

TOWN OF WARREN  
**ZONING BOARD OF APPEALS**

MINUTES OF PUBLIC HEARING AND REGULAR MEETING  
WEDNESDAY, NOVEMBER 16, 2016 – 7:30 pm  
WARREN TOWN HALL – 50 CEMETERY ROAD

**PRESENT** were Chairman Jon P. Garvey, Vice Chairperson, M. Trisha Barry, Richard D. Valine, and Alternates Nancy A. Florio and Raymond W. Furse. Stacey Sefčík, CZET and Richelle Hodža, Recording Secretary, were also present. **ABSENT** were George S. Githens (who recused himself from the proceedings owing to his having sold trees to the appellant); William L. Hopkins, and Alternate Peter C. Brodhead.

**PUBLIC HEARING**

Chairman Garvey called the meeting to ORDER at 7:30 p.m.

Ms. Sefčík read the notice published in the *Republican American*, announcing the hearing of Dean Gregory of 2 Laurel Mountain Road, requesting a variance of § 9.1.1 of the Zoning Regulations to increase the driveway width to 24 feet.

Mr. Gregory presented the reasons for his request. Among them were safety in the event of emergency vehicle access; a more general ease of access; the pre-existing, non-conformity of the lot; and wetlands considerations. A site plan, schematics, and photographs were presented to illustrate his case. A number of questions arose. Ms. Barry wanted to understand why the house had not been moved further away from the road, enabling a longer driveway. Mr. Gregory indicated that the house was sited in order to respect the wetlands boundaries. Chairman Garvey requested clarification of the rate of transition from the 24 foot width to the 12 foot width and whether the transition could be adjusted from gradual to rapid, thereby remaining within the regulations. Additional questions were posed regarding the wetlands. Mr. Furse asked if it would be paved. Mr. Gregory stated that the apron was required to be paved, but that the rest of the driveway would be pea stones. Mr. Furse asked for clarification of the regulation requiring 3 feet horizontal space between the sides of the driveway and any obstructions, which would appear to effectively allow driveway widths of 18 feet. Mr. Furse, along with most others, expressed his dissatisfaction with the generality of the regulations, adding that there was no address of unusually short driveways, such as the one in question.

Ms. Sefčík read into the record three letters from neighbors, none of whom objected to Mr. Gregory's request for the variance.

Seeing no member of the public at the meeting, and having no further questions from the Commission, Chairman Garvey asked for a motion to close the Public Hearing. Mr. Furse so MOVED, Mr. Valine SECONDED, and the motion CARRIED.

## REGULAR MEETING

Chairman Garvey called the regular meeting to ORDER at 7:55 p.m. Ms. Hodža, under her authority as acting Town Clerk, administered the oath of office to Ms. Florio. Chairman Garvey then seated Ms. Florio for Mr. Hopkins

The MINUTES of the October 26, 2016 regular meeting were unanimously APPROVED via a MOTION by Mr. Valine and a SECOND by Mr. Furse.

OLD BUSINESS: Dean Gregory, 2 Laurel Mountain Road – Request for variance of § 9.1.1 to increase driveway width to 24 feet. Chairman Garvey reflected on the rule of hardship and did not see how a hardship existed by maintaining the driveway at 12 feet wide. Mr. Valine regretted that the regulations, as had been noted earlier, were general and had no provisions for cases of short driveways; however, he was wary of undermining the authority of the Zoning Regulations.

Upon request, Ms. Sefčík read the special conditions that must be met in order that the Board might approve a variance. Ms. Florio felt, along with others, that it was clear that the Zoning Commission ought to change, or at least revisit, its regulations with regard to driveway widths. It was noted that Mr. Gregory, as anyone else, could apply to the Planning & Zoning Commission for a text amendment.

Hearing no other comments or questions, with some reluctance, Mr. Furse made a MOTION TO DENY the variance sought; Mr. Valine SECONDED. Chairman Garvey asked for individual votes. Ms. Florio opposed the denial, stating that the hardship was created by the appellant's respect for the wetlands, which, in her view achieved a greater good. Ms. Barry agreed with Ms. Florio and voted to oppose the motion to deny the variance. Chairman Garvey, seeing no hardship, was in favor of the denial. The motion, therefore, CARRIED (the variance was denied) by a vote of 3 to 2.

Having no other business before the Board, Ms. Barry made a MOTION to close the meeting at 8:25 p.m.; Mr. Furse SECONDED, the motion was UNANIMOUSLY APPROVED. The next regular meeting is scheduled for **Wednesday, December 21, 2016** at 7:30 p.m. in the same location.

Respectfully Submitted,



Richelle Hodža  
Recording Secretary