

1 DEVELOPMENT REVIEW BOARD
2 April 19, 2011
3 7:00 PM
4 BENNINGTON FIRE FACILITY
5 126 RIVER STREET, BENNINGTON, VT
6 MINUTES
7

8BOARD MEMBERS PRESENT: Charles Copp, Chair, Barry Hörst, Vice Chair, Milt
9Surdam, Michael Harrington, Al Ray, Charles Kokoras, Mike von Ouhl, Al Ray and Dan
10Malmborg.

11
12NOT PRESENT: Milt Surdam.

13
14OTHERS PRESENT: Jack Byer, TD Smith Associates; Gary and Brenda Jones, Tom
15Dailey, Rich Lowenthal, Richard Hernandez, Patrick McArdle, Daniel Monks, Zoning
16Administrator; and Robyn Baker, Recording Secretary.

17
18NOT PRESENT:

19
20Copp called the meeting to order at 7:00 PM.

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221. Minutes of April 5, 2011.

23Alderman *moved and von Ouhl seconded approval of the minutes of April 5, 2011 as*
24*presented. The motion passed unanimously.*

25
262. Interested Persons – Appeal Rights – Reading of witness’ oath
27Monks read the oath.

28
293. Disclosure of Ex parte Communications and Conflicts of Interest
30None.

31
324. Alternates – Voting Assignments
33Alternates are not voting on the matter before the Board this evening.

34
355. Congregation Beth El, 225 North Street and 107 Adams Street, the applicant is seeking
36development plan and planned unit development (PUD) plan approval for additions to the
37synagogue building and the office building at the Congregation Beth El property.

38
39Monks explained that there are two lots and two units being developed simultaneously.
40Alderman asked, and Monks explained that the Board could determine whether to address
41this as two separate matters. Jack Byer, Architect, Timothy Smith, was representing
42Congregation Beth El. The project consists of the synagogue building on the corner and the
43office building directly behind it on Adams Street. Each project proposes to improve access
44and egress for handicapped accessibility. These are two contiguous properties. Each building
45is to have an addition, to the rear/south of the synagogue, and to the rear of the office
46building. The existing conditions of the entrances do not meet accessibility requirements.
47This is to provide a safe entrance and exit, as well as moving some of the interior around.

48 Restroom facilities need to be made handicapped accessible. They hope to move the social
49 space from the bottom of the synagogue to the office building. The classrooms that are
50 currently on the first floor of the office building will be relocated to the first floor of the
51 synagogue, making them handicapped accessible. The handicapped lift will be relocated. The
52 stairs and access to the building are in poor condition and will be replaced to meet code and
53 in keeping with the original architecture of the building. Alderman asked and Byer indicated
54 the location of the property line, between the buildings. Monks reported that these lots were
55 not merged, but were an exception to the rule.

56

57 Harrington asked about increased use of the facility, as there is no on-site parking. Byer
58 explained that they do not expect to increase the congregation, just to provide a safer
59 environment. Hörst asked if there was any off-street parking at all, and Byer noted that there
60 is one parking space. Ray asked about bollards around the propane tank, and Byer did not
61 feel that they were necessary. Copp reported that there have to be bollards around the tank.
62 Copp noted that the lights on the sign in front are no-longer allowed, they aren't allowed to
63 shine into the street, they must shine down. Copp noted that the gravel drive must be paved
64 20 feet in from the road. Copp asked about the stairs coming off the right side, as they don't
65 show on the site plan. They will be added. Copp also noted that the drawings need to include
66 a graphic scale.

67

68 Tom Dailey was representing Gary and Brenda Jones. He reported that there has been a
69 historical inaccuracy on the tax map regarding the parking. The main copy at the listers
70 office is accurate, but no other copies have been changed. Dailey reported that the boundary
71 line is on the west side of the right of way, not the east. He offered a copy of the recorded
72 survey to the Board. Dailey reported that an additional 20 seats are being added inside the
73 temple, but there is no indication of parking waiver. Byer felt that there is no expected
74 growth. Richard Lowewenthal, Chairman of the Congregation, reported that the additional
75 seats are to accommodate 15-20 attendees that currently stand during the high holy days.

76

77 Harrington asked about handicapped parking. Byer felt that the existing space could be
78 designated for handicapped use.

79

80 Dailey indicated the concrete sidewalk from Adams Street in. Monks agreed that the plan
81 would have to be executed as shown.

82

83 Dailey felt that the PUD mandates that some portion of the lot needs to be reserved with
84 lesser density, and he doesn't see any provision for that.

85

86 Dailey asked if the PUD over-rides the prohibition in the zoning regulations that proscribe
87 the expansion of a non-conforming structure. Monks asked how Dailey feels that the existing
88 structure is non-compliant, and Dailey felt that it does not meet the setback requirements.

89

90 Brenda Jones addressed the Board. She is an abutting property owner on two sides of the
91 project. She has had time to walk the property and look at the project. She is concerned about
92 the parking problems from the very beginning. She has a deeded right of way over the 8-foot
93 drive, which is constantly being parked on. There are several cars currently parked in that
94 right of way. She would ask for proper signage along the right of way prohibiting parking.

95

96Richard Hernandez owns the other adjacent property. He indicated that he also shares the
97common driveway. He has some concerns about emergency vehicle access. They are
98currently limited as to where to put the snow in the winter. Hernandez has assumed
99responsibility for plowing the shared driveway.

100

101Copp asked Byer how wide the driveway is. Byer noted that it is 14 feet. It is narrower than it
102was before, and it is understood that they won't be able to park there any longer.

103

104Copp asked about the outside lights, and Byer felt that they would be on photocell, off at 10
105PM.

106

107Byer explained that there are currently bollards across the right of way. Dailey and Jones
108reported that was not accurate. There are movable posts that Jones uses to temporarily block
109access to her parking area, in order to reserve it for her employees use. Dailey explained that
110the right of way has to remain open, as it is the only access to Jones' North Street property.

111

112Harrington asked and Monks noted that there is a requirement for off street parking if there is
113an increase of size of use. Testimony was that there won't be additional people, but there are
114additional seats. If this adds people, they will have to add parking.

115

116*Harrington moved to close to deliberative session. Ray seconded. The motion passed*
117*unanimously.*

118

1196. Other Business

120Alderman reported that Al Ray has chosen to not reapply for his position on the Board. It has
121been a pleasure having him on the Board.

122

123*As there was no further business to come before the Board, Hörst moved to adjourn. Ray*
124*seconded. The motion passed unanimously. The meeting was adjourned at 7:38 PM.*

125

126Respectfully submitted,

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129

130Robyn Baker

131Minutes Secretary

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