

**VILLAGE DEVELOPMENT REVIEW BOARD
DRAFT MINUTES
November 9, 2016**

PRESENT: Jim Mills, Randy Mayhew, Keri Cole, Wendy Spector
ABSENT: Jane Soule
ALSO PRESENT: Phyllis Morris, David Sigl, Peter Vollers, Michael Brands

I. CALL TO ORDER

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

Ms. Spector was introduced and welcomed to the VDRB as the newest member.

II. PUBLIC HEARINGS

A. Old Business

1. V-3273-16 Oliver Reed

The application is for Design Review and Conditional Use Approval to add studio apartment, expand parking lot and install egress windows. The property is located at 63 Central Street and is zoned Central Commercial / Design Review.

Ms. Morris, realtor, presented the application.

Testimony had been continued for a site visit to 63 Central Street. On October 27, 2016, Chair Mills and Ms. Cole went to the site with Ms. Morris and the Town Planner.

Both Mr. Mayhew and Ms. Spector read the minutes of the October 26, 2016 meeting concerning the Reed application.

The site visit was to view the driveway and parking area. At the site visit it was noted the driveway is very steep and narrow. The driveway has a 14% grade and is 8' wide.

Section 611 Required Frontage On Or Access To Public Roads has a requirement that “the finished grade shall not exceed a 10% slope.” The driveway was constructed prior to the adoption of this requirement. The VDRB agreed the driveway as-built does not meet this standard.

The VDRB mentioned safety concerns especially in inclement weather. The driveway crosses a busy sidewalk. Left turns exiting the driveway across Central Street are difficult, especially when there are large vehicles parked along the street blocking ones view.

In addition, the parking area does not meet standards for turning around. Exiting vehicles have to turn around on the lawn area to exit. An unprotected propane filling element is placed in the lawn very near the parking area.

During the site visit it was noted there is no separate entrance for the proposed studio. One would enter through the westernmost second floor apartment's living room to gain entrance to the third floor studio.

In 2012, a two bedroom Bed & Breakfast permit was granted to the westernmost apartment which included the studio unit.

Before issuance of a certificate of occupancy the following items would need to be confirmed. The studio unit requires a sewer connection permit from the Town. A waste water permit is required from the State. The Woodstock Aqueduct Company is to be notified for the water use. The State Fire Marshall's Office needs to approve the proposed unit.

Testimony was voted close.

B. New Business

1. V-3277-16 Joanna Garbisch

The application is for Design Review Approval to construct 524 sq. ft. addition to house. The property is located at 11 Mountain Ave. and is zoned Residential Low Density / Design Review.

Mr. Sigl, architect, presented the application.

The VDRB reviewed numerous renderings of the proposed addition.

An 80 year old person recently purchased a home, but wishes to have a first floor bedroom.

The proposed 21' x 26' addition would be placed 5.5' behind the garage with a narrow courtyard separating the two. The roof ridge would run in the same north/south direction as the garage and house.

The front elevation has a "cone of vision" drawn in which shows that one would not be able to view, from a public area, the rear roof of the addition. The line of sight would be blocked by the garage roof. The roof of the addition is actually taller than that of the garage.

The 524 square foot addition would have a cathedral ceiling and would contain the master bedroom.

The windows were discussed. The applicant noted there are many different window styles on the existing house.

The rear of the addition would have three 6 over 6 windows placed side by side. Two skylights would be placed in the roof facing the rear yard.

Courtyard windows, two 6 over 6 units mounted side by side between garage and addition would not be visible by anyone. A smaller 4 pane window would be placed higher up near the house.

Three smaller 4 pane windows would be placed higher up on the north elevation to allow interior light yet reserve the interior walls for placement of paintings.

View of the north elevation is screened by an existing 6' tall stockade fence. A gate matching the existing fence style would be placed at the 5.5' opening between garage and addition.

The addition would have a standing seam metal roof, matching that of the house. It was noted the courtyard area would fill up with snow as both garage and addition roofs would unload at this point.

The kitchen would be relocated to a former bedroom. The existing double hung windows would be changed to a boxed window with a series of three casement style windows placed side by side. The windows face the courtyard and would not be visible to the passing public or the neighbors.

All trim and architectural details would match the existing house.

The VDRB read the Design Review Board's recommendation that recommended approval of the design with the exception of the proposed shingles on the new addition. The Design Review Board asked that clapboard siding be placed to match that of the home.

After discussion with his client, Mr. Sigl noted she agreed to place clapboard siding on the proposed addition.

Exterior lighting may be added at a later date. The VDRB asked that the lighting elements be reviewed before placement. A separate hearing would not be necessary.

The proposed addition would be more conforming (+3") than the existing garage which was built in 1998. The required side set back is 15', the garage setback measures 7' 8". A permit to construct the garage was granted under Section 503 Accessory Structures Within the Setback which allows up to half the setback relief for structures less than 600 square feet.

The VDRB reviewed Section 607 B. Nonconforming Structures which allows structures which do not increase or extend a non-compliance. In this case, the proposed setback is increased, making the proposed addition more conforming than the garage.

Testimony was voted closed.

III. OTHER BUSINESS

A. Administrative Officer's Report

The report was issued and discussed.

B. Peter Vollers

Mr. Vollers, owner of 1 High Street, has tried to sell his law office building without success. The office is a long term non-conforming use as it is located in Residential High Density zone. The office use has been in effect since the late 1970s. Although the owner moved his office to the T'Other House at 4 the Green in January 2016, he never stopped using the High Street office for storage of legal documents and to visit with clients. Mr. Vollers would like to return to the 16 High Street office.

After discussion, the VDRB unanimously agreed due to the above statements, there was no abandonment of the office use and therefore no need to pursue a Section 606 Nonconforming Use review.

IV. DELIBERATIONS

A. V-3273-16 Oliver Reed

After discussion the following findings of fact were established:

1. The VDRB reviewed numerous photographs of the building and a cut sheet of the proposed window units. The State Fire Marshall's Office is requiring egress windows for the residential apartments located within the building. The windows were replaced prior to permit approval.
2. The replacement windows are a casement style, and swing out to provide the required egress space. All windows being replaced are smaller third floor windows and therefore less noticeable than a full window unit on a first or second floor would be.
3. Two of the replaced windows would be viewed by the passing public. One is located on the easternmost window on the third floor facing the street (north). The second is the south window on the third floor of the west facade.
4. Two other windows were replaced on the third floor within the courtyard and are not visible to the passing public or from neighboring properties.
5. All installed windows would resemble existing units with the mullions and muttons in place. The windows have a snap in grid system.
6. The VDRB read the Design Review Board's recommendation to approve as presented.
7. The VDRB reviewed floor plans and a site plan.
8. The owner would like to add a studio apartment for a total of five residential units. The studio apartment had been used as part of a two bedroom Bed & Breakfast per 2012 permit. Two letters from the Town Planner were sent on April 4, 1997 and November 13, 2000, noting that permits for four residential units existed.
8. The owner is also asking for two more parking spaces for a total of five. Zoning permit V-2303-05 granted three parking spaces in the courtyard located behind the building. A narrow 8' wide driveway serves as the access.

9. A site visit on October 27, 2016 was conducted to view the driveway and parking area. At the site visit it was noted the driveway is very steep and narrow. The driveway has a 14% grade and is 8' wide.
10. Both Mr. Mayhew and Ms. Spector read the minutes of the October 26, 2016 meeting concerning the Reed application.
11. Section 611 Required Frontage on or Access to Public Roads has a requirement that "the finished grade shall not exceed a 10% slope." The driveway was constructed prior to the adoption of this requirement. The VDRB agreed the driveway as-built does not meet this standard.
12. The VDRB mentioned safety concerns especially in inclement weather. The driveway crosses a busy sidewalk. Left turns exiting the driveway across Central Street are difficult, especially when there are large vehicles parked along the street blocking ones view. In addition, the parking area does not meet standards for turning around. Exiting vehicles have to turn around on the lawn area to exit. An unprotected propane filling element is placed in the lawn very near the parking area.
13. In 2012, a two bedroom Bed & Breakfast permit was granted to the westernmost apartment which included the studio unit.
14. Before issuance of a certificate of occupancy the following items would need to be confirmed. The studio unit requires a sewer connection permit from the Town. A waste water permit is required from the State. The Woodstock Aqueduct Company is to be notified for the water use. The State Fire Marshall's Office needs to approve the proposed unit.
15. The VDRB reviewed Conditional Use and Site Plan Review criteria with the applicant.

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

1. **The requested additional two parking spaces are not be approved due to nonconformance with Section 611 Required Frontage on or Access to Public Roads.**
2. **The parking lot shall not be used by clients or others who are not valid tenants.**

The motion passed with a 4-0 vote.

B. V-3277-16 Joanna Garbisch

After discussion the following findings of fact were established:

1. The VDRB reviewed numerous renderings of the proposed addition.
2. An 80 year old person recently purchased a home, but wishes to have a first floor bedroom.
3. The proposed 21' x 26' addition would be placed 5.5' behind the garage with a narrow courtyard separating the two. The roof ridge would run in the same north/south direction as the garage and house.
4. The front elevation has a "cone of vision" drawn in which shows that one would

- not be able to view, from a public area, the rear roof of the addition. The line of sight would be blocked by the garage roof. The roof of the addition is actually taller than that of the garage.
5. The 524 square foot addition would have a cathedral ceiling and would contain the master bedroom.
 6. The windows were discussed. The applicant noted there are many different window styles on the existing house.
 7. The rear of the addition would have three 6 over 6 windows placed side by side. Two skylights would be placed in the roof facing the rear yard.
 8. Courtyard windows, two 6 over 6 units mounted side by side between garage and addition would not be visible by anyone. A smaller 4 pane window would be placed higher up near the house.
 9. Three smaller 4 pane windows would be placed higher up on the north elevation to allow interior light yet reserve the interior walls for placement of paintings.
 10. View of the north elevation is screened by an existing 6' tall stockade fence. A gate matching the existing fence style would be placed at the 5.5' opening between garage and addition.
 11. The addition would have a standing seam metal roof, matching that of the house. It was noted the courtyard area would fill up with snow as both garage and addition roofs would unload at this point.
 12. The kitchen would be relocated to a former bedroom. The existing double hung windows would be changed to a boxed window with a series of three casement style windows placed side by side. The windows face the courtyard and would not be visible to the passing public or the neighbors.
 13. All trim and architectural details would match the existing house.
 14. The VDRB read the Design Review Board's recommendation that recommended approval of the design with the exception of the proposed shingles on the new addition. The Design Review Board asked that clapboard siding be placed to match that of the home.
 15. After discussion with his client, Mr. Sigl noted she agreed to place clapboard siding on the proposed addition.
 16. Exterior lighting may be added at a later date. The VDRB asked that the lighting elements be reviewed before placement. A separate hearing would not be necessary.
 17. The proposed addition would be more conforming (+3") than the existing garage which was built in 1998. The required side set back is 15', the garage setback measures 7' 8". A permit to construct the garage was granted under Section 503 Accessory Structures Within the Setback which allows up to half the setback relief for structures less than 600 square feet.
 18. The VDRB reviewed Section 607 B. Nonconforming Structures which allows structures which do not increase or extend a non-compliance. In this case, the proposed setback is increased, making the proposed addition more conforming than the garage.

After additional discussion, Ms. Cole moved, with a second by Ms. Spector to approve the application as presented.

The motion passed with a 4-0 vote.

V. APPROVAL OF MINUTES

Approval of the October 26, 2016 minutes was continued.

Both Chair Mills and Ms. Spector will be absent December 28, 2016.

VI. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town/Village Planner