

**Town of Warren
Development Review Board
Minutes of Meeting
Monday November 2, 2015**

Members Present: Peter Monte, Chris Behn, Tom Boyle and Virginia Roth.

Others Present: Perry and Valerie Bigelow, Mark Bannon, J. Paul Giuliani, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2015-55-SD**; Two lot minor subdivision of 148 acres located 1473 Lincoln Gap Road; The Applicants, La Chanterelle LLC and Perry and Valerie **Bigelow**, request Final Plan Approval for a two lot subdivision of a 148 acre parcel into a 50 ± and 98± Acre lots. A portion of these parcels is located in the Meadow Land Overlay District and the Rural Residential District at 1473 Lincoln Gap Rd. (Parcel ID: 003003-700).
- 2) Application **2015-70-CU**; Conditional Use 76 Sugarbush Village Drive: The applicant, **Sugarbush Village Real Estate Inc.**, request the change of use from an exist office to a retail use (Brew Pub) for their property designated as Condominium Units: Mountainside C2 & C3 (316302, 316303 respectively) The property is in the Sugarbush Village Commercial District
- 3) DELIBERATIVE SESSION (if required)

Next Meeting- November 30th

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

- 1) Application 2015-55-SD; Two lot minor subdivision of 148 acres located 1473 Lincoln Gap Road; The Applicants, La Chanterelle LLC and Perry and Valerie Bigelow, request Final Plan Approval for a two lot subdivision of a 148 acre parcel into a 50 ± and 98± Acre lots. A portion of these parcels is located in the Meadow Land Overlay District and the Rural Residential District at 1473 Lincoln Gap Rd. (Parcel ID: 003003-700).

Before beginning the hearing on the requested subdivision for the Bigelow property the DRB finished up the previous hearing on the establishment of a building envelope in the Meadowland Overlay District for a pre-existing home.

MOTION by Mr. Monte that the DRB finds that though universally developed property within the Meadowland Overlay District included an exclusion, this property did not have such an exclusion. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the DRB finds there is no other area on the parcel that is outside the wetlands or on the south side of Lincoln Brook which can only be accessed at great expense with the construction of a bridge for development outside of the meadowland. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the applicant's revised proposed building envelope of 1.0 acre less meets the standard under Table 2.13 (E) (1) (b). **SECOND** by Mrs. Roth. **VOTE**; all in favor, the motion passed.

MOTION by Mr. Boyle that the DRB approves the establishment of a building envelope in the Meadowland Overlay District for a home that pre-existed the creation of the Meadowland Overlay District. **SECOND** by Mr. Monte. **VOTE**: all in favor, the motion passed.

The DRB then moved on to a review of the proposed 2-lot subdivision. Mr. Bannon told the Board that due to several conservation areas such as deer wintering areas, riparian buffer areas and wetlands that limit if not prevent development make it challenging to find any other suitable sites for a home. He went on to say that he would like to propose a “swap” of land to be conserved for an area of land to be used for a building lot on the proposed Lot #2. The DRB members discussed the issue of whether or not they could create a second lot which would then need a building envelope designated in the Meadowland Overlay District which was created to limit development in the district. The Chairman asked the applicant if there was any rush in doing this and was told that the parcel is currently held in a LLC and that they were hoping to dissolve it by year’s end. The Board continued to review the site plan and asked the engineer to go back and see if he couldn’t find a way to further minimize the proposed building envelope on the proposed Lot 32.

MOTION by Mr. Monte that the Board continue this application until Monday November 30, 2015 at 7:00 pm.
SECOND by Mr. Behn. **VOTE:** all in favor, the motion passed.

- 2) Application 2015-70-CU; Conditional Use 76 Sugarbush Village Drive: The applicant, Sugarbush Village Real Estate Inc., request the change of use from an exist office to a retail use (Brew Pub) for their property designated as Condominium Units: Mountainside C2 & C3 (316302, 316303 respectively). The property is in the Sugarbush Village Commercial District.

Mr. Malboeuf, disclosed that he was a partial owner of the property involved in this application and would refrain from acting as the Zoning Administrator while it was being reviewed by the Board. Mr. Giuliani, the attorney for the Estate of Ron Zschaler, the other owner of the property, presented the application’s request to the Board for a Conditional Use approval for a change in use. The property has been up for sale and currently has an interested buyer who would like to use the property for a small brew pub. He continued to describe the use as being a place to brew the beer, allow consumers to taste it, buy it and then take it off site – this would in no way be a “bar” type of operation. They were proposing to make no more than 50 gallons per week and there would be only two employees. This unit shares in the parking allotted to the Sugarbush Village Parking Association and there should be no issues as customers will not be staying long and both employees may not always be there at the same time. The unit is served by the Mountain Water Company and they are waiting on a determination letter from the Mountain Water Company on the change in use. Mr. Giuliani went on to say that the flows required by the new use are consistent with the current design capacity.

Mr. Monte then summarized the two main issues as he saw them: 1) the applicant must obtain adequate wastewater permit for 220 gal/week beer production – 500 gal/week sewer wash water/week; 2) parking has no dedicated spaces though guaranteed share with Sugarbush Village Parking Lot as well as some with Mountainside. It is noted that the proposed new use will have less impact as far as parking is concerned than the previous use. The DRB then started a review of the standards under Conditional Use.

MOTION by Mr. Monte that the Board finds the General Standards under Sec. 5.3 (A) items (1) through (5) are satisfied and not adversely affected by the proposed change of use. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that under Specific Standards, Sec. 5.3 (B) specifically item 11, a condition of any approval will be that the applicant is required to obtain a commitment for septic disposal from Mountain Wastewater to dispose of 500 gal/wk water usage for the initial production of 220 gal/wk of product and a commitment for additional septic capacity commensurate with any increase in production. **SECOND** by Mr. Boyle. **VOTE:** all in favor, the motion passed.

Mr. Monte then stated the following for the record: 1) the current exterior sign that is lit will continue to be used and lit and any changes will have to be compliant with the regulations; 2) the proposed parking is less than what has historically been utilized and with 500 square feet of retail space and two employees there is no need for any additional parking requirements.

MOTION by Mr. Behn that the sign must remain the same size or smaller and lit as it currently is or the applicant must apply for a sign permit with the Zoning Administrator. SECOND by Mr. Monte. VOTE: all in favor, the motion passed.

The question was asked if there would be any noise from this operation that needed to be addressed. Mr. Giuliani replied that there was no mechanized equipment being used.

MOTION by Mr. Monte that the Board having found that the application meets the standards under Conditional Use, approves the application for a change in use to retail [brew pub] subject to the conditions voted on. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

In other business the DRB signed minutes and decisions and adjourned at 8:50 pm.

Respectfully submitted,

Ruth V. Robbins

DRB/PC Assistant

Development Review Board

Peter Monte date

Chris Behn date

Tom Boyle date

Virginia Roth date