

**TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD MEETING
MINUTES of October 20, 2015
TOWN OFFICES**

MEMBERS PRESENT: G. Pritchard, R. Day, J. Mark, G. Chader J. Hale

OTHERS PRESENT: J. Biasuzzi (Zoning Administrator), refer to Attendance List

The meeting was called to order at 7:03 pm by Chairman G. Pritchard

NEW BUSINESS

APPLICANT/Owner Ed Davis; 99 Sand Hill Rd.; Parcel(s)25-21-01, 25-21-3.2; request for a lot line adjustment and two lot subdivision

J. Biasuzzi described the project to adjust the boundary lines from the Owner's two adjacent lots, so that Parcel #25-21-01 would be larger, and the new setbacks would accommodate the construction of an addition to the Owner's residence. Lot #25-21-3.2 would be reduced in area and town road frontage; but have access to Town Road via a (minimum) twenty (20) foot wide Right of Way (ROW). The remaining 42,646 sq. ft. would be divided into two parcels, accessed by said ROW. The lots would conform to dimensional, area, and access requirements for the R2A zoning district.

G. Pritchard asked for comments from those attending, and swore in Interested Parties. W. Potter asked about relocation of an existing culvert. Following a recent survey, it appeared that the culvert was in the middle of the property boundary. E. Davis stated he would relocate the culvert on to his property. J. Biasuzzi stated that the Highway Foreman needed to be consulted before reinstalling the culvert and constructing the new ROW driveway.

MOTION: R. Day made a motion to close the Hearing; J. Mark seconded, all approved and motion carried.

APPLICANT/Owner MaryLee Harris; Two Lot subdivision; 825 Sand Hill Rd.; Parcel 09-01-25

J. Biasuzzi explained that the Owner was separating a new Parcel from her farm, which already had an existing septic system, well, and single wide Mobile home. This was a minor subdivision, as the Owner had used the simple parceling provision in Castleton subdivision rules within the past 10 years. He stated the resulting parcels conformed to R2A zoning requirements.

MOTION: R. Day moved to close the Hearing; G. Chader seconded, all approved and Motion carried.

APPLICANT/Agent: The McKernon Group, OWNER: R. LUCAS; 2723 Rt. 30 N; Parcel 37-50-14

Chairman Pritchard swore in Interested Parties. J. Biasuzzi provided a brief explanation of the

application for a 24' X 24' detached garage; and that this would exceed the 15% maximum coverage allowed in the R40 Zoning District.

G. Kupferer (as Attorney) and J. Cameron (as Agent) explained the practicality and need for the larger garage. The DRB reviewed zoning rules on Variances.

Colleen Ringquist (neighbor) asked how the proposed garage would impact the neighborhood aesthetics, stating that many of the lakeside lots did not have a garage. She expressed her concern that the height & location of the structure would impact her lake view, and submitted photos.

G. Pritchard referred to portions of Section #709 of Zoning; adding that Owners and Applicants were familiar with the rules at start of their project and could have addressed the garage issue then. J. Mark stated that the Variance rules were not helpful in this application. G. Pritchard asked the Applicants if they wished to have the Hearing continued; in order to submit a revised structure design and placement.

After further (separate) discussions, both the Applicant and DRB agreed to an accessory structure with a maximum footprint of 216 sq. ft., height of 29 ft., and conforming to prescribed setbacks.

MOTION: J. Hale made the motion to close the Hearing, R. Day seconded, all approved and motion carried.

APPLICANT/AGENT: James Amery; **OWNER** Eric Hernandez; **Reopening of Hearing for Testimony; 862 US Rt. 4AW, Parcel 42-51-13**

G. Pritchard swore in all Interested Parties present. J. Biasuzzi introduced written testimony submitted by J. Wiskoski and C & R Lester; who were absent.

Attorney J. Burke (representing the Owner) opened with new testimony on a 7/23/2015 meeting with J. Amery and neighbors McMahan, where an agreement on use of the Hernandez property for a towing and truck repair business was reached. Mr. Burke stated that, during an earlier hearing, the DRB had encouraged the neighbors and the applicant to try and work out an agreement for the continued use of the property.

J. Amery asked if the DRB had received a copy of this agreement. The DRB acknowledged receiving a copy from the McMahons at an earlier Hearing date.

J. Biasuzzi relayed information received by a staff attorney from VLTC. This included DRB consideration of the outside unregistered vehicles as business inventory, and not in storage. Also, the Applicant should be allowed to argue the "common sense" factor of how his business

operates, as part of his application for a conditional use permit. While the Court is likely to support the literal language in an Appeal; it will also view regulations “in derogation of common la property rights”; and “if exemptions appear in favor of the property owner, they shall be construed in favor of the property owner”.

J. Amery explained that a portion of the trucks on site were farm vehicles, towed from local farms for repair, and to be towed back to Owners. His understanding of Section #1018 was that agricultural vehicles were exempt. He stated that farm trucks were not his only business; and his was willing to register antique vehicles on the property.

Patricia Johnson complained about the unsightly aesthetics, stating that this had a negative impact to the valuation and marketability of her property. J. Amery response was that a fence would screen his business from the neighborhood.

Gregg Knapp stated that other neighbors have placed their own less-than-attractive property on the Hernandez ownership. He also stated that the entire parking area of the Hernandez ownership had shared use with Slate Valley Liquidators Inc., per mutual agreement.

J. Burke confirmed this.

G. Chader stated his feelings that the Co-operative effort to reach an agreement was promising; but that Section #1018 still would stand. Any conditional use permit issued by the Town would include conditions on business operations; to which the Applicant would be obligated to comply.

JoAnn McMahon submitted written testimony from her attorney, Kevin Brown, and several recent photos of the property.

J. Amery asked for clarification on how many vehicles would be allowed outside any fenced area.

MOTION: G. Pritchard made a motion to close the Hearing to testimony; J. Mark seconded, all approved and motion carried.

APPLICANT/Owners(s): M. Gardinia & F. Knapp; reopen the (continued) Hearing on application to construct a residential/garage structure on Parcel #33-50-50.

MOTION: G. Pritchard made a motion to accept the Owner’s request (through his attorney) to WITHDRAW permit application #7845/455; and close the Hearing on this application. G. Chader moved to second the motion, all approved and the motion passed.

REVIEW of MEETING MINUTES:

MOTION: J. Hale moved to accept the Minutes of September 21, 2015, & G. Chader seconded.

J. Hale, G. Chader & R. Day approved. G. Pritchard & J. Mark abstained, as they were absent at this Meeting. The quorum approved the Motion.

MOTION: G. Chader made the motion to enter into Deliberative Session; J. Hale seconded; all approved.

MOTION: G. Chader made a motion to exit Deliberative Session and to close the Meeting. J. Mark seconded, all approved. The next DRB meetings were set for 7:00 pm, November 3 and November 17, 2015. The meeting adjourned at 9:20 pm.

Respectfully submitted by: Jeffrey M. Biasuzzi (recorder)

Approved: _____, 2015