

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday, February 7, 2022**

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*NOTE: This meeting was conducted both in-person and electronically via Google Meet.*

Members Present: Megan Moffroid, Chris Noone, Virginia Roth (online), Jeff Schoellkopf (Chair, online)

Others Present: Ruth Robbins (ZA), Camilla Behn (online), Chris Behn (online), David Frothingham, Jack Sharry (online), Jean Sharry (online), Ellen Strauss, Dorothy Tod, and Carol Chamberlin (Recording Secretary, online).

The meeting was called to order at 7:00 pm.

**Application #2022-02-CU** submitted by John & Jean Sharry, request Conditional Use approval for additions to a pre-existing, non-conforming structures at 630 Main Street in the Warren Village Historic Residential District and listed as parcel ID # 004004-800 in the Warren Grand List. This parcel is located in the Fluvial Erosion Hazard Overlay District [FEH] which will also be reviewed under Conditional Use.

Ms. Moffroid noted that she provides landscaping services to the Sharrys; no members felt that she should recuse herself from the hearing.

Mr. Frothingham provided an overview of the proposed additions, indicating pertinent changes and associated distances on the drawings provided. Both of the existing structures are non-conforming due to their not meeting the required front yard setback from the road. Mr. Frothingham noted that no increase of non-conformity is planned. He also explained that the accessory structure will not become a dwelling, as there only a bathroom being added (no kitchen, insulation, or heat source is being added to the structure).

Ms. Tod spoke of previous structures on the property which had been washed away by the Mad River during flood events; Mr. Sharry noted that the current accessory building was constructed in 1994-95 and so survived both the 1998 flood and TS Irene in 2011. It was also explained that a LOMA (Letter of Map Amendment) has been issued by FEMA for the property, and so it is not considered to be in the Flood Hazard Area.

It was clarified by Mr. Frothingham that there will be no excavation required for the accessory building addition, and that the new room planned for the main house will be built upon a flood proof foundation. Ms. Robbins explained that, although the LOMA takes both structures out of the Flood Hazard Area, there may be impacts related to the Fluvial Erosion Area which runs along the river. She has contacted Ned Swanberg, State River Corridor Manager, and he advised that the relation of the buildings to the Fluvial Zone should be considered.

The wastewater from the proposed accessory structure bathroom will be connected to the Town's system. The Sharrys were encouraged by Board members to connect the existing main house wastewater to the Town's system.

Board members reviewed the application materials and found that all necessary information had been received. It was confirmed that, in reference to the Warren Land Use and Development Regulations, the proposed development is allowed in the Fluvial Erosion Hazard Area.

**MOTION** by Mr. Schoellkopf to condition approval upon receipt of the proper paperwork from the Department of Environmental Conservation (DEC) indicating that this development is allowed within the

Fluvial Erosion Hazard Area, as required in Section 2.16 (B) (2) of the Land Use and Development Regulations. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

**MOTION** by Ms. Moffroid to require that all necessary Wastewater permits be obtained from the DEC prior to construction. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Schoellkopf to find that the project meets the standards for the Fluvial Erosion Hazard Area as outlined in the Land Use and Development Regulations. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

There was discussion regarding whether an increase in the degree of nonconformity is proposed by the application; Ms. Strauss noted that for older homes the property line is the centerline of the roadway. It was determined that the setbacks are not diminished by the proposed construction.

Mr. Behn raised the issue of whether a permit for the accessory structure was obtained at the time of original construction, observing that the regulations define non-conforming structures as those which legally exist. Ms. Robbins was not able to locate a related permit during the meeting, but confirmed she would further investigate the matter.

**MOTION** by Mr. Schoellkopf to condition approval of the expansion of the non-conforming structures upon location of documentation that the original construction of the accessory structure was legal, and presentation of such documentation to provide confirmation by the Zoning Administrator that this requirement is satisfied. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Schoellkopf to find that, based upon the testimony heard, the project is not located in the Flood Hazard Overlay District. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

The Board commenced Conditional Use Review.

**MOTION** by Ms. Moffroid to find that the application as presented satisfies the applicable standards of Section 5.3 (A) 1-5 of the Land Use Regulations. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

No members of the Board requested that specific Conditional Use Standards be addressed.

It was confirmed that the amount of intrusion into the 50-foot stream buffer was being decreased, and that an erosion control plan is in place for the foundation work included in the proposal. All sedimentation and erosion control will comply with the standards outlined in the Low Risk Handbook.

**MOTION** by Mr. Schoellkopf to find that, based upon the materials and testimony provided, the plan meets the standards of Section 5.3 (B) 8 of the Land Use and Development Regulations. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

It was agreed that the design of the additions appears compatible with the character of the Village District.

**MOTION** by Mr. Schoellkopf to approve the application as submitted, subject to the usual conditions as well as those agreed upon at the hearing. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**Other Business:**

The upcoming schedule was reviewed.

The meeting adjourned at 8:46 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

**Development Review Board**

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Megan Moffroid                  Date

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Chris Noone                          Date

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Virginia Roth                          Date

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Jeff Schoellkopf                          Date