

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY SEPTEMBER 17, 2008**

Members present: David Markolf, Chris Behn, Virginia Roth, Lenord Robinson and Bob Kaufmann.

Others present: Alice Olenick, Dave Olenick, Andrew McMann, Shelia Getzinger, Mark Bannon, Dick King and Ruth Robbins.

Agenda: Call meeting to order, 7:00 pm.

1. Application **2008-05-VR**, (continued from July 9th,2008) The applicant request a Variance to locate a residential addition within the Sugarbush Village Residential District setback of Upper Village Rd.: Andrew and Angela **McMann** request a variance to construct a residential addition on their property, located 149 Upper Village Rd, parcel id. #210013-000, within the setback to the edge of the right of way. This application requires review under Article 3, §6.1 & §.3.6; in addition, Article 5, Development Review and Article 9, Administration and Enforcement, §9.6, Variances, of the Warren Land Use and Development Regulations.
2. Application **2008-08-CU**, Construction of a Principal Dwelling & Conversion of existing Principal Dwelling to Accessory Dwelling (258 Senor Road) ` The applicants, Bruce **Fowler** & David **Joaquin** request a conditional use permit to construct a new single family residence to be the principal dwelling, the change of use of the existing principal dwelling to an accessory dwelling with storage and new in ground disposal system in the meadowland. This land development is proposed for a 4.96 ± acre parcel, Id # 023009-000, located in the Rural Residential District and partially located in the Meadowland Overlay District. The applicants are also requesting setback relief from an existing intermittent stream and the elimination of an existing man-made pond. This application requires review under Articles 2, § 2.4, (Tables 2.2 & 2.13), 3, §3.13, 4, §4.1 and Article 5, Development Review, § 5.3, of the Warren Land Use and Development Regulations.
3. Other Business
 - a) Review and sign minutes from 8/6/08, decisions for Clapp, SugarTree Inn.
 - b) Review revised covenants for Foster SD
 - c) Go over Oct/Nov schedule

Mr. Markolf called the meeting to order at 7:07 pm.

- 1- Application **2008-05-VR**, (continued from July 9th,2008) Andrew and Angela **McMann** request a Variance to locate a residential addition within the Sugarbush Village Residential District setback at 149 Upper Village Rd, parcel id. #210013-000.

Mr. Markolf started the hearing by commenting that he was glad to see that the applicant had taken the advice to revisit his plans so that any encroachment on the setback was truly the minimum amount necessary to accomplish his objectives with the proposed addition. The new plan shows that only the covered access to the dwelling encroaches on the setback by a little less than three feet. Previously the encroachment was significantly more.

MOTION by Mr. Robinson that § 9.6 *Variances (A) (1)* is satisfied as there are unique physical conditions that make it difficult to address any sort of addition that will improve access to the existing dwelling. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Robinson that § 9.6 *Variances (A) (2)* is satisfied as the encroachment is necessary for reasonable and safe access to the property. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 9.6 *Variances (A) (3)* is satisfied as the hardship has not been created by the applicant. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mrs. Roth that § 9.6 *Variances (A) (4)* is satisfied as the character of the neighborhood and the other elements of the standard are not negatively impacted. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Robinson that § 9.6 *Variances (A) (5)* is satisfied as the applicant had the plan redesigned from what was originally submitted and offers the minimum that will provide relief. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the Board approves the variance as requested and that the addition will be constructed as depicted on the plan dated 9/10/08 and prepared by Littlehales Design. **SECOND** by Mr. Kaufmann. **DISCUSSION:** Mr. Behn made comment about the measured distances on the plan and hoped that they were accurate as they would be what the Board would expect upon completion of the project. He wanted it made clear that the measurements stated on the plan would be the measurements used for compliance. **VOTE:** all in favor, the motion passed.

- 2- Application **2008-08-CU**, Construction of a Principal Dwelling & Conversion of existing Principal Dwelling to Accessory Dwelling (258 Senor Road) ` The applicants, Bruce **Fowler** & David **Joaquin** request a conditional use permit to construct a new single family residence to be the principal dwelling, the change of use of the existing principal dwelling to an accessory dwelling with storage and new in ground disposal system in the meadowland. This land development is proposed for a 4.96 ± acre parcel, Id # 023009-000, located in the Rural Residential District and partially located in the Meadowland Overlay District. The applicants are also requesting setback relief from an existing intermittent stream and the elimination of an existing man-made pond.

Attorney Getzinger who represented the potential buyers of the Fowler parcel, the Joaquins, started the discussion by explaining what her clients wanted permission to do upon acquiring the property. The Joaquins wanted to add on to the existing house with a barn like looking structure that would house three bedrooms and be considered the primary dwelling. The original house would be renovated and converted to a two bedroom accessory dwelling with storage space. The current home has five bedrooms. Additionally a new wastewater system will be installed in the currently designated replacement system area and the existing pond will be filled in. Mrs. Getzinger said that approval by the Army Corp of Engineers for the pond being filled in is required and that Mr. Bannon was working on that process. She added that the Joaquins viewed the pond as a liability and that with a fire hydrant nearby, the standpipe, which may not even be operational, the pond would not be missed by the fire department. As to the requested setback relief from the existing intermittent stream, Mrs. Getzinger said that the proposed addition would fall between the 100 foot and 50 foot range. The 50 foot undisturbed vegetated area would be left in place.

Mr. Markolf said he had reviewed the ordinance thoroughly and could find nothing that addressed the filling in of a pond other than it being a form of development that is excavation. Mrs. Getzinger also noted that the pond too small to fall under State jurisdiction. It was also noted that the intermittent stream, which in a previous plan was to be relocated, was not being changed with this proposal.

Mrs. Getzinger told the Board that information and conversation had been exchanged between her client and the neighbor, Mr. Powers, who was being represented by Mr. King. However, she was unsure as to how things currently stood.

Mr. King said that upon review of the application that there seemed to be some undecided/undefined elements regarding the proposed renovation of the existing house. As to the accessory use of the renovated dwelling, he expressed concern about whether or not it would be rented. Mrs. Getzinger assured Mr. King that her client's intent was to use the accessory dwelling as more of a guest house and not as a rental unit. Mr. King also asked for a site visit in order to be able to better visualize the proposed dwelling. Mrs. Getzinger stressed that what was portrayed on the plan was the maximum area to be used, that in reality it might end up being less. Mr. Markolf asked if any architectural renderings had been done or if anyone really cared at this point. Mrs. Getzinger said no, none had been done but that the new construction would be similar to the addition that was recently constructed on the Roland/Cozzi parcel at the top of Brook Road.

Mr. Behn brought up that there are currently two curb cuts being utilized and that any approval, if granted, would require that only one be used and the other restore to a natural vegetated state consistent with its surroundings. Mrs. Getzinger replied that that would not be a problem but was not sure which curb cut her client wanted to keep. The Board said either one would be fine with them.

Mr. King said he was ok for the moment but that he would really like a site visit to further orient himself to the layout being proposed. Mr. Markolf said that Mrs. Getzinger and Mr. King could certainly do so without the DRB. Mrs. Getzinger asked if Mr. King wanted to do the site visit prior to the Board's decision and he said that was preferable. It was suggested that the Board go through the criteria but leave the final vote until after the site visit.

MOTION by Mr. Markolf that the application meets the standards set forth in *Table 2.13 Meadowland Overlay District (E) Supplemental Development Standards (1) (a) (i, ii, iii)*.

SECOND by Mr. Behn. **DISCUSSION:** It was explained that the proposed wastewater system would be a mound system, which due to the slope of the land one would not perceive a "mound". It is also the location designated for a replacement system should the current system fail [note: no replacement system is required for a mound system]. **VOTE:** all in favor, the motion passed.

As to *Surface Water Protection, § 3.13*, it was discussed that any development was more than 50-feet away from the edge of the stream. It was also noted that a sewer pipe would be run under the stream bed which falls under the exemption provision of *§ 3.13 (A) (1)*. Any disturbance bordering on or in the 50-foot stream buffer area during construction will be re-vegetated.

MOTION by Mr. Markolf that *§ 3.13 (B) (1) thru (3)* is satisfied by the application. The 50-foot vegetated buffer will be maintained though site work will be allowed. The end result must be a minimum of a 50-foot vegetated buffer. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

It is noted that *§ 4.1 Accessory Dwelling item (B)* will be included in any approval given.

MOTION by Mr. Behn that the application meets the standards of *§ 4.1 (A) (2) (a), (b)* and will be reviewed under the Conditional Use standards of Article 5. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

NOTE: The conditional Use Standards are being reviewed for this application in regards to three items: 1) the meadowland Overlay District, 2) Surface Water Protection (intermittent stream) and 3) for the establishment of an accessory dwelling.

MOTION by Mr. Markolf that § 5.3 *Conditional Use Review Standards (A) General Standards (1)* the capacity of existing or planned community facilities or services is not negatively affected by the proposed development in this application. **SECOND** by Mr. Behn. **VOTE:** all in favor.

MOTION by Mr. Behn that *(A) General Standards (2)* character of the neighborhood or area affected is not negatively affected as the proposed design for the new addition of a barn like structure is in keeping with the character of the neighborhood. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that *(A) General Standards (3)* traffic on roads and highways in the vicinity are not affected negatively with the condition that only one curb cut will be utilized and the other will be restored to a natural, vegetated state. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that *(A) General Standards (4)* bylaws and ordinances then in effect is conformed to by the application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that *(A) General Standards (5)* the utilization of renewable energy resources is not applicable based on the application as submitted. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that *(B) Specific Standards items (1) through (11)* are satisfied by the application with the following conditions: a standard erosion control plan will be submitted to the Zoning Administrator prior to the commencement of construction; driveway configuration to be determined; Army Corp of Engineers approval of pond elimination. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that this hearing be continued until Wednesday October 1st at 7:00 pm. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

3- Other Business

- ✓ Review and sign minutes from 8/6/08, decisions for Clapp, SugarTree Inn.
- ✓ Review revised covenants for Foster SD
- ✓ Go over Oct/Nov schedule

The members reviewed and signed the minutes and the two decisions. Upon review of the revised covenants for the Foster 2-lot subdivision, it was determined that the language requested that provides for attorneys costs to be paid was not included. As such, that condition of the Subdivision permit is still outstanding.

The next meeting of the DRB is scheduled for Wednesday October 1st at 7:00 pm. Mr. Markolf adjourned the meeting at 9:13 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Chris Behn date

David Markolf date

Virginia Roth date

Lenord Robinson date

Bob Kaufmann date