

**VILLAGE DEVELOPMENT REVIEW BOARD
WOODSTOCK TOWN HALL
31 THE GREEN
October 9, 2019
DRAFT MINUTES**

MEMBERS PRESENT: Jane Soule, Wendy Spector, Randy Mayhew
MEMBERS ABSENT: Keri Cole, One Vacancy
OTHERS PRESENT: Alphonse Sorrentino, Kimbel Biele, Jim French, Donna French, Arthur Norton, Wes Hennig, Della Hennig, Emily Geiger, Gail Dougherty, Allan Dougherty, Matt Seiple, Michael Brands

I. CALL TO ORDER 7:30 PM

II. PUBLIC HEARING

A. OLD BUSINESS None

B. NEW BUSINESS

1. V-3478-19 Biele

The application is for Design Review Approval to amend Permit #V-3305-17 to include moving skylights down the roof, adding a shed & exterior lighting. The property is located at 17 River Street and is zoned Residential Low Density/Design Review.

Mr. Sorrentino, contractor, presented the application.

The VDRB reviewed photographs of the work as finished.

The skylights were lowered on the roof.

The VDRB agreed they fit the building better in the lower position.

The exterior lighting had been approved under a previous permit. There is no proposed change to lighting.

A brown shed-like structure was added to the south east wall of the newly constructed garage. The shed is constructed of old left over barn boards from a previously placed shed.

The structure is an outdoor shower. It is free standing with three sides, as it is not attached to the garage. The back half of the roof is open to the sky.

The structure was built to be whimsical and not to be a historic structure.

The intent is to be used as a screen for outdoor showers.

It was built to resemble an outhouse, and even has a moon on the door.

The shower drains into the ground via a gravel base.

The structure is barely visible to the public or the neighbors. A video taken from the street as one drives by was shown.

The Design Review Board's split decision was read. Three members noted the structure is not compatible with the architecture of the neighborhood. Two members were fine with the proposal as it is small, temporary, meant to be whimsical and is not visible by the general public.

After discussion, three members noted they could not recommend approval as it does not meet the Design Review standards. They recommend the structure should be built of the same materials as the garage.

Testimony was voted close.

2. V-3487-19 DAL, LLC / Mon Vert Café

The application is for Design Review Approval to amend permit#V-3458-17 to relocate heat pump and renovate doors on rear building. The property is located at 28 Central Street and is zoned Residential Central Commercial/Design Review.

There was no one present to submit the application. The application was continued.

3. V-3489-19 James and Donna French

The application is for Conditional Use approval to request approval of 6' high fence in front yard. The property is located at 3 Charles Street and zoned Residential High Density.

Mr. and Mrs. French presented the application.

Numerous photographs and a site plan were reviewed.

The owners constructed a 6' tall stockade fence along their eastern border. Numerous evergreen trees were planted along the border as well, to the inside of the fence.

The owners received a letter from the Administrative Officer noting that a portion of their fence is placed in the front yard and therefore cannot exceed 4' in height.

The home is located on the outside edge of a curve. The front yard is generally considered to be all land in front of the front facade running parallel to the street. The neighbor's front yard intersects their front yard at a ninety degree angle, making it difficult to determine where front and side yards begin and end.

In addition, the neighbor's property is located higher due to topography. The fence sits well below the neighbor's home. The neighbors have a full view of home and parking area.

The applicants noted the neighbors are supportive of the fence as-built. There was no letter from the neighbors.

An exemption is available following a Conditional Use review by the VDRB. Exemption is dependent on special circumstances.

The unusual corner lot configuration creates confusion on front and side yard locations. The neighbor's home is higher up, therefore the fence appears to be lower than it actually is.

The VDRB reviewed Sections 513 Fences and 810 Conditional Use with the applicant.

Testimony was voted close.

4. V-3491-19 Norman Williams Public Library

The application is for Conditional Use Approval to hold revolutionary war encampment on Columbus Day 2019 on library lawn. The property is located at 10 The Green and is zoned Community/Design Review.

Mr. Hennig, Benjamin Cox 2nd Co., presented the application.

The VDRB reviewed photographs of the proposed encampment and a statement of proposed activities.

The event would be the same as last year's event. There were no incidents or other issues concerning the enactment.

Four tents are proposed for placement on the front lawn of the library, two on each side of the main sidewalk.

Three thousand people attended the event last year.

Only historic items would be sold from a special tent resembling a PX facility. Proceeds are used to help the organization hold events like this.

A donation bucket is set up for the Norman Williams Public Library.

The rangers sleep overnight in their tents to prevent theft and damages.

The encampment is restricted to the front lawn of the library. The VDRB reviewed a survey of the property.

There would be one campfire which would be used for cooking purposes. The fire would be placed on a metal plate. This protects the grass roots, which allow the grass to grow back.

The encampment would set up on Friday before and removed the Sunday of the Columbus Day weekend.

Period food would be cooked on-site. All food would be prepared before the event. There would be no food waste to dispose.

Event participants would park at the Woodstock Elementary School. They would use the WES restroom as well. Mr. Hennig is the school janitor.

The applicants will notify both the Woodstock Fire and Police Departments before the event.

No firearms would be fired, although they will be available for demonstration.

The applicants requested a one-time military salute to the Civil War monument which is located between the library and the courthouse. This would be one black powder volley fired by 4-5 participants on Saturday afternoon.

There would be no signs.

The VDRB reviewed Sections 709 Site Plan Review and 710 Conditional Use with the applicant.

This is the third year of the event, there have been no issues or complaints.

The VDRB suggested that the permit could be valid for a three year period barring any complaints.

Testimony was voted close.

5. V-3492-19 Emily Geiger

The application is for a Conditional Use approval to use apartment #2 as Short Term Rental. The property is located at 7 Prospect Street and zoned Residential Medium Density.

Ms. Geiger presented the application.

The VDRB reviewed the proposed floorplan and site plan.

The 3 unit building was purchased in 2016, at which time the State Fire Marshal's office did an inspection of all units.

The owner lives on Barberry Hill and wishes to rent one of the units as a short term rental. The other two units will continue as long term rental units.

There is parking for 6 cars on site, 2 each for each unit.

The owner will fill out the State Fire Marshal's inspection form before the certificate of occupancy inspection.

There would be no change in landscaping or exterior lighting.

The applicant read and understands Section 522, Short Term Rental regulations, including the limit of 6 rental events per year.

The owner is listed as the local manager.

The VDRB reviewed Sections 522 Short Term Rentals and 710 Conditional Use with the applicant.

Testimony was voted close.

6. V-3493-19 Alexandra and Arthur Norton

The application is for Conditional Use approval to request waiver of fence height for side and rear yards. The property is located at 8 Linden Hill and zoned Residential Medium Density.

Mr. Norton presented the application.

Numerous photographs and a site plan were reviewed. Three sections (15'-18' long) of fence are proposed.

The fence would be a 6' board-on-board fence with a 1' lattice topper, creating a 7' tall fence.

The regulations limit fence height to 6' inside and rear yards. The owner is requesting an exemption due to special circumstances.

Two sections of fence are planned for the rear yard. The rear yard drops off severely to the east. The fence would be seen only by the homeowner.

A sideyard fence would be placed just inside a line of large mature hemlocks. The fence would start at the southeast corner at the rear of the garage. The fence would not be seen by the general public. It would be visible by the neighbor. A gate is proposed for access to the neighbor.

The applicant stated the neighbors have approved the fence plan, although there was no written support offered.

The applicant feels board-on-board fence is too strong, the lattice topper makes it more neighborly and more pleasant to look at.

It was noted the garage as placed is very close to the property line, essentially serving as a fence for the front portion of the property.

The VDRB asked what the special circumstances are.

The owner felt the rear yard's steepness and lack of visibility are factors. Overall the fence with the lattice topper is more pleasant to look at.

A site visit was suggested to get a better understanding of the request.

After discussion, testimony was continued to a site visit scheduled for Tuesday October 15 at 3:00 pm.

7. V-3494-19 Alfonse Sorrentino

The application is for a Conditional Use approval to use property as Short Term Rental. The property is located at 75 Golf Avenue and Residential Three Acre.

Mr. Sorrentino presented the application.

The VDRB reviewed the proposed floorplan and site plan.

The Fire Chief has inspected the property.

The applicant uses the home as a private off-site office and for personal guests. The four car garage is used to store his vehicles.

The intent is to rent the home out occasionally to help offset property taxes.

The owner is aware that it may not be rented more than 6 times a year. The foliage season use was explained, whereby the owner needs to be in residence during rental periods.

There is plenty of parking on site, excluding the garage.

There would be no change in landscaping or exterior lighting.

The applicant read and understands Section 522, Short Term Rental regulations.

The owner is listed as the local manager.

The VDRB reviewed Sections 522 Short Term Rentals and 710 Conditional Use with the applicant.

Testimony was voted close.

8. V-3495-19 El-Kam Realty

The application is to obtain Design Review Approval to replace existing window with door. The property is located at 1 The Green and zoned Central Commercial/Design Review.

Mr. Seiple, contractor, presented the application.

A new exterior door is proposed due to a recommendation from State Fire Marshal, Bruce Martin, who stated that to enable use of the second floor an additional egress is required.

The window to the left of the main entrance would be removed and replaced with a simple 9 light exterior door. All trim would match the existing door.

The door would be white, matching building color, to lessen its impact on the front facade. The main door is very formal, a deep green almost black color with full sidelights.

The VDRB expressed concerns of a tight fit as the window is very close to a wall corner. Ms. Spector felt a door in this location would not be complimentary to the larger main entrance door immediate to its right.

The applicant noted all measurements were taken. The proposed door and frame should fit without a problem. The door would be painted white to minimize the apparent conflict with the main entrance.

The Town Planner noted an application to create a second commercial space in the Central Street side of the building is pending. The new door could service this space as well, although main entrance would still be the Central Street door.

The VDRB reviewed a hand-sketched drawing of the foyer. The proposed exterior door would enter directly into a foyer from which one could go up the stairs to the second floor, go through to the new commercial space and/or access a restroom located within the foyer. Additionally, an interior door would be placed for access to the existing Evans gallery to the north side of the building.

The door handle was discussed. It would be a brass lever, but smaller and less massive than the main door handle which is also a brass lever.

The impact on the ADA ramp was discussed. Apparently, a handrail would have to be removed to place the door. Does this impact the use of the ramp. If the proposed door becomes in reality the main entrance, how does the ADA ramp serve all uses within the building.

Additionally, the door was noted to be a swing-in door. Typically, all commercial use doors are required to swing out for ease of egress during a fire.

The VDRB asked the applicant to discuss this with the State Fire Marshal's office as they control ADA and Fire compliance issues.

After discussion, the Board agreed to continue the hearing to the next meeting.

III. OTHER BUSINESS - None

IV. DELIBERATIONS

A. V-3478-19 Biele

After discussion the following findings of fact were established:

1. The VDRB reviewed photographs of the work as finished.
2. The skylights were lowered on the roof.
3. The VDRB agreed they fit the building better in the lower position.
4. The exterior lighting had been approved under a previous permit. There is no proposed change to lighting.
5. A brown shed-like structure was added to the south east wall of the newly constructed garage. The shed is constructed of old left over barn boards from a previously placed shed.
6. The structure is an outdoor shower. It is free standing with three sides, as it is not attached to the garage. The back half of the roof is open to the sky.
7. The structure was built to be whimsical and not to be a historic structure.
8. The intent is to be used as a screen for outdoor showers.
9. It was built to resemble an outhouse, and even has a moon on the door.
10. The structure is barely visible to the public or the neighbors. A video taken from the street as one drives by was shown.
11. The Design Review Board's split decision was read, 3 members voted against and 2 members voted for approval.

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

The motion was approved with a 3-0 vote.

B. V-3487-19 DAL, LLC / Mon Vert Café Continued

C. V-3489-19 James and Donna French

After discussion the following findings of fact were established:

1. Numerous photographs and a site plan were reviewed.
2. The owners constructed a 6' tall stockade fence along their eastern border. Numerous evergreen trees were planted along the border as well, to the inside of the fence.
3. The owners received a letter from the Administrative Officer noting that a portion of their fence is placed in the front yard and therefore cannot exceed 4' in height.

4. The home is located on the outside edge of a curve. The front yard is generally considered to be all land in front of the front facade running parallel to the street. The neighbor's front yard intersects their front yard at a ninety degree angle, making it difficult to determine where front and side yards begin and end.
5. In addition, the neighbor's property is located higher due to topography. The fence sits well below the neighbor's home. The neighbors have a full view of home and parking area.
6. The applicants noted the neighbors are supportive of the fence as-built. There was no letter from the neighbors.
7. An exemption is available following a Conditional Use review by the VDRB. Exemption is dependent on special circumstances.
8. The unusual corner lot configuration creates confusion on front and side yard locations. The neighbor's home is higher up, therefore the fence appears to be lower than it actually is.
9. The VDRB reviewed Sections 513 Fences and 810 Conditional Use with the applicant.

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

The motion was approved with a 3-0 vote.

D. V-3491-19 Norman Williams Public Library

After discussion the following findings of fact were established:

1. The VDRB reviewed photographs of the proposed encampment and a statement of proposed activities.
2. The event would be the same as last year's event. There were no incidents or other issues concerning the enactment, three thousand people attended.
3. Four tents are proposed for placement on the front lawn of the library, two on each side of the main sidewalk.
4. Only historic items would be sold from a special tent resembling a PX facility. Proceeds are used to help the organization hold events like this. A donation bucket is set up for the Norman Williams Public Library.
5. The rangers sleep overnight in their tents to prevent theft and damages.
6. The encampment is restricted to the front lawn of the library. The VDRB reviewed a survey of the property.
7. There would be one campfire which would be used for cooking purposes. The fire would be placed on a metal plate. This protects the grass roots, which allow the grass to grow back.
8. The encampment would set up on Friday before and removed the Sunday of the Columbus Day weekend.
9. Period food would be cooked on-site. All food would be prepared before the event. There would be no food waste to dispose.
10. Event participants would park at the Woodstock Elementary School. They would use the WES restroom as well. Mr. Hennig is the school janitor.

11. The applicants will notify both the Woodstock Fire and Police Departments before the event.
12. No firearms would be fired, although they will be available for demonstration.
13. The applicants requested a one-time military salute to the Civil War monument which is located between the library and the courthouse. This would be one black powder volley fired by 4-5 participants on Saturday afternoon.
14. There would be no signs.
15. The VDRB reviewed Sections 709 Site Plan Review and 710 Conditional Use with the applicant.
16. This is the third year of the event, there have been no issues or complaints.

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

1. The permit shall be valid for a three year period.
2. Should a written compliant be submitted to the Planning and Zoning Office, a VDRB hearing would be scheduled.

The motion was approved with a 3-0 vote.

E. V-3492-19 Emily Geiger

After discussion the following findings of fact were established:

1. The VDRB reviewed the proposed floorplan and site plan.
 2. The 3 unit building was purchased in 2016, at which time the State Fire Marshal office did an inspection of all units.
 3. The owner lives at Barberry Hill and wishes to rent one of the units as a short term rental. The other two units will continue as long term rental units.
 4. There is parking for 6 cars on site, 2 each for each unit.
 5. The owner will fill out the State Fire Marshal's inspection form before the certificate of occupancy inspection.
 6. There would be no change in landscaping or exterior lighting.
 7. The applicant read and understands Section 522, Short Term Rental regulations, including the limit of 6 rental events per year.
 8. The VDRB reviewed Sections 522 Short Term Rentals and 710 Conditional Use with the applicant

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

The motion was approved with a 3-0 vote.

F. V-3493-19 Alexandra and Arthur Norton Continued

G. V-3494-19 Alfonse Sorrentino

After discussion the following findings of fact were established:

1. The VDRB reviewed the proposed floorplan and site plan.
2. The Fire Chief has inspected the property.
3. The applicant uses the home as a private off-site office and for personal guests. The four car garage is used to store his vehicles.
4. The intent is to rent the home out occasionally to help offset property taxes.
5. The owner is aware that it may not be rented more than 6 times a year. The foliage season use was explained, whereby the owner needs to be in residence during rental periods.
6. There is plenty of parking on site, excluding the garage.
7. There would be no change in landscaping or exterior lighting.
8. The applicant read and understands Section 522, Short Term Rental regulations.
9. The VDRB reviewed Sections 522 Short Term Rentals and 710 Conditional Use with the applicant.

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

The motion was approved with a 3-0 vote.

H. V-3495-19 El-Kam Realty Continued

IV. APPROVAL OF MINUTES

The minutes of August 28, 2019 were approved as submitted.

V. NEXT MEETING

The next meeting of the VDRB will be October 23, 2019.

VI. ADJOURNMENT

The meeting was adjourned at 9:00 pm.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner