

**ZONING BOARD OF APPEALS
MEETING MINUTES
SPECIAL MEETING OF TUESDAY, MAY 20, 2025**

I. CALL TO ORDER

By: Gerrity Time: 7:03 p.m. Place: Annex and Zoom

II. ROLL CALL:

		PRESENT	ABSENT	EXCUSED
REGULAR MEMBERS:	Thomas Delucco		X	
	Caroline Dowd		X	X
	Scott Francis		X	
	Michael Gerrity (Chair)	X		
	William Zenko	X		
ALTERNATE MEMBERS:	Peter DePaola		X	
	Patricia Hodge (Sat for Francis)	X		
	Cheryl Ann Resha (Sat for Dowd)	X		
STAFF:	Jana Roberson, AICP, Director of Planning & Development			X
	Heidi Leech, Planning Technician/Zoning Enforcement Officer	X		
	Natalia Yeschick, Recording Secretary	X		

III. READING OF LEGAL NOTICE

Hodge read the public hearing notice into the record.

IV. EXPLANATION OF PROCEDURES

Gerrity explained the public hearing procedures.

V. PUBLIC HEARING

a. ZBA-25-5 – Request for variance from Table 4.04A.c of the Zoning Regulations for a vertical expansion at 5 John Hand Drive in the LR Zone; Applicant: Titan Construction, Owner: Gordon Bohl.

Shane Stinson from Titan Construction is in attendance. Stinson explained there is a single-story house and they are looking to go up to a story and a half to add a bedroom and bathroom.

Zenko asked if they are changing the footprint. Stinson responded that the footprint would stay the same.

Stinson explained the hardship of the owner is that they are older and are looking to have a first-floor master bedroom. They intend to keep it a two-bedroom house. Gerrity asked what the variance would be. Stinson responded it is a non-conforming lot, and they do not have 15 feet from the property line, and the neighbor is also non-conforming, so they do not have 15 feet from the property line either. Leech explained that for vertical expansions, when they do not meet the setback, the distance between the two structures must at least meet the sum of the two setbacks, in this case 30 feet, but since they do not meet the sum of the two setbacks, they need a variance.

Zenko explained the only concern he has is if it would be obstructing anyone's view of the water. Stinson responded this particular house has three other houses before it gets to the water. It will not affect anyone's view of the lake which is to the right.

Stinson confirmed the property has well and city sewer.

Leech said this application was referred to Mike Ruef for the WPCA, the Town Engineer, EHHD, and Wetlands who all signed off on their reviews with no comments.

Zenko asked what they are doing with the property. Stinson explained there are currently two bedrooms on the first floor which they will make into one master bedroom out of the two, then they will put a second bedroom on the second floor.

Leech did confirm the applicant notified abutters by posting the required signs and mailings. She has the receipts for the certified letters.

MOTION: Move to approve the requested variance from Table 4.04A.c of the Zoning Regulations to allow for a vertical expansion per the architectural plans by DiBattisto Associates dated June 25, 2024 at 5 John Hand Drive with the finding that it is in harmony with the general purpose and intent of the zoning regulations and will not be contrary to the public interest. The following circumstances are unique to the property and not the result of the actions of the applicant. It is an existing legally non-conforming lot and the lot predates the zoning regulations.

By: Resha

Seconded By: Zenko

Voting:

For: Gerrity, Zenko, Hodge, Resha

Against: None

Abstain: None

Motion unanimously approved.

b. ZBA-25-6 – Request for variance from Table 4.04A.c of the Zoning Regulations to allow a lot coverage of 16.81% where 15% is maximum allowable (existing nonconformity is 16.12%) at 96 Avery Shores in the LR Zone; Applicant/Owner: Sharon Powers.

Andrew Bushnell, P.E. of Bushnell Associates and Sharon Powers, owner, were in attendance. Bushnell explained they are proposing an additional parking area at the residence. There is an existing parking area for two cars and a lot of times that is not enough which leads to parking on the street and being so close to the intersection with Ross Ave is not the safest option. The existing parking area is made out of permeable brick pavers and has a bituminous apron on it as required by the Town Engineer. Currently the lot is at 16.12% lot coverage and they are proposing to increase it to

16.81%. The proposed parking area will also need to have a bituminous apron as required by the Town Engineer/Road Regulations. All driveways in town have to have a bituminous apron for about 10-12 feet off the road. The rest of the proposed parking area will be a gravel parking area allowing stormwater to infiltrate the ground as it does now. Bushnell explained that the hardship is a few years back the Gerald Park Association decided to deed everyone on Avery Shores their property to the edge of the pavement. Almost everyone in the neighborhood owns the edge of the pavement. Typically, the driveway apron is in the Town ROW so it does not count towards lot coverage because it is not on your property. At the time that the land was deeded to Ms. Powers it was an Association-owned road. It is now a Town owned road so it has to have the bituminous apron. If it had been a Town owned road then the deeding would not have happened. Bushnell continued to explain the other part of the hardship is that right now the existing area only allows for two cars and any more than two cars you have to park in the road, and it does not create a safe situation being in the intersection. From a safety point they would like to get the additional cars off the road. He explained that everything else that could be pervious on the property is permeable. The deck, the walkway, and the existing parking area have permeable pavers. There are some rain barrels for the house gutters and there are some underground infiltrators for the house gutters that were installed when the house was built. Bushnell expressed that Ms. Powers has gone above and beyond trying to mitigate stormwater impacts from impervious surfaces on the property and making the additional parking area as a stone/gravel surface to allow it to be permeable to minimize impact.

MOTION: Move to approve the request for variance from Table 4.04A.c of the Zoning Regulations to allow a lot coverage of 16.81% where 15% is maximum allowable (existing nonconformity is 16.12%) to allow for the installation of an impervious driveway apron per the Proposed Driveway Plan by Bushnell Associates dated May 15, 2025, at 96 Avery Shores with the finding that it is in harmony with the general purpose and intent of the zoning regulations and will not be contrary to the public interest. The following circumstances are unique to the property and not the result of the actions of the applicant. Since becoming a Town road, the Town now requires asphalt driveway aprons which was not the case prior to it becoming a town road.

By: Zenko

Seconded By: Gerrity

Voting:

For: Gerrity, Zenko, Hodge, Resha

Against: None

Abstain: None

Motion unanimously approved.

VI. NEW BUSINESS/DISCUSSION:

Gerrity mentioned we are expecting the resignation of Tom Delucco who is our Vice Chair. He has not made a meeting since he was elected. Gerrity spoke with someone about having him tender his resignation. We would like to replace him with an alternate member.

Gerrity was given a handbook for appointed and elected officials, and he explained there are new things in it including some new rules about making a certain number of meetings. Leech explained that the Land Use Office is in the process of printing paper copies of the revised handbook which will be brought to the next meeting for each member. Members will be required to sign a form acknowledging receipt of the handbook. Since the agenda was already set for this meeting, Leech said it had to be put on the next meeting agenda.

a. Approval of April 15, 2025 Regular Meeting Minutes

MOTION: *I motion that the minutes of the April 15, 2025 meeting be approved.*

By: Zenko

Seconded By: Gerrity

Voting:

For: Gerrity, Zenko, Hodge, Resha

Against: None

Abstain: None

Motion unanimously approved.

VII. **ADJOURNMENT:**

The meeting was adjourned by Gerrity at 7:28 p.m.

Respectfully Submitted,

Natalia Yeschick

Natalia Yeschick, Recording Secretary

PLEASE NOTE: These minutes are not official until approved by the Zoning Board of Appeals at the next meeting. Please see the next meeting minutes for approval or changes to these minutes.