

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
SEPTEMBER 1, 2004**

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

OTHERS PRESENT: Paul Conti, Jeff Swann, Isabella Frost, Karen Van Gilder, DRB/PC Assistant.

AGENDA:

- 1) Call meeting to Order 7:00 PM
- 2) **2004-06-CU Conti** – Retroactive Conditional Use for Accessory Dwelling on Retriever Run Road
- 3) **2004-07-SD Sargent** – 2-Lot Subdivision on Plunkton and Lake Roads
(not warned properly – hearing not held)
- 4) Other Business
 - a) Review August 18, 2004 Minutes

I. CALL TO ORDER

Chair Peter Monte called the meeting to order at 7:05 PM.

II. 2004-04-SD GOSS/KATHAN – 2-LOT SUBDIVISION ON SENOR ROAD

#2004-06-CU submitted by Paul and Sharon Conti seeking conditional use approval to develop an accessory dwelling in the Rural Residential District. This project requires Conditional Use Review under Article 5, *Development Review* of the Town of Warren *Land Use and Development Regulations*.

STAFF REPORT

Ms. Van Gilder reported that the public warning had run in the Valley Reporter on August 12, 2004 and that the abutters had been properly warned. Mr. Monte reported that a site visit had been held at 6:30 pm. Monte, Markolf, and Brattstrom attended the site visit and viewed the exterior and interior of the two structures.

PUBLIC INPUT

Mr. Swann stated that he had concerns about the accessory dwelling becoming a rental apartment. He stated that potential impacts on traffic and the character of the neighborhood were his chief concerns. He participated in the discussion as recorded below.

GENERAL DISCUSSION

Mr. Monte stated that the applicant had received zoning permit #2003-29-ZP for a 4-bedroom single residence and detached garage from the Zoning Administrator. During construction the applicant installed plumbing in the finished space above the garage and changed the number of bedrooms in the main residence to three. The Zoning Administrator did not issue the certificate

of compliance because of this ~~discrepancy~~ **discrepancy**. The applicant is now requesting a conditional use permit for the accessory dwelling above the garage.

Mr. Conti stated that the primary dwelling is 2200 sq ft (without including the basement area in the count) and that the proposed accessory dwelling is 468 sq ft. He stated that there were a total of 4 bedrooms and that his wastewater permit allows for that many.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to find that the proposed accessory dwelling complies with 4.1(B)(2) because 468 sq ft is less than 40% of the main dwelling's 2200 sq ft and less than 1000 sq ft. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to impose a condition if approved that the combined number of bedrooms in the accessory dwelling and the main house shall not exceed four without additional Development Review Board review. VOTE: unanimous; motion carried.

Mr. Markolf stated that the application was complete.

Mr. Swann stated his concerns regarding the accessory dwelling being used as a rental property. Mr. Monte stated that the proposed accessory dwelling could be rented. He added that Town Plan states that the purpose of allowing accessory dwellings is to encourage more housing units that can be used as rental units to be built. Mr. Swann stated that he was most concerned by the potential for additional traffic.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to find that §5.3(A)(1) regarding community facilities and (2) regarding community character were satisfied. VOTE: unanimous; motion carried.

Mr. Markolf stated that an apartment will not negatively impact the character of the neighborhood because the New Jersey Ski Club building is also a part of the neighborhood.

Mr. Robinson added that because the bedroom count is not changing, the density is not changing.

Mr. Swann stated that he felt that a separate apartment would impact the traffic differently than an additional bedroom in one household.

Mr. Robinson asked about the condition of Retriever Run Road. Mr. Markolf stated that it was 14 feet wide and flat but rocky. Mr. Markolf asked if there was a maintenance agreement for the road. Mr. Swann stated that there was not a written agreement or standards. He added that he plows the road and **all users share the costs of maintenance**.

Mr. Monte stated that putting limits on the dwelling's use as a rental would be contrary to the Town Plan, **which encourages creation of additional rental units to ameliorate the Town's shortage of affordable housing**. Mr. Conti stated that because of its size, he would probably only

rent the dwelling to an individual or caretaker. Mr. Swann stated that he is more concerned with future owners.

Mr. Monte stated that a restriction on the number of cars would be more **workable and enforceable** ~~acceptable~~ than a restriction on the number of residents.

MOTION by Mr. Markolf, seconded by Mr. Monte, to find that §5.3(A)(3) regarding traffic impacts was satisfied with the imposition of a condition limiting the number of vehicles at the accessory dwelling to one. The owner must explicitly include this restriction in any lease. VOTE: unanimous; motion carried.

Mr. Monte stated that the penalty would be **up to** \$100 a day for a violation of the condition contained in the motion. Mr. Conti asked if he would be fined if he was in the process of trying to evict a violator. Mr. Monte said the Zoning Administrator has some flexibility in the application of the fine.

MOTION by Mr. Brattstrom, seconded by Mr. Robinson, to find that §5.3(A)(4) and (5) are not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, not to include any specific standards as allowed by §5.3(B). VOTE: unanimous; motion carried.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Robinson, to approve the application as submitted subject to the conditions outlined above. VOTE: unanimous; motion carried.

Mr. Monte informed the applicant that the decision would probably be signed at the next meeting and that the 30 day appeal period would begin at that time. Mr. Markolf informed the applicant that he would still be subject to any fines associated with the violation of his original zoning permit.

III. OTHER BUSINESS

a) Review August 18, 2004 Minutes

MOTION by Mr. Markolf, seconded by Mr. Robinson, to approve the minutes of August 18, 2004. VOTE: unanimous; motion carried.

IV. ADJOURNMENT

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

The meeting adjourned at 7:50 PM.

Respectfully submitted,
Karen Van Gilder
DRB/PC Assistant

Development Review Board

Peter Monte, Chair (date)

David Markolf (date)

Lenord Robinson (date)

Eric Brattstrom (date)