

**TOWN OF CASTLETON**  
**DEVELOPMENT REVIEW BOARD MEETING**  
**Minutes of January 17, 2017**  
**Castleton Town Offices**

MEMBERS PRESENT: G. Chader, J. Mark, D. Wood

MEMBERS NOT PRESENT: R. Day, K. Israel

OTHERS PRESENT: Jeff Biasuzzi, Zoning Administrator, see attached list.

The meeting was called to order at 7:00 pm by G. Chader (Interim Chairman)  
All interested parties were sworn in by G. Chader.

**OLD BUSINESS; REOPEN PUBLIC HEARING**

**APPLICANT-** Avi Vyas, 203 Hart-Towers Rd. Request to reopen to Testimony for Application #7916/DRB#477; submitting a REVISED application which requests demolition of boathouse & front porch; re-construct a Single Family Residence (SFR) in same footprint, but raise height of structure for second floor; and construct 14' X 18' accessory structure.

As Avi Vyas was delayed by weather and not yet present, the DRB elected to move onto the next agenda item; amending the (draft) agenda.

**NEW BUSINESS**

**APPLICANTS:** Jack & Martha Clifford, 37 Campbell Road. Application #7920/Appeal #481  
Requests demolition of existing SFR, and build a new SFR within pre-existing footprint.

J. Biasuzzi stated that the Clifford's have this property and the one adjacent to it. They would like to remove SFR and construct another SFR with a slightly smaller footprint (30' X 38') with a walk-out foundation. There would be two 10' X 20' open decks, on the west & south sides. The new house would use the existing water supply and septic system; without any expansion in use. They will be keeping the garage. The proposed structure, with existing garage and existing shed is 1690 sq. ft., under 7% coverage and less than the existing coverage of 8% in a R40 zone maximum coverage is 15%.

G. Chader asked if it was a standard deck, 3 ft. off the ground.

J. Clifford stated yes.

J. Biasuzzi stated it had the same number of bedrooms.

**MOTION:** D. Wood made a motion to close the hearing. Seconded by J. Mark.  
All in favor. Motion Carried.

**APPLICANTS:** David Schneider & Carolyn Devlin; 45 Acorn Lodge Rd. Application #7919/Appeal #480. Request to remove existing SFR and construct two story SFR with a walk-out foundation.

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J. Biasuzzi informed the Board they have a relatively new septic system which is making it tough on placement of new SFR. They have a  $\frac{3}{4}$  acre lot, footprint to 1612 sq. ft. including a walk out foundation. This is less than 5% coverage.

C. Devlin described the current design as mainly staying within the existing footprint. There is an existing covered porch and uncovered deck. They want to include the existing open deck into the new SFR design. C. Devlin states that she did not reduce any of the setbacks.

G. Chader stated that the setback to the west is than required minimum of 15' and when expanding coverage the setback of 15' must be met. There is a side setback of 9'.

The Board suggested rotating the house to clear the setback or remove the proposed stairwell enclosure on the west wall that extends beyond the existing footprint, and is further encroaching into the non-conforming side setback

**MOTION:** J. Mark made a motion to continue the hearing until Feb. 7, 2017. Seconded by D. Wood. All in favor. Motion carried.

The Applicants returned shortly after, and requested the Board reopen their Hearing, to allow submitting a change in their house design that would resolve the western side setback problem. The Board agreed unanimously to reopen their Hearing and consider the new information. The Applicants agreed to eliminate the west stairwell design that extended beyond the pre-existing footprint and further encroached into the non-conforming side setback. The resulting structure wall would be within the pre-existing footprint.

**MOTION:** D. Wood moved to take this under review, and re-close the Hearing. J. Mark seconded, all were in favor, and Motion carried.

**OLD BUSINESS: REOPEN PUBLIC HEARING**

**APPLICANT:** Avi Vyas, 203 Hart-Towers Road. Mr. Vyas was sworn in by G. Chader.

J. Biasuzzi stated that this is to reopen to testimony for a new submitted SFR design within the existing footprint.

A. Vyas stated they are submitting a new design with no change to pre-zoning existing structures footprint. They are going up one floor. The shed, boathouse and patio will be removed. They will be adding a detached 14' X 18' shed, which will meet the 10' side setback and not exceed the 15% maximum coverage. J. Biasuzzi states that their coverage is 10.6% with new footprint without deck, which doesn't count. The total coverage is 1422 sq. ft. and total coverage is 14.8%.

**MOTION:** D. Wood made a motion to close the hearing. Seconded by J. Mark. All in favor. Motion Carried.

**OTHER BUSINESS/CORRESPONDENCE**

None

**PUBLIC COMMENT**

J. Biasuzzi described the existing permit for the Lee Lodge, (formerly d.b.a. "The Bakery") and a written description by K. Gecha, (McKerron Group) as agent for A. Breting, who would like to use the existing permit. He had a request from a contractor asking about what would be involved in applying the existing permit (#7793/DRB 437) that Lee Lodge #30 had received for "The Bakery." No new application has been submitted. The prospective applicants have provided an outline of what they would like to use the west (former Café) side, on the first floor of the Masonic building

Their plans would be for a pizza restaurant with delivery and evening hours of operation extending to 2:00 am. No alcohol would be served. The DRB was asked to compare the existing permit for the former café to this proposed use and determine if the existing permit would suffice; or if a change of use, with a new application, DRB Hearing, and permit were required.

J. Biasuzzi continued that the former café was permitted for 18 parking places. It did have occupancy approved for up to 57 people if it had expanded. They were using about half of occupancy and parking when that business closed. The new tenants plan to use the same space, and have the same number of employees.

Andrew Breting was sworn in. He identified himself as the prospective tenant for Lee Lodge #30 commercial space, and the business owner interested in a permit for a Pizzeria Restaurant with delivery and with 13 seats.

J. Mark was concerned about increase in hours for previous permit of 6am to 6pm to 12:00pm to 2am.

A. Breting stated that he believes there needs to be an option in Castleton for food after 10:00pm on Thursday, Friday and Saturday nights. These are the only nights they are requesting a 2am close, Sunday thru Wednesday close will be 10:00pm.

G. Chader asked if there were any limits on hours of operations.

J. Biasuzzi did not think there was as it's a conditional use permit and stated that this is just an informational meeting.

A. Breting stated he was there to see if they would be able to proceed on the existing restaurant permit.

**MINUTES FOR APPROVAL- NOVEMBER 29, 2017**

**MOTION:** \_\_\_\_\_ motioned to approve the minutes of November 29, 2017.  
\_\_\_\_\_ seconded. All in favor. Motion carried.

**DELIBERATIVE SESSION**

**MOTION:** J. Mark made a motion to enter into Deliberative Session permitting the Zoning Administrator to attend. Seconded by D. Wood. All in favor. Motion Carried.

**MOTION:** D. Wood made a motion to exit Deliberative Session. Seconded by J. Mark. All in favor. Motion Carried.

The Zoning Administrator was instructed to draft the following Decisions:

RE: Clifford; Application #7920 was approved.

RE: Schneider & Devlin; Application #7919 was approved with the Condition that the new structure eliminate the western encroachment into the side set back, and stay within the pre-existing footprint. The ZA is to receive a revised site plan to establish this adjustment, prior to issuing a final permit.

RE: A. Vyas; Application #7916 was approved as revised and in accordance with testimony presented.

**ADJOURN**

**MOTION:** D. Wood made a motion to adjourn the meeting. Seconded by J. Mark. All voted in favor; Motion Carried and the Meeting adjourned at 8:15 pm.

Respectfully

V. Waldron

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Date of Approval