

Town of Montgomery

Development Review Board Minutes

January 24, 2019

Barry & Denise Domina and Susan Baker

Request For Subdivision With Access By Right-Of-Way

DRB Members Present: Parma Jewett, Barry Kade, & Merle VanGieson

Member of the Public Present: Barry Domina, Susan Baker (applicants), & Ellen Fox (zoning administrator)

Meeting Commenced at 6:41 p.m.

- 1. The chairman (Parma Jewett) administered the oath to all three members from the public who were at the meeting.**
- 2. The proceeding were outlined by the chairman.**
- 3. Chairman then stated the case and read the public notice for the hearing. The subject property is 10.5 acres, located at 88 Mountain Road, in the Town of Montgomery. Parcel ID#00242.019X. The property is located in the Rural Residential District as described on the Town of Montgomery Official Zoning Map on record at Town of Montgomery Municipal Office and Section 3 of the Town of Montgomery Zoning and By-Laws and Regulations. The application requires review under the following sections of the Montgomery Zoning By-Laws.
 - a. Section 6.10 (D) (Access to Lots with Frontage)****
- 4. The chairman then accepted evidence from the applicants which was labeled A-1. The evidence included the application to the development review board; town tax map; copy of survey map of lots #1 and #2; land subdivision driveway right of way agreement; and copy of letter from Roy Hango (consulting engineer) concerning soil types for septic systems.**
- 5. Other evidence accepted and labeled A-2, a signed letter from Denise Domina giving her husband Barry Domina permission to represent her interest in the property at this hearing.**
- 6. Testimony was then given by Susan Baker who explained the she would like to build a small house on lot #1.**

7. Testimony was then given by Barry Domina that lot #1 was ready to go as the engineering was already done on the site and water had been installed. At this time he has no plans for lot #2, he states possible small structure in the future. Barry also stated that he may put a small camper in lot #2.

8. The chairman then asked board member Barry Kade if he had any questions. Mr. Kade asked about the right-of-way which is part of the town land. Barry Domina explained that the town has granted a right-of-way for part of the driveway to the Public Safety Building off Route 242 which is 24 feet. Barry Domina then showed the board a larger version of the survey map which was easier to read. He also said any ongoing construction in the future would be respectful of the right of way which the town has granted.

9. The chairman then called on Merle VanGieson to ask any questions which he may have. Mr. VanGieson questioned the width of the right-of-way concerning our zoning regulations. Barry Domina stated the right-of-way to access the lots is 30 feet wide and zoning regulations require 25 feet.

10. At this time no more questions or evidence was given and the chairman explained to the applicants that the board would go into deliberation. The board decision would then be mailed out by certified mail within a 40 day period. Chairman then asked board members if they felt a site inspection was necessary and all answered no.

11. Merle VanGieson made the motion to approve the application submitted by Barry & Denise Domina and Susan Baker for a subdivision access by right of way. Barry Kade seconded the motion.

12. Based upon the finding, the Montgomery Development Review Board concludes that the rules for a subdivision to lots without Frontage with access by right-of-way at 88 Mountain Road is APPROVED. Roll Call Vote: Merle VanGieson: YES, Barry Kade: YES, Parma Jewett: YES.

Meeting Adjourned at 7:17 p.m.

Respectfully Submitted By:

Parma Jewett (substituting for Lynda Cluba, DRB Secretary)