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TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
AUGUST 17, 2005

Members Present: Peter Monte, David Markolf, Chris Behn (left at 8:30 pm, after the conclusion of application #2005-10-SD), Eric Brattstrom, Virginia Roth, Lenord Robinson  
Others Present: Mark Bannon, Brian Shea, Darrell Mays, Douglas Pruitt, Miron Malboeuf, and Ruth Robbins

Agenda:

1. Call meeting to Order 7:00 pm
2. Application #2005-10-SD, formerly #2005-02-PRD, 5-Lot Subdivision for Preliminary and Final Plan Approval, submitted by James R. Trihy, seeking review of a 5- Lot PRD at the Corner of Brook Road and Behn Road, Parcel ID.001003-102, 22 acres in the Rural Residential District. This project requires review under Article 2, Table 2.2, Article 6, Subdivision Review, and Article 7, Subdivision Standards, of the Warren Land Use & Development Regulations.
3. Application #2005-09-SD, 2- Lot Subdivision by Darrell & Colleen Mays, parcel ID 006003-300, on Two Ponds Road, 3.41± acres, for Sketch Plan Review (6.2) This project requires review under Article 6, Subdivision Review, and Article 7, Subdivision Standards Article 5, of the Warren Land Use & Development Regulations.

Application #2003-77-CU, Conditional Use Review (modification), Forest Reserve - Condition - 6) Development Foot Print from 3,500, to 3,740 This project requires review under Article 2., Table 2.1, Forest Reserve District and Article 53, Conditional Use Review Standards of the Warren Land Use & Development Regulations.

OTHER BUSINESS

- a. Review and approve Minutes from August 3, 2005
- b. Review and sign Findings of fact & Notice of Decision for application
  - i. Butcher Accessory Dwelling/Cottage Industry: #2005-08-CU
  - ii. Sardi / Crump Boundary Line Adjustment: #2005-07-SD

TOWN OF WARREN, VT  
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Elaine E. Fuller Assistant  
TOWN CLERK

1. Mr. Monte called the meeting to order at 7:17 pm.

Before addressing the agenda, Mr. Monte summarized the observations and conclusions of the site visit conducted prior to the meeting at the Trihy parcel off of Behn Road. All members listed above attended the site visit as well as Mark Bannon, Brian Shea, Miron Malboeuf and Ruth Robbins. Mr. Monte stated for the record that those in attendance viewed the five proposed house sites, septic areas, and where the road would be placed. The only area in question, the lower drive, was thought to possibly intersect a primary conservation area, yet upon inspection in person, it does not. The other issue investigated was the 14.7%

TOWN OF WARREN  
 DEVELOPMENT REVIEW BOARD  
 MINUTES OF MEETING – 8/17/05

grade along a portion of the upper road, which was determined by the Fire Department as not being a problem and the Board concurred. The one concern the Board did come away with was the potential for creating erosion problems if too many trees were cleared on some of the slopes in order to create better views.

- 2- Application #2005-10-SD, formerly #2005-02-PRD, 5-Lot Subdivision for Preliminary and Final Plan Approval, submitted by James R. Trihy.

**DOCUMENTS SUBMITTED:** Letter from Adam Cook, President of the Warren Fire Department, dated 8/16/05; Hiddenbrook Road Maintenance Agreement.

Mr. Markolf opened the hearing by making a **MOTION** that the Board considers the application complete and classified as a Minor Subdivision. **SECOND** by Mr. Robinson. No discussion. **VOTE:** all in favor, the motion passed.

Mr. Monte asked if there were any issue or concerns that needed to be discussed before the Board began going through the criteria. Mr. Markolf felt it should be noted for the record, since it was brought up before, that after being researched, it seems that the bridge on Behn Road is not an issue as it is not on any "hit list" for needed repairs.

Mr. Monte also asked if any of the Board members had a concern about the location of any of the building envelopes, the positioning of the houses within the envelopes, which appears limited. Discussion ensued regarding the possibility of limiting the percentage of the envelope that could be used for the footprint of a dwelling. In the end the Board determined that what was presented was acceptable and did not recommend any restrictions.

The discussion then turned to what if any cutting restrictions the Board may want to impose. Mr. Monte expressed that he would like to see some sort of restriction on slopes of 25% or greater, primarily for the stabilization of steep slopes. Even more specifically, he was concerned about those slopes above and leading down to the brook. (Freeman Brook, aka Kids Brook). The Board reviewed the applicants erosion control plan, which is quite detailed due to newly revised State regulation, and found that any mention of tree cutting was limited just to the disturbed areas for infrastructure installation. Mr. Monte emphasized that he wanted to allow homeowners to cut trees in order to open up views, but at the same time not allow over cutting that would destabilize the steeper slopes.

✓ **MOTION** by Mr. Markolf that there be no cutting of brush or trees less than six (6) inches in diameter on any areas of 25% grade or greater, and such areas (*vegetated areas for erosion control*) be to designated on the final, recorded engineering map. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that this application is in compliance with *Article 7, Subdivision Standards, § 7.2 General Standards*. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that § 7.3 *Protection of Primary & Secondary Conservation Areas* is satisfied by the applicant. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

In discussing § 7.4, *Open Space & Common Land*, Mr. Bannon pointed out an area that was going to remain open and undeveloped. Mr. Monte asked that that area, which is actually the 100-foot stream setback, be clearly noted on the final plat. Discussion also centered on public access to the brook, especially for fishing.

**MOTION** by Mr. Behn that the Board encourage the applicant and succeeding property owners to maintain the tradition for future generations of allowing the section of Freeman Brook, also known as Kids Brook, to be open for fishing by children under the age of fourteen, as has been the case for years and years. **SECOND** by Mr. Monte. **VOTE:** YEA: Mr. Monte, Mr. Behn, Mr. Brattstrom, Mrs. Roth, Mr. Robinson; NEA: Mr. Markolf. The motion carried five to one.

**MOTION** by Mr. Monte that § 7.4 *Open Space & Common Land* is satisfied by the applicant. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that § 7.5 *Stormwater Management & Erosion Control* is satisfied by the applicant. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

A discussion took place regarding the Warren Fire Department letter of 8/16/05 under *Section 7.6 Community Services & Facilities*. Mr. Bannon pointed out to the members where the 400-foot turnouts were and stated that the road was to be 18 feet in width. Mr. Monte asked about item # 4 in the Department's letter regarding wood burning heat sources being limited to back up heat only and must be constructed with masonry chimneys. Mr. Malboeuf and others assured him that that was a standard stipulation. Regarding item # 5 in the Department's letter the following motion was made.

**MOTION** by Mr. Monte that the applicant must arrange a SITE visit with the Warren Fire Department at the time of the construction of the "Y" intersection of the internal roadway. If the Warren Fire Chief so requests in writing to the applicant with a copy to the DRB, the storm water retention pond on Lot #1 will be upgraded as per item #5 in the Department's letter of 8/16/05 unless applicant requests a hearing from the Development Review Board and the DRB, after hearing, waives this requirement. To keep the paperwork straight, the DRB requests (but does not require) that the Warren Fire Chief notify the DRB in writing if the Department does not request upgrade of the pond. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board approves the recommendations made by the Warren Fire Department in their letter of 8/16/05 and find that the applicants plans accommodate and address all items noted except item #2, "*Drives to be no less than 30' inside radius, both directions*". It shall be a condition of this permit

that all drives shall conform to item # 2 (30" inside radius, both directions).  
**SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the requirements under § 7.6 *Community Services & Facilities* and § 7.7 *Roads & Pedestrian Access* are satisfied by the application.  
**SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that the requirements under § 7.8 *Water supply & Wastewater Disposal* and § 7.9 *Utilities* are satisfied by the application.  
**SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

The Board asked the applicant if they had plans for any signage and the answer was no. Mr. Malboeuf reminded them that they would be responsible for the purchase of the State required green 911 street signs when the time came. It was also mentioned that the road name would need town approval so as not to have any duplication and that due to the "Y" configuration, two road names may be required.

**MOTION** by Mr. Markolf that § 7.10 *Signs* is satisfied by the application.  
**SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed

Request was made by Mr. Monte that at the time of the final plat and final engineering plan review by the Board that the following items be specifically checked:

- 100' stream setback designated as an undeveloped area
- *Vegetated areas for erosion control* be identified
- The final plat and final engineering plan be of a corresponding scale and cross reference one another

**MOTION** by Mr. Monte that the Board approve the application subject to standard subdivision requirements and the afore voted on conditions herein.  
**SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

3- Application #2003-77-CU, Conditional Use Review (modification), Forest Reserve – Condition #3, Development Foot Print from 3,500, to 3,740.

The Board reviewed the original floor plan dimensions and the current listers floor plan dimensions. With the exception of the footprint being 240 sq. ft. more than conditioned for, everything else was in compliance based on Mr. Malboeuf's inspection of the property.

**MOTION** by Mr. Monte that the Board amend Condition #3 of permit # 2003-77-CU by changing 3500 square feet to read 3800 square feet. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

- 4- Application #**2005-09-SD, 2-Lot Subdivision** by Darrell & Colleen Mays, parcel ID # 006003-300, on Two Ponds Road, 3.41± acres. Sketch Plan Review.

The Board reviewed a map outlining a potential two-lot subdivision request from Mr. And Mrs. Mays. Mr. Malboeuf pointed out the shared septic with Briarcliff that Mr. Mays has an option for three hookups to. Mr. Malboeuf went on to say that the possibility of a PRD was discussed but a basic subdivision seemed to be an easier, faster approach. Mr. Markolf said that to do a PRD a couple of things needed to happen; a more detailed site plan, and a site plan that clearly showed that there was adequate land for three conforming single family home sites. The Board members continued the debate about the potential for a PRD and what the regulations would allow in this instance. It was suggested to the applicant that he give some thought to which approach was in his best interest and that if he wanted to apply for a building permit for his own home and start building, he could do so while work on the subdivision/PRD plans were being developed. The Board said they would do a site visit once more detailed plans were submitted.

- 5- Other Business

The DRB reviewed and signed the minutes of August 3, 2005.

The meeting was adjourned at 9:13 pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

TOWN OF WARREN  
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MINUTES OF MEETING - 8/17/05

WARREN, NEW JERSEY  
PLANNING AND ZONING BOARD  
1000 WARREN AVENUE, SUITE 200  
WARREN, NEW JERSEY 07059

**Development Review Board**

*Peter Monte* 8-7-05  
Peter Monte date

*David Markoff* 8/10/05  
David Markoff date

*Chris Behn* 09-07-05  
Chris Behn date

*Eric Brattstrom* 8/23/05  
Eric Brattstrom date

Virginia Roth date

*Lenord Robinson* Sept 7 05  
Lenord Robinson date