

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, August 1, 2022**

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

Members Present: Chris Behn, Peter Monte (Chair), Virginia Roth, Jeff Schoellkopf.
Others Present: Ruth Robbins (ZA), Hilary Burditt, Jeff Campbell, Elizabeth Cook, John Davis, Erica Dodge, Isaac Garcia-Dale, Amy Hunter, Timothy Johnson, Brian Kitchens, Bruce Lofgren, Gunnar McCain, Jordan Meranus, Evonne Meranus, John Pitrowiski, Steve Platt, Josh Vogel, Margo Wade (Sugarbush), Carol Chamberlin (Recording Secretary)

The meeting was called to order at 7:01 pm.

Application #2022-09-SD submitted by Susan Alberino, is requesting a 2-lot subdivision unless it is determined and confirmed by the DRB that the 5.2 acre lot is a pre-existing subdivided lot. The property is located at 50 Albert's Way, parcel id# 038003-5 in the Town of Warren grand list and is in the Rural Residential District. Continued from 7/18/2022

A letter had been received from Ms. Alberino, expressing her intent to keep the two lots separate, and indicating there never having been any intent to combine them. It was noted that there are separate wastewater permits, separate listings on the Town's Grand List, and that the two lots had been purchased separately at different times.

MOTION by Mr. Monte moved to find that, based on the facts before the Development Review Board, the application should be denied due to the two lots already existing as separate parcels. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Jeff Schoellkopf joined the meeting at this point.

Application #2022-09-CU submitted by Evonne and 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. Continued from 6/20/2022

Mr. Schoellkopf, Mr. Monte, and Mr. Behn had each visited the site independently to observe the change in the proposed access road and the proposed homesite area. The Board members outlined their observations, noting that the hairpin turn in the access road should likely be smoothed out, that the homesite will need to comply with various conditions due to its visibility from Blueberry Lake and the parking lot there, and that the proposed driveway layout is within 80-100 feet of the Blueberry Lake trail system.

Mr. Pitrowiski reported that Jeff Campbell (Fire Chief) has also requested that the switchback be widened and that there is the latitude to do so, also indicating that the road width is designed to be 20 feet, which is greater than the 18-foot width requested by Mr. Campbell. He indicated that the erosion control and stormwater design has been completed for the access road, and mentioned that the clearing limits at the house site have been presented although other house-related details are not in place yet. He also noted that the intent is to revegetate the area between the roadway and the trail network once the road has been constructed.

Mr. Pitrowiski provided some further details, noting that stormwater retention ponds have been included in the plans, while the total disturbance is under three acres. The Meranus' plan to build a 4-5 bedroom house with a one-bedroom accessory dwelling, at approximately the 1925' elevation line. He also indicated that the intent is to not have a very tall structure. The Fire Department has requested installation of either a pond or sprinkler system; a pond will be difficult with the ledge on the parcel, and would also open up more area to becoming visible.

The layout of the driveway was discussed in more detail. The plans indicate that the final grade of the road is mostly at about 8%, and does not in any portion exceed 12% slope. These slopes are a lesser gradient than the original proposal, and the total length is shorter by about 200-400 feet. All but one switchback has been eliminated in the new route. Mr. Schoellkopf indicated that it would be possible to design a slightly different layout that would have two switchbacks rather than one, pointing out that there are flat areas to contain the switchbacks and that this would also keep the roadway further away from the trail network. Mr. Pitrowiski noted that this configuration had been investigated, and that it would create another steep area on the road, and so was not presented in the plans.

Mr. Schoellkopf pointed out that the backdrop of higher land is to the south of the proposed house site, indicating a need for tree screening between the house and Blueberry Lake, which is to the east of the site.

Several neighbors expressed concerns regarding septic contamination of their water supply; Mr. Pitrowiski explained that the new proposed building site will keep the septic influence on the Meranus property, and that all necessary protections will be in place. The location of the septic field is not yet known.

There were questions from Mr. Lofgren and some discussion related to approving the driveway location without having a definitive building envelope to review for approval. Ms. Meranus explained that it was hoped to have some tree thinning approved so that the house site could be better determined in relation to the topography of the parcel. Mr. Schoellkopf suggested the potential use of balloon flights to better assess any visual impacts of the house.

Mr. Lofgren questioned whether any habitat study had been done to assess the impacts of fragmentation on the parcel. Mr. Pitrowiski indicated that he has consulted related ANR mapping, and that a member of his team has visited the site for this purpose, although no written report has been created.

In response to other neighbors' questions, Mr. Pitrowiski noted that roadway impacts during construction will all be addressed as necessary and that the time frame for completion of the project is not yet known.

Mr. Pitrowiski outlined in more detail the erosion control plans which were included in the application materials, noting that the Low Risk Handbook Guidance will be followed during construction. He indicated that it is not yet known whether blasting will be required during construction of the road.

The slope analysis map submitted with the application materials indicates that some areas of 25% and greater slope will be disturbed by the proposed road construction.

MOTION by Mr. Monte to find that slopes of 25% or more must be crossed in order to enlarge the building possibilities. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the plans submitted satisfy the driveway gradient requirements outlined in Section 3.4 B1 and C1. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that Section 3.4 C2 has been satisfied by the submitted materials. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that this review is confined to the roadway development plans and specifically does not include review of the septic disposal, tree cutting, building envelope, or house design. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that this project will be required to satisfy exhaustive and extensive State regulations. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that approval of this application is limited to construction of a driveway from Hillside Road for a length of 1550' as shown on the plans submitted. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf that, in the event of permitting a single family residence on this parcel, there will be no subdivision of the property allowed within the following 35 years. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte that approval of the application will be conditioned upon the area between the roadway and the Blueberry Lake trail network being revegetated with softwood trees 8 feet in height planted every 10 feet at any point where the roadway is within 150 feet of the trail system. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Conditional Use standards were reviewed.

MOTION by Mr. Behn to find that the standards outlined in Section 5.3 A are satisfied by the plans presented, and the advice of the Fire Chief has been included in that design. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to continue the hearing for application 2022-09-CU to August 15, 2022 at 7 pm. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Application #2022-13-CU submitted by Alta Assets, LLC [Johnson] is requesting Conditional Use approval for development of a 3-bedroom SFR with detached garage and associated infrastructure that encroaches into the Meadowland Overlay District. The property is Lot 20 on Applewood Road, parcel ID # 009007-4.1 in the Rural Residential District.

Mr. Johnson provided an overview of his development proposal, explaining that the lot was approved prior to the adoption of Meadowland regulations, pointing out that the Wastewater and Potable Water Permit had been issued, that power would branch off a utility pole on Woods Road, and that no slope on

the parcel is 15% or greater. He indicated that there is a wetland area on the site, and that a buffer has been identified in the application materials. He affirmed that the entire parcel is in the Meadowland Overlay. The proposed house site is below the crest of a hill and above the denoted wetland, and a road and drainage swale are already in place. He noted that the proposed house site is located to provide both a view and privacy, as well as easy access from the road, well-draining soils, and avoidance of the wetland.

Mr. Platt spoke of his opposition to the proposed building site being approved, noting that all nearby houses are in the woods or on the edge of meadowland rather than in the middle of the Overlay's agricultural soils. He indicated that there is a portion of the parcel that is not in the Meadowland Overlay, and that the wetlands indicated in the application materials are presumed wetlands, and if they exist are likely Class 3. He explained that most of the surrounding houses are constructed in or near similar Class 3 wetlands. Mr. Platt provided a written statement outlining the portions of the Regulations he believes are not being adhered to by this application's proposed building site.

Mr. Vogel provided a statement from himself and Ms. Burditt, and she also read a statement submitted by Sarah McDougal. Amy Hunter also provided a statement, which she read during the hearing. The general sense of these statements was that the proposal is not adequately protecting agricultural land, the character of the neighborhood, or the general standards of the Meadowland Overlay.

Board members pointed out that if there is a suitable building location outside of the Meadowland Overlay, the requirement is that the dwelling must be located there. It was also noted that the DEC's Wetlands Program would need to verify any wetlands determination.

MOTION by Mr. Monte to continue the hearing for application 2022-13-CU to August 29, 2022 at 7 pm.
SECOND by Mr. Behn. **VOTE:** All in favor, the motion carries.

Application #2022-10-CU-VR submitted by Isaac & Brehon Garcia-Dale plus Anthony & Michelle Pisacano (landowners), are requesting Conditional Use approval for access and a building envelope for the development of a SFR on a merged lot that will impact steep slopes. A section of the building site is on slopes of 25%. The property, consisting of two lots, #62 & #63, are located on Upper Village Road, parcel ID #'s 210044-000 and 210045-000 in the Sugarbush Village Residential District.

Mr. McCain provided an overview of the proposed plans, noting that two lots are being merged but that most of the site will still be in excess of 25% slope, indicating the need for a variance for construction of a dwelling. He explained that blasting will be required, but that as much use as possible is being planned for the areas with lesser grade, that stormwater mitigation will be installed prior to tying into existing infrastructure, and all work will comply with the Low Risk Handbook.

He indicated that there will be two very steep sections crossed by the proposed driveway, but that most will be at about 10% grade.

In response to questions, Mr. McCain explained that the southwest corner of the property is difficult to access, close to neighboring houses, and would require as much driveway impact as the proposed house site. Mr. Garcia-Dale indicated that the intention is to build something non-intrusive.

MOTION by Mr. Monte to condition approval on the requirement that design plans include a reference to compliance with the Low Risk Handbook (August 2020 or later edition), and that this guidance be referenced for the contractor(s) performing the work. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Ms. Wade pointed out that Sugarbush is more concerned with operational stormwater than with runoff associated with construction. Mr. McCain reported that he has spoken about the stormwater treatment plans with Ms. Wade, and will continue to work with her in implementing plans he has for helping with infiltration for operational purposes. He also explained that there is potential on this site for the stormwater infrastructure plans to need adjustments if they are designed prior to site development.

Site clearing limits were reviewed, with Mr. McCain indicating that no area greater than 2/10 acre are planned to be clear cut. Mr. Behn indicated that cutting plans would need to be provided that are fully detailed and enforceable.

Mr. McCain felt that detailed plans for this proposal could be made available in time for further review on August 29.

MOTION by Mr. Monte to continue the hearing for application 2022-10-CU-VR to August 29, 2022 at 7 pm. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Other Business:

The minutes of July 18, 2022 were signed, prepared Notices of Decision were signed, and the upcoming schedule was reviewed.

The meeting adjourned at 10:06 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Jeff Schoellkopf Date

Chris Behn Date

Virginia Roth Date