

Approved 02/19/2014

Planning Commission / Zoning Board of Adjustment Minutes – January 22, 2014

1. 6:30 PM: Call to Order by Judy Boehlert
2. Members present: Judy Boehlert, Chair & Acting Clerk; Suzy DePeyster; Jean Eisenhart, alternate; Michael Mazzola, Patricia Hall and, John LaVecchia, Zoning Administrator. Members absent: Lisa Robinson. Guests: Greg Nilsen, Rick Raphael, Ron Iannacone, Bill Freeman; Lelia Kauffmann.
3. Minutes of December 18, 2013: approved as written. Motioned by Suzy, seconded by Mike, unanimous.
4. Zoning Administrator's Report: There were no pending appeals or new permits to report.
5. Tudor / Kauffman Boundary Line Adjustment/Subdivision PC Hearing continuation: Hearing opened at 7:07 PM: Prior to the meeting, Matt Tudor provided a new Mylar to John with requested map changes and the new pins have been set. Lelia Kauffmann reviewed the new Mylar and was in agreement with the changes. Judy distributed a note that will be included with the Deed to indicate the changes. Ms. Kauffman and PC members were in agreement with the statement (attachment). Judy will prepare a formal Decision that will be sent to the interested parties: Milo Tudor and Lelia Kauffmann. Pat moved that the Hearing be closed; seconded by Mike; unanimous. The Hearing was closed at 7:35 PM.
6. Vermont Estate Home Builders LLC: The ZBA Hearing on the Conditional Use Permit to build a residence on the property at 1151 Swearing Hill Road was opened at 7:35 PM. Greg Nilsen, Rick Raphael, Ron Iannacone and Bill Freeman signed in as interested parties. Joe & Nancy Mangino provided a written statement as interested parties (attachment). Suzy raised the question of recusal but did not take action.

Judy reviewed the Hearing Notice and noted that a similar Hearing to build a residence on this property had been held in 2007 leading to granting of a Conditional Use Permit to Halmar Holdings LLC. This Permit included a list of 39 conditions that had to be met (attachment). Mr. Nilsen was asked to present his testimony concerning the current Conditional Use Permit application by Vermont Estate Home Builders LLC. Judy asked him to address what the differences were with this new application and how they impacted the Findings of Fact as outlined in the earlier decision. Concern was voiced that if the new application is not sufficiently different from the earlier application in 2007, the new application could be seen as an effort to change the conditions imposed. Appealing or amending the earlier application is not permissible after 7 years. Mr. Nilsen stated that he was extending the site and turning the house, which will now have better views. The residence now has 3 bedrooms and about 1800 square feet. It will require more preparation to locate the house and there will be more fill at the rear of the house. There will be less lighting on this house than the earlier model. Judy asked how much of the earlier application he will include in this application. Mr. Nilsen indicated he would request a new review by the Fire Chief, Jamie Paustian to see if a tank is necessary. If needed, the tank will be in the same location and buried. He would use much of the earlier engineering reports for the road and driveway. John LaVecchia will locate all relevant documents from the earlier file. It was noted that a new site development plan and an updated "narrative" may be needed.

Judy distributed copies of the letter received from interested parties, Joe and Nancy Mangino to all Board members and interested parties and allowed time for this 4-page document to be read. Mr. Nilsen was asked for his comments and stated that "the letter was 99% untrue". Bill

Freeman indicated that he maintains the right-of-way. He reported that the 50 foot right-of-way for Swearing Hill Road extends well on to the Mangino property.

Rick Raphael indicated that he intended to make a written statement once he had an opportunity to review some of the earlier documents. John will work on making the documents available.

The Board indicated that a site visit is needed and it should be at a time when the site is readily accessible and not covered by snow. Jean motioned, Pat seconded, unanimous that the Hearing be adjourned to March 19. A site visit will be set up and notice provided when the time gets closer. Based on weather conditions, the site visit could take place as late as April.

7. Other Matters which may come before the Board: Suzy noted that she spoke with Jim Sullivan of BCRC and he is working on a Training Session on Zoning / Planning issues. The Board welcomed this opportunity.
8. Pat motioned, Mike seconded, unanimous to adjourn the Meeting at 8:30 PM.

Next Meeting: February 19, 2014

Respectfully submitted:

Judy P Boehlert, Acting Clerk