

## Zoning Board of Appeals – Public Hearing

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*Tuesday April 5<sup>th</sup>, 2022 7:00 p.m.*

**Members Present:** Chair David Lavenburg, Steve Bennett, Jane Mantolesky, Suzanne White, Mike Michon, Jerry Plumb.

**Members Absent:** Marissa Komack, Jim Tourtelotte, Ellen Freyman,

**Applicants Present:** Attorney Jeffrey Roberts, Ed Merrill, Scott Keiter, Matt Kronick, Arvind Karnik.

The **ZBA Hearing** was called to order at 7:04 p.m. by Chair David Lavenburg, who reminded the public of the protocols for proper conduct at virtual meetings that are being conducted per Chapter 22 of the Acts of 2022, which allows for virtual hearings to continue.

### **Petition #2022-1 – Special Permit (Addition) for 202 Ellington Rd., Mary Beth Kronick:**

Mr. Keiter, general contractor representing Mr. Kronick, explained that the project would consist of a mudroom and powder room on the rear side of the existing dwelling unit, which sits on a non-conforming irregular hexagon-shaped lot.

#### **Comments from the public in favor of or against the petition:**

- None.

Member Steve Bennet clarified that the surveyor's plan incorrectly reflected the rear setbacks, as the 110'-long property line facing north and the 87'-long property line facing west should be considered a rear boundaries as opposed to side boundaries, therefore the setback guidelines shown as a dash line would need to reflect a distance of 30' instead of 15'. With that said, Steve Bennett made a motion, and was seconded by Mr. Lavenburg that the board makes the following findings of property non-conformity effective based on Article VI of the Zoning Bylaws: (1) lot size is 15,799 sq. ft. instead of the required 18,750 sq. ft.; (2) on frontage there are 96.71' instead of the required 125'; (3) front yard setback is approximately 34.8' instead of 40'; (4) on side yard setbacks the are 10.2' on the north corner of the home and (5) on rear setbacks there is 21.8' instead of 30'. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. White: yes; Mr. Plumb: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Mr. Bennett made a second motion, and was seconded by Mr. Lavenburg, that the board make a finding based on said foregoing facts that the proposed project would further intensify the non-conformities pertaining to lot size and rear setback by increasing structure size and by further decreasing the open space within the lot. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. White: yes; Mr. Plumb: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Mr. Bennett made a third and final motion, and was seconded by Mr. Lavenburg, that the board make a finding that the proposed project won't be substantially more detrimental to the existing structure or neighborhood based on the project's scope generally conforming to the neighborhood, the lack of members of the public opposing said petition. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. White: yes; Mr. Plumb: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

### **Petition #2022-02 – Special Permit (Home Occupation, Tutoring) for 653 Maple Rd., Arvind & Gayle Karnik:**

Attorney Jeffrey Roberts, representing Mr. & Mrs. Karnik, indicated that his clients wish to continue offering tutoring services at the aforementioned property. The Special Permit to provide such service was first granted by the board in 2012 for one year, followed by an approval with conditions in 2013 and subsequent approvals in 2016 and 2019. With the latest approval expiring soon, the applicants propose an identical request for Special Permit as in previous years and agree to again abide by the same conditions first set forth in 2013 and that have been part of the approvals thereafter, which pertain to the prohibition of on-street parking and hiring of employees.

Comments from the public in favor of or against the petition:

- Ed Merrill (8 Woodland Rd.): he has been living in the neighborhood for over four years and has not encountered any issues with this home occupation, therefore he supports the decision.

Chair Dave Lavenburg made a motion, and was seconded by Mr. Plumb, to approve a Special Permit for a home occupation (tutoring) to be performed at 653 Maple Road with the same conditions as set forth in previous approvals, which state that on-street parking and hiring of employees would be prohibited.. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Mr. Michon: yes; Mr. Plumb: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Meeting Minutes Review:

1. December 14<sup>th</sup>, 2021 Public Hearing: Dave Lavenburg made a motion, and was seconded by Mr. Michon, to approve the minutes as presented and subject to further revisions in the future if need be. Roll call vote - Mr. Lavenburg: yes; Mr. Michon: yes; Ms. White: yes; Ms. Mantolesky: yes; Mr. Bennett – abstained; Mr. Plumb: abstained. Motion passed 4-0 with two abstentions.

Review and Vote to endorse General Code's eCode reformat of the Town's Zoning By-Laws:

With just over 50 recommendations to be reviewed, it was in the best interest of the project that each board member be provided more time to review the items, therefore a final determination on each recommendation will be voted on at the next available hearing, tentatively scheduled for May 24<sup>th</sup>.

The meeting was adjourned at 7:37 pm.

Respectfully submitted,

*Bianca Damiano*