

**HYDE PARK DEVELOPMENT REVIEW BOARD
MEETING MINUTES
October 7, 2014**

All minutes are draft until approved; please check future minutes for approval of these minutes.

Members Present: Malcolm Teale, Chair (MT); Craig Fowler, Vice-Chair (CF); Melvin Harvey (MH); Gary Houston (GH) and Charlie Aronovici (CA); Tom Wawrzeniak (TW); Pete Sweeney (PS);

Members Absent: None

Staff: Ron Rodjenski, Town and Village Zoning Administrator and DRB Clerk

Guests: Fred Woeckener; Doris Palumbo; Toby Hirchak; Reg Godin; Charles Pratt; Jean Foss-Pratt; Kevin Mitchell; Doug Morse; Zachary Morse; Robert and Mariah Lepito

MT called the meeting to order at 7:00 P.M.

1. **Welcome, Modifications to Agenda and Public Comment:** One change to the agenda – Prime Properties, LLC has asked for a continuance to November 4th at 7:00 p.m. Fred Woeckener stated that he represents the property owners using Black Dog Lane and they object to the Mitchell's driveway being installed in 2009 without a culvert.
2. *Application 2014-045 submitted by **Douglass Morse** (Parcel 012-001-489) to allow the conversion of an agricultural structure to commercial use under Section II, D, Conditional Use #4 of the 2009 Town Zoning Regulations. The property is located in the RR2 Zoning District at 34 Center Road.*

MT swore in Douglass Morse. Douglass reviewed the application seeking to convert the Morse's Dairy building to allow commercial uses, such as the current use of plumbing contractor, no other land development is proposed other than the creation of a 50-foot right-of-way along his existing single-family driveway where it crosses the commercial lot. CA asked about outside lighting and Douglass reported that one outside flood light exists on the building, which has been installed since 1977. Motion by CF to close the hearing and move into deliberations. Seconded by MH. Voting: 7 in favor, 0 against, motion passed.

3. *Application 2014-046 submitted by **Robert's Landscape Supply** (Parcel 001-100-468) to allow the construction of three commercial structures, one residential structure and apartment, signs, creation of a residential right-of-way to enter Route 100 at TH 76 and commercial outdoor storage and display areas under Section II, G, Conditional Use #2 and #3. The proposed uses involve a number of lots owned by the application with frontage on Deer Run Lane and one lot with frontage of Route 100. The applicant is requesting two front yard setback waivers to reduce the setback from a new storage building at the corner of Deer Run Lane and Locke Avenue under Section IV-A, A(2).*

MT swore in Robert and Mariah. Mariah handed out an aerial photo of the entire project and described the various requests for the landscaping business activities, two new structures, signage, relocation of their single-family driveway onto VT 100, a proposed residential garage with an apartment on Lot 2. Lots 5 has a pre-existing sign for their mulch storage building but it exceeds the size limits for the zoning district. Fence displays are proposed on the former Greening lot along Route 100. Smaller signs are proposed to show what the contents of the buildings and help direct customers to the correct location. The 2009 sign regulations were reviewed with small directional signs exempt from square footage calculation. Robert stated that three of their six lots would have signs. Lot one has a setback waiver request which is required to have the building remain near Deer Run Lane. Charles and Jean Pratt use Deer Run Lane to access their parcel via a ROW off the cul-de-sac. The Pratt's would like their ROW concerns on the record which is primarily that the landscape operation uses the ROW and interferes with access to their parcel. Ron R clarified that the setbacks in the district are 50-feet from VT 100 and 25-feet from the edge of the ROW for Locke Ave and Deer Run Lane. CA suggested that a complete site plan of the project is needed on one sheet. Mariah handed out a site plan for Lot 9, and confirmed that sketches were available for the other elements in their application. Robert stated that they bought the land with permits in place and could downsize the list of requests, as they are focused on the new structure on Lot 9 and the new driveway to VT100 for their house. Lot 3 is proposed with a new pergola.

Mariah presented a sketch of the proposed ROW for the house; relocating the driveway from Deer Run Lane to VT100. A setback waiver for 10-feet and 20-feet for Lot 1 which Robert confirmed was needed to reduce construction costs. CF stated that since the survey work on the new ROW is on-going maybe the surveyor can locate the Deer Run Lane ROW edges at the same time with the proposed structures. TW confirmed that Lot 2 has an existing home and is proposed with a 2-car garage and apartment. Charles Pratt testified that his access has been blocked from time to time and is requesting that the ROW be kept clear, as it is today. Charles asked that Robert Lepito guarantee clear access on the ROW. Jim Rossiter owns Way Out Wax, locating there 3 years ago, and would like to see Deer Run Lane taken over by the town, as Locke Ave is done. Jim would like to see roadside ditching re-installed along Deer Run Lane. The DRB discussed the need to review existing Act 250 and Stormwater permits based on the new proposal to see if those permits need amendment. Charles stated that Deer Run Lane is owned by Marvin Locke. Jim asked if the DRB would allow Deer Run Lane to continue to be used by Robert's Landscape Supply. Motion by PS to continue the hearing to November 4, 2014 at 7:00 p.m. to allow the DRB time to review the application materials and to provide the applicant time to prepare a complete site plan to show consistent lot numbering with all existing and proposed improvements on each parcel. Seconded by MH. Voting: 7 in favor, 0 against, motion passed.

4. *Application 2014-047 submitted by **Kevin and Bernice Mitchell** (Parcel 05-013-120) to amend permit #2017-047 by relocating a single-family driveway from its approved location to the existing location under Section II, K of the 2009 Town Zoning Regulations. The property is located in the RR2 Zoning District at 101 Black Dog Lane.*

MT swore in Kevin Mitchell. Kevin explained that the original permit for their house driveway was lost but he remembers getting the proper town permits. Kevin stated that he never re-graded Black Dog Lane, just his driveway. Kevin stated that in 2009 he relocated his driveway southerly due to a steep grade. Fred W. stated that this is part of the Richardson subdivision and the neighbors feel that the relocation of the driveway should have required a culvert and flooding is now experienced in April with water over the private road in 2013 and 2014. Fred W stated that the lateral ditch across the bottom of the Mitchell's driveway is needed to be re-established to reduce the spring flooding. Doris Palumbo plowed the road for 18 years and the ditches along Black Dog Lane were present before the Mitchell's driveway was installed. Reggie Godin owns the first house on the right and flooding occurs from time to time and with no culvert under the Mitchell's driveway there is more flooding on Black Dog Lane, and one driveway culvert would eliminate the flooding. Tobey Hirschak stated that the loss of the ditch has created a problem and installing a culvert would solve the problem. Ron R reviewed the driveway grades for both locations, both exceeding the maximum 8% grade, while Black Dog Lane is at 8%. Kevin stated that two years ago Black Dog lane reduced the culvert size from 24" to 18" at the low point just south of the Mitchell driveway. Motion by CF to close the hearing and move into deliberative session. Seconded by TW. Voting: 7 in favor, 0 against, motion passed.

5. *Application 2014-048 submitted by **Prime Properties, LLC** (Parcel 05-100-130) to amend a previously approved subdivision by reducing the approved number of lots from six to two; a 41 acre parcel with existing house and barn and the remaining undeveloped parcel of approximately 80 acres, under the 2009 Town Subdivision Regulations. The property is located in the RR2 Zoning District at 3390 VT Route 100.*

Per the request of the applicant, the DRB agreed to continue tonight's hearing. Motion by CF to continue the hearing to November 4, 2014 at 7:00 p.m. Seconded by TW. Voting: 6 in favor, 0 against, 1 abstain (PS as he is a neighbor), motion passed.

6. Other Business - None
7. Review September 9, 2014 DRB Minutes: Motion by MH to approve the 09/09/2014 minutes as written. Seconded by CF. Voting: 5 in favor, 0 against, 2 abstained (TW and PS as both were absent), motion passed.
8. **Adjourn:** Motion by MH to adjourn; no objection. So adjourned at 9:10 p.m.

Respectfully Submitted, Ron Rodjenski, DRB Clerk