

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, September 19, 2022**

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

Members Present: Chris Behn, Peter Monte (Chair), Chris Noone, Jeff Schoellkopf.
Others Present: Ruth Robbins (ZA), Nate Bedford, Cindy Carr, Evan Fitzgerald, Timothy Johnson, Steve and Bobbie Platt, Stacy Weston, Luman Wadhams, Amy Hunter, Allison Rogers, Mr. Rodgers, Carol Chamberlin (Recording Secretary), NYC Urbanism.

The meeting was called to order at 7:02 pm.

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. Continued from August 29, 2022.

Mr. Monte noted that a revised site plan had been submitted with an alternate location depicted for the proposed dwelling. He also indicated that Town has not been successful in engaging a wetland biologist, although Ms. Robbins was able to begin a preliminary conversation with somebody regarding completing this work. Ms. Robbins also explained that related communications have indicated it is likely that any alternate opinion would likely present at most a 5-15 foot difference in the extent of the wetland area.

Ms. Rodgers requested that the Town continue its efforts to engage a wetlands biologist, or that the neighbors be provided with access to Mr. Johnson's property in order to hire a biologist to evaluate the site. She voiced concerns regarding some aspects of the State's review, and has not yet been able to obtain a report or data from the DEC's Wetlands program to provide further information regarding how Ms. Morrison concluded that the wetland in question should be determined to be a Class II wetland.

Mr. Platt read a statement which he had submitted, expressing disappointment that the Town has not retained an independent wetlands biologist, as the wetlands determination is critical for where a dwelling may be constructed on the property.

Both Mr. Platt and Ms. Rogers raised the issue of the conflict between the original Class III presumption included in the application materials and the subsequent potential classification as Class II.

Mr. Behn expressed concerns regarding the Board's involvement in verifying the opinion of various experts.

From further discussion, some lack of clarity arose regarding which nearby wetland is included on the State mapping, and whether or not a culvert exists between a mapped Class II wetland and the subject property. Mr. Schoellkopf indicated that these points should be confirmed, as locating the house in the northern end of the property near the wetland would best meet the Town's Regulations regarding a house site on the property.

Mr. Johnson stated that he would not allow access to the property by a wetlands biologist retained by the neighbors.

There was some discussion of the newly proposed alternate house site, its visibility from certain neighboring properties and roadways, and potential opportunities for screening requirements that might reduce that visibility. The Board requested that Mr. Johnson stake out each of the buildings and the parking area in the currently proposed building envelope.

Mr. Schoellkopf pointed out that the primary purpose of the Meadowlands Overlay is to preserve prime agricultural soils, and therefore placing the house where there are lower quality soils might be preferable.

Board members agreed that a continuation of the hearing would provide an opportunity for the Town to engage a wetlands biologist to visit the site and provide further information as well as afford the neighbors an opportunity to pursue clarification/appeal of the State's determination.

MOTION by Mr. Schoellkopf to continue the hearing for Application 2022-13-CU until October 17, 2022 at 7 pm. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Other Business:

The minutes of August 29, 2022 were signed, prepared Notices of Decision were signed, and the upcoming schedule was reviewed.

The meeting adjourned at 7:56 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Jeff Schoellkopf Date

Chris Behn Date

Chris Noone Date