



TOWN OF WARREN  
PLANNING & ZONING COMMISSION  
Regular Meeting Minutes  
Tuesday, January 12, 2021 at 7:30 p.m.  
Via Zoom Videoconference (see below for recording)

### **Call to Order and Designation of Alternates**

Chairman John Papp called the meeting to order at 7:34 p.m. Present were Dr. Victoria Sahadevan Fossland, Mr. Jack Baker, Vice Chairman Derek Westfall, Alternate Mr. Michael Zimet (seated for Mr. Good), Alternate Ms. Ruth Schnell (for Mr. Curtiss) and Alternate Ms. Debora Ouellette (seated for Mr. Prindle). Ryan Curtiss and Paul Prindle were excused. Andy Carollo and Phil Good were not heard from and were absent.

### **Election of Officers**

Mr. Papp did not wish to retain the chair position for the year 2021. Ms. Schnell made a motion to nominate Dr. Sahadevan Fossland as Chair; Mr. Baker seconded. Dr. Sahadevan Fossland declined the nomination. Ms. Schnell withdrew and amended her motion as follows: MOTION to nominate Dr. Sahadevan Fossland as Vice Chair. Mr. Baker SECONDED the motion. All members and seated alternates were in favor. The MOTION CARRIED.

Mr. Baker and Mr. Westfall were also asked to consider being Chair. Both regretted their lack of time; Mr. Westfall said he would have to think about it, concerned about his short tenure on the Commission. Mr. Papp agreed to continue to chair the present meeting.

### **Public Hearings**

ZA# 20-36 Hendrik ("Henk") E. Dalmeyer / 220 Kent Road / Application for Special Permit for Home Business to operate a painting business.

Mr. Dalmeyer explained the activities of his business and that they were mainly conducted at his storefront location on Route 7 in New Milford where he also had a yard. Rarely did employees come to the Kent Road site and no vehicles were parked there either. Mr. Dalmeyer has been operating the business quietly for some years and was now interested in obtaining zoning compliance.

Members of the Commission had taken a site walk and described what they had seen. Much of the space in the garage being used for the business was mixed in with personal items, but the area was tidy.

Mr. Papp opened the meeting to the public. Mr. Hermann Tammen went through Section 23 point by point. There were questions about the number of employees, the spray booth and the kinds of paints being used, the number of vehicles on the property; additional parking; etc.

Ms. Hodža read a letter she had received from neighbor Steven Heller. He was concerned, among other things, about a proposed barn that was indicated on the plan. Mr. Dalmeyer explained that it was put on the map as a possible future addition to his premises in order to house farm animals which he rescues from time to time. Mr. Papp asked Mr. Heller if he wanted to add to his letter. He reiterated his concern for the preservation of the rural residential character of the North Zone where he purchased his home four months ago. He was averse to signage indicating a commercial enterprise and thanked the Commission for the opportunity to speak.

Mr. Papp called on each seated member asking them if they had further questions. They were satisfied with the presentation and information that had come to light. Mr. Papp stated that signage was not a part of this application and if it were desired, it would have to be applied for in a separate application.

Ms. Hodža asked Mr. Dalmeyer about the 501(c)3 business of rescuing animals. Mr. Dalmeyer explained that it had begun as the rescue of a few cats who were housed in one of the bedrooms in his home until they could be re-homed. Ms. Hodža noted that this other business may require an additional application.

Dr. Sahadevan Fossland made a MOTION to close the public hearing, Mr. Westfall SECONDED. All were in favor; the public hearing was CLOSED.

A. December 8, 2020 – Regular Meeting

Mr. Baker made a MOTION to approve the minutes, Mr. Westfall SECONDED; all were in favor by roll call and vote.

### **Old Business**

A. ZA# 20-35 Mike Lauretano, Regatta Dock Systems, Applicant, on behalf of Co-Trustee, Thomas M. Yamin, et al., 50 East 89th Street, Apt. 14C, New York, New York, 10128 / 14 Arrow Point Road / Special Exception Application to replace existing dock with new dock system greater than 360 sq. ft.

Ms. Hodža read an email in which Mr. Lauretano withdrew his application on December 14, 2020. Ms. Hodža said she issued zoning permit No. 20-35 on December 23, 2020 based on the smaller design for the dock, which was within the regulations.

### **New Business**

A. ZA 21-01 / Dennis McMorow, P.E. of Berkshire Engineering & Surveying, LLC on behalf of Roger Hedman of Riga Construction LLC for property owner Maria Marshall / 53 Curtiss Road, Assessor's Map 8 Lot 23 / Partial demolition of existing cottage for addition of pool house, spa, pool, and cold plunge pool designed by Allee Architecture + Design, LLC

Mr. McMorow presented the application. Ms. Hodža stated that she had been on a site walk with the Inland Wetlands Commission and that its concerns had been met. A bond was required in order to ensure that E&S controls would be installed and maintained during construction. Ms. Ouellette asked if the building was being expanded. Mr. McMorow assented stating there were to be small additions on the east and the western ends. Mr. Zimet asked about the circular structure. It was to be a landscaped area with a low stone wall. Ms. Schnell asked about the springhead that had been used historically. Mr. McMorow explained the abandonment of two wells and the digging of a new one. He also noted that the springhouse was indicated on the plan, but that it was probably not being used. Mr. Zimet asked about the driveway and its composition. Mr. McMorow stated that the driveway does exceed the regulations; however, it is pre-existing non-conforming. Mr. Zimet wanted to be certain that the changes to it did not open up the driveway to additional requirements of conformity with current regulations. Mr. McMorow stated that parts of the pavement were merely being replaced with permeable pavers to allow infiltration.

Dr. Sahadevan Fossland made a MOTION TO APPROVE, Mr. Westfall SECONDED the application and all were in favor. The MOTION CARRIED.

Mr. Papp stated that a motion was needed to add as Item "B" under New Business, "Zoning Application #20-45 Paul Szymanski, P.E., president of Arthur H. Howland & Associates, P.C. on behalf of A5MK 21 Arrowpoint Road, LLC, Peter and Meredith Kosann / 21 Arrowpoint Road, Assessor's Map 45 Lot 29 / Raze existing single family dwelling, construct new single family dwelling."

Dr. Sahadevan Fossland asked why the item was left off the agenda. Ms. Hodža stated that it was an omission by her, but that the application materials had been posted on the website. Dr. Sahadevan Fossland made a MOTION to ADD the said item to the Agenda. Mr. Zimet SECONDED, all were in favor, the motion CARRIED.

Mr. Szymanski explained the application briefly. Ms. Hodža stated that she had taken a site walk with the Inland Wetlands Commission, which had approved it, finding that it would be an improvement over the current dated or lack of storm water management systems. Dr. Sahadevan Fossland was dissatisfied with the Zoning Officer's request to have the Commission review and vote on the application given the compressed time. Ms. Schnell said she is unable to review the plans and application online.

Mr. Baker asked about the septic system's reserve area. TAHD had been received as well as IWC approval.

Mr. Westfall made a MOTION to approve the application. There was no SECOND. Mr. Papp asked what the commission was lacking. Dr. Sahadevan Fossland stated that she was unprepared because the item was not on the agenda and did not want to make a decision on something she had not fully reviewed.

Mr. Szymanski stated that the application had been filed a month ago and felt strongly that if the Commission did not want to act it should empower the ZEO to act. Mr. Papp asked questions regarding the impervious surface and setbacks. All were within the regulations.

Mr. Westfall RESCINDED HIS MOTION.

Dr. Sahadevan Fossland made a MOTION to empower the ZEO to make a decision on the application. SECOND was made by Mr. Westfall. All were in favor, the MOTION CARRIED.

A MOTION was made by Dr. Sahadevan Fossland to ADD TO THE AGENDA under New Business as Item "C" Zoning Application # 20-36 Hendrik ("Henk") E. Dalmeyer / 220 Kent Road / Application for Special Permit for Home Business to operate a painting business. The public hearing of same had just closed. Ms. Ouellette SECONDED; the MOTION CARRIED.

Chairman Papp opened the matter up for discussion. Hearing none, he invited a motion. Ms. Ouellette made a MOTION to APPROVE the application. Ms. Hodža reminded the Commission that it had wished to include a limitation such that not more than 700 square feet be used for the painting business. Ms. Ouellette rescinded and amended her MOTION to APPROVE the application with the stipulation that not more than 700 Square Feet of space be used for business purposes. Dr. Sahadevan Fossland SECONDED the MOTION. The motion CARRIED.

### **Implementation of POCD**

Ms. Hodža stated that only two people had sent in the items they wanted most to discuss. Ms. Schnell corrected Ms. Hodža stating that she, too, had sent them in. Ms. Hodža apologized, but had not seen them. Ms. Hodža stated that she had spoken to, as requested by the commission at the last meeting, both Planimetrics and Jocelyn Ayers at NHCoG. Planimetrics suggested that it was something that the Commission could do on its own; Ms. Ayers suggested that she could help put together an RFP (Request for Proposals) in order to find a professional planner who could assist with the task of advancing the PoCD's action list.

Mr. Baker felt that it would be wise to obtain professional reviews, but that the Commission might need to start with substance. Dr. Sahadevan Fossland agreed, stating that it might be possible to apply for a grant. A subcommittee was formed to at least start with a focus of certain immediate goals. Mr. Westfall agreed with Mr. Baker, too, and wanted to be certain the responsibility was taken seriously. Ms. Ouellette and Mr. Zimet

also weighed in and felt that steps had to be taken to move along in a reasonable manner. Mr. Papp was in favor of forming a subcommittee. Mr. Zimet also recommended doing it piecemeal, so that specific smaller advances could be made. Ms. Hodza stated that the meetings would have to be available to the public. Agendas and minutes would have to be posted according with FOI requirements.

Mr. Baker made a MOTION to form the POCD Subcommittee comprised of Dr. Sahadevan Fossland, Ms. Ouellette, and Mr. Zimet. Ms. Schnell SECONDED. All were in favor. The MOTION CARRIED

### **Other Business Proper**

A discussion was held regarding procedure of application reviews. The Commission felt it had little to no time to review the application for 21 Arrow Point Road. After some discussion, it was decided that the rules for Application Deadlines would be changed to state that if an applicant wanted to be on the Agenda and have his or her application properly reviewed in advance of the hearing in order that a decision might be reached, the deadline for receipt by the ZEO would be the Wednesday before the Regular Tuesday Monthly meeting. Although an application may be added to the agenda by 2/3 vote at regular meetings, it may not be able to be decided upon because Commission member would not have had time to review the materials. After some additional discussion regarding making the burden of delivery of the copies of plans by mail to each commission member the responsibility of the applicant, a MOTION was made by Dr. Sahadevan Fossland to require that applicants (a) submit their completed applications to the Zoning Office by the Wednesday before the regular Tuesday monthly meeting and (b) send by mail a copy of the application to each member of the commission. Ms. Schnell SECONDED. All were in favor; the MOTION CARRIED.

### **Zoning Enforcement Officer's Report**

Wells / 163 Melius Road / Shed constructed within front yard setback and without permit  
Hade/ 85 Hardscrabble Road / Deck constructed without permit  
Berrel / 33 City Road / Shed constructed without permits

**Correspondence Received** - None

### **Opportunity for Public Comment**

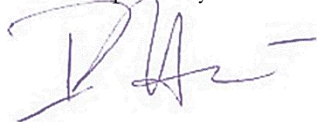
Mr. Hermann Tammen was dissatisfied with the pushing through of 21 Arrow Point Road and thought that a \$1 million bond should have been asked for. He also felt that at 53 Curtiss Road, the staircases were allowed to encroach into the setbacks.

Dr. Sahadevan Fossland wanted to make sure everyone had gotten a copy of the Subdivision Regulations. Ms. Hodza had made 10 hard copies and Dr. Sahadevan Fossland had attached them to an email to everyone.

### **Adjournment**

Ms. Schnell MOVED to adjourn; Mr. Westfall SECONDED. All were in favor.

Respectfully Submitted,



Richelle Hodza  
Zoning Enforcement Officer Town of Warren  
1/20/2021 3:47 pm

To watch the recording:

[https://zoom.us/rec/share/EkRrxMqK6o2P-egPmnqcsIVGUOdKSqMt47XVglrCHzdKYbczt5jEt\\_4UCyIyh0Md.asVH28wTIVLa7wND:](https://zoom.us/rec/share/EkRrxMqK6o2P-egPmnqcsIVGUOdKSqMt47XVglrCHzdKYbczt5jEt_4UCyIyh0Md.asVH28wTIVLa7wND:)