

**TOWN OF WARREN**  
**Minutes of the Regular Meeting of the**  
**Zoning Board of Appeals**  
**held Wednesday, October 28, 2015, 7:30 pm**  
**in the Land Use Office of the**  
**Warren Town Hall at 50 Cemetery Road**

PRESENT were Mr. Jon P. Garvey, Chairperson; Ms. M. Trisha Barry, Vice Chairperson; Mr. George S. Githens, Mr. William L. Hopkins, Mr. Rick D. Valine, Regular Members; Mr. Ray J. Furse, Alternate; Ms. Stacey M. Sefcik, Zoning Enforcement Officer; and Ms. Richelle Hodza, Recording Secretary. ABSENT were Mr. Peter C. Brodhead and Ms. Nancy A. Florio, Alternates

**1. CALL TO ORDER AND DESIGNATION OF ALTERNATES**

The meeting was called to order by Chairperson Garvey at 7:33 p.m. No alternates were seated.

**2. PUBLIC HEARINGS**

- A. **Arthur Howland & Associates, PC for DH Partners, LLC, 8 North Shore Road** – Requests for Variances of Dock Surface Area & Length Requirements in Section 16.4.6 of the Town of Warren Zoning Regulations to Construct a 380 Square Foot, 88-Foot Long Dock.

Ms. Sefcik read into the record the public notice for the hearing as published on October 15 and 21, 2015 in *The Republican-American*. She stated that the Town of Washington had also been notified. Mr. Paul Szymanski, PE of Arthur Howland & Associates, PC spoke on behalf of the applicant stating that the existing dock had become unserviceable owing to sedimentation from Sucker Brook so a new dock was planned to be installed in a new location at the southern end of the property. The applicant sought a variance from 16.4.6A to increase the total dock size from 360 sq. ft. to 380 sq. ft. The gangway would be 3 feet 4 inches wide and the dock would be 16½ x 8½ feet to accommodate a 20-foot boat. The need for the variance from 16.4.6C, which allows a maximum length of 50 feet was created by unusual bathymetry (underwater topography) and a large area of shallow water. Mr. Garvey suggested narrowing either the gangway or the dock in order to comply with the maximum square foot regulation, thereby requiring a variance in the dock length only. Mr. Szymanski stated that if such a stipulation were to be required by the Commission, the applicant would revise the dimensions. Members of the Commission spoke of the unusually dry conditions creating a water level that is down at least a foot, perhaps two feet from its normal average of about 495 feet. Mr. Szymanski stated that even if the level of the water were normal, the dock being contemplated would still have to be 88 feet long, owing to the extended shallow water. Other members of the Commission confirmed that the water in that area was unusually shallow.

Mr. Szymanski read two letters into the record, one from the applicant's neighbor Mr. Edgar R. Berner of 6 North Shore Road and the other from Resident State Trooper Stephen Sordi, and referred to an email from Mr. Thomas McGowan of the Lake Waramaug Task Force. In his letter, Mr. Berner stated that he had no objection to the proposed dock. Trooper Sordi of the Lake Waramaug Authority who patrols the lake by boat stated in his letter that the proposed dock would divert other boats away from the very shallow water, keeping them from running aground. The email from Mr. McGowan stated that he did not foresee any adverse effects of the dock upon the lake, so long as the dock was both temporary and removable as required. Ms. Sefcik asked for confirmation that the old dock be removed, as only one dock per property was permitted. Mr. Szymanski affirmed that it would be removed.

Chairperson Garvey asked the public if they had concerns or comments. There were none.

Mr. Valine **MOVED** to close the public hearing on the matter, Mr. Hopkins **SECONDED** the motion, and it **CARRIED** unanimously.

- B. Mr. Brian Neff, PE for Leonard and Celia Ucciardo, **31 Brick School Road** – Request for Variance of Section 6.2.3 of the Town of Warren Zoning Regulations to Construct Roofed Front Porch in the Front Yard Setback.

Mr. Neff spoke on behalf of the Ucciardos who were also present. He presented elevations of the existing conditions and the proposed change. He stated that the subject house had been built before zoning regulations were adopted by the Town. In addition, the property line nearest the road is unusual in that it is parallel neither to Brick School Road, nor to the stone wall, which runs along the road and acts as a visual property line. Rather, the property line runs at an angle. Mr. Neff also stated that the present stone slab without a roof is unsafe in inclement weather. Mr. Neff gave proof of notice of the public hearing to the two abutting neighbors. No responses had been received.

Chairperson Garvey opened the matter to the public for discussion. Mr. Terry B. Shook, addressed the commission observing that the unusual property line causing set back restrictions was not unique to the subject property, but was common to several others along that stretch of roadway, including his. Ms. Cynthia Shook spoke saying that she did not consider the lack of a covered porch to be a hardship. Many homes have no covered entryway.

Ms. Celia Ucciardo stated that she and her husband also own the property directly across the road. Mr. Leonard Ucciardo added that in order to open the front, one risks falling off the present slab, because it is too small to accommodate both the door swinging out and the person doing the opening. Mr. Neff reiterated the hardship caused by the front yard setback, which was no fault of the owners.

Ms. Shook questioned the accuracy of the survey map done by Linwood R. Gee & Sons, Inc. and which was submitted by the applicants. Mr. Neff stated that the survey had been properly certified and filed in the land records. He added that the additional encroachment into the front yard setback, which his clients were requesting, was an increase of less than two feet. The present encroachment was 5'2" and the proposed encroachment was 7'0".

Chairman Garvey welcomed additional comments. There were none.

Mr. Hopkins **MOVED** to end the public hearing on the matter. Ms. Barry **SECONDED**, all were in favor. The motion **CARRIED**.

### 3. APPROVAL OF MINUTES

Some members announced that they had not had time to review completely the minutes of the last meeting.

A **MOTION** was made by Mr. Valine to table the minutes of the Special Meeting held on September 16, 2015 until the next meeting. Ms. Barry **SECONDED** the motion, the motion **CARRIED**.

### 4. OLD BUSINESS

None was identified.

## 5. NEW BUSINESS

- A. Arthur Howland & Associates, PC for **DH Partners, LLC, 8 North Shore Road** – Request for Variances of Dock Surface Area and Length Requirements in Section 16.4.6 of the Town of Warren Zoning Regulations to Construct a 380 Square Foot, 88-Foot Long Dock.

Chairman Garvey suggested reducing certain dimensions in order to comply with at least the requirement of a 360 square foot maximum dock surface area. In so doing, the Commission would have to consider only one variance, not two. Mr. Szymanski said his clients would do so if approval of the dock depended on it. There was some concern among members about the safety of a dock and/or gangway with narrower dimensions.

Ms. Barry made a **MOTION** that the 380-square foot, 88-foot long dock be approved owing to the hazards of low water and the hardship caused by the underwater topography, with the condition that the existing dock be removed. Mr. Valine **SECONDED** and all were in favor. The motion was **APPROVED**.

- B. Brian Neff, PE for **Leonard and Celia Ucciardo, 31 Brick School Road** – Request for Variance of Section 6.2.3 of the Town of Warren Zoning Regulations to Construct Roofed Front Porch in the Front Yard Setback.

Ms. Barry stated that she agreed with the identification of the unusual property line as a hardship; however she did not agree that a hardship existed in the lack of a covered entryway. Mr. Garvey noted that the dimensional changes proposed were slight. Mr. Valine observed that, while the existing conditions were non-complying, there was no reason to add further to that non-compliance. Mr. Garvey ventured that the intent of the setback regulation was mainly for “curb appeal,” and that an additional 1’8” would not detract from the appearance. Mr. Valine agreed, adding that the stone wall was the apparent property line, even though it was not part of the subject property where the entryway was proposed, and could not be counted as part of the setback. Several members noted that they themselves had either already had, or added a covered front doorway.

Mr. Hopkins made a **MOTION, SECONDED** by Ms. Barry, to approve the roofed entryway in the front yard setback. The motion was unanimously **APPROVED**.

- C. Dolores Schiesel, Esq. for **Timothy and Regan Palmer, 117 North Shore Road** – Request for 20-Foot Variance of Section 6.2.4 to Construct Detached Garage in the Western Side Yard Setback.

Neither the applicants nor their attorney were able to be present for the meeting; however, the application had been submitted and was before the Commission. Ms. Sefcik recommended receiving the application tonight.

Ms. Barry made a **MOTION** to receive the application submitted by Attorney Schiesel on behalf of the Palmers. A **SECONDED** was made by Mr. Valine. All were in favor. The motion **CARRIED** and the application was received.

Ms. Sefcik noted that the next regular meeting was scheduled for November 25, which was the day before Thanksgiving. The commission discussed the likelihood of a quorum.

Ms. Barry made a **MOTION** to cancel the regular meeting of November 25<sup>th</sup>, and to hold instead a special meeting on Wednesday, November 18, at which time the Palmers’ application would be heard by the public. Mr. Valine **SECONDED**. The motion **CARRIED** unanimously.

**6. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD.**

Review and Discussion of 2016 Regular Meeting Schedule.

The Board was given a schedule of proposed regular meetings for 2016 occurring the fourth Wednesday of each month at 7:30 p.m. as follows: January 27, February 24, March 23, April 27, May 25, June 22, July 27, August 24, September 28, October 26, November 23, and December 21. There was discussion about changing the meeting near Thanksgiving.

Mr. Valine **MOVED** to adopt the Zoning Board of Appeals 2016 Meeting Schedule with the November meeting changed to Wednesday, November 16. Chairman Garvey **SECONDED**, the motion **CARRIED** unanimously and the schedule was approved.

Chairman Garvey made a **MOTION** to close the meeting at 8:45p.m. Mr. Githens **SECONDED**, all were unanimous, the motion **CARRIED** and the meeting was closed.

The next meeting of the ZBA will be a special meeting on **November 18, 2015 at 7:30** p.m. in the meeting room of the Town Hall of Warren.

Respectfully Submitted,



Richelle Hodza  
Recording Secretary