

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

November 19, 2019

Present were Chair Frank Chase, Board Members; William Yeager, Stephen Withers, Molly Rose, Jennifer Roper (arrived at 6:41pm), and Peter Fleck. Liaison Bill Martini, Town Clerk Dorothy Burkhalter, and Town Planner Brad Cornelius were also present. Member Norma Sutton and Town Manager Robert Smith were absent.

Chair Chase called the meeting to order at 6:30pm. He then led everyone in the Pledge of Allegiance.

1. **OPEN FORUM/PUBLIC COMMENTS:**

No public comments were made.

2. **OLD BUSINESS:**

a. **Z19-14: 219 W 2nd Avenue – Boat Dock Variance – Tabled to December 17, 2019**

This item was tabled until the December 17, 2019 meeting.

3. **NEW BUSINESS:**

a. **MINUTES:**

i. **August 20, 2019 Meeting Minutes**

Member Fleck read for the record Form B Voting Conflict. Member Rose made a motion to approve the minutes as presented. Member Withers seconded the motion. All were in favor.

b. **GENERAL ITEMS FOR CONSIDERATION:**

i. **Z20-02: 58 Main Street – Variance to allow greater than 10% expansion, allow for a 9-foot side setback, and allow for a 15.5-foot front setback**

Chair Chase introduced this item and turned the floor over to Mr. Brad Cornelius. Mr. Cornelius introduced himself. He then explained that the variance request is to allow for more than 10% floor area increase to an existing nonconforming home, allow for a 9-foot side setback instead of the required 15-foot side setback for additional master bedroom space, and allow for a 15.5-foot front setback instead of the required 25 feet for a garage expansion. Mr. Cornelius further explained that past and current surveys are conflicting, which is causing the need for a variance. He then stated that notices were mailed out, with 8 being received in support and 1 in opposition. Member Rose stated that she feels that the Town has been strict with the 25' setback in the front yard. Member Withers agreed. Discussion was made regarding current and proposed setbacks, lot cover, shape of lot, hardship, additional square footage/FAR, septic and the right of way between dirt and paved Main Street. Ms. Kelly Tilghman owner of 58 Main Street introduced herself. She then explained the need for the variances. Ms. Tilghman stated that safety for her daughter, and the need for more living and storage space is the reason for the variance request. Mr. Dirk

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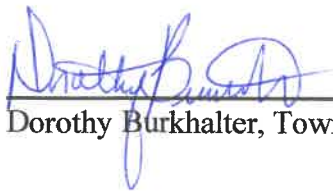
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Arace, designer for Ms. Tilghman, introduced himself. He approached the Board and showed the proposed plan. Discussion followed. Member Withers made a motion to handle each item individually and require a motion for each item. Member Roper seconded the motion. All were in favor. Member Fleck made a motion to approve option a to include the septic upgrade. Motion died for lack of a second. Mr. Cornelius stated that the Health Department will determine the needed size for the septic tank. Member Fleck commented that he would like to see the upgraded system utilized. Member Withers made a motion to recommend approval of variance "B" with a 9' setback. Member Fleck seconded the motion. All were in favor. Member Withers made a motion to recommend to deny the 15'6" variance request for the garage. Member Rose seconded the motion. Member Fleck commented on the letters that were mailed out and the clarity of the current encroachment of the front setback. Some discussion followed. Voting was as follows: Roper – no, Fleck – no, Rose – yes, Chase – no, Withers – yes, and Yeager – no. Motion failed 2-4. Member Fleck made a motion to recommend approval of the 15'6" setback as presented. Member Roper seconded the motion. Roll call vote was as follows: Roper – yes, Fleck – yes, Rose – no, Chase – yes, Withers – n and Yeager – yes. Motion carried 4-2. Member Fleck made a motion to recommend approval of item "A" not to exceed 6,590 square feet and include the condition of the upgraded septic system. Member Withers seconded the motion. Mr. Cornelius questioned if the recommendation if it is not required by the Health Department or not? Member Fleck stated "yes." Mr. Cornelius explained that the Town is preempted by the State and he'd be cautious. Mrs. Tilghman stated that she is intrigued with the new system. Chair Chase called for the vote. All were in favor. Chair Chase informed the applicant the this is a recommending Board and this item will go before the Town Council December 18th for final approval.

4. ADJOURN:

Member Withers made a motion to adjourn. Member Rose seconded the motion. All were in favor

The meeting adjourned at 7:30pm



Dorothy Burkhalter, Town Clerk



Frank Chase, Chair