

TOWN OF WARREN  
PLANNING AND ZONING COMMISSION  
Minutes of Public Hearings and Special Meeting  
Tuesday, February 21, 2017 - 7:30PM  
Town Hall Conference Room – 50 Cemetery Road

PRESENT were Chairman Robert Bolte, Susan Bates, Phil Good, H. Robyn Kasler, Howard Lethbridge, Kelly Tobin and Alternate Brian Coyle. Also present were Zoning Enforcement Officer Stacey Sefcik and the Commission's Attorney Matthew J. Willis. Excused were Vice Chairman Chris Brodhead, John Miller, and Recording Secretary Richelle Hodža. Absent was Alternate Darin Willenbrock.

**PUBLIC HEARINGS**

Ms. Sefcik read into the record the legal notices for both public hearings.

1. Attorney Robert Fisher for Lake Waramaug, LLC – Petition to Amend Section 17 of the Town of Warren Zoning Regulations Regarding the Conversion of Non-Residential Properties to Residential Use.  
Attorney Robert Fisher addressed the Commission regarding this matter. Ms. Sefcik informed the Commission that, as required by State Statute, the Northwest Hills Council of Governments had been notified regarding the proposed amendment, and she read into the record the referral response received from Jocelyn Ayer. She also informed the Commission that the Town of Washington had been noticed regarding this matter; however, she had received no commentary back. The proposed text amendment had also been filed in the Town Clerk's office on February 8, 2017, as required by State Statute; it was also posted on the Town's webpage.

The Commission received a letter dated February 21, 2017 from Philip C. Pires, Esq., attorney for the Lake Waramaug Association, Inc. which articulated their objections to the proposed text amendment. Ms. Sefcik also notified the Commission that she had received an email from Scott Weaver of 176 East Shore Drive, Washington, requesting information regarding the proposed text amendment, which she sent him.

Attorney Fisher made his presentation regarding the proposed text amendment, and the Commission asked various questions regarding the proposal. The floor was opened to public comment, at which time Richard Kleinberg, member of and representative for the Lake Waramaug Association Board of Directors, asked questions regarding the purpose of the amendment and expressed the Board's concerns with the proposal as written. Mr. Fisher then made a final statement regarding the proposal.

Hearing no further questions, the Commission agreed to close the public hearing at 8:13 p.m.

2. Arthur H. Howland & Associates, PC for Dr. Eric D. Salk and Mrs. Susanna Salk, 379 Lake Road – Special Exception per Section 8.5 of the Town of Warren Zoning Regulations to Permit an Accessory Apartment.  
Due to improper noticing, the Commission agreed to open and immediately continue this matter to the March 14, 2017 regular meeting.

**SPECIAL MEETING**

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

The special meeting was called to order at 8:14 pm. Regular members present remained seated for the Special Meeting and Mr. Coyle was seated for Mr. Miller.

2. OLD BUSINESS

- A. Attorney Robert Fisher for Lake Waramaug, LLC – Petition to Amend Section 17 of the Town of Warren Zoning Regulations Regarding the Conversion of Non-Residential Properties to Residential Use.

Attorney Willis was called upon by Ms. Tobin to recapitulate the issues. Attorney Willis informed the Commission that it should make its decision based upon whether or not the proposed text amendment fits within the Plan of Development for the Town and whether or not it remains in harmony with the intentions of the current Zoning Regulations. Questions were raised about spot-zoning and there was a concern that the amendment could open up future situations in which property owners could change use merely to serve their own best interests at any given time, while such interests may not serve the Town equally. Chairman Bolte reiterated what he viewed as a self-created non-compliance by the property owner via the change of use. Once the use was designated residential and was renovated as such, the property was as if new, that is, existing subsequent to the Zoning Regulations that govern it. Ms. Bates suggested other options to make the property more conforming, such as by tearing down the two cottages. Attorney Willis stated that variances would still be required. Ms. Bates felt that the property would at least be less non-conforming. Commission members asked what else could be done about the situation. Attorney Willis stated that the property owner is seeking other resolutions via a case pending before the Zoning Board of Appeals as well as one with the Superior Court at Litchfield. Other discussion revolved around the fact that the owner does not reside at the property and that the place seems to continue to be rented out as a kind of self-serve inn. Chairman Bolte asked if there was any further discussion.

Ms. Tobin made a MOTION, SECONDED by Ms. Bates, to DENY the petition and *not* adopt the proposed text amendment in the matter of Attorney Robert Fisher for Lake Waramaug, LLC – Petition to Amend Section 17 of the Town of Warren Zoning Regulations Regarding the Conversion of Non-Residential Properties to Residential Use. Those in favor of the denial were Mr. Bolte, Ms. Bates, Mr. Coyle, Mr. Good, Mr. Lethbridge, and Ms. Tobin. None was opposed. Ms. Kasler abstained. The MOTION TO DENY the petition CARRIED; the proposed text amendment was *not* adopted.

- B. Arthur Howland & Associates for Eric Salk, 379 Lake Road – Special Exception per Section 8.5 of the Town of Warren Zoning Regulations to Permit an Accessory Apartment. The Commission agreed to table this matter to the March 14, 2017 regular meeting.

At 8:35 p.m., a MOTION to ADJOURN the meeting until March 14, 2017 at 7:30 p.m. was made by Ms. Bates and SECONDED by Ms. Tobin. It unanimously CARRIED.

Respectfully submitted,



Richelle Hodža  
Recording Secretary