

DRAFT

**Town of West Rutland Development Review Board (DRB) Meeting Minutes
March 20 2019 - 7:00 pm - at Town Offices, 35 Marble St.**

DRB Members present: Mike Moser, Denis Lincoln, Tim Ponto **Members Absent:** Jim Mumford, , Rick Hart
Also Present: Jeffrey Biasuzzi (Zoning Administrator (ZA & Recorder), Paul Vitagliano, Mitch Frankenberg

Call to Order:

Chairman M. Moser called the Meeting to order at 7:00 pm, and led the reciting of the Pledge of Allegiance. The Meeting was not digitally recorded due to equipment malfunction.

Agenda: M. Moser requested a MOTION to amend the draft Meeting agenda, moving Public Input to be next. T. Ponto so Moved, D. Lincoln seconded; all approved, and MOTION passed.

Public Concerns and Input:

Mitch Frankenberg, a principal of the Paw House B & B on Clarendon Ave., requested a one year extension to their 2017 Zoning Permit (#17-05), which approved construction of up to six one-bedroom detached guest cottages. West Rutland zoning regulations does not currently provide for an extension to a permit. The Conditional Use Permit was issued 6/22/2017, and set to expire (if not completed) on 6/21/2019. One condition set by the DRB in its 6/21/2017 Decision (attached to the Permit) was that the Applicant obtain all other Town, VT or federal permits the project may require. Upon receipt of the Town Permit, the Applicant proceeded to design & submit the required VT Waste Water and Potable Water Supply (W-W) permit application to VT's W-W Review Division. This review process took an extraordinary period of time, being approved by the state on 3/14/2018. VT W-W regulations prohibit the start of construction until a W-W permit is approved. To date, two Cottages are complete, and two will start construction as soon as ground conditions permit. M. Frankenberg's request is based on the delay created by VT's W-W process, which was out of the Applicant's control. The consensus of the DRB was to give the request further consideration.

Continued Public Hearing: The Chairman then reopened Application 18-34, that had been recessed on 2/20/2019; by Paul Vitagliano (Applicant) for development of a portion of lands of Michael Tyminski, located at 839 Clarendon Avenue (Parcel #28-1330839). The Applicant updated the Board with other legal issues to recertify his Limo business (a result of the 2018 Limo tragedy in NYS) which has consumed his time to past few months. He stated he was now approved to operate his business, and ready to move forward in April with the Application process.

M. Moser asked for a Motion to recess the Hearing. D. Lincoln Moved to recess the Hearing for Application 18-34 until April 17, 2019, at 7:00 pm at Town Offices. All approved and Motion passed.

Annual Organizational Meeting;

The DRB Members present voted for Board officers for the next year, as follows:

D. Lincoln nominated M. Moser as Chairperson. M. Moser accepted, and all approved.

D. Lincoln nominated T. Ponto for Vice-Chairperson. T. Ponto accepted, and all approved.

M. Moser nominated J. Biasuzzi as Recorder and administrative assistant to the DRB. J. Biasuzzi accepted and all approved.

M. Moser Moved to have the regular meeting date for the DRB on the third Wednesday of every month, at 7:00 pm, at Town Offices. All approved and Motion passed.

Miscellaneous & Other Business:

1. Future Agenda format changes: M. Moser asked that future Agendas be organized as follows: Call to Order & Pledge of Allegiance; Agenda approval; Past Minutes approval; Public Concerns &/or Input; Pubic Hearings; Other & miscellaneous Business; Date for next Meeting; DRB Member Concerns; Deliberative Session (if required) & Instructions to ZA; Adjournment. Board members present agreed to standardizing this format.
2. The Board reviewed the Amended Decision for Application 18-33, as requested by Lori Lyons and Attorney Kupferer, and discussed at the 2/20/2019 meeting. T. Ponto Moved to accept the Amended Decision, all approved and Motion passed

- 3. The Board Members discussed the request by M. Frankenberg for a one year extension to Permit 17-05. Their consensus was that the request was reasonable, as VT's delayed approval process of their permits significantly restricted the Applicant from effectively using the limited town permit time allocated to construction of the project. The ZA suggested the extension might be best addressed as a form of a Variance; and advance Public Notice may be required. The ZA was to further research the applicable rules and report to the DRB.

M. Moser asked for a Motion to process a (possible variance) request for up to a one year extension of Permit 17-05; with the provision that no further extensions would be granted. If the project is not complete by 6/21/2020, it will cease construction until a new Conditional Use Application is submitted to the DRB, reviewed and approved, and the new permit in effect per Article XI of the Zoning Regulations. D. Lincoln so Moved, all approved and Motion passed.

- 4. J. Biasuzzi notified the Board of requests by Dan & Jayne Pratt (Old Town Farm Road) and Eliz. Coltey (Clarendon Ave.) for residential construction projects that do not conform to prescribed setbacks. Appeals to the DRB in April for Variances is anticipated.

- 5. D. Lincoln made a Motion to Approve the Minutes of 2/20/2019 as written. T. Ponto seconded, all approved and Motion passed.

Next Meeting:

The next meeting of the DRB was scheduled for Wednesday, April 17, 2019; at 7:00 pm; at Town Office.

Adjournment:

T. Ponto Moved to close the meeting. D. Lincoln seconded, all approved, and meeting adjourned at 8:25 pm.

Respectfully submitted by J. Biasuzzi

Approved _____, _____