

Town of Warren
Zoning Board of Appeals
February 7, 2024
PUBLIC HEARING & SPECIAL MEETING MINUTES

Chairman Rick Valine, called the Special Meeting of the Town of Warren Zoning Board of Appeals to order at 5:00 PM. Members present were William Hopkins, John Morton, and Ray Furse. Janell Mullen was also present as the Town of Warren Zoning Enforcement Officer (ZEO). Attorney Neil Marcus and Mark Gally, property owner of 39 Arrowpoint Road, were present as the applicant. Members of the public included Jehv Gold and Beth & Rudy Montgelas.

After opening the meeting, Rick Valine gave the floor to Janell Mullen, ZEO, who outlined the steps that the applicant had taken to complete their application in accordance with the regulations. She stated that she had received a copy of the neighborhood notifications, the sign affidavit, and that the Town of Warren had published notice in the local paper in accordance with statutes. She read the notice into the record and noted that the ZBA had received nine (9) items to be considered as Official Correspondence. The ZBA Members had received all items via email in advance of the hearing. Eight (8) of those items had been posted online by the Town Clerk. Janell Mullen read the items that the authors requested be read into the record verbatim.

Chairman Rick Valine then turned the floor over to the applicant, property owner Mark Gally, and his representative, Attorney Neil Marcus of Cohen & Wolf, PC to present the application regarding the request for a variance at 39 Arrowpoint Road. The application was for a variance from the maximum length of a dock, which is 50 feet per the zoning regulations. Atty Marcus stated that the issue solely has to do with the location of a large underground boulder below water, due to the rock, he stated that the applicant, Mark Gally, is unable to moor his boat off of the dock. He stated that the literal enforcement of the zoning regulations results in a hardship. He also stated that the hardship is not unique to this property, but also occurs at other properties off of Arrowpoint.

Member of the ZBA Board, Robin Ploch, arrived at 5:09 PM.

Atty Marcus called attention to the document that the applicant had submitted as an “addendum”. He stated that it was a screen capture of other docks that had extended their length for the purposes of navigation due to the rock shelf. Mark Gally, applicant, added that they attempted to position the dock at the deepest part of the lake. He stated that modern ski boats tend to encounter wave action that causes them to bottom out.

Chairman Rick Valine asked the board if anyone had any questions for the applicant.

Member Ray Furse asked the property owner if there is an existing dock at the property since many letters state that the property has been used for boating and docking.

Janell Mullen asked about the aerial that was provided to the Board since it was stated by Atty Marcus that the docks that were pictured “had been extended for the purpose of navigation”. She asked where he had obtained that information or if it was conjecture. Mark Gally affirmed that they had not obtained information about “extended docks” from the neighbors. Mark Gally stated that he had grown up at 21 Arrowpoint and that he was familiar with very shallow waters in and around Arrowpoint.

The Chair opened the floor to members of the public.

Jehv Gold of 44 Arrowpoint Road stated that it doesn't seem that the property owner is not able to use the dock and/or boat since he has been using both at his property. Jehv Gold stated that the applicant hasn't met the standard for hardship.

Beth Montgelas, 13 Arrowpoint, stated that the addendum provided by the applicant was a bit misleading since those pre-existing docks are within the 360 sf requirement and are just "catwalks" into the water. She also stated that boats often bottom out on Lake Waramaug and that is the nature of "life on the lake". She also drew attention to the communication received by the Lake Waramaug Authority (LWA).

Janell Mullen read the letter from the LWA verbatim into the record.

ZBA Member William Hopkins stated that he was also a board member of the Lake Waramaug Authority and stated that they had not met since COVID. He stated that the contents of the letter were the opinion of the author, Edgar Berner and that he had not been asked nor consented to the letter.

Rudy Montgelas, 13 Arrowpoint Road, asked if the applicant could possibly move the footing of the dock away from the rock so that there would be no navigation difficulty.

There were no further public comments and no further questions or comments from the ZBA.

Ray Furse moved to close the public hearing 5:37 PM. John Morton seconded the motion to close. The motion to close the public hearing was passed unanimously.

Janell Mullen read the ZBA the regulations that pertain to their decision-making (Section 27.3). Member Ray Furse motioned to deny the request for the variance due to the fact that all of the conditions described in Section 27.3 of the regulations had not been met (A-F, inclusive). Member John Morton seconded the motion to deny the application. William Hopkins voted in favor of the denial. Member Robin Ploch voted no to the motion to deny. Chairman Rick Valine voted in favor of the denial. The motion to deny the application for a variance at 39 Arrowpoint Road carried and the application for a variance was denied due to the fact that it did not satisfy all of the conditions (Section 27.3 A-F).that must be present in order to grant a variance.

Member Ray Furse moved to adjourn the meeting at 5:45 PM. John Morton seconded the motion. The motion to adjourn passed unanimously and the meeting was adjourned.

Respectfully submitted,

Janell Mullen
Town of Warren Land Use Official
February 9, 2024