



DEVELOPMENT REVIEW BOARD MINUTES

WEDNESDAY, JANUARY 4, 2024 @ 6:00 PM
RUTLAND CITY HALL, DOWNSTAIRS CONFERENCE ROOM

ATTENDANCE

DRB MEMBERS PRESENT:

Mike McClallen
Stephanie Lorentz
Al Paul
Steve Wilk

STAFF PRESENT:

Andrew Strniste, Zoning Administrator

55 ELM STREET HEARING:

Janet Cassarino (55 Elm Street, Landowner)
Elizabeth Johnson (48 Elm Street)
Sam Johnson (48 Elm Street)
Allan Kennedy (53 Elm Street)
Ivan Duval (57 Elm Street)
Elaine Duval (57 Elm Street)

* Denotes that the attendee joined via phone

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- Members of the Rutland City Development Review Board and the public convened in the Aldermen's Chambers 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 (55 ELM STREET)

6:01 PM

APPLICANT: JANET CASSARINO

LANDOWNER: JANET & STEPHEN CASSARINO

ZONING DISTRICT: MIXED RESIDENTIAL DISTRICT 1 (MR-1)

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- [6:01] 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 6 ft. x 6 ft. bathroom addition located in the aforementioned property's north side setback. Board Member Paul disclosed that former Mayor Cassarino, who is a family member of the landowners/applicants, appointed him to the Development Review Board, and that he would recuse himself should anyone express opposition to him rendering a decision on the application. No members of the Board or public expressed any issue, and therefore, Board Member Paul did not recuse himself. Chair M. McClallen then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing. Applicant and Landowner, Janet Cassarino, was before the Board to present the application.
- [6:03] Applicant Cassarino informed the Board that the purpose of the application was to construct a 5 ft. x 5 ft. bathroom addition (noting that the application stated 6 ft. x 6 ft.), which allow the bathroom to become handicapped accessible for their in-laws. The driveway would not be altered; rather, the addition would be located in a patch of grass

behind the “bump-out” of the single-family dwelling, extending the existing wall of the “bump-out” area. The Applicant provided an explanation of the proposed interior modifications – depicted in Attachment 5. Applicant Cassarino then rebutted Staff’s internal resources of the encroachment being five or six feet into the north side setback; specifically, that the addition is more likely only encroaching one-foot into the north side setback. The Applicant explained that the deed to the property provides that the property width is 65 feet, whereas Staff’s internal resources had the width of the property being 61 feet. Other reasons were provided later in the hearing.

- [6:10] Board Member Lorentz asked a clarification question relating to the extent of the addition, and confirmed that the addition will not extend any further into the north side setback than the existing “bump-out” area of the single-family dwelling. Board Member Lorentz then confirmed that the siding of the addition would be the same as the existing building.
- [6:12] Abutting Neighbor, Ivan Duval (57 Elm Street), inquired about the foundation of the proposed addition. Applicant Cassarino advised that the foundation will be the same as the existing foundation, though not a full foundation, but more likely a crawl space, which will facilitate the extension of insulation, electricity and plumbing. I. Duval then expressed concern about parking. Applicant Cassarino informed the Board that the detached garage is not currently being used because of a lip between the existing grade of driveway and the top of the foundation of the garage. Furthermore, the Applicant continued to state that the addition will not interfere with the driveway, as the driveway will continue to have unobstructed access to the rear part of the property. The Applicant also confirmed that they will continue to have enough parking even with the addition of another car, as the in-laws’ car will be parked in front of the car and the Applicants will park their cars in tandem in front of the “bump-out” area of the single-family dwelling. Deeds relating to the properties were entered into the record and reviewed by Board Member Lorentz.
- [6:17] Abutting Neighbor, Elaine Duval (57 Elm Street), informed the Board that parking is currently an issue, and while the driveways abut one another, the two driveways are not a shared driveway. E. Duval then informed the Board that the landowners of 55 Elm Street will oftentimes drive around an already parked vehicle, but to do so requires using the driveway at 57 Elm Street. E. Duval also expressed concerns about snow and snow removal and that problems currently exist relating to snow. Applicant Cassarino advised that the proposed addition should not impact how cars park in the driveway and that any problems that may currently exist would be identical with the construction of the addition. The Applicant then reiterated that parking will not be impacted by the proposed addition. The Applicant then advised that they do have snow removal, and that the snow is pulled backwards and placed on the front yard. The abutting landowners of 57 Elm Street contended that the conditions will be tight.
- [6:22] Chair M. McClallen clarified the parking arrangements on the property – that one car will park in front of the garage and the other two cars will park in tandem in front of the “bump-out” area of the single-family dwelling. Chair M. McClallen then confirmed that there was enough room for more than two cars, which is the total vehicle count of the landowners’, as the Applicant advised that the parking arrangements will not encroach onto 57 Elm Street. Board Member Paul obtained clarification that there will be three cars, which will include the in-laws’ car – a vehicle that is smaller than the landowners’ car and is handicapped equipped. Board Member Lorentz sought clarification about the space between the garage and the back of the single-family dwelling. Applicant Cassarino advised that there is more distance between the garage and the single-family dwelling than depicted in the photograph. Chair M. McClallen asked where the in-laws’ car would be parked – the

Applicant advised that the car would be parked in front of the garage, while their two cars will be parked in tandem in front of the “bump-out” area of the single-family dwelling. There will be enough space in front of the garage for the additional car – an SUV that is smaller than the vans the landowners own. Chair M. McClallen inquired about the discrepancy relating to the encroachment. The Applicant advised that there is a concrete wall in the ground that clearly delineates the property line, and therefore, measuring from the boundary to the edge of the addition is easy. When measuring in the field, the addition would only encroach one-foot into the setback.

- [6:31] I. Duval opined that a third vehicle would create a problem, especially when the vehicle in front of the garage would need to be moved. I. Duval then opined that the Applicant would still end up utilizing their driveway since the driveway on 55 Elm Street is very narrow, thus needing to go on the driveway at 57 Elm Street for ingress and egress to and from the lot. Chair M. McClallen confirmed that there is not shared driveway agreement. E. Duval also confirmed that the driveway is not a shared driveway. Applicant Cassarino informed the Board that a surveyor friend provided an approximation of the north boundary; however, was not official and that there was no survey.
- [6:34] E. Duval informed the Board that Board Member Lorentz had previously provided legal assistance regarding the 55 & 57 Elm Street. Out of an abundance of caution, Board Member Lorentz recused herself from participating further in the hearing and would not take part in deliberation.
- [6:35] 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

6:36 PM

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- [6:36] The Board entered into closed deliberation to discuss the evening’s hearings.
- [7:15] The Board adjourned the evening’s meeting.
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Respectfully Submitted by Andrew Strniste, Planning & Zoning Administrator