



DEVELOPMENT REVIEW BOARD MINUTES

WEDNESDAY, JULY 19, 2023 @ 6:00 PM
RUTLAND CITY HALL, DOWNSTAIRS CONFERENCE ROOM

ATTENDANCE

DRB MEMBERS PRESENT:

Mike McClallen
Al Paul
Jim Pell

Mark Alger, Applicant (5 Belmont Ave Ext)
Samantha Sarno (4 Park Court)
Andrew Danner (5 Park Court)
Erin Danner (5 Park Court)
Joy Mortelliti (2 Stafford Lane)
Gregory Mortelliti (2 Stafford Lane)
William Conn (5 Stafford Lane)

STAFF PRESENT:

Andrew Strniste, Zoning Administrator

5 BELMONT AVENUE EXTENSION:

* Denotes that the attendee joined via phone

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- Due to a scheduling conflict, the evening's hearing was moved downstairs to the Conference Room. Notice of the change of venue was displayed in City Hall.
 - Members of the Rutland City Development Review Board convened in the Downstairs Conference at Rutland City Hall, 52 Washington Street, around 5:50 PM.
 - No general public was in attendance to provide public comment before the evening's hearings.

PUBLIC HEARING – SITE PLAN REVIEW (5 BELMONT AVENUE EXTENSION)

6:00 PM

APPLICANT: MARK W. ALGER JR.

LANDOWNER: MARK W. ALGER JR. & NICOLE R. WAID

ZONING DISTRICT: SINGLE-FAMILY RESIDENTIAL (SFR)

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- [6:00] Chair M. McClallen called the hearing to order and provided an overview of the hearing procedures. The subject of the evening's hearing related to the construction of a pavilion located in the aforementioned property's south side setback. Chair M. McClallen then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing. Mark W. Alger was before the Board to present the application.
- [6:01] Applicant Alger informed the Board that he was looking to construct a stone paver patio and pavilion south of the garage at 5 Belmont Avenue Extension. He informed the Board the lot is undersized and that he is unable to do anything because of the City's current zoning regulations. The pavilion itself will be a four post, post & beam structure for the purposes of putting his grills underneath. In response to Board Member Paul's question, the proposed pavilion will not be attached to the Single-Family Dwelling, but rather, a foot or so detached from it. The Applicant then responded to Board Member Pell's question that the pavilion

will be placed besides the garage, and further clarified that the garage is still a garage and not living space as identified in the Staff Report. Board Member Paul asked clarification questions relating to the parking arrangement – two cars will still be able to park in the driveway, side by side. The parking space south of the garage (the proposed location of the pavilion) will no longer exist.

- [6:05] Chair M. McClallen asked the applicant about the submitted dimensional standard questions; the Applicant declined to read them into record and are to be referred to by reference. The Applicant then responded to Chair M. McClallen's question about buffering by advising that no additional buffering efforts will be made. The Applicant did inform the Board that he would like to put better foliage along the south property line where there is an existing stone wall with overgrown vegetation. William Conn informed the Board that the power company maintains the tree line every five years.
- [6:08] Samantha Sarno, 4 Park Court, informed the Board that she has lived directly behind the subject property for two and a half years. While S. Sarno does not have an issue with the proposed structure, there is apprehension of what will come with the structure – specifically live music and the quality of life. Applicant Alger advised that he tries to not be disrespectful and that the music being played is from his band. Discussion ensued about the role the pavilion could potentially play in facilitating additional noise. S. Sarno informed the Board that oftentimes sound machines and earphones are required due to the loudness of the band. Chair M. McClallen informed the attending members of the public that the Board was constrained to reviewing the pavilion in relation to the City's dimensional waiver standards and that the Applicant's submitted evidence does not contain references to bands or noise.
- [6:13] Joy Mortelliti, 2 Stafford Lane, informed the Board that she had concerns with the construction of the structure and removing the tree line. A noise ordinance was passed in 2023 and the City's police were notified on a few occasions. J. Mortelliti informed the Board that the police did notify the Applicant of that noise ordinance. Currently, the Mortellitits cannot sleep with their windows opened or closed, and that there were concerns relating to the aesthetics of the neighborhood. J. Mortelliti opined that the noise concerns were underplayed as there was live music every other weekend and also opined that the dogs barked at all hours of the day and night. The proposed pavilion would promote the behaviors that they did not want.
- [6:17] Gregory Mortelliti, 2 Stafford Lane, opined that the property was zoned residential and not entertainment; that the Applicant provided live music. G. Mortelliti informed the Board that their residence is only 50 to 60 feet away from the Applicant's house; that there is not concern about what the structure looks like, but rather, concern about concerts and what the structure will facilitate.
- [6:19] William Conn, 5 Stafford Lane, opined that the Applicant knew what the setbacks when buying the property. W. Conn also had concerns about the vegetation being eliminated and knew of the City planting trees at one time, which would be susceptible to being removed should the Applicant remove the overgrown vegetation. Board Member Pell asked the Applicant if the trees could remain; the Applicant answered in the affirmative. Chair M. McClallen verified that there was no intention to remove the trees; that the pavilion would be 10 ft. x 12 ft. W. Conn asked if the application had been denied; the Board answered no - that the subject hearing occurs prior to any approval or denial.

[6:22] The Board had no other questions, nor did the Applicant provide additional testimony. Chair M. McClallen adjourned the hearing and provided an overview of the process going forward.

OTHER BUSINESS

6:25 PM

[6:25] The Board entered into closed deliberation to discuss the evening's hearings.

[6:52] The Board adjourned the evening's meeting.

Respectfully Submitted by Andrew Strniste, Planning & Zoning Administrator