

## Zoning Board of Appeals – Public Hearing

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*Monday September 27<sup>th</sup>, 2021 7:00 p.m.*

**Members Present:** Chair David Lavenburg, Steve Bennett, Suzanne White, Marissa Komack, Jane Mantolesky, Jim Tourtelotte.

**Members Absent:** Jerry Plumb, Mike Michon, Ellen Freyman.

**Applicants Present:** Kevin & Jeanne Kennedy, Paul Iellamo, Lindsey & Karl Michalik, Justus Guerrieri, Donna Novak.

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 20 of the Acts of 2021, which allows for virtual hearings to continue.

### **Continuation, Petition #2021-14 –Special Permit (Addition) for 71 Eunice Dr., Lindsey & Karl Michalik:**

The applicant is looking to increase the size of their existing front porch from a 4' x 7' polygon to a 8' x 12' thus reducing the frontage setback.

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

- Donna Novak (61 Eunice Dr) is in support of the project.

Suzanne White 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) on frontage there are 100' instead of the required 125'; (2) front yard setbacks on the porch is approximately 36' instead of 40', with the new porch size further decreasing said setback to 31'. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Ms. White: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Ms. White 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 aforementioned non-conformities of the lot by further decreasing the front setback of the property. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Ms. White: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Ms. White 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. Komack: yes; Ms. White: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

### **Petition #2021-15 – Special Permit (Addition) for 22 Colony Acres Rd., Jeanne & Kevin Kennedy:**

The project consists of an approximately 9' x 36' one-story addition on the rear side of the existing dwelling unit to accommodate a family room and a larger kitchen area.

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

- None.

Jane Mantolesky 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) On lot size there are 15,904 sq. ft. instead of required 18,750 sq. ft.; (2) on front yard setback there are 39.5' instead of the required 40'. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Mr. Tourtelotte: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Ms. Mantolesky 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 aforementioned non-conformities of the lot by increasing overall construction size thus reducing overall open space and front yard setback within it.

Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Mr. Tourtelotte: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0.

Ms. Mantolesky 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. Komack: yes; Mr. Tourtelotte: yes; Ms. Mantolesky: yes. All in favor, motion passed 5-0. The applicant was reminded of the appeals process to follow after the written decision is issued.

**Petition #2021-16 – Special Permit (Extension) for 253 Burbank Rd., Paul & Karen Iellamo:**

The project consists of an approximate 490 sq. ft. addition in the rear side of the dwelling unit to accommodate a larger kitchen, new laundry area and a screened porch.

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

- Justus Guerrieri (92 Concord Rd.) inquired about the impact of the project on the backyard's slope as the applicant's property has a retaining wall closer to the property line shared with Mr. Guerrieri.

After Mr. Iellamo confirmed that, while there is a slope in his backyard, the proposed addition won't be built within the slope and the existing retaining wall won't be affected by the project, 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) On lot size there are 15,000 sq. ft. instead of required 18,750 sq. ft.; (2) on frontage there are 100' instead of the required 125'. Roll call vote - Mr. Bennett: yes; Mr. Lavenburg: yes; Ms. Komack: yes; Ms. White: 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 aforementioned non-conformities of the lot by increasing overall construction size thus reducing overall open space within it. Roll call vote - Mr. Lavenburg: yes; Ms. Mantolesky: yes; Mr. Bennet: yes; Ms. Komack: yes; Ms. White: 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, based on the documents presented, 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. Roll call vote - Mr. Lavenburg: yes; Ms. Mantolesky: yes; Mr. Bennet: yes; Ms. Komack: yes; Ms. White: yes. All in favor, motion passed 5-0. The applicant was reminded of the appeals process to follow after the written decision is issued.

**Meeting Minutes Review:**

1. August 31<sup>st</sup>, 2021 Public Hearing: Mr. Lavenburg made a motion, and was seconded by Mr. Bennett, to approve the minutes as presented. Roll call vote - Mr. Lavenburg: yes; Mr. Bennet: yes; Ms. Mantolesky: yes; Ms. Komack: yes. All in favor 4-0, motion passed.

The meeting was adjourned at 7:31 pm.

Respectfully submitted,

*Bianca Damiano*