared to the previous use, there will be a significant reduction of water and sewer. Stormwater impacts will be less than the existing conditions due to the reduction of impervious surfaces. The redevelopment of the Manor House into 11 dwelling units will have less traffic impact than the previous use.

Mr. Fateyev provided drawings and elevations of the project. He said that it is their goal to restore the Manor house to its former glory. A new entrance with a 2 column porch, will be created. There will be a 2 story foyer with glazing on both sides. The new structure will be added south of the manor house. He said that there will be a clear sense of where the new building begins and the old building ends. The new will be contemporary and the old is neoclassical. There will be a living space for all of the units on the ground floor and the connector between the old and the new. Mr. Fateyev said that it is important from a historic point of view to keep the original building and introduce new function and style for an addition. He said that it is a part of the same matrix even though they are different styles.

RFjr raised the same concern of Dr. and Mrs. Michael Kaplan, abutters who sent an email earlier on the day of this hearing. Their letter, which was read into the record, stated that their concern was regarding the appearance of the additional wing that is proposed. They expressed that the new construction gives the appearance of a modern office building; therefore it is not in conformity with any of the other buildings at Lakeside Condos and Meadow Wood homes. They asked that the ZBA take their concern into consideration when reviewing this proposal. Mr. Fateyev responded that the context of the surrounding area is a mix of styles, some structures have been built recently and Lakeside was built in the 1980s and there is nothing special about the architecture. This project will use high quality materials and energy efficient. They are still working on details. CS stated that the ZBA is not an architectural review board and has limited input into architectural design.

In response to CS's request for an explanation of the differences in condos and apartments, Attorney Goodman stated that when Enlighten Next put the property up for sale, they were keeping some of the buildings and selling some. They established ownership and each building became a unit in a condominium. In the master deed that sets up a condominium, it is a unit. The master deed could be revised and a dwelling, apartment, could become a unit. That is not being proposed, but a developer, could make the apartments into condos. This would not require a filing with the ZBA. Each unit owner owns the building. There are 15 condominium buildings and in those there are apartments and some are single family homes. The Applicant owns 6 of the 15. Condominium is ownership, and apartment is a use. The Applicant intends to offer the apartments as long term rentals.

There was no other correspondence and no members of the public present.

It is expected that this project will cost about 2.2 million dollars. The tax impact for Lenox would be about \$1500.00 per unit. Five and ½ units are in Lenox

Mr. Mack met with Fire Chief Dan Clifford and there were two revisions which involved moving an existing fire hydrant closer to the access driveway and to widen a curve.

Leases for the apartments will be from 1-5 years and the large units would rent in the low \$3,000.00 range. With this project the Applicant is not required to provide affordable units.

This is a modification of an existing Special Permit. It is already a non-conforming use.

RF made a motion to close the public hearing. CH seconded the motion.

RF made a motion to permit modification of a Special Permit under Section 5.3, "Nonconforming Uses and Structures" to renovate the existing Manor House into rental apartment units. AH seconded the motion and the Board voted to approve 5-0.

During the course of the hearing, three images were shared on a digital device. It was agreed that those images would be printed and sent to the Board. (These were received March 15, 2017.)

RFjr said that for the record he wanted it to be clear that Dr. and Mrs. Kaplan's letter was one of many factors and that it does not have significant weight on the decision.

Mr. Carver said that he spoke with Dr. Kaplan today and stated that most of their work is historic restoration and that details are still being worked out. It "has to feel right to me." He likes the glass connector and the proposed concepts.

**Minutes:**

*October 24, 2016*-RF made a motion to approve the minutes and CH seconded the motion. The Board voted to approve 3-0-2. RFjr and CS abstained as they were not at that meeting.

*March 1, 2017*-RFjr made a motion to approve the minutes and RF seconded the motion. The Board voted to approve 3-0-2, CS and CH abstained as they were not at that meeting.

Respectfully submitted,  
Peggy Ammendola