

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION  
CONDITIONAL USE REVIEW  
#2008-08-CU FOWLER/JOAQUIN**

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Bruce Fowler and David Joaquin are jointly requesting a Conditional Use permit for the following purposes: to build a new residence attached to the existing dwelling which will be renovated into an accessory dwelling and storage; construct a new wastewater system; and eliminate the pond. The property is located at 258 Senor Road, parcel id # 023009-000. The Conditional Use permit is required as part of the parcel is located in the Meadowland Overlay District.

A duly warned hearing was conducted on Wednesday September 17, 2008 and attended by the following DRB members: David Markolf, Chris Behn, Virginia Roth, Lenord Robinson and Bob Kaufmann. Others in attendance were: Alice Olenick, Dave Olenick, Andrew McMann, Shelia Getzinger, Mark Bannon, Dick King and Ruth Robbins.

The hearing was continued until October 1<sup>st</sup> for a final vote to allow Attorney King and Attorney Getzinger to conduct a site visit for the benefit of Mr. King's client, Mr. Powers.

**Findings of Fact and Conclusions of Law:**

1. The applicant submitted a completed application, a conditional use application, site plan developed by Bannon Engineering dated 9/10/08, notice to abutters and proof of mailing.
2. The current house has five bedrooms. The proposed new addition will have three bedrooms and the accessory dwelling will have two bedrooms.
3. The new wastewater system will be a mound system located in the current replacement system area. Mound systems no longer require a replacement area.
4. Approval from the Army Corps of Engineers is required for the filling in of the pond. Mr. Bannon is working on obtaining that approval.
5. The new addition will encroach on the 100 foot intermittent stream buffer. The applicant is requesting setback relief to the 50-foot mark.
6. Attorney King, representing an abutter, Mr. Powers, expressed concern about the accessory dwelling being rented out. Attorney Getzinger stated that it was her client's intention to use it as guest quarters.
7. The design of the proposed new addition will be a barn-like structure, similar to the one at 1761 Brook Road.
8. There are currently two curb cuts being utilized. This will be reduced to one.
9. The maximum area to be developed will be the area currently depicted on the site plan as the original house and the proposed addition. It is possible it may end up being less.
10. The intermittent stream is remaining as is.
11. The fire department is aware of the proposed filling in of the pond. There is a hydrant located nearby.
12. A sewer pipe will be placed underneath the intermittent stream.

- 13. The accessory dwelling is an accessory structure to a single-family residence and shall be retained in common ownership. An accessory dwelling may only be subdivided and/or converted for sale or use as a single or multi-family dwelling if it meets all current local and state regulations applying to such dwellings, including all density, dimensional and other requirements for the district in which it is located. A separate zoning permit shall be required prior to sale and/or conversion.
- 14. A letter from Attorney Getzinger to the DRB dated 9/26/08 and received the same day, requests that the portion of the application requesting the conversion of the existing dwelling into an accessory dwelling and storage be withdrawn. As such, approval is requested for the construction of a new five bedroom single family residence and garage to be located within the boundaries shown on the site plan submitted with the original application.
- 15. All other requests needing conditional use approval remain as applied for.

**Notice of Decision:**

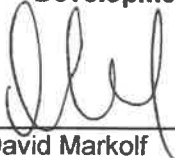
The DRB found the application to be in compliance with and meeting the standards of:


- ✓ *Table 2.13 Meadowland Overlay District (E) Supplemental Development Standards (1) (a) (i, ii, iii).*
- ✓ *Surface Water Protection, § 3.13(A) (1), § 3.13 (B) (1) thru (3)*
- ✓ *Accessory Dwelling, § 4.1 (A) (2) (a), (b)*
- ✓ *Conditional Use Review Standards § 5.3 (A) General Standards (1)through (5) and (B) Specific Standards (1) through (11).*

The DRB hereby approves the application for a Conditional Use permit subject to the following conditions:

- 1) Only one curb cut will be utilized and the other will be restored to a natural, vegetated state.
- 2) A standard erosion control plan will be submitted to the Zoning Administrator prior to the commencement of construction
- 3) A copy of the Army Corp of Engineers approval of pond elimination to be submitted to the Zoning Administrator prior to work commencing.
- 4) The project to be developed as per the plans submitted in the application as amended by Ms. Getzinger's letter of 9/26/08 which withdrew the request for an accessory dwelling.

**Development Review Board**

  
 David Markolf                      10/1/08  
 \_\_\_\_\_                      date

  
 Bob Kaufmann                      10/1/08  
 \_\_\_\_\_                      date

\_\_\_\_\_  
 Virginia Roth                      date

  
 Lenord Robinson                      date 10/1/08