

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, June 20, 2022**

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

Members Present: Chris Behn, Megan Moffroid, Peter Monte (Chair), Chris Noone, Jeff Schoellkopf.
Others Present: Ruth Robbins (ZA), Barbara Bonan, Cheryl Davis, John Davis, Jim Edgcomb, David Frothingham, Evonne Meranus, Jordan Meranus, John Pitrowiski, Ellen Strauss, Harry Wagner, Carol Chamberlin (Recording Secretary)

The meeting was called to order at 7:03 pm.

Application #2022-06-SD submitted by Jim Edgcomb & Alexis Leacock, is requesting a 2-lot subdivision located at 970 Dump Road. They wish to reconfigure parcel # 022011-700 of 7.3 +/- acres and the adjacent former Von Sumner parcel #022001-600 of 24.3 +/- acres purchased in June of 2020, by creating Parcel A of 29.6 +/- acres and Parcel B of 2 +/- acres in the Rural Residential District. The purpose of this request is to create an obtainable building lot and maximize the conservation of the natural resources and meadowland. A building envelope was approved by the Warren ZBA in 1992 [#1992-06-PB]. There is no planned development at this time other than the addition of some vegetation and the subdivision request maintains conforming lots for both parcels.

Mr. Schoellkopf recused himself from this hearing.

A site visit was held earlier in the day, attended by Mr. Monte, Mr. Noone, Ms. Robbins, and Mr. Edgcomb. The planned development area, agricultural area, and wildlife corridor were pointed out to the participants by Mr. Edgcomb.

Mr. Edgcomb provided some background information on the two lots, and explained that the proposed configuration would allow for maximization of agricultural potential by limiting the size and building envelope on the second lot; the house site on that lot to be sited in the tree line. He also noted that the driveway has been designed to maximize the potential for a wildlife corridor, as will the planned clearing and planting in the agricultural portion of the property.

There was some discussion regarding the final ownership structure, with it being suggested that the additional acreage be deeded so that it be merged with the parcel which includes the main dwelling. Mr. Edgcomb indicated that no further subdivision is planned and that merging is suitable.

MOTION by Mr. Monte that approval include a condition requiring a merger of the parcel upon which the Edgcomb/Leacock home is sited and the remainder of the parcel previously owned by the Von Sumners; the merger to be memorialized by deed in the land records, and to be completed within 200 days or upon sale of the separate 2-acre parcel, whichever occurs first. **SECOND** by Mr. Behn. **VOTE:** The motion carried, with Mr. Behn abstaining.

MOTION by Mr. Monte to designate this as a minor subdivision. **SECOND** by Ms. Moffroid. **VOTE:** The motion carried, with Mr. Behn abstaining.

MOTION by Mr. Monte waive sketch plan review and move to a final hearing. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

The application materials were reviewed for completeness, and the Board members turned to the Subdivision Standards of Article 7 in the Land Use Regulations.

MOTION by Mr. Behn to find that all general Subdivision Standards as well as those in Sections 7.2 and 7.3 related to protection of conservation areas are satisfied by the application materials. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the standards in Sections 7.4 through 7.7 are not applicable to this application. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The need for a pull-off to allow for emergency vehicle access was discussed, as the driveway to access the 2-acre parcel will run for over 500 feet after branching from the existing driveway. Mr. Edgcomb indicated where an appropriate section of the driveway allows for an extra 10 feet of width to provide this.

MOTION by Mr. Monte to condition approval upon the final plat depicting a pull-off along the access drive that satisfies Fire Department standards. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Mr. Edgcomb confirmed that a Wastewater Permit has been issued.

MOTION by Ms. Moffroid to find that the standards in Sections 7.8 through 7.10 are satisfied by materials contained in the application. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

Members reviewed regulation language related to siting of development in relation to meadowlands.

MOTION by Mr. Monte to find that the Zoning Board of Adjustment's 1992 approval of the building envelope was appropriate, and that approval of this application will ratify that former decision. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to approve Application 2022-06-SD, subject to the usual conditions and those voted upon at the hearing. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Application #2022-09-CU submitted by Evonne & Jordon Meranus, is requesting approval for the development of a driveway on Steep Slopes and a designated Building Envelope for a future SFR in the Forest Reserve District. The property is located at the end of Hillside Road, 123.4 +/- acres, parcel ID# 028004-800, in both the Forest Reserve District & Rural Residential Districts.

A site visit had taken place earlier in the day, attended by Mr. Monte, Mr. Noone, Ms. Robbins, Mr. and Mrs. Meranus, Mr. Pitrowiski, and neighboring property owners. Mr. Schoellkopf had visited the site independently, and Mr. Behn indicated that he is very familiar with the parcel. During the site visit, a number of existing woods roads were observed, most of which were generally level with some steep sections. It was agreed that this is a challenging site.

During the visit, Mr. Pitrowiski had outlined the winding, switchback route chosen for access, and there had been some discussion of strategies to mitigate the extreme erosion potential during construction, which could possibly put the homes below at risk from stormwater runoff. The possibility of periodic inspections to ensure compliance with all sediment and erosion control measures had been discussed, as well as potentially completing the work in smaller increments so that any unusual storm occurrence would have less of an effect on the land downhill of the driveway.

Mr. Pitrowiski explained that he had looked at several iterations when developing the driveway's engineering plans, and that the choice presented is lengthy, but has minimal cut and fill required to the uphill and downhill sides. The average grade of the proposed road is 8%, and it is designed to be 14 feet wide with pull-offs every 400 feet for emergency access. Stormwater collection infrastructure will include ditches, culverts, and retention ponds for treatment and dispersal. Silt fence and other erosion control measures will be in place during construction. Mr. Pitrowiski reported that he had looked at other pathways for the road following the site visit, and he did not find that the potential shorter locations on steeper areas as being less impactful than what is proposed in the application, as that route has the least amount of cut needed along the centerline.

Relevant maps were studied and alternate routes discussed, with points being made regarding a preference for a shorter drive, potential for runoff being diverted into an undeveloped area, siting the house lower on the slope, and whether the driveway should be approved before the dwelling has gone through Conditional Use review.

Wastewater infrastructure was discussed; Mr. Pitrowiski reported that test pits are in place and that plans are being developed. The septic will be located on the easterly side of the driveway; the route from the house to the disposal site has not yet been determined.

Power will be installed along the driveway, Mr. Pitrowiski indicated that ledge on the site will likely indicate an overhead installation.

It was pointed out that the final sediment control plan does not depict the pull-offs.

The house site and related clearing were discussed. The applicants explained that the area depicted on the plans for clearing is larger than what the actual house site clearing will be, but because the specific location of the house has not been decided, the larger area is shown. Mr. Meranus spoke regarding the likely moderate house size and indicated that it will not be sited right at the ridgetop, although he noted that the property had been purchased with the intent to build at approximately the 1950' elevation line. Mr. Wagner, the landscape architect for the development, explained that there are significant trees worth retaining, and that cutting would be selective and proceed slowly as the house design is completed.

Board members spoke of minimizing disturbance, the level of clearing allowed at higher elevations, and other factors involved in approving the building site as proposed. It was decided that further site investigation would be useful before making any final decision.

Neighboring property owners spoke of the runoff from the hillside to their properties and asked about potential impacts to a private well resulting from blasting of ledge. Mr. Pitrowiski indicated that any need for blasting should be minimal.

Mr. Meranus inquired as to what additional information would be sought for the continued hearing; it was explained that the Board needs to be convinced that the proposed route is the best way to get a building site. Board members pointed out that review is based upon 15-25% and greater than 25% slope, and asked that maps depictions be modified accordingly.

The applicants indicated that they would be comfortable with restrictions on any further development or subdivision of the parcel.

Mr. Davis asked for some assurance that the condition of the road will be respected and that the condition prior to construction be restored once the associated vehicle impacts have ceased. Mr. Monte advised that an agreement should be reached between the neighbors and the applicants.

Mr. Schoellkopf and Mr. Behn indicated that the following materials be provided for Board review:

- Slope analysis be revised to indicate percentages as relevant to the Regulations
- The full extent of clearing for utilities as well as the driveway be depicted
- Information to convince the Board that all shorter driveway routes are more detrimental than the one proposed
- Depiction of the proposed driveway's cross sections in steep areas
- Assurance that the proposed house site will meet all the criteria outlined in the Regulations

MOTION by Mr. Monte to continue the hearing for Application #2022-09-CU until August 1, 2022 at 7 pm. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

It was agreed that a site visit will be scheduled to be held closer to August 1.

Application #2022-08-CU submitted by John & Jean Sharry, is requesting Conditional Use approval for 1) Change of Use for a previously approved [# 1991-09-PB] non-conforming (due to setbacks) Accessory Structure which was permitted as a shed/workshop and is requested to be a sixth bedroom for the existing SFR and 2) approval for the addition of a 5' x12' bathroom to the Accessory Structure. The property is located at 630 Main Street, parcel ID # 004004-800 located in the Warren Village Historic Residential District.

Mr. Monte recused himself from this hearing.

Mr. Frothingham explained that the structure was permitted as a shed/workshop with a variance for setback from the river, and in the intervening years it has been converted to a bedroom without obtaining a permit for change of use. He noted that the structure is also within the front yard setback. The requested addition is farther from the river than the existing structure, and will not encroach any further into the front setback.

The proposed bathroom would be connected directly to the municipal wastewater system; the house is already connected to that system. There will be no kitchen space incorporated into the structure.

The structure is located in the fluvial erosion area, and Ned Swanberg, Flood Hazard Mapping Coordinator with DEC, has requested that a revised LOMA be issued which considers the proposed addition.

Parking was discussed; it was explained that the Regulations call for two spaces per unit, but there is some latitude allowed for impacts on the road and traffic. Mr. Frothingham noted that there is space for three cars now, and no sidewalk at the property.

MOTION by Mr. Schoellkopf to condition approval upon receipt of a Letter of Determination from the Agency of Natural Resources that this addition is allowable in the Fluvial Erosion Hazard Area. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that the provision of the District Development Standards, Section G, are either satisfied by the application materials or not applicable. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Board members did not request submission of any further application materials.

After some consideration of possible conditions related to parking, it was agreed that the Town's parking ordinance would cover potential impacts to traffic.

MOTION by Mr. Behn to include in approval a reminder that there is no parking on Main Street as per the Warren Parking Ordinance. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that the proposed addition does not constitute an increase in the degree of nonconformance. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

It was noted that a permit for a change of use may be issued by the Zoning Administrator, unless a need for Conditional Use review of that change becomes evident during this hearing.

Conditional use review commenced.

MOTION by Mr. Schoellkopf to find that the modified structure will have no impact on community services. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to condition approval upon a prohibition of renting the detached bedroom/bathroom as a separate dwelling for use by parties unrelated to the use of the house. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that the standards in Section 5.3(A) 2 – 5 are either satisfied by the application materials or not applicable. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

No board members found that other specific standards need to be addressed.

MOTION by Ms. Moffroid to approve Application 2022-08-CU, subject to the usual conditions and those voted upon at the hearing. **SECOND** by Mr. Schoellkopf. **VOTE:** The motion carries, with Mr. Behn opposed.

Other Business:

Documents were signed and there was a discussion regarding the need for additional members on the DRB.

The meeting adjourned at 10 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Peter Schoellkopf Date

Megan Moffroid Date

Chris Noone Date

Chris Behn Date