

**RICHMOND DEVELOPMENT REVIEW BOARD  
REGULAR MEETING  
APPROVED MINUTES FOR JANUARY 11, 2012 MEETING**

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Members Present: David Sunshine, Chair; Brian Werneke, Vice-Chair; Stephen Ackerman, Lori Cohen, Jason Webster  
Members Absent: None  
Others Present: Cathleen Gent, Town Planner/Staff to the DRB

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Sunshine called the meeting to order at 7:04 p.m.

Sunshine asked those attending each public hearing to sign in and reminded everyone that, if they wish to seek status as an interested person, there are specific criteria which must be met. Sunshine reviewed the criteria, per the Richmond Zoning Regulations, Section 7, regarding the definition of Interested Person. He then noted that anyone wishing to have interested person status should speak during the hearing.

Public Hearings

1. Dennis Bender/Lucie Whiteford – Application #11-146 for Conditional Use Review per Richmond Zoning Regulations, 5.6 (Conditional Use Review) for a change in use to light manufacturing as part of a bakery facility at 44 Bridge Street within parcel BR0038 in the Village Commercial Zoning District.

Sunshine swore in Whiteford, who owns Andy's Dandys, a wholesale baking operation for pet treats. She indicated that they wish to expand the operation to include more area for baking and for additional baking equipment. The expansion will involve space to the rear of the current interior walls in the building. Whiteford noted that the space for expansion was formerly a back door and part of the liquor store portion of the Richmond Beverage Store.

Whiteford introduced Patrick Kelleher, a new employee and baker who will bake dog products for Andy's Dandys as well as baked goods for people. Whiteford briefly reviewed the interior layout of the baking operation. She noted that there are no exterior changes to the building. DRB liaison Ackerman said that he did a site visit and the second bathroom in the space is for the other part of the building.

Sunshine asked about the teaching component of Andy's Dandys. Whiteford said that there have been three sessions of classes with no more than four students with different learning abilities. The original goal was to teach specific skills to students that are applicable to the future employment in a bakery, but Whiteford and her business partner have shifted to teaching the students how to be an employee with skills which are transferable to other work environments. Whiteford said that the revenues from the bakery allow them to offer the classes, which represent the social mission piece and are a minor part of the business.

The DRB then discussed parking and loading with Whiteford. She said that the students are generally dropped off. Cohen asked about the waiver from loading requirements. Whiteford said that they don't have shipping or receiving needs because they bring in baking supplies and take products via cars. She noted that, even after the expansion, the deliveries will continue to be done by car. Deliveries are done sporadically, often through the Richmond Market.

Sunshine noted that the applicants are also requesting a waiver from the requirement that a site plan be prepared by a professional.

Sunshine opened the hearing to the public. No comments were offered.

Motion by Werneke, seconded by Ackerman, to close the public hearing and approve application #11-146. Voting: 5 in favor; 0 opposed; 0 abstentions. Sunshine explained to the applicant that the decision will be issued within 45 days. Gent added that the DRB decision and a subsequent zoning permit must be in place before the new use for the space may begin.

2. Falcon Management Company, Inc. - Application #11-147 to appeal the November 16, 2011 Notice of Zoning Violation by the Zoning Administrative Officer regarding land development that took place at 110 North Road, 43 Summer Street, and 32 Summer Street within parcel FL0068 in the Mobile Home Park zoning district.

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2 Sunshine swore in Zoning Administrative Officer Zakov, Peter Brown (Falcon Manor property owner) and  
3 Jeff Bishop (park manager). Attorney Barry Peterson also was present to represent Brown, but was not  
4 sworn in.  
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6 The hearing began with Zakov providing a summary of the notice of violation that she issued on September  
7 16, 2011 for site alterations on two sites within the Riverview Commons Mobile Home Park. She said she  
8 issued the notice of violation because no zoning permit applications had been submitted, despite her  
9 attempts to secure a permit application from the park manager. The zoning violation for 110 North Road was  
10 cured when, on November 17<sup>th</sup>, Bishop applied for a replacement mobile home and associated site work  
11 activity. Zakov added that the violation that occurred by the mobile home park main entrance was not cured  
12 and is the subject of tonight's hearing. DRB members asked several questions to clarify the actions taken by  
13 Zakov.  
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15 Brown provided a brief history about the area by the main entrance where the site work has occurred. He  
16 said there is a low point in the land and water collects there. Brown added that the water collection problem  
17 has been exacerbated by an expansion on the Patterson Fuels property. He explained that no outside fill  
18 material was brought in, i.e., that the fill was obtained from another part of the parcel. Bishop said that, after  
19 heavy rains, a sink hole began to be formed. After Tropical Storm Irene, the ground dropped 2-3 feet and  
20 they tried pumping water, which did not work. Bishop said the fill was handled via a dump truck and  
21 excavator. In response to a question from the DRB, Bishop said that about 100 cubic yards were brought in.  
22 He added that about 6 more inches of additional fill is needed.  
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24 Webster noted that the definition of land development in the Richmond Zoning Regulations includes  
25 excavation and that a building permit is needed for that. Bishop responded that he did not think a building  
26 permit was needed. Werneke reiterated that a permit is needed for land development and Webster  
27 encouraged the appellant to simply apply for a building permit for the site excavation and fill project which is  
28 the source of the notice of zoning violation. Bishop said he thought a permit was not needed for excavation,  
29 so long as the owner is making the place look better. Werneke replied that the DRB and property owners  
30 have to comply with the zoning regulations. Webster added that the zoning administrator has an obligation to  
31 enforce the zoning regulations. Peterson confirmed that any excavation needs a permit.  
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33 In response to a question, Gent discussed the standards for needing a permit for excavation and fill in the  
34 new proposed zoning and subdivision regulations. She said that a zoning permit is not needed for fill less  
35 than 40 cubic yards in volume. Following up on a comment from Zakov that the new FEMA maps will soon  
36 be in effect, Gent explained that the formal appeal period for new FEMA Special Flood Hazard Area maps  
37 has begun and that the final maps may be in place by the fall. She added that a portion of the mobile home  
38 park will be within the revised FEMA Special Flood Hazard Area, about 6-7 mobile homes.  
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40 The DRB encouraged Brown and Bishop to plan ahead and bundle together projects within a single zoning  
41 permit application. Zakov also suggested that they apply soon for permits for project in areas that will be  
42 subject to the new FEMA maps. Brown asked whether a permit is needed to replace and upgrade a culvert.  
43 Werneke said that, if the replacement is for maintenance only without excavation and no new fill, no permit is  
44 needed. Ackerman suggested that Brown apply for one zoning permit to replace all the culverts.  
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46 Sunshine asked when Falcon Manor began filling in the hole. Zakov said she noticed the fill in the spring.  
47 Webster said he saw the fill all summer long and thought the area was within the Special Flood Hazard Area.  
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49 Brown said he is planning to extend the park for a seniors-only park. He asked if the DRB would be favorably  
50 inclined toward such a facility. Sunshine replied that Brown should come back to the DRB with a sketch plan  
51 review application, which the DRB can discuss at that time.  
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53 Sunshine opened the hearing to the public. No comments were offered.  
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55 Motion by Werneke, seconded by Cohen, to close the public hearing and to deny the appeal of the zoning  
56 administrative officer's actions, per application #11-147. Voting: 5 in favor; 0 opposed; 0 abstentions.  
57 Werneke noted that the notice of violation pertaining to 110 North Road was resolved prior to the public  
58 hearing.  
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3. Other Business

*- Meeting Minutes: December 14, 2011*

Several edits were offered. Motion by Werneke, seconded by Ackerman, to accept the December 14, 2011 minutes as amended. Voting: 5 in favor; 0 against; 0 abstentions.

*- DRB Annual Report*

The DRB discussed the 2011 annual report and made minor revisions.

4. DELIBERATIVE SESSION

At 8:05 PM, motion by Webster, seconded by Werneke, to enter deliberative session again, so voted.

At 8:39 PM, motion by Webster, seconded by Werneke, to come out of deliberative session, so voted.

5. DRB Actions: no actions were taken by the DRB at this time.

6. Adjournment

At 8:40 PM, Cohen made a motion to adjourn the meeting, seconded by Ackerman So voted.

Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB

