

Chw. Annabel Resnisky, Martin Reardon, John Voli,
Sara Vecchitto

BOARD MEMBERS
PRESENT

Judith Pehota, Evelyn Russo, Sheila Walsh

BOARD MEMBERS
ABSENT

William Warner, Director

STAFF

There were three (3) member of the public present.

PUBLIC

On motion and second by Board Members John Voli and Sara Vecchitto the Board approved the minutes of the March 4, 2004 meeting. Vote was unanimous with Board Member John Voli abstaining.

ITEM 2.1
APPROVED THE
MINUTES OF THE
3/4/04 MEETING

On motion and second by Board Members John Voli and Sara Vecchitto the Board approved the minutes of the March 23, 2004 special meeting. Vote was unanimous.

ITEM 2.2
APPROVED THE
MINUTES OF THE
3/23/04 MEETING

The Board voted to move Items #3.4 and #3.8 up first. Anthony Trotta explained the request for the variance. He explained that the business would be by appointment only, that he has a driveway and there would be no interference with off-street parking. Anthony Trotta explained the hours of operation. Chw. Annabel Resnisky questioned the applicant on the neighbors and the hours of operation. Board Member John Voli questioned if it would be by appointment only. Anthony Trotta indicated yes. William Warner commented. On motion and second by Board Members John Voli and Martin Reardon the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members John Voli and Martin Reardon the Board granted a variance to Section 40.04.04 in regard to the parking requirements for a barber shop to be located at 8 Burr Avenue. Vote was unanimous. Applicant/agent Anthony Trotta ZBA2004-4

ITEM 3.4
GRANTED A
VARIANCE TO
SECTION 40.04.04
WITH REGARD
TO THE PARKING
REQUIREMENTS
FOR A BARBER
SHOP TO BE LO-
CATED AT 8
BURR AVENUE

Atty. Peter Sipples explained the proposal and indicated there is a modification to the proposed variance. He stated that the application would comply with the open space requirement and that the applicant was withdrawing that request. Atty. Sipples indicated that the applicant would only be requesting a variance on the ten (10) acre requirement. J. Williams explained the active adult community and the market for these communities. Board Member Martin Reardon questioned the occupancy limits. Frank Magnotta explained the site plan and the property. Board Member Martin Reardon questioned the existing structures, definitely the the main house and possibly the barn. Chw. Annabel Resnisky questioned traffic. Frank Magnotta responded. Michael Foise, the developer, explained the development and the available land.

ITEM 3.8
GRANTED A
VARIANCE TO
SECTION 44.08.43
WITH REGARD TO
THE LOT SIZE RE-
QUIREMENT FOR
AN ACTIVE ADULT
HOUSING COMPLEX
TO BE LOCATED
ON NEWFIELD
STREET ACROSS
FROM STONEY-

Chw. Annabel Resnisky questioned the association and the restrictions. Atty. Peter Sipples summarized, indicated that there were twenty-one (21) units proposed and submitted a memorandum of law explaining the hardship. D. Gallitto read a letter from J. Bacon into the record. From the public, L. Pollos had concerns traffic, getting out of Newfield Street and questioned the sewer line. E. Pollos commented on the wetlands. M. Foise explained. William Warner commented on Inland Wetlands and Planning and Zoning. J. Wallack commented on the density being too high. On motion and second by Board Member John Voli and Chw. Annabel Resnisky the Board closed the public hearing. Vote was unanimous. William Warner referenced the memorandum of law. On motion and second by Board Members Martin Reardon and John Voli the Board granted a variance to Section 44.08.43 with regard to the lot size requirement for an active adult housing complex to be located on Newfield Street across from Stoneycrest Drive. Vote was unanimous. Applicant/agent Elm Leaf, Inc.- Michael R. Foise/Attorney Peter M. Sipples ZBA2004-9

CREST DRIVE

The Board merged Items #3.1, #3.2, #3.5, #3.6 and #3.7 into one item. William Warner commented on jurisdiction. Deputy City Attorney Timothy Lynch feels the Board has no jurisdiction. Board Member John Voli had questions. Atty. Michael Dowley commented. William Warner disputed the jurisdiction. Lengthy discussion ensued. Atty. Joan Molloy commented on Jurisdiction. A motion to dismiss Items #3.1, #3.2, #3.5, #3.6 and #3.7 on the grounds of lack of jurisdiction was made by Board Member John Voli and seconded by Board Member Martin Reardon. Board Member John Voli feels appeals of the Building Official is not under the Board's jurisdiction. The motion passed unanimously. Applicants/agents Thaddeus Bysiewicz/Michael F. Dowley & Associates ZBA2004-1, 2004-2, 2004-6, 2004-7, 2004-8

ITEMS 3.1/2/5/6/7
DISMISSED THE
APPEALS OF
FINDINGS BY THE
CHIEF BUILDING
OFFICIAL RE-
GARDING THE
ISSUANCE OF
BUILDING PERMITS
FOR LOTS #22, #6,
#13, #11, AND #4
SADDLE HILL
DRIVE IN THE
COUNTRY HILL
SUBDIVISION

William Warner explained the time limits and the lack of jurisdiction because the appeal was filed thirty-two (32) days after the decision, not within the fifteen (15) day time frame. Atty. Michael Dowley commented. William Warner commented on the ZBA rules. A motion to dismiss an appeal of a finding by the Chief Building Official and the Zoning Enforcement Officer regarding the issuance of certificates of occupancy for Lot #3, 18 Saddle Hill Drive, and Lot #7, 78 Saddle Hill Drive, in the Country Hill Subdivision located off East Street was made by Board Member John Voli and seconded by Board Member Martin Reardon. Vote was unanimous. Applicant/agent Thaddeus Bysiewicz/Michael F. Dowley & Associates ZBA2004-3

ITEM 3.3
DISMISSED AN
APPEAL OF A
FINDING BY THE
CHIEF BUILDING
OFFICIAL AND
THE ZONING EN-
FORCEMENT OF-
FICER REGARDING
THE ISSUANCE OF
CERTIFICATES OF
OCCUPANCY FOR
LOT #3, 18 SADDLE

HILL DRIVE, AND
LOT #7, 78 SADDLE
HILL DRIVE, IN THE
COUNTRY HILL
SUBDIVISION LO-
CATED OFF EAST
STREET

There was no Old Business.

ITEM 4
OLD BUSINESS

There was no New Business.

ITEM 5
NEW BUSINESS

On motion and second by Board Members John Voli and
Martin Reardon the Board adjourned the meeting at 7:48
p.m. Vote was unanimous.

ITEM 6
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning, Conservation and Development