

**TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD MEETING
MINUTES OF May 15, 2018
CASTLETON TOWN OFFICES**

MEMBERS PRESENT D. Wood, B. Day, G. Chader, J. Mark

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

The meeting was called to order at 7:00 by B. Day

APPROVAL OF AGENDA

MOTION: G. Chader made a motion to approve the agenda as presented. Seconded by D. Wood. All in favor. Motion carried.

OLD BUSINESS

REQUEST TO RE-OPEN LISA BEROUD, (AGENT: ZOLTAN HORVATH) 2445 RTE 30 N, CASTLETON- REQUEST FOR RELOCATION, EXPANSION AND CHANGE OF USE OF THE NON-CONFORMING STRUCTURE OF A FORMER CHURCH TO A SINGLE FAMILY RESIDENCE AND GARAGE WITH LIVING SPACE.

B. Day swore in interested parties.

J. Biasuzzi noted that they did not have to be sworn in as it is only a request to re-open the hearing. This is for the Board to listen to the reasons for the request from the applicants and then vote to open the hearing. The meeting would then have to be warned again.

G. Chader asked if it was a hearing, as the applicants were sworn in.

J. Biasuzzi noted that it was not a hearing.

Z. Horvath noted that this was just an informational conversation between himself, J. Burke, Attorney and applicants sister.

J.Mark asked if he would be able to participate in future hearings.

J. Biasuzzi replied that if J. Mark were to listen to the tape of the past meeting and get caught up, and attend the second hearing, he would then be able to participate and vote in the future hearings.

Z. Horvath noted that they have tried to do everything possible to adhere to setbacks and other zoning requirements, while keeping the ridge line at the same height.

G. Chader asked when the Church was built.

J. Burke replied that it was built in the 1930's and that the area under the church was used for

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storage as a basement would be, except that it didn't have walls. There was storage put there which went through an open door. This information did not come up at the first meeting. I have been involved with that church for years, before and after zoning came to be.

G. Chader stated if we could reach the conclusion that satisfied the definition of a basement than the height would be measured from there.

J. Burke stated that the piers serve as the foundation of the Church. He will look for pictures of the Church with storage underneath it.

J. Biasuzzi did read the definition of a basement from Article 9, pg. 46, he also read Sect. 709 pg. 37, giving leniency to the Board to approve an application.

G. Chader noted all the properties around the Lake with a deck with storage underneath.

J. Burke replied that the Church (piers) are not a deck.

J. Mark asked the Board to stay focused as to what will justify the reopening of the permit.

Z. Horvath noted that he understands the Board's concerns about the height issues.

OTHER BUSINESS

J. Biasuzzi informed the Board he had an applicant come in today, regarding a property on Avalon Beach that burned down and they wanted to reconstruct on the same footprint. It was non-conforming structure. He read Sect, 706, pg 37. Sect. 707 does state there is a time line on the completion of the building, it has to be within 18 months of the day of the fire. It was his opinion that, although a grey area, it does not require a DRB review, even though it says in Article 7 that it does need DRB review. I am asking the Board to either argue or concur that. He also noted he felt that the 18 month timeline was getting close.

G. Chader stated they would leave that up to him.

J. Biasuzzi also informed the Board of a possible application on the lake regarding an addition of a 3 X 9 alcove, doesn't change the footprint. This goes to Article 7 as to whether they need to go to DRB to build a 3 X 9 structure.

G. Chader noted it is a non-conforming building.

J. Mark noted that judgements were not written into the rules.

The members informed J. Biasuzzi that applicant needed to apply for a permit to go thru DRB.

J. Biasuzzi apologized to V. Waldron regarding his comments made at the previous meeting about her participating in Deliberative Session as an alternate.

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M. Jones noted that the DRB has not adopted Rules of Procedure for their meetings and that adopting these might help with procedures.

J. Biasuzzi noted that when V. Waldron (alternate) acting as alternate.

G. Chader noted that V. Waldron did not vote on the Rehlen permit.

MOTION: J. Mark made a motion that the alternate shall participate in DRB discussions, deliberations and votes when the Board has 5 members in attendance, not counting the alternate. Seconded by G. Chader.

J. Mark noted that if there was a tie in voting, the application would be denied.

D. Wood noted that if there is no decision made within 45 days applicants permit is approved, so a tie would therefore have an outcome of approving of the permit.

MOTION: J. Mark made a motion that when the alternate is present and only 2 or 4 regular members of the Board participate in a hearing the alternate shall participate in discussions, deliberations and vote. Seconded by D. Wood. All in favor. Motion Carried.

MINUTES OF APPROVAL – APRIL 17, 2018

MOTION: G. Chader made a motion to approve the minutes of April 17, 2018. Seconded by D. Wood. All in favor. Motion Carried.

FINDINGS OF FACT

MOTION: D. Wood made a motion to deny permit #7983 based on Article 5, height regulation in Article 9 as defined in definitions. Seconded by G. Chader. VOTE: C. Chader, D. Wood & B. Day – yes... J. Mark- abstain.

The next meeting is June 5th, 2017.

MOTION: J. Mark made a motion to re-open the hearing for permit # 7983. Seconded by D. Wood. All in favor. Motion Carried.

ADJOURN

MOTION: J. Mark made a motion to adjourn. Seconded by D. Wood. All in favor. Motion Carried.

Respectfully

V. Waldron

Date of Approval

DRAFT

DRAFT