

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
OCTOBER 10, 2001**

MEMBERS PRESENT: Chris Behn, Eric Brattstrom, David Markolf, Vice Chair; Peter Monte, Chair; Lenord Robinson.

OTHERS PRESENT: Richard King, Rickard Attorney; Jim Hilton & Jack Garvin, Warren Store Inc; Lisa Miserendino, Miron Malboeuf, Warren ZA; Margo Wade, DRB/PC Assistant.

AGENDA:

- 1) 7:30 p.m. Call to Order
- 2) Public Hearing: Rickard/Warren Store Inc. – Site Plan & Conditional Use Review, Amendment to Permit #1984-7-PH.
- 3) Other Business:
 - a) Signing of minutes
 - b) Garaffo Subdivision permit condition compliance

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:35 p.m.

II. PUBLIC HEARING: RICKARD/WARREN STORE – SITE PLAN & COND. USE REVIEW

Application #2001-86-MM: Pam Rickard, Jon Rickard and the Warren Store Inc. request an amendment to Permit #1984-7-PH. The request includes (i) waiver of the public hearing; (ii) a finding to conclude the municipal parking facilities and other available private parking adequately provide for visitors to Warren Village, in general, and the Warren Store, in particular; and (iii) to modify the parking requirements for Permit #1984-7-PH by elimination of the requirement that five parking spaces be provided behind the Rickard residence. The property is located on 0.55 +/- acres off the west side of Main Street in the Warren Village Commercial District and requires review under Article V. §3. – *Conditional Uses* and §4. – *Site Plan Approval* of the Warren Zoning Bylaws.

Richard King, Jim Hilton and Jack Garvin came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the September 20, 2001 issue of the Valley Reporter.

Mr. Monte stated that the board was not able to waive the public hearing requirement. Mr. King withdrew the waiver request.

APPLICANT COMMENTS

Mr. King explained that the Rickards submitted the application a few days before the transfer of the Warren Store to Warren Holdings, Inc., but that Ms. Wade had requested the new owners be party to the application since the request pertained to a Warren Store permit.

The applicants wish to amend a condition of permit #1984-7-PH. The 1984 permit, which received both site plan and conditional use approval, allowed the Warren Store to add a deck and

storage shed to the existing building. At that time, the parking requirement for the proposed building configuration required accommodation of 30 parking spaces. Because the Warren Store parcel only accommodates 11 parking spaces, 14 spaces were assigned at the municipal lot and 5 spaces were assigned behind Carol Lippincott's former residence, presently owned by her daughter and son Pam and Jon Rickard. The Rickards wish to remove the 5 parking spaces required from the 1984 permit, which are located behind their residence

The Warren Store property accommodates 11 parking spaces. Though the configuration of the 7 front spaces has changed since the 1984 application, the actual total number has not. The Municipal Parking lot will accommodate between 35 and 40 parking spaces today. The Warren Store has 23 employees with 10 working at any given time. Employees park behind the store and behind the Parade Gallery. As far as Mr. Hilton and Mr. Garvin are aware the parking behind the Rickard's residence has never been used.

Mr. Behn asked why the submitted site plan only shows the parking spaces in front of the store and not all of the parking spaces accommodated in the 1984 permit. Mr. King responded that he submitted a site plan showing only the changes (reconfiguration of the front parking spaces). No changes have been made to the configuration or number of parking spaces behind the store, nor the number of parking spaces allocated at the Municipal Parking Lot.

Ms. Wade reported that the Planning Commission, understanding that the PC no longer has jurisdiction over the permit review process, cautioned the DRB that three village businesses have approximately 24 parking spaces already allocated in the municipal lot.

After review of the current parking requirements contained in the Warren Zoning Bylaws, it was determined that the standard had changed since the 1984 permit was issued. The current parking standards require 1 space/200 sq. ft. of floor area for a retail store, and 1 space/150 sq. ft. of floor area for a restaurant (note: the Warren Store had a deli not a restaurant, but there are no parking requirements for a deli). The estimated floor area is 2950 square feet, which has not changed since the 1984 submittal, therefore the Warren Store is required to provide between 15 & 20 parking spaces under the current regulations. The parking standards also allow the DRB to waive or revise the standards for mixed uses in the Warren Village Commercial District.

Mr. Behn stated that due to the limited number of spaces available at the municipal lot he would like to see the Warren Store release some of the spaces allocated in the 1984 permit.

PUBLIC INPUT

Ms. Miserendino raised her concern with item two of the applicant's request. She did not feel the board could reasonably "find and conclude that the municipal parking facilities and other available private parking adequately provide for visitors to Warren Village, in general..." as stated in the application. Ms. Miserendino believes there is a parking problem in the village and if the board were to make this finding, it would only exacerbate the issue. Mr. King withdrew the request for the finding.

There was general discussion about traffic congestion and circulation, delivery truck parking, and pedestrian safety in the village. Mr. Monte stated that the board's decision either way would not significantly affect the current parking and traffic issues in the village since customers or employees never use the 5 parking spaces in question.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Brattstrom to find the proposed amendment to the Warren Store permit #1984-7-PH will not adversely affect the capacity of existing and planned community facilities, because the site plan meets the current parking requirements without increasing the burden on the municipal parking lot, and in practicality will not increase the burden because the 5 parking spaces in question are not used. VOTE: 3 ayes, 1 nay (CB), 1 abstention (DM); motion carried.

MOTION by Mr. Robinson, seconded by Mr. Markolf to find the proposed amendment will not adversely affect the character of the area. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom to find the proposed amendment will not adversely affect the traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to find the proposed amendment will not adversely affect the bylaws in effect, the utilization of renewable energy resources, result in the discharge of harmful waste into the surface or subsurface water system, and will not violate any of the standards in Article V. §7. VOTE: unanimous; motion carried.

The board determined that review under Article V. § 3. B. was unnecessary.

There was discussion about the signs directing patrons to additional parking at the municipal lot and limiting parking to 15 minutes, which were also conditions of the 1984 permit. Board members questioned whether the signs were posted. Mr. Hilton stated that he believed there were signs posted, but if not would post the signs accordingly.

MOTION by Mr. Monte, seconded by Mr. Robinson to deem the 1984 Site Plan and Conditions Use permits for the Warren Store amended by eliminating the 5 parking spaces allocated on the Rickard property and to terminate any benefit or burden of that permit from the Rickard property. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to approve the requested amendment to permit #1984-7-PH by eliminating the 5 parking spaces allocated on the Rickard property, and state that all other requirements of the 1984 permit remain intact and in force. VOTE: unanimous; motion carried.

V. OTHER BUSINESS

a) Signing of minutes

MOTION by Mr. Markolf, seconded by Mr. Robinson to approve the September 12, 2001 meeting minutes as submitted. VOTE: unanimous; motion carried.

b) Garaffo Subdivision permit condition compliance

The board reviewed the September 19, 2001 and October 5, 2001 letters, and copy of the Lot-2 Warranty Deed submitted by Sheila Getzinger addressing road maintenance and covenants. A permit condition of the 1997 Garaffo 4-Lot Subdivision was that "PC approval be obtained for the covenants and road agreement, specifically extension of the road beyond Lot 3." Ms. Wade stated that she found no record of the PC approval or submittal of the covenants and road agreement in the files. The board discussed whether the Lot-2 deed satisfied the 1997 condition and further requested that a separate document be submitted including language addressing covenants, for lots 1-3, and road agreement, between lots 2, 3 and Garaffo, to satisfy the 1997 condition. Ms. Wade will contact Ms. Getzinger with the request.

VI. ADJOURNMENT

MOTION by Mr. Brattstrom, seconded by Mr. Behn to adjourn the meeting. VOTE: unanimous; motion carried.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Margo B. Wade
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Chris Behn (date)

Eric Brattstrom (date)

Lenord Robinson (date)

David Markolf (date)

Peter Monte, Chair (date)