

**VILLAGE DEVELOPMENT REVIEW BOARD  
DRAFT  
MINUTES  
January 14, 2015**

**PRESENT:** Jim Mills, Benjamin Pauly, Randy Mayhew, Jane Soule  
**ABSENT:** Keri Cole  
**ALSO PRESENT:** Susan Ford, Chip Evans, Derek Demas, Karen Demas, Peter Hall,  
Paul Ramsey, Robert Pear, Gretchen Pear, Abby Gillette, Clay  
Gillette, Michael Brands

**I. CALL TO ORDER**

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

**II. PUBLIC HEARINGS**

**A. Old Business**

**B. New Business**

**1. V-3103-14 El-Kam Realty / Opal and Chip Evans**

The application is for Conditional Use Review Approval to extend use of gallery for art classes on Fridays until 9/30/15. The property is located at 1 The Green and is zoned Central Commercial / Design Review.

Mr. Evans presented the application.

The VDRB reviewed the Conditional Use form.

The owners of a local art gallery wish to offer art classes at their gallery.

The classes would be held once a week on Friday evenings.

No more than ten students at a time would be on site.

The event would be catered by Bentley's Restaurant located directly across the street. Wine and cheese would be served. There would be no underage students. All required licensing would be handled by the restaurant.

Fifty people have expressed interest in taking such a class.

Mr. Mayhew asked why the application indicates classes through September 30, 2015 and not longer.

Mr. Evans noted his lease runs out on that date, therefore he filled the form out to reflect that fact. He does intend on renewing the lease and would come back to renew the permit at that time as well.

The VDRB reviewed the Conditional Use criteria with the applicant.

Testimony was voted closed.

**2. V-3105-14 Derek Demas**

The application is for Design Review Approval to install ground mounted A/C unit. The property is located at 49 Pleasant Street and is zoned Light Commercial / Design Review.

Mr. Demas presented the application.

The VDRB reviewed photographs of the building and a cut sheet of the proposed A/C unit.

The unit measures 31 ½" wide and stands 21 5/8" tall.

Mr. Demas apologized to the Board as he did not realize a permit was required to place the unit.

An exterior ground mounted A/C unit was placed at the front of the home. The home is a single family dwelling set back from the street. There are numerous shrubs between the unit and the street making it difficult to see the unit. The unit was painted the same color as the home.

According to the spec sheet, the A/C unit creates up to 49 dbs of noise.

The Design Review Board's recommendation to approve was read.

Testimony was voted close.

**3. V-3106-14 Derek Demas**

The application is for Design Review Approval to install ground mounted A/C unit and to install a 6' tall 48 l.f. stockade fence on west elevation of parking lot. The property is located at 51 Pleasant Street and is zoned Light Commercial / Design Review.

Ms. Soule stepped down.

Mr. Demas presented the application.

The VDRB reviewed a site plan of the proposed fence location, numerous photographs and a cut sheet of the proposed A/C unit.

A 6' tall stockade fence would be placed 48 l.f. along the west property line. The fence would be placed two feet off of the property line.

The fence would protect the owner's property from snow and ice that falls off of the neighbors' roof. The neighbors' building is located one foot from the property line. Mr. Demas has an eight car parking lot for two residential units and one commercial unit located in the same area.

Recently the thermo-membrane roof was replaced on the rear section of the neighbor's building where the fence is proposed. The new material is apparently slicker than the old and sheds snow and ice readily although the roof pitch is fairly shallow.

Mr. Demas, as owner of the property is worried about potential liability from ice/snow falling onto his tenants vehicles. The property is very constricted with no other location for parking.

The intention of the fence would be to contain the snow between it and the neighbor's building. Numerous photographs of the site were shown to the VDRB.

Mr. Hall, owner of the rear portion of the building to the west, referenced his letter addressed to the Design Board. He opposes the fence due to the potential lack of ventilation and sun on the east wall of his unit which currently suffers from moss buildup.

The former owner of the Demas property, Mr. Saman constructed the parking lot ten years ago. Water drains between the two properties towards the street.

Mr. Hall painted the building this year, but is worried about future maintenance and resulting mildew should the fence be built as planned. He noted the situation with the snow falling off his building has existed for decades.

Mr. Demas noted that if the fence were moved east just one foot, it would push the parking onto the neighboring residential property at 49 Pleasant Street. The eight parking spaces are two each for the two residential units and four for the commercial unit. The commercial unit is an accountant and with one employee. They need two spaces for clients especially during tax season.

Mr. Mayhew suggested that the parking lot be redesigned by eliminating one parking space, which is allowed under the waiver provision in Section 517 Off-Street Parking.

Mr. Demas reiterated the need to maintain eight parking spaces.

Mr. Mayhew stated there are numerous public parking opportunities both along the street and in the Village's East End parking lot.

Karen Demas supported the need to retain all eight parking spaces as that is what the tenants need and expect. She asked if snow guards/spikes could be placed in the roof to hold the snow/ice from falling.

Chair Mills note snow spikes would be difficult to place in a membrane roof.

Although Mr. Demas prefers not to have a fence in this location, he is still concerned with the possibility of falling snow/ice damaging tenants vehicles.

Mr. Demas then reviewed the ground mounted A/C unit placed on the northeast corner of the building next to the driveway.

The owner placed the unit without thinking a permit was required.

The unit measures 31 1/2" wide and stands 21 5/8" tall.

The unit is placed behind a bush to help screen it. The unit would be painted the same gray color as the building is to be painted. The support frame would be painted a brick color to blend in with the brick foundation. This should also help screen the unit.

The Design Review Board's recommendation to approve the application as presented was read. The recommendation did not take the falling snow/ice issue into account. They did note the fence would not be visible to the passing public.

Testimony was voted close.

**During deliberations, Mr. Mayhew with a second by Mr. Pauly moved to reopen testimony and to continue the application to allow more time for discussion between the two parties to come up with a viable alternative to the proposed fence. The motion passed with a 3-0 vote.**

Ms. Soule returned to the board.

### **III. OTHER BUSINESS**

#### **A. Administrative Officer's Report**

The report was issued and discussed.

#### **A. Woodstock Resort Corporation Review of Zoning Permit V- 2845-12**

On May 29, 2012 Zoning Permit V-2845-12 was granted to the Woodstock Resort Corporation "to place large tent and hold up to 15 tented events annually". Condition number 5 of the permit states: "The application shall be reviewed after a season of use if there is complaint lodged with the Planning & Zoning Office."

The hearing was continued from December 10, 2014 to request additional reports from Chief of Police Robbie Blish.

The Town Planner spoke with Chief Blish who responded that he only completed reports for the two events that had received complaints. He did not know reports were required for each event.

Mr. Ramsey, Woodstock Inn, noted he too had contacted Chief Blish. The chief has no additional information, beyond the two reports submitted at the previous meeting.

Mr. Ramsey did submit the Woodstock Inn's own monitoring information, which showed a graph with decibel numbers. The graphs showed the number of minutes per event that exceeded the 70 db limit. The graph did not show at what time of the evening each noise level occurred.

The August 9<sup>th</sup> event as noted at the last meeting, was the one event that was excessive. The Woodstock Inn was fined for this violation by the Village Police. The Inn regrets that this occurred and is committed to preventing noise violations in the future. All future events will be recorded by a third party and by the Inn as well.

Mr. Ramsey stated the potential time for exceeding the 70 db limit appears to be between 9:30 - 10:30 p.m. when the events are wrapping up.

Chair Mills asked how many wedding contracts are in effect for future weddings and if 10:00 p.m. is an appropriate closing time.

Mr. Ramsey stated, the Inn prefers the earlier closing time of 10:00 p.m. as the time is more convenient for the other guests in the inn who prefer quiet. However, the contracts are a negotiated document and the Village Noise Ordinance allows events to close by 11:00 p.m.

Mr. Ramsey noted there were 40 weddings in 2014. At the moment 35 weddings are scheduled for 2015, of which 8 will be held outdoors. He did not have specific details as to the number of contracts that have been signed.

Ms. Gillette asked if some events would be afternoon versus evening events.

Mr. Ramsey did not know.

Chair Mills asked if the VDRB could have information on the number of contracts that have been signed up for a later closing hour.

Mr. Gillette discussed the possible consequences of conditions laid out last year, noting that technical non-compliance is apparent. He suggested the VDRB reapply the same conditions for another year.

Mr. Pear felt last year's particular third party monitor did not work. But it is an important process and should be continued. Reports need to be followed through. The end time of

10:00 p.m. would be an improvement. This could be placed as a condition. If time runs over at 10:00 p.m. it is much less of a nuisance than time running over at 11:00 pm.

Testimony was closed.

**After a lengthy discussion, Mr. Mayhew motioned with a second by Ms. Soule to:**

1. **Reapply the conditions of 2014 for the 2105 season:**
  - a. **The application shall be reviewed after a season of use if there is written complaint lodged with the Planning & Zoning Office by November 1, 2015.**
  - b. **The applicant shall hire a third party to monitor sound levels for each outdoor event, a report for each event shall be filed with the P&Z office by November 1, 2015. The monitoring service shall take place for a period of one year with a potential renewal if found necessary. If these reports show consistent and substantial violation of Section 608A, the application shall be reviewed at the end of the season.**
2. **Clarify the monitoring reports:**
  - a. **A written report is required for each event,**
  - b. **A graphic print out from the monitoring device shall include both time and decibel inputs noted over the course of the event.**
3. **All outdoor events shall finish by 10:00 p.m. with the exception of events already contracted for the 2015 season.**

**The motion passed with a 3-0-1 vote. (Mr. Pauly abstained.)**

#### IV. DELIBERATIONS

##### A. V-3103-14 El-Kam/Evans

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

1. The VDRB reviewed the Conditional Use form.
2. The owners of a local art gallery wish to offer art classes at their gallery.
3. The classes would be held once a week on Friday evenings.
4. No more than ten students at a time would be on site.
5. The event would be catered by Bentley's Restaurant located directly across the street. Wine and cheese would be served. There would be no underage students. All required licensing would be handled by the restaurant.
6. The VDRB reviewed the Conditional Use criteria with the applicant.

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

1. **The application is considered to be a permanent and not a temporary request.**

**The motion passed 4-0.**

**B. V-3105-14 Demas**

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

1. The VDRB reviewed photographs of the building and a cut sheet of the proposed A/C unit.
2. The unit measures 31 ½" wide and stands 21 5/8" tall.
3. An exterior ground mounted A/C unit was placed at the front of the home. The home is a single family dwelling set back from the street. There are numerous shrubs between the unit and the street making it difficult to see the unit. The unit was painted the same color as the home.
4. Per cutsheet, the unit's decibel level does not exceed 49 dbs.
5. The Design Review Board's recommendation to approve was read.

**After additional discussion, Mr. Pauly moved with a second by Mr. Mayhew to approve the application as presented.**

**The motion passed 4-0.**

**C. V-3106-14 Demas** Continued.

**V. APPROVAL OF MINUTES**

The December 12, 2014 minutes were approved as submitted.

**VI. ADJOURNMENT**

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Michael E. Brands, AICP  
Town/Village Planner