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Huntington Development Review Board

Minutes

September 13, 2016

6:30 site review Konstantinopoulous: 440 Ledge View Drive: Mark Smith, Britt Cummings, John Altermatt, Jeanine Carr

Present: Joe Perella , John Altermatt, Jeanine Carr, Britt Cummings, Mark Smith, Ed Hanson (Zoning Administrative Officer)

Minutes: Heidi Racht

AGENDA

6:30 pm Site Visit – Konstantinopoulous, 440 Ledge View Drive, Conditional Use Review

7 pm Minutes of May 31, 2016

Minutes of July 12, 2016

Mail

Public Comment

7:15 Huntington Town Hall, Amendment to Conditional Use

7:40 Niktarios Konstantinopoulous, Conditional Use , storage rental, Ledge View Drive

8 pm Darlene Vallone, Variance, replace existing garage which doesn't meet the sideline setback, 260 Roberts Park Road

8:20 Member Business – signing decisions Adjourn

8:45 Adjourn

The meeting was called to order at 7:07; chaired by Joe Perella.

Minutes of May 31, 2016: Jeanine Carr moved to approved with changes; Britt Cummings second. Approved unanimously with changes.

Mark Smith suggested processing the Randall decision in Executive Session. Joe Perella disagreed about the venue, stating, "People should see how sausage is made. If we are going to make a mistake, people should be there."

Jeanine Carr clarified that the discussion should be "on how we operate." Smith said that, "Every once in a while, people [we] need to look at how we operate." Carr added, "We are two years old now – we need to pause and reflect."

Minutes of July 12, 2016: Tabled until the next meeting.

Huntington Town Hall, Amendment of Conditional Use: Aaron Worthley and Dean Grover were in attendance.

Aaron Worthley, newly appointed chair of the Town Hall Committee, explained that in 2014 the Huntington Planning Commission issued a Site Plan approval to the THC for a ramp, rear entrance and restroom modification.

Worthley said, "It came to our attention in the HPC approval that there were issues for the operation of the building."

Four conditions addressed:

1. events with on-street parking
2. no events past 11 pm
3. temporary toilet for events with more than 40 people
4. signage on the road for events

Worthley said that the issue is the number 40 for the second temporary toilet. "In our opinion, it is much too low." He said that the THC was looking at adding a second restroom (this had been discussed at the THC Site Plan hearing in 2014). He went on, "The issue is around what is a large event. The Selectboard hosted an event that had 75 people." He also said that the Guilmartins (neighbors to the north) have issue with the smell of chemicals in the portable toilet. The need for the second toilet is event-specific; it doesn't make sense to have the temporary toilet just for a short event and then take it away. He said he felt that the Town Hall has adequate facilities for most events.

Britt Cummings asked about public facilities standards on the number of restrooms. Worthley responded that the permit determines occupancy. He then proposed 100 or more attendees, based on "Common sense and experience." He talked about the length of an event also be a factor. Cummings talked residential bathrooms and how this number of people would affect a residence.

Jeanine Carr brought up 50 to 100 as being a more realistic number, even at 85 they say you need a second one. Mark Smith said that the weddings at Windekind had two restrooms for 200 people and they had a back up in the house. He talked about the effect of the blue port-o-let in front of the Town Hall in the village.

Worthley then said that the expense of the portable restroom makes the rental of the building "less desirable." The number 40 doesn't take into account the flexibility of the event type.

Ed Hanson said there were ways to get professional analysis. He discussed the Jubilee Farm application and the Environmental Protections Agency can ask their secretary to do analysis. Dean Grover said that there was a limit of gallons per day. Joe Perella said, "It's self restricting." Carr added that there is a "risk/benefit." In the meantime, Cummings was on the computer and quoted standards from the website of the American Restroom Association.

The discussion then went on to discuss the mobile traffic control device with Worthley stating that the issue is it's no defined. "We aren't sure that is the best use... what we can come up with in concert with the Selectboard and the Road Foreman." He talked about the Audubon crosswalk and said the condition of having a traffic device "in" the road right-of-way.

Carr responded "We have to do something legally commensurate with the expected attendance to modify conditions and take reasonable steps to address potential traffic and pedestrian safety issues with signs and/or lighting." It was noted that all events at the Town Hall will have on-street parking.

Perella said that reasonable is an objective standard. Common sense will create the common standard. "The onus is on the Town Hall folks."

Worthley said there is a Town Hall committee member serving as a rental coordinator. John Altermatt asked for clarification of the role of the coordination. Hanson asked if there was someone on site. Worthley responded that it is "not a requirement." There is a rental agreement that the user adhere to certain standards. Altermatt suggested the rental coordinator be responsible for the event signage and

temporary restroom requirements. There will continue to be pedestrian safety signage for all events with one-street parking.

Smith asked about alcohol and Worthley responded that events have to have a licensed caterer.

Worthley then asked for a short-term portable restroom installation if the attendance was anticipated to be 125 people.

MOTION: Jeanine Carr moved that events over 125 people must have a second toilet or portable toilet and that the DRB change the condition from 40 attendees to 125 attendees; Mark Smith seconded. Approved unanimously.

Smith summarized, "It behooves the Town Hall Committee communicate between the rental coordinator and the user to make sure the shoe fits."

The hearing concluded at 7:59 pm.

Niktarios Konstantinopoulous, Conditional Use: Niktarios and Christa Konstantinopoulous and Dean Grover were in attendance.

Site visit at 6:30 pm: Carr, Cummings, Perella, Altermatt, Smith

Niktarios and Christa Konstantinopoulous, the property owners, have an 1600-square-foot outbuilding on their property on Ledgeview Drive that they would like to rent for storage. The interested person works on cars offsite and wants to store them there. There might be tenants in the future who want to put in a temporary lift. This was deemed not to be part of the discussion of the issue at hand.

Britt Cummings asked, "Do we need to consider this?" Joe Perella added, examining the regulations, "Where do we get to here?" Ed Hanson responded, "It's a commercial activity because it's not being used by the owners and it's a mixed use of the property."

The property is on the cusp of the Village and Rural Residential Zoning Districts.

John Alermatt talked about storage units.

Heidi Racht asked if the tenant would store other people's cars. Niktarios Konstantinopoulous said that the person who wanted to rent the barn has a garage and repairs cars.

Mark Smith asked about the impact. Dean Grover responded that the only impact would be if the renter wanted to come in and run the cars. Grover asked about lighting. There would be no outdoor lighting.

Cummings again asked about jurisdiction and Smith said that this is "overreach" for the DRB. "Dean [Grover] brings up good points, but they have been addressed."

Hanson responded, "It requires an interpretation which I am not allowed to do. The DRB can interpret."

Altermatt talked about conditions. "If there was a complaint, we could require Conditional Use."

MOTION: Joe Perella stated for the record, "We can say, at this time, based on what has been presented, we don't see this implicating Conditional Use. We serve the right to require Conditional Use if conditions change." Seconded by John Altermatt. Passed unanimously.

Darlene Vallone, Variance:

No site visit was scheduled as the garage was readily visible from the road; members of the DRB viewed the property at their convenience.

Darlene Vallone has proposed to remove a 50-year-old garage that is in disrepair. The building is 10 feet from the side property line and Ed Hanson had recommended that a variance would be needed. The neighbor affected, Randall Salter, wrote a letter in support of the replacement of the garage. The regs were consulted. Hanson noted that if a nonconforming building falls down, burns down or blows down, it can be replaced. "If you demolish it, then it is no longer grandfathered.: He stated that the building is no longer safe to use.

Vallone now wanted to add a half story storage area on the garage above the same footprint.

Perella asked if the height doesn't make it noncomplying if it is reconstructed on the same footprint as the building it replaces. There then followed a discussion on the extra story-and-a-half. The regs do not require the same square footage, just the same footprint. However, this could be an issue if a new building could be much taller.

Jeanine Carr talked about the risk/benefit. If the owner tears down this unsafe structure and builds a new garage, it's no risk for the town. Altermatt responded, "If we do it for one person, we have to do it for others."

The Board was reluctant to issue a variance and discussed the implications.

Perella spoke again about the need to have the regulations changed so that a noncomplying structure can be altered under Conditional Use. It would be a simple fix.

MOTION: Mark Smith moved; Jeanine Carr seconded; and the Board unanimously decided that the garage doesn't need a variance as it meets the exception 5.8.3(2): the structure appears to be in significant disrepair.

The meeting was concluded at approximately 9 pm.

Member Business:

1. Brief discussion on the Hess decision, which Perella signed.
2. Joe Perella asked the Board to consider choosing a new chair for a year or two. He cited work schedule and also said that he didn't want there to be a presumption that he is always the chair. Smith talked about the process of review and how each member provides a unique contribution to the group. He said to Perella "Your expertise is important."
3. The Board discussed the process for signing decisions that was drafted by Racht.
4. Mark Smith spoke briefly about the HPC's updates of the regulations. He discussed the meeting with the Selectboard – the first meeting ever – where both boards were looking into more team work. The HPC has many factors that affect the budget.
5. Heidi Racht will send along the first draft of the 2017-2018 budget.
6. Next meeting: October 11, which will be administrative if there are no projects to be warned.

Adjournment: Mark Smith moved to adjourn; second by Joe Perella. Meeting adjourned at 8:58 pm

Unapproved minutes on the website: September 20, 2016

Unapproved minutes to DRB: October 6, 2016

Minutes Approved: November 15, 2016

Minutes to Town Clerk for Recording: November 15, 2016