

**Town of Warren
Zoning Board of Appeals
Regular Meeting – Minutes
Wednesday, November 15 2017 – 7:30PM
Warren Town Hall – 50 Cemetery Road**

Present: Chairman: Jon Garvey – **Vice Chairman:** Ray Furse – **Regular Members:** George Githens, William Hopkins, Rick Valine – **Alternates:** Robin Ploch, Tom Paul – **Zoning Enforcement Officer:** Stacey Sefcik – **Land Use Secretary:** Stephanie Dubray
Excused: Regular Member:

1. Call to Order and Designation of Alternates:

- a. The regular meeting was called to order at 7:36PM. All regular members present were seated for the meeting. The proceedings were recorded digitally, and copies are available in the Land Use Office.

At this time Mr. Hopkins recused himself in regards to the Public Hearing in the matter of Jessica and Michael Dell'Aera.

2. Public Hearings:

- a. Jessica & Michael Dell'Aera, 14 Strawberry Ridge – Request to Vary Section 6.2 and 6.4 of the Town of Warren Zoning Regulations to Permit Installation of Pool Equipment within the Northern Side Yard Setback.

Ms. Dell'Aera presented to the commission the proposed plans for the property with the various topographical challenges sketched on. Ms. Sefcik explained that the zoning permit had been obtained as per the plans Ms. Dell'Aera submitted to the Board; however, once the house was built and zoning compliance was requested, it became clear that there was an issue with where the pool equipment was installed. The equipment currently encroaches on the northern side yard setback area. Members observed that this is an After-The-Fact request for variance; because of this, some members found it difficult to find the hardship necessary to acquire a variance. At this time, Ms. Dell'Aera explained that she intended to put the pool equipment between the pool and the house; however, between the pre-existing drainage pipe from the road, the presence of wetlands, several very large ledge outcroppings, and the roots of two large trees, she found she was unable to put the equipment in that location. She stated that her options were further limited by the building code requirements for distance from the generator and propane tank. She acknowledged that she should have spoken with the Land Use Office prior to installing the equipment in its current location, but she felt she had no other options.

Ms. Sefcik then read aloud a letter from the abutting neighbors, Jason and Caroline Klein, who share the property line and have no issues with the installation. There was no other public comment at this time.

Motion: Mr. Githens, second Mr. Furse to **close the Public Hearing** at 7:58PM; **unanimously approved.**

The Board agreed to amend the agenda to move right into deliberations on this matter. Several members noted that had this been brought to the Board before it was completed, a hardship could have been more easily identified; the problem lay in the fact that the property owner did not

request a variance prior to installing the equipment. However, a majority of members agreed that granting the variance appeared to be the best alternative for resolution of the problem.

Motion: Mr. Githens, second Mr. Furse to **approve** the application; **unanimously approved**.

Members of the Board reiterated that property owners should speak with the Land Use Office as soon as possible when issues are first discovered during their improvement projects.

3. Approval of Minutes:

a. October 25, 2017 Regular Meeting

Motion: Mr. Valine, second Ms. Ploch to **approve** the minutes from the regular meeting on October 25, 2017; **unanimously approved**.

4. New Business:

a. No new business was discussed.

5. Old Business:

a. Jessica & Michael Dell'Aera, 14 Strawberry Ridge - Request to Vary Section 6.2 and 6.4 of the Town of Warren Zoning Regulations to Permit Installation of Pool Equipment within the Northern Side Yard Setback.

This application was approved in item #2A

6. Other Business Proper To Come Before The Board:

a. Executive Session With the Board's Attorney To Discuss Strategy and Negotiations with Respect to Pending Litigation in the Matter of *Lake Waramaug, LLC v. Zoning Board of Appeals of the Town of Warren*.

Motion: Mr. Valine, second Mr. Furse to **enter into Executive Session; unanimously approved** to enter at **8:10PM** for the purpose of discussing and negotiating with respect to pending litigation to which the Zoning Board of Appeals is a party.

At this time the recorder was turned off, and minutes were no longer notated.

Ms. Sefcik and Ms. Dubray then exited the meeting room.

No motions were made while in Executive Session.

The board exited Executive Session and resumed the Regular Meeting at 9:40PM.

Ms. Sefcik and Ms. Dubray then were asked to return to the meeting room.

7. Adjournment.

Motion: Mr. Valine, second Mr. Furse to **adjourn** the meeting at **9:40PM; unanimously approved**.

Respectfully submitted,
Stephanie Dubray
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Land Use Secretary