

**VILLAGE DEVELOPMENT REVIEW BOARD  
DRAFT MINUTES  
April 22, 2015**

**PRESENT:** Jim Mills, Randy Mayhew, Jane Soule  
**ABSENT:** Benjamin Pauly, Keri Cole  
**ALSO PRESENT:** Mike Willis, Greg McKeney, Virginia Palmer, William Bradley, Bernadette Dajarky, Bob Hamlin, Chris Ambrose, Alex Hoberman, Laird Bradley, Don Gilbert, Marni Rieger, Michael Brands

**I. CALL TO ORDER**

The meeting was called to order at 7:30 p.m.

**II. PUBLIC HEARINGS**

**A. Old Business**                      **None**

**B. New Business**

**1. V-3125-15**                      **Marni Rieger & Deborah Witten**

The application is for Design Review Approval for exterior changes, window replacements, and to demolish the garage. The property is located at 4 College Hill Street and is zoned Residential Medium Density / Design Review.

Ms. Rieger presented the application.

The VDRB reviewed photographs of the building and cutsheets of proposed windows.

The Design Review recommendation to approve with the following conditions was read:

1) prepare a floor plan for the VDRB meeting, 2) resolve the west elevation dormer and porch issues, 3) submit a drawing of the stairs to the porch, 4) resubmit the south elevation rendering, and 5) decide whether or not to demolish the garage.

The applicant brought in new renderings that address the concerns of the Design Review Board. A floorplan was not necessary as she had made decisions on window placement.

Ms. Rieger recently purchased the building and wishes to replace a number of windows with energy efficient units and to bring the home back to its original look.

On the west elevation, two side by side second story 6 over 6 windows would replace the

existing 2 over 1 window in the gable end. The existing window on the first floor would be removed.

On the south end of the west elevation, two 6 over 6 windows would be added to the first floor just west of the porch and the window under the porch roof would be removed. On the second floor, the applicant decided to retain the gable dormer and replace the 2 over 1 window with a 6 over 6 unit.

On the south elevation, a porch extends the entire length of the building. The owner wishes to remove the enclosed portions of the porch. A new rendering shows an open porch that matches the open porch in the southwest portion of the home. The open porch is original to the building. The ornate panels placed in the lower half of the enclosure and within the railings would be removed and replaced with matching spindles.

Wood stairs would be built into the north end of the porch to access the parking lot located north of the home. The stairs would have two steps and would not require railings. A new drawing showed the stair details.

On the east elevation, the shed roof and enclosed area underneath including the entry door would be removed. The door area would have clapboards placed to match the building's siding. In addition, three 2 over 1 windows would be replaced with 6 over 6 units.

The owner would like to remove the garage, located north and east of the building. It is in very poor condition and is a safety issue. Removing the garage would provide access to the neighboring undeveloped lot also owned by the applicant.

Testimony was voted closed.

**2. V-3120-15 Alan & Bonnie Hammerschlag**

The application is for Conditional Use Approval to construct a 5000 sf pond. The property is located at 3 Border Lane and is zoned Residential Low Density.

Willis Engineers, Mr. McKeney and Mr. Willis presented the application.

The VDRB reviewed a series of drawings and site plans.

The owner wishes to place a +/- 5000 square foot pond at 3 Border Lane. The site is approximately 200' below and west of the house. The pond would be fed by a well yet to be drilled. A float valve would activate the well pump.

There are no streams, wetlands or vernal pools or other natural water bodies near the site.

The applicant removed all proposed lighting from the application.

The project would start this summer.

The pond would not meet the required side setback if the Town/Village line is used as the the property line, 7.5'. However, if the owner is able to include the neighboring lot, which he owns, the setback would be 75'. The required setback for the Residential Low Density is 15'.

The construction process would dig the hole, strip the material and place berm. The berm would be 5.5' tall. The pond would be 7' deep at its deepest point. The pond measures 172' in length and 43' feet at its widest point. Mr. Willis estimated the pond would contain approximately 140,000 gallons of water.

Numerous test pits were dug to determine the soil content. Ledge was found in spots at a 4' depth. There would be no blasting required. The soil is a heavy clay, there is no need for a synthetic liner. Clay would be added were necessary.

Two spillways at each end of the pond would be placed for overflow. The site is a large open meadow, any overflow should be absorbed by the field.

Stone patios, flower beds and shrubs would be placed to border the pond. A wood bridge over the narrow part of the pond would be placed.

The aeration pumps and bubblers would be placed to maintain oxygen in the water. It was not known if the pond would be stocked with fish.

The Conservation Commission's recommendation noting there are no natural water bodies near the proposed pond site was read by the VDRB.

Chair Mills read a letter sent by neighbors Jeff Bendis and Barber Butler noted concerns with the potential impact on their well and with the potential effects of a stagnant pond.

Mr. Willis noted the applicant's well was tested and proved to be excellent. The proposed well would be placed 140' feet away from the existing well. The owner's home well would be impacted before neighboring wells. The closest neighbor's well is 400-500' away from the site. A hydro-geological study has not been performed. Based on his many years of experience with these situations there should be no problems. Wells in the neighborhood should not be stressed with this small demand, less than 1000 gallons per day, to maintain the pond from the proposed well. The initial fill would take four days of 24 hour pumping.

Mr. Bradley, neighbor 415' directly east of applicant, noted concerns with his well. Water loss is not detailed. The aquifer is unknown. The pond is frivolous and a decorative item for a second home person who doesn't live here year around. At the time, the Bendis home was built in 1993, his water turned red due to high iron content. Water is our most precious resource.

Mr. Hamlin, a Blankey Cottage Road resident and abutter to the applicant's second lot, is concerned with his well. He felt he should have been notified of the hearing but was not

on the abutter's list. He spoke with George Spear, local well driller, on the matter. Veins of water are unknown. He currently has a great well and does not want it changed. He suggested the pond be filled with tanker trucks and that the current well should be used to maintain the fill level of the pond.

Mr. Mayhew asked Mr. Hamlin if he needed more time to prepare for the hearing.

Mr. Hamlin stated yes, as he wishes to speak with his attorney. He has a small pond with a liner. It requires daily filling to maintain due to high evaporative rates.

Ms. Dajarky, neighbor to the west and directly downhill of the proposed pond stated that although her home is connected to the Woodstock Aqueduct Company water system, she is worried about overflow or another Tropical Storm Irene situation where her property could be flooded out due to the proposed pond.

Ms. Palmer, the closest neighbor located just south of the site, is worried about impact on her well. She has no objection to a pond. She has a stream fed pond. Her well is 266' deep and produces 5 gallons per minute. She asked where the pump would be placed.

Mr. Willis stated the pump would be placed in the ground as is the standard for wells.

Ms. Palmer distributed a list of proposed conditions should the VDRB approve the pond. The conditions would assure quantity, quality and continuity. Any neighbor who desires would provide current status of well to the town for base level. Should wells be impacted the applicant would be responsible for restoration of water or replacement of well.

Mr. Mayhew asked under what authority would this condition be made.

There was no response.

Mr. Bradley, realtor, asked about pond standards versus those for a pool. Pools are refilled by tank trucks and normally do not leak.

Ms. Soule asked if the pond was big enough to use for fire protection.

Mr. Willis responded, yes, a dry hydrant could be run out to Border Lane.

Mr. Willis stated that with the current half acre zoning density, he imagined 20 more homes could be built in the neighborhood. These 20 homes would have a much larger impact on groundwater than the proposed pond.

Both Ms. Palmer and Mr. Hamlin stated support for filling the pond with tanker trucks and eliminating the proposed pond.

Testimony was voted closed.

**3. V-3123-15 Alex & Abbe Hocherman**

The application is for Conditional Use and Design Review Approval to construct 1024 square foot addition with 445 square foot deck in flood hazard zone. The property is located at 6 River Street and is zoned Residential Low Density / Riparian Buffer / Flood Hazard / Design Review.

Mr. Hocherman and Mr. Ambrose, contractor, presented the application.

The VDRB reviewed a series of drawings and photographs.

At the moment there would be no work to the carriage house/garage located east of the main building.

The parcel of land falls under the Flood Hazard and Riparian Buffer regulations.

The riparian issue was discussed first after reading the Conservation Commission's recommendation to approve as submitted. This is due to the fact that the 20 square foot intrusion is equal to 0.008% of the 100' riparian buffer, and the entire riparian is and has been a mowed lawn to the river. The 20 square foot intrusion includes a 3' x 3' cement pad and small area of stairway to a deck six foot above ground level.

The VDRB then reviewed the Design Review portion of the application. The main part of the home is being rebuilt essentially as is. An el would be built onto the rear.

The main portion of the home was reviewed first. A new window would be centered over the doorway. Energy efficient Pella window units with 2 over 2 true mullions would be used on the front portion of the building. The square support posts for the front entry would be replaced with a slightly more ornate but still square posts.

A yellow clapboard siding with a bronze or black standing seam roof is proposed. The standing seam roof replaces asphalt shingles.

The large existing east porch windows would be replaced with a much smaller fixed four light window. The wall would be clapboarded to match existing siding.

A privacy panel with 6" square openings would be placed on the north end of the west porch for privacy. The diagonal lattice under the porch would be removed and replaced with skirting, 3" x 1" vertical PVC boards spaced 3/4 inch.

The west facade of the main home would remain as is, except for the energy efficient windows and removal of diagonal lattice to be replaced with skirting under the porch.

The existing enclosed east porch would maintain the same dimensions. New windows

and a door would be installed. The east facade would have four 2 over 2 windows. A six light Pella door would be installed just south of the northernmost window. A two step wood stairway without railing would access the door. Above the porch on the main building, a window would be added south of the existing one. The upper attic window would remain in same location. All windows would be upgraded to 2 over 2 energy efficient Pella units. The interior room configuration dictates the exterior window layout. On the rear of the east porch two smaller four light windows are proposed, one on first floor and one in the basement level. The rear portion of the home would be removed.

Chair Mills asked for a discussion of shutters, noting that the Design Review Regulations are being amended that state shutters shall be retained if possible.

Mr. Ambrose felt if shutters were placed they would be too tight and cramped.

Chair Mills noted shutters could overlap if needed, therefore that is not an issue. This home is beautiful and very visible from the street. There are currently shutters on the second story windows and shutters had been in place on the first floor at one time.

Mr. Hocherman prefers not to force the shutters in place, but would place them if the VDRB desires.

Chair Mills stated shutters on the main home are more important due to visibility and historic context. The VDRB has approved a number of applications with shutters on the main older portion of a building and no shutters on a newer addition or el such as this.

The applicant stated they would be amenable to placing shutters on the windows of the main building. On the east porch elevation, shutters would be placed north and south of the bank of windows as the windows are spaced side by side.

The two story rear el was reviewed. It would measure 21' wide x 27' deep and be the same height as the main building. On the second story west facade, four 2 over 2 double hung Pella windows would be placed in a shed dormer in sets of two, side by side. The first floor would have two sets of four light french doors with a transom over each.

A deck would run the length of the el and wrap around the rear. The deck would be supported by 6" x 6" wood posts set five feet apart. The horizontal upper railing would be wood. Four lower horizontal "railings" would be pressure tightened wire cable. Beneath the deck, vertical 3" x 1" wide PVC board skirting would be placed with a 3/4 inch offset between each board. The lower edge would be five inches above ground level. The offsets and ground clearance would allow flood waters to flow through. Flood vents would be set in the foundation walls and would not be seen due to the skirting.

On the rear of the el, a brick chimney would be centered on the exterior of the wall. The second floor would have a 2 over 2 window on each side of the chimney. The first floor would have a double set of 2 over 2 windows on each side of the chimney. The deck with skirting would run the width of the el. The deck is approximately six feet above ground. A stairway with eight steps would access the deck on the southwest corner.

East elevation of the el mimics the west elevation sans deck and french doors. There would be two sets of double 2 over 2 windows on the second floor and one set of double 2 over 2 windows on the first floor. On the drawing, the existing east porch of the main house covers the north part of the first floor.

Exterior lighting was discussed. Due to discussion with the Design Review Board the spotlights were removed from the application. The board also recommended replacing the proposed west side porch light fixtures as the bulb extends well below the fixture. The applicant requested retention of these fixtures.

Chair Mills suggested a copper plate be created that would be attached to the fixture to shield the bulb from street and neighborhood views. The applicant agreed.

The overhead deck lights to be placed over the deck are a goose neck type fixture with a hidden bulb.

Although the proposed wire cable deck railing system is modern, it fits the use on the rear el as it is less visible. The intent of the cable railing is to create a see-through railing system that would also protect one from falling off the deck.

Chair Mills asked about trim details on the new addition.

Mr. Ambrose noted all the trim and architectural details of the main house would be duplicated in the proposed el to continue the architecture features of the main home.

The electric meter on the front of the home would be boxed in with a panel door.

After a lengthy discussion of the furnace vent, it would either go straight up the inside of the chimney or on the lower east section of the back south wall of the main house. Flood vents could go behind the skirting. Bathroom vents are small and can be painted to match clapboard color.

The VDRB then discussed the flood hazard portion of the application starting with a review of State Flood Official - Sacha Pealer's April 22, 2015 letter.

Portions of the existing house and all of the proposed addition are in the 100 Year Floodplain. The applicant has been in conversations with the State for well over a month to resolve flood issues. Regulations require all development to be placed one foot above BFE (base flood elevation), 684.4' above sea level.

The basement floor is 3.7' below BFE. The basement floor within the flood zone would be filled in with flowable fill - mixture of ash, cement and sand and then topped with a 4" layer of cement.

Four vents are proposed: two on the existing home - south end of east wall and west corner of south wall, and two on the el - north end of east wall and east corner of the south wall. The vents open with hydrostatic pressure, thus allowing flood waters to flow through. The flood vents are required to be placed within a foot of BFE.

The addition would be built on a frost wall with gravel fill to BFE. A small crawl space area would result. All basement appliances would be placed above BFE. A propane tank would be buried between the floodzone and the street right-of-way next to the house.

Mr. Ambrose will work with Ms. Pealer to receive approval on the proposed skirting to create a 5" gap above ground versus expanding the gap between the skirt panel boards. The approval will be sent to the Planning and Zoning Office once received. Should a change of design be required, the permit would be amended.

Mr. Mayhew proposed a condition that the basement areas not be used as a liveable space, per Ms. Pealer's recommendation.

The Administrative Officer's certificate of occupancy inspection would assure compliance of flood vents and proposed fill in basement areas.

The VDRB reviewed Sections 403 Riparian Buffer, 404 Flood Hazard, and 405 Design Review.

Testimony was voted close.

### III. OTHER BUSINESS

#### A. Administrative Officer's Report

The report was issued and discussed.

### IV. DELIBERATIONS

#### A. V-3120-15 Alan & Bonnie Hammerschlag

*After discussion the following findings of fact were established:*

1. Willis Engineers, Mr. McKeney and Mr. Willis presented the application.
2. The VDRB reviewed a series of drawings and site plans.
3. The owner wishes to place a +/- 5000 square foot pond at 3 Border Lane. The site is approximately 200' below and west of the house. The pond would be fed by a well yet to be drilled. A float valve would activate the well pump.
4. There are no streams, wetlands or vernal pools or other natural water bodies near the site.
5. The applicant removed all proposed lighting from the application.
6. The pond would not meet the required side setback if the Town/Village line is used

as the property line, 7.5'. However, if the owner is able to include the neighboring lot, which he owns, the setback would be 75'. The required setback for the Residential Low Density is 15'.

7. The construction process would dig the hole, strip the material and place berm. The berm would be 5.5' tall. The pond would be 7' deep at its deepest point. The pond measures 172' in length and 43' feet at its widest point. Mr. Willis estimated the pond would contain approximately 140,000 gallons of water.
8. Numerous test pits were dug to determine the soil content. Ledge was found in spots at a 4' depth. There would be no blasting required. The soil is a heavy clay, there is no need for a synthetic liner. Clay would be added were necessary.
9. Two spillways at each end of the pond would be placed for overflow. The site is a large open meadow and any overflow should be absorbed by the field.
10. Stone patios, flower beds and shrubs would be placed to border the pond. A wood bridge over the narrow part of the pond would be placed.
11. The aeration pumps and bubblers would be placed to maintain oxygen in the water. It was not known if the pond would be stocked with fish.
12. The Conservation Commission's recommendation noting there are no natural water bodies near the proposed pond site was read by the VDRB.
13. Four neighbors complained about potential negative impacts to their wells. A fifth neighbor worried about excessive overflow should a severe storm affect the area.
14. The VDRB agreed the only issue before them is that of the setback, as the application meets the minimal criteria of Section 503 Bodies of Water.
15. The VDRB read the definition of setback and determined the pond would meet setback if the owner's lot directly west of the site was merged to the home lot.

**After additional discussion, Ms. Soule moved with a second by Mr. Mayhew to approve the application with the following condition:**

1. **The applicant shall merge lots 23.54.53. and 23.54.53.001 to resolve the side setback question.**

**The motion passed with a 3-0 vote.**

**B. V-3123-15 Alex & Abbe Hocherman**

***After discussion the following findings of fact were established:***

1. The VDRB reviewed a series of drawings, cutsheets and photographs.
2. There would be no work to the carriage house/garage.
3. The parcel of land falls under the Flood Hazard and Riparian Buffer regulations.
4. The riparian issue was reviewed by the Conservation Commission, whose recommendation was read. The 20 square foot intrusion into the 100' Riparian Buffer is equal to 0.008%. The riparian area is a mowed lawn to the river.
5. The main part of the home is being rebuilt essentially as is. An el would be built onto the rear.
6. On the front of the existing home a new window would be centered over the doorway, energy efficient Pella window units with 2 over 2 true mullions would be used, and the square support posts for the front entry would be replaced with a slightly more ornate but still square posts.

7. The large existing east porch windows would be replaced with a much smaller fixed four light window. The wall would be clapboarded to match existing siding.
8. A privacy panel with 6" square openings would be placed on the north end of the west porch for privacy. The diagonal lattice under the porch would be removed and replaced with skirting, 3" x 1" vertical PVC boards spaced 3/4 inch.
9. The west facade of the main home would remain as is, except for the energy efficient windows and removal of diagonal lattice to be replaced with skirting under the porch.
10. The existing enclosed east porch would maintain the same dimensions. New windows and a door would be installed. The east facade would have four 2 over 2 windows placed side by side. A six light Pella door would be installed just south of the northernmost window. A two step wood stairway without railing would access the door. Above the porch on the main building, a window would be added south of the existing one. The upper attic window would remain in same location. All windows would be upgraded to 2 over 2 energy efficient Pella units. On the rear of the east porch two smaller four light windows are proposed, one on first floor and one in the basement level. The rear portion of the home would be removed.
11. Yellow clapboard siding with a bronze or black standing seam roof is proposed for both main home and proposed el. The standing seam roof replaces asphalt shingles.
12. After a discussion of shutters, it was agreed to place shutters on all windows on the front portion of the existing home. On the first floor of the east porch elevation, shutters would be placed on the north and south ends of the bank of windows.
13. The two story rear el would measure 21' wide x 27' deep and be the same height as the main building. On the second story west facade, four 2 over 2 double hung Pella windows would be placed in a shed dormer in sets of two, side by side. The first floor would have two sets of four light french doors with a transom over each.
14. A deck would run the length of the el and wrap around the rear. The deck would be supported by 6" x 6" wood posts set five feet apart. The horizontal upper railing would be wood. Four lower horizontal "railings" would be pressure tightened wire cable. Beneath the deck, vertical 3" x 1" wide PVC board skirting would be placed with a 3/4" offset between each board. The lower edge would be five inches above ground level. The offsets and ground clearance would allow flood waters to flow through. Flood vents would be set in the foundation walls and would not be seen due to the skirting.
15. On the rear of the el, a brick chimney would be centered on the exterior of the wall. The second floor would have a 2 over 2 window on each side of the chimney. The first floor would have a double set of 2 over 2 windows on each side of the chimney. The deck with skirting would run the width of the el. The deck is approximately six feet above ground. A stairway with eight steps would access the deck on the southwest corner.

16. East elevation of the el mimics the west elevation sans deck and french doors. There would be two sets of double 2 over 2 windows on the second floor and one set of double 2 over 2 windows on the first floor. On the drawing, the existing east porch of the main house covers the north part of the first floor.
17. Exterior lighting was discussed. Due to discussion with the Design Review Board the spotlights were removed from the application. After discussion, the applicant agreed to place a copper plate to shield the bulb on the proposed west porch lights. The overhead deck lights to be placed over the deck are a goose neck type fixture with a hidden bulb.
18. Trim and architectural details of the main house would be duplicated in the proposed el to continue the architecture features of the main home. The electric meter on the front of the home would be boxed in with a panel door.
19. After a lengthy discussion of the furnace vent, it would either go straight up the inside of the chimney or on the lower east section of the back south wall of the main house. Flood vents could go behind the skirting. Bathroom vents are small and can be painted to match clapboard color.
20. The Flood Hazard review started with a reading of State Flood Official - Sacha Pealer's April 22, 2015 letter.
21. Portions of the existing house and all of the proposed addition are in the 100 Year Floodplain. Regulations require all development to be placed one foot above BFE (base flood elevation), 684.4' above sea level.
22. The basement floor is 3.7' below BFE. The basement floor within the flood zone would be filled in with flowable fill - mixture of ash, cement and sand and then topped with a 4" layer of cement.
23. Four vents are proposed: two on existing home - south end of east wall and west corner of south wall, and two on the el - north end of east wall and east corner of the south wall. Vents open with hydrostatic pressure thus allowing flood waters to flow through. The flood vents are required to be placed within a foot of BFE.
24. The addition would be built on a frost wall with gravel fill to BFE. A small crawl space area would result. All basement appliances would be placed above BFE. A propane tank would be buried between the floodzone and the street right-of-way next to the house.
25. The applicant will work with Ms. Pealer to receive approval on the proposed skirting to create a 5" gap above ground versus expanding the gap between the skirt panel boards. The approval will be sent to the Planning and Zoning Office once received. Should a change of design be required, the permit would be amended.
26. The Administrative Officer's certificate of occupancy inspection would assure compliance of flood vents and proposed fill in basement areas.
27. The VDRB reviewed Sections 403 Riparian Buffer, 404 Flood Hazard and 405 Design Review with the applicant.

**After additional discussion, Mr. Mayhew moved with a second by Ms. Soule to approve the application with the following conditions:**

1. **Approval of proposed skirting is required from the State flood official.**

2. **There shall be no liveable space below the first floor within the flood zone.**
3. **Shutters shall be placed on three sides of the original home as presented in testimony.**

**The motion passed with a 3-0 vote.**

**C. V-3125-15 Marni Rieger & Deborah Witten**

***After discussion the following findings of fact were established:***

1. The VDRB reviewed photographs of the building and cutsheets of proposed windows.
2. The Design Review recommendation to approve with the following conditions was read: 1) prepare a floor plan for the VDRB meeting, 2) resolve the west elevation dormer and porch issues, 3) submit a drawing of the stairs to the porch, 4) resubmit the south elevation rendering, and 5) decide whether or not to demolish the garage.
3. The applicant recently purchased the building and wishes to replace a number of windows with energy efficient units and to bring the home back to its original look.
4. On the west elevation, two side by side second story 6 over 6 windows would replace the existing 2 over 1 window in the gable end. The existing window on the first floor would be removed.
5. On the south end of the west elevation, two 6 over 6 windows would be added to the first floor just west of the porch and the window under the porch roof would be removed. On the second floor, the applicant decided to retain the gable dormer and replace the 2 over 1 window with a 6 over 6 unit.
6. On the south elevation, a porch extends the entire length of the building. The owner wishes to remove the enclosed portions of the porch. A new rendering shows an open porch that matches the open porch in the southwest portion of the home. The open porch is original to the building. The ornate panels placed in the lower half of the enclosure and within the railings would be removed and replaced with matching spindles.
7. Wood stairs would be built into the north end of the porch to access the parking lot located north of the home. The stairs would have two steps and would not require railings. A new drawing showed the stair details.
8. On the east elevation, the shed roof and enclosed area underneath including the entry door would be removed. The door area would have clapboards placed to match the building's siding. In addition, three 2 over 1 windows would be replaced with 6 over 6 units.
9. The owner would like to remove the garage, located north and east of the building. It is in very poor condition and is a safety issue. Removing the garage would provide access to the neighboring undeveloped lot also owned by the applicant.

**After additional discussion, Mr. Mayhew moved with a second by Ms. Soule to approve the application as presented. The motion passed with a 3-0 vote.**

**V. APPROVAL OF MINUTES**

The approval of the April 8, 2015 minutes was continued.

**VI. ADJOURNMENT**

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Michael E. Brands, AICP  
Town/Village Planner