

**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

**APRIL 23, 2007**

**WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

**Zoning Board Members Present:** Leonard Ciuffredo, Chair  
Morris Bergman, Vice-Chair  
Matthew Armendo  
David George  
Lawrence Abramoff

**Staff Present:** John Kelly, Department of Code Enforcement  
Joel Fontane, Division of Planning & Regulatory Services  
Judith Stolberg, Division of Planning & Regulatory Services

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Chair Ciuffredo called the meeting to order at 5:30 PM.

Mr. Bergman was not present.

**APPROVAL OF THE MINUTES**

Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, the Board voted 4-0 to approve the March 26, 2007 minutes.

**REQUESTS FOR CONTINUANCE**

- 1. 1021 Southbridge Street (Z-07-20) – Special Permit:** Mr. Fontane stated that the petitioner submitted a letter requesting Leave to Withdraw without prejudice in order to redesign the wireless facilities and to address Board concerns. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, Matthew Armendo, David George and Lawrence Abramoff to grant the petitioner's request for Leave to Withdraw without prejudice for the Special Permit to install a personal service wireless facility.

Mr. Bergman arrived.

**UNFINISHED BUSINESS**

- 2. 90 East Central Street (Z-07-14A) – Special Permit and Variances:** Donald O'Neil, representative for the petitioner, and James Belletet, petitioner, presented the petition. Mr. O'Neil stated that the petitioner requested a Special Permit for expansion or change of a pre-existing nonconforming use/structure, a Variance for 40 feet of relief from the frontage

requirement, a Variance for 3,022 square feet of relief from gross dimensional requirement and a Variance for two parking spaces from the off-street parking requirement for the purpose of obtaining approval for a second dwelling unit. Mr. O’Neil explained that the petitioner purchased the premises with the understanding that it included an “in-law apartment”. However, subsequent to his purchase, he discovered that “in-law apartments” are not allowed in the City and the second dwelling unit had never been approved. Mr. O’Neil said the petitioner had secured a lease for one parking space for a period of five years with an option for renewal from Joseph Evangelista, D’Errico’s Market, at 107 East Central Street. The particular parking space will be striped a different color and have signage reserving it for 90 East Central Street. Mr. Bergman asked if the petitioner would agree to a trial period of one year. Mr. O’Neil responded that it would be acceptable to the petitioner. Chair Ciuffredo asked if the petitioner would be willing to try to lease an additional parking space from Mr. Evangelista. Mr. O’Neil said the petitioner would be willing to attempt to lease another space. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Morris Bergman and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Special Permit: for expansion or change of a pre-existing nonconforming use/structure**
- **Variance: 2 parking spaces from the off-street parking requirement**
- **Variance: 3,022 square feet of relief from the gross dimensional requirement**
- **Variance: 40 feet of relief from the frontage requirement**

The Special Permit and Variances were approved with the following conditions:

- **Petitioner must submit a signed lease for at least one parking space for a minimum of one year with options up to 5 years, said space(s) to be dedicated to parking for 90 East Central Street.**
- **Approval is for a one year trial period.**
- **Dwelling units must be in compliance with building codes.**

### **NEW BUSINESS**

- 3. 370 Belmont Street (Z-07-21) – Special Permits:** Robert McNeil, representative for the petitioner, presented the petition. Mr. McNeil stated that the petitioner requested a Special Permit for expansion or change of a pre-existing, nonconforming use/structure, a Special Permit to perform auto detailing in a BL-1.0 zoning district, and a Special Permit to allow motor vehicle sales in a BL-1.0 zoning district in order to sell used vehicles, perform auto detailing, and install breathalyzer units for the Department of Motor Vehicles. He presented a reconfigured plan that showed ten display spaces. Chair Ciuffredo expressed his dissatisfaction with the plan because the Board had indicated at the previous meeting its position that the number of display spaces shown was overcrowding the lot. He further stated that he thought six display spaces would be sufficient. Mr. McNeil responded that the ten spaces shown were conceptual to show that many

could fit on the lot. Mr. Armendo said he wanted to see the actual plan before he would vote to approve the Special Permits. He further stated that he was not opposed to the project but thought ten display spaces would overcrowd the site. Mr. Bergman and Mr. George agreed and said six spaces would be a better resolution. Upon a motion by Matthew Armendo and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Special Permit: expansion or change of a pre-existing nonconforming use/structure**
- **Special Permit: auto detailing in a BL-1.0 district**
- **Special Permit: motor vehicle sales in a BL-1.0 district**

The Special Permits were approved with the following conditions:

- **A revised plan showing only six display spaces be submitted.**
- **Handicapped parking space be designated on the plan.**
- **Approval is subject to and must be in compliance with the parking plan approved by the Planning Board.**
- **A Motor Vehicle Display Lot License must be obtained from the Worcester Police Department.**

4. **1-3 Lodi Street (54 Lafayette Street) (Z-07-28) - Variances:** Donald O'Neil, representative for the petitioner, and Van K. Nguyen, petitioner, presented the petition. Mr. O'Neil stated the petitioner requested a Variance for 756 square feet of relief from the gross dimensional requirement for Lot 1, a Variance for 1,159 square feet of relief from the gross dimensional requirement for Lot 2, a Variance for 4.5 feet of relief from the rear yard setback requirement for Lot 1 and a Variance for 8.1 square feet of relief from the rear yard setback requirement for Lot 2 for the purpose of constructing a single-family semi-detached dwelling. Mr. O'Neil presented a rendering to the Board which changed the style of the dwellings. He said, essentially, the building materials, including trim for windows and doors, make the new structure fit better into the older neighborhood. He did state, however, that since the structures in the surrounding area had been allowed to deteriorate to such a degree or the architectural features had been covered with vinyl siding, there really was nothing to emulate. Mr. Bergman said that appreciated the effort, but that the rendering still didn't fit the neighborhood and he reiterated his thought from the previous meeting that a two-family up and down would be a better fit. Mr. O'Neil said that would preclude meeting the off-street parking requirement. He further stated that the area was depressed and the existing structures were far from architecturally pleasing. Mr. Fontane offered that the façade had been broken up by the roof line and the color variation of the trim in the rendering. He felt the box look of the structure had been mitigated. He said that small lots diminish options, particularly when providing off-street parking. Mr. George inquired about the size of the living space and price of the units. Mr. O'Neil answered that one unit was 1,440 square feet and one was 1,380 square feet priced around \$175,000.00. Barbara Haller supported the project saying it was a significant signal to the neighborhood that private developers are willing to invest in the area. She felt the duplex concept was appropriate for the area and

expressed hope that it would be a catalyst for further improvements to the housing stock in the neighborhood. Mr. Armendo said the petitioner had made a good effort and had gone the extra mile to design a structure that would better fit into the area. Mr. Kelly said the plan did not show a second means of egress for each of the units. Mr. O'Neil said the second egress was through the garage. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Variance: 756 square feet of relief from the gross dimensional requirement (Lot 1)**
- **Variance: 1,159 square feet of relief from the gross dimensional requirement (Lot 2)**
- **Variance: 4.5 feet of relief from the rear yard setback requirement (Lot 1)**
- **Variance: 8.1 feet of relief from the rear yard setback requirement (Lot 2)**

The Variances were approved with the following conditions:

- **Dwelling to be constructed according to the rendering submitted.**
- **Egresses must comply with building codes.**

5. **15 Kimball Street (Z-07-21) – Special Permits:** Sumner Silver, representative for the petitioner, presented the petition. Mr. Silver stated that the petitioners requested a Variance for 15 feet of relief from the frontage requirement for the purpose of dividing the lot known as 15 Kimball Street from the adjacent lot known as 12 Kimball Street. He said the problem was that the lots, although taxed separately, are held in common ownership. He explained that the dwelling at 15 Kimball Street was constructed in 1905 prior to zoning. The lot at 12 Kimball Street would meet all zoning requirements while the lot at 15 Kimball Street would lack frontage. Mr. Bergman stated that it appears that multiple parcels were purchased in 1993 and put in common ownership. He noted that the petitioners created their own hardship because the deed combined the parcels. Mr. George agreed that the hardship was created by the petitioner. Kim Paradise was concerned about the new dwelling fitting in with others in the area. She also said there were wetlands on the property. Jim Diggins was concerned about traffic. Judith Luparelli, petitioner, said there were no wetlands on the property and said that a new single-family dwelling would not create a large amount of traffic. She further stated that the property was located at the end of a dead end street. Edward Luparelli, petitioner, said there was fencing between his property and Lansing Avenue so no residents on Lansing Avenue would be affected. Chair Ciuffredo said it appeared the Board agreed that the petitioners created the hardship and offered them the opportunity to request Leave to Withdraw without prejudice or request a continuance to research the matter of the common ownership more thoroughly. Mr. Silver opted for the continuance. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to continue the hearing to May 14, 2007 to allow the petitioner time to further research the common ownership issue and why there were separate tax bills.

6. **12 May Street (Z-07-35) – Amendment to Variances:** Douglas Scott, representative for the petitioner, presented the petition. Mr. Scott said the petitioner requested amendments to Variances for 2,035 square feet of relief from the gross dimensional requirement, 5 feet of relief from the front yard setback requirement, 1.7 feet of relief from the side yard setback requirement and 2.3 feet of relief from the exterior side yard setback requirement that were approved on April 10, 2006 for the purpose of constructing three single-family attached dwellings. Mr. Scott said the petitioner is seeking 5 feet of relief from the front yard setback requirement and 1,435 square feet of relief from the gross dimensional requirement and no relief from the side yard setback requirement or exterior side yard setback requirement for the purpose of constructing a single-family semi-detached dwelling (duplex) instead of three single-family attached dwelling units. Chair Ciuffredo noted that this particular site has been before the Board on many occasions and never constructed. Mr. George asked Mr. Scott when construction would begin. Mr. Scott responded that the new owner was quite anxious to start. He explained that, after approval by the Zoning Board of Appeals and site plan approval by the Planning Board, they would immediately seek a building permit. Barbara Haller expressed support for the project. Mr. Fontane asked that the plan Mr. Scott presented to the Board be marked as Exhibit A and that be the plan that is approved. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Amendment to Variance: 1,435 square feet of relief from the gross dimensional requirement**
- **Amendment to Variance: 5 feet of relief from front yard setback requirement**
- **Amendment to Variance: rescission of 1.7 feet of relief from the side yard setback requirement**
- **Amendment to Variance: rescission of 2.3 feet of relief from the exterior side yard setback requirement**

The Amendments to Variances were approved with the following condition:

- **Rendering marked Exhibit A submitted at the meeting is the approved rendering showing the front doors at grade.**

7. **529 Southwest Cutoff (Z-07-36) – Special Permit:** Patricia Gates, Lynn Sedgwick, John Cusack and Ronald Derosier, representatives for the petitioner, presented the petition. Ms. Gates stated the petitioner requested a Special Permit for expansion or change of a pre-existing nonconforming use/structure for the purpose of demolishing the existing McDonald’s Restaurant and constructing an updated fast food restaurant with an improved drive-through facility. She explained that a second egress would be located on Rose Lane and there would be two drive-through order stations with conforming queues. She said the site would be greatly improved with the Rose Lane exit to Greenwood Street and would be a much safer alternative than exiting left onto Southwest Cutoff. Mr. Cusack said trees, vinyl fencing and arborvitae would be installed and maintained along the Rose Lane boundary. Mr. Fontane explained that when the

McDonalds Restaurant was constructed in 1985, the area currently zoned BG-2.0 was zoned ML-0.5 and the area currently zone RS-7 was zoned RS-7. He said food service establishments were permitted uses in ML-0.5 at that time but not in the RS-7. Chair Ciuffredo asked why the exit onto Rose Lane was not further back and Mr. Cusack responded that the location of the pick-up window dictated where the egress is located in order to facilitate a smooth on-site flow. Chair Ciuffredo asked which way the restaurant would face and Mr. Cusack said it would face Greenwood Street. Francis Sheehy asked when the work on Rose Lane would start and finish and if steps would be taken to mitigate dust conditions during construction. Mr. Cusack answered that measures to control dust and erosion would be in place during construction which should take 90-100 days. He further stated that the parking lot and the work on Rose Lane would occur at the same time with 2 coats of pavement, a 2-2.5" base coat and a 1.5" top coat. Jill Balderelli, Patricia Sarty and Beverly Blais were concerned about traffic and drainage on Rose Lane. They felt that the entire street should be paved. Ms. Gates said paving would be done up to the McDonald's property line. Mr. Cusack said catch basins would be installed at the beginning of the road with no flow of water toward the unpaved portion of Rose Lane. Ms. Gates stated that McDonalds would maintain the catch basins to ensure they function properly. Mr. Bergman asked if they were going to maintain the road as well and Ms. Gates said no because it would be constructed to last twenty years which is the McDonalds standard for paving of their parking lots. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Special Permit: expansion or change of a pre-existing nonconforming use**

The Special Permit was approved with the following conditions:

- **Signage stating "No Left Turn" be placed at the exit on Southwest Cutoff.**
- **Catch basins at the end of Rose Lane are to be installed and maintained by McDonalds Corporation.**
- **Paving on Rose Lane is to the extent of parcel 29-029-0003 to a quality equal to the proposed parking lot on site.**
- **Special Permit is subject to the parking plan approved by the Planning Board.**

- 8. 2 Whitten Street (Z-07-37) – Special Permit and Variance:** Carol Reardon, petitioner, presented the petition. Ms. Reardon stated she requested a Special Permit for expansion or change of a pre-existing nonconforming use/structure and a Variance for 9.2 feet of relief from the front yard setback requirement for the purpose of expanding the existing screened porch and finish the space for a sitting room. She explained that the proposed addition will be flush with the existing westerly wall of the dwelling and will encroach slightly more than the second storey overhang of the house. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and

seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Special Permit: expansion or change of a pre-existing nonconforming use**
- **Variance: 9.2 feet of relief from the front yard setback requirement**

9. **725 Southbridge Street (Z-07-38) – Special Permit:** Robert D’Auria, on behalf of Boston Billboards, presented the petition. He stated he requested a Special Permit to allow a non-accessory sign in an MG-2.0 district for the purpose of constructing a two-sided 14’x 48’ non-accessory sign 65’ in height. It was determined that the official Assessor’s address is 725 Southbridge Street, although the property is also known as 12 Brussels Street. The Zoning Board of Appeals granted a Special Permit to allow a non-accessory sign and a Variance for 40 feet of relief from the maximum allowed height for property at 12 Brussels Street on December 19, 2005. However, they have since expired necessitating the new filing. It was determined by the Code Department that the Variance for the height was not needed. Chair Ciuffredo stated another billboard had been built in the same area. Mr. George said another billboard was not needed. Barbara Haller stated she was opposed because it was a gateway to the City and billboards were an eyesore. She said they do not fit into any of the plans for the area which has been designated a Neighborhood Revitalization Strategy Area (NRSA). She specifically mentioned the South Worcester Neighborhood Plan which talks about quality of life and aesthetics issues. Mr. D’Auria said the sign would not have a negative impact and could be utilized by the City to promote activities sponsored by the City. He said the location was an old manufacturing area. Mr. Bergman pointed out that it is not uncommon for petitioners who, for whatever reason, do not commence their project, to re-apply for previously approved relief and the Board needs to be consistent when making its decision. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 0-5 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the requested Special Permit. The motion failed, therefore the Special Permit was denied.

10. **13, 17, 19, 21, 23 & 27 Kilby Street/216-218 Beacon Street (Z-07-39) – Special Permit and Variance:** Todd Rodman and J. Stephen Teasdale, representatives of the petitioner, presented the petition. Mr. Rodman stated the petitioner requested a Special Permit to allow a non-accessory parking lot in an RG-5 district and a Variance for relief of 8 parking spaces from the off-street parking requirement for the purpose of constructing 14 dwelling units in three single-family attached buildings and 1 two-family detached building. He explained that the project was part of the Gardner/Kilby/Hammond initiative being developed by the Main South Community Development Corporation. Mr. Teasdale briefly described the efforts of the CDC to revitalize the area through its many initiatives both singularly and in partnership with other non-profit entities and private investors. In response to a citizen’s question about safety, Mr. Teasdale stated the CDC owned the surrounding property and the lot would be well lit and secure, possibly gated with card access. He said the accessory parking lot would be deeded to the condo association since the units would be owner-occupied. Barbara Haller was in favor of the project. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by

Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Special Permit: non-accessory parking lot in an RG-5 district**
- **Variance: 8 parking spaces from the off-street parking requirement**

The Special Permit and Variance were approved with the following condition:

- **Approval is subject to the site plan approved by the Planning Board.**

**11. 45 Steele Street (Z-07-40) – Variance:** Travis Peltier, petitioner, presented the petition. Mr. Peltier stated he requested a Variance to allow parking in the front yard setback for the purpose of providing parking for one of the dwelling units. Chair Ciuffredo said the problem was the result of the units not being constructed according to the site plan approved by the Planning Board. Mr. Kelly said the petitioner had never applied to amend the building permit. He said the unit on the left (47 Steele Street) has received an Occupancy Permit but 45 Steele Street does not have an Occupancy Permit. Mr. Bergman said the petitioner had not given the Board enough information to make an informed decision and asked him to bring the builder with him to answer the Board's questions. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to grant the request of the petitioner to extend the constructive grant deadline to June 26, 2007. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to continue the hearing to June 11, 2007 and requested that Mr. Peltier bring the builder with him to the next meeting.

**12. 10 & 12 Rosemont Road (Z-07-41) – Variances:** Paula Leverone, wife of the petitioner, presented the petition. Ms. Leverone stated the petitioner requested a Variance for 9 feet of relief from the frontage requirement for 10 Rosemont Road, Variance for 429 square feet of relief from gross dimensional requirement for 10 Rosemont Road and Variance for 2.8 feet of relief from the setback requirement for accessory structures for 12 Rosemont Road for the purpose of dividing the lot and constructing a single-family semi-detached dwelling (duplex) on 10 Rosemont Road. Mr. Armendo asked if the dwelling to be constructed would fit into the neighborhood. Ms. Leverone answered yes because the neighborhood consisted of a mixture of styles. Robin Combs, the potential buyer of the land, said the structure would be contemporary colonial style. Chair Ciuffredo asked Ms. Leverone what the hardship was and she responded that they had always intended from the time of purchase to split the lot and it would be a financial hardship if they could not. Ms. Leverone stated that they purchased the property four years ago and they were deeded separately and taxed separately. Michael Milligan and Eve Riftah thought the lot was too small and to construct a duplex would overcrowd the land. Sandra Johnson said her brother formerly owned the property and she supported constructing a duplex on the lot. Mr. Bergman suggested meeting with the abutters and trying to reach a compromise. Chair Ciuffredo asked if any thought had been given to constructing a single-family detached dwelling. He said he thought the Board would be more amenable to that because the relief



would be de minimus for a single-family detached dwelling on 10 Rosemont Road and land could be conveyed to 12 Rosemont Road to bring that lot into compliance. Chair Ciuffredo advised Ms. Leverone that it appeared there were not enough affirmative votes to grant the Variances at this time and she could request Leave to Withdraw without prejudice or request a continuance. She requested a continuance and an extension of the constructive grant deadline. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to grant the request of the petitioner to extend the constructive grant deadline to June 26, 2007. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to continue the hearing to June 11, 2007 and urged the petitioner to consider other options.

**13. 1112 West Boylston Street (Z-07-42) – Amendment to Special Permit:** Joseph Allen and Seth Toch, representatives of the petitioner, presented the petition. Mr. Allen said the petitioner requested an Amendment to a previously approved Special Permit to allow multi-family dwellings in an RL-7 district for the purpose of changing the location and footprints of both buildings. Mr. Allen said the contractor, who is the owner and petitioner, placed the footprints of the structures in the wrong location. He further stated that the foundation has already been poured and construction is well underway for both buildings. Mr. Kelly told the Board that the Code Department had issued a cease and desist order on the six-unit building because it was placed closer to the side lot line than was approved and allowed the petitioner to continue work on the five-unit building because it was set back as far as it was supposed to be from the side lot line even though the footprint had changed. Mr. Bergman said Mr. Rad should be at the hearing to answer questions. Mr. Allen informed the Board that Mr. Rad was out of the country. Stephen Flaherty was concerned because one of the structures was close to his property line. Mr. Toch suggested that the confusion of where the buildings were to be located resulted from the fact that there were two plans, one approved by the Planning Board and one approved by the Zoning Board of Appeals. He continued that when Mr. Rad purchased the property, he was unaware there were two plans. Mr. Toch and Mr. Allen assured the Board that certified as built plans will be submitted. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to continue the hearing to June 25, 2007 so the Board can see the site plan approved by the Planning Board and requested that Mr. Rad attend the next hearing.

#### **OTHER BUSINESS:**

**135 Lake Avenue – Scrivener’s Error:** Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Matthew Armendo, David George, Andrew Freilich and Lawrence Abramoff to correct the decision to reflect the following conditions of Approval:

- **Exterior wall of garage must be moved inwards one foot in order to provide a width of nine feet for the surface parking space on the side of the garage.**
- **Existing shed must be removed.**
- **Proposed rear of garage must be extended by cantilever two feet from what is shown on plan so that the interior parking space is 16.84 feet in length.**

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 10:45 PM.