

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

**September 21, 2015**

**WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER**

**Zoning Board Members Present:** Lawrence Abramoff, Chair  
Vadim Michajlow, Vice-Chair  
Joseph Wanat  
George Valeri  
Timothy Loew  
Robert Haddon, Alternate  
Thomas Dillon, Alternate

**Zoning Board Members Absent:** None

**Staff Present:** Stephen Rolle, Division of Planning and Regulatory Services  
Domenica Tatasciore, Division of Planning and Regulatory Services  
John Kelly, Inspectional Services  
David Horne, Inspectional Services

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

**CALL TO ORDER**

Chair Lawrence Abramoff called the meeting to order at 5:32 PM.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS, WITHDRAWALS**

**1. 1121 (aka 1123) Pleasant Street (ZB-2015-029)**

**Special Permit:** To allow motor vehicle sales in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #15)

**Special Permit:** To allow motor vehicle display in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #16)

**Petitioner:** Bruce J. Gerardi

**Present Use:** Presently located on the premises is a ~1,480 SF commercial building used as an automobile repair facility.

**Zone Designation:** BL-1.0 (Business, Limited)

**Petition Purpose:** The petitioner seeks to continue the current use of the property while also adding motor vehicle sales & display, along with associated site improvements.

**Public Hearing Deadline:** 8/7/15, 8/17/15, 9/21/15;

**Constructive Grant Deadline:** 9/22/15, 10/27/15

Mr. Abramoff stated that the applicant requested a postponement to October 5, 2015 and extend the constructive approval deadline to October 27, 2015.

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted to postpone the item to October 5, 2015 and extend the constructive approval deadline to October 27, 2015.

**2. 10 Nebraska Street (ZB-2015-038)**

- Special Permit: To modify the 24 ft. aisle width requirement for parking (Article IV, Section 7, Note 2.b. to Table 4.4)
- Special Permit: To decrease required parking by a maximum of 10% (Article IV, Section 7, 2.)
- Variance: For relief of the 15 ft. rear-yard setback dimensional requirement for a non-residential structure in a BG-2.0 Zoning District (Article IV, Section 4, Table 4.2)
- Variance: For relief of the minimum off-street parking requirement for an office use (Article IV, Section 7, Table 4.4 & Article IX, Section 7, Table 9.1)
- Petitioner: Tony Bianco
- Present Use: Presently located on the premises is a vacant commercial building and associated off-street parking.
- Zone Designation: BG-2.0 (Business, General) and located within the Commercial Corridors Overlay District – Shrewsbury Street Parking Sub-Area (CCOD-S) and Union Station View Corridor Sign Overlay District (USOD)
- Petition Purpose: The petitioner seeks to add an addition to the second story of the existing structure, making the entire structure two-stories, for use as medical offices.

Public Hearing Deadline: 9/04/15, 9/21/15

Constructive Grant Deadline: 10/09/15

Mr. Abramoff stated that the applicant requested a postponement to October 5, 2015. Mr. Rolle stated that they are trying to resolve issues between the site plan and the architectural plans.

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted to postpone the item to October 5, 2015.

**UNFINISHED BUSINESS**

**3. 16 Richmond Avenue (ZB-2015-027)**

- Special Permit: For relief of the dimensional requirements for a Residential Conversion of a Single-family detached dwelling to a two-family detached dwelling in a RL-7 Zoning District (Article IV, Section 9.A.)
- Special Permit: For relief of the minimum off-street parking requirements for two-family detached dwelling in a RL-7 Zone (Article IV, Section 7.)
- Petitioner: Kosma Cania
- Present Use: Presently located on the premises is an existing single-family detached dwelling.

Zone Designation: RL-7 Zone (Article IV, Section 7.)

Petition Purpose: The petitioner seeks to convert the existing structure into a two-family detached dwelling along with off-street parking and associated paving & site-work, at property located at 16 Richmond Avenue. The property is existing non-conforming with regards to lot area, parking, frontage, and side-yard setbacks.

Public Hearing Deadline: 8/5/15, 9/21/15

Zachary Couture, HS&T Group, stated that at the last meeting there were concerns about the parking layout and how the cars would maneuver in and out of the spaces. They redesigned it and were able to fit all four required parking spaces onsite. He also stated that his client is willing to use either pervious pavers or pavement depending of what makes the most sense.

Ms. Tatasciore stated that the applicant should withdraw the Special Permit request pertaining to the minimum off-street parking requirements for two-family detached dwelling in a RL-7 Zone (Article IV, Section 7) since all 4 required parking spaces have been satisfactorily shown on the plan. If approved, staff respectfully recommends the following Conditions of Approval:

1. That at least 50 percent or more of the paved areas in the backyard (driveways, parking areas, and walkways) utilize permeable pavers or permeable asphalt;
2. That there be no changes to the external appearance of the structure except for new doors, windows, fire escapes, and/or stairways; and
3. Provided that the project is constructed in substantial accordance with the final revised plans on file with the City of Worcester and in accordance with all applicable governmental codes.

Mr. Rolle stated that the first condition is due to concern with the amount of additional pavement that will be onsite. This is just a way to mitigate the runoff.

Elaine Fisher, 5-7 Richmond Avenue, asked for clarification on where the parking spaces were located. Mr. Couture showed her on the plans.

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted to close the hearing.

Mr. Couture stated that he would like a Leave to Withdraw without prejudice for the Special Permit for relief of parking requirements and also requested a waiver from showing the abutters within 300 feet of the property.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the Board voted 5-0 to grant a Leave to Withdraw without prejudice for the Special Permit for parking relief and to approve the findings of fact as modified by staff and the Special Permit for relief of the dimensional requirements for a Residential Conversion of a Single-family detached dwelling to a two-family detached dwelling in a RL-7 Zoning District with the conditions in the review memo.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 5-0 to approve the waiver for labeling abutters within 300 feet on the plans.

### **List of Exhibits:**

- Exhibit A: Special Permit Application; received June 1, 2015; prepared by Kosma Cania.
- Exhibit B: Plot Plan; dated April 7, 2015, undated revision received August 5, 2015, new dated revision dated August 26, 2015; prepared by HS&T Group, Inc.
- Exhibit C: Renovation/floorplans; dated April 14, 2015; prepared by AA Design Services, LLC.

### **4. 79 Joppa Road (ZB-2015-026)**

- Variance: For relief of the 65 ft. frontage dimensional requirement for a single-family detached dwelling in a RS-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner: James Spahiu
- Present Use: Presently located on the premises is a vacant, undeveloped lot.
- Zone Designation: RS-7 (Residence, Single-family)
- Petition Purpose: The petitioner seeks to construct a single-family detached dwelling along with off-street parking and associated site-work, grading, and paving.

Public Hearing Deadline: 7/31/15, 9/21/15;

Constructive Grant Deadline: 9/04/15, 10/6/15

Ms. Tatasciore stated that Mr. Michajlow was not present when this item was opened and Alternate Dillon voted in his place.

James Spahiu, 34 Wrentham Road, stated that he wants to build a single-family residence for his daughter but the lot has 45.92 feet of improved frontage on Rockrimmon Road, necessitating a Variance for relief of 19.08 ft. from the 65 ft. frontage dimensional requirement. He reviewed the revised site plans and floor plans with the Board. He stated that everything will be designed so that the runoff drains into the wetlands.

Mr. Rolle stated that this item was continued due to some concerns about the location and size of the garage and also regarding a stone wall onsite. The wall has been removed and the garage is being shown clearly with dimensions.

Mr. Rolle reviewed the recommended conditions of approval:

- 1) That the structure be constructed in substantial accordance with the final approved plan;
- 2) That six (6) copies of revised plans are submitted to the Division of Planning and Regulatory Services, prior to the issuance of a building permit, showing the following conditions:  
*General:*
  - a. Label the location of the proposed parking spaces, outside of the front-yard setback and in compliance with the requirements of the Ordinance;
  - b. That each side of the driveway remains as green space be labeled as such on the revised plan;
  - c. Update the zoning information table to indicate both improved and unimproved frontage (i.e. 45.92 ft. of improved & 429.8 ft. of unimproved frontage is provided);
  - d. That the applicant coordinate with DPW's Engineering Division to obtain a Rockrimmon Road municipal address and house number;

*Landscaping:*

- e. That one, minimum 3” caliper, shade tree be planted in the lot fronting Rockrimmon Road;
- f. That the applicant delineates the limit of clearing proposed for the site;
- g. That the applicant plant shrubs or trees along the portion of the northern lot line to the west of the proposed grass swale in order to help mitigate run off from the proposed re-grading of the lot;
- h. Provide a landscaping table which specifies the number, caliper, and species of trees and shrubs proposed; (recommend removing since the applicant has to obtain Planning Board approval as well)
- i. That any proposed tree species shall be non-Asian Longhorn Beetle susceptible species and shall not be known to be invasive species and shall be noted as such on the plan;

*Construction:*

- j. Provide a detail for the proposed rip-rap; (recommend removing since the applicant has to obtain Planning Board approval as well)
  - k. That no access shall be permitted to the site, for construction vehicles, though Joppa Road;
  - l. Any and all damage incurred to Rockrimmon Road or Joppa Road during construction is to be repaired by the applicant; and
  - m. That Rockrimmon Road right of way be kept clear of sediment and debris associated with construction and shall be swept as needed.
- 3) No retaining wall or other structures be allowed within the Rockrimmon Road right-of-way;
  - 4) Variance shall lapse if Rockrimmon Road is improved in the future to provide sufficient frontage.

The applicant has not formally requested any waivers at this time; however, the applicant should either provide or request a waiver of the following application requirements:

- 1) Label abutters and abutters thereto within 300 ft. on the plan;
- 2) Show the entire site owned by the property owner on the plan of land;

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff, to approve the frontage relief requested subject to the conditions of approval above minus conditions h & j, and to approve the waivers requested.

**List of Exhibits:**

- Exhibit A: 79 Joppa Road Application; received 5/27/2015; prepared by James Spahiu.
- Exhibit B: 79 Joppa Road Plan; dated 4/16/2015; prepared by Finlay Engineering.
- Exhibit C: Letter from Dana Lewis; re: 79 Joppa Road; various dates.
- Exhibit D: 79 Joppa Road Rendering & Floor Plans; prepared by J.R. Associates; dated 9/15/2015.
- Exhibit E: Continuation Request; dated 7/27/2015.

**5. 48 Vernon Street (ZB-2015-036)**

Special Permit: To allow a lodging house in a RG-5 Zoning District (Article IV, Section 2, Table 4.1, Residential Use #8)

Variance: For relief of the minimum off-street parking requirement for a lodging house use (Article IV, Section 7, Table 4.4)

Petitioner: Opening Heaven's Door Ministries, Inc.,

Present Use: Presently located on the premises is an existing single-family residential structure along with associated off-street parking.

Zone Designation: RG-5 (Residence, General) zone

Petition Purpose: The petitioner seeks to use the existing structure as a lodging house with ~30 beds.

Public Hearing Deadline: 8/27/15, 9/21/15

Constructive Grant Deadline: 10/01/15, 10/6/15

Mr. Michajlow recused himself.

Attorney Mark Lee, representing Opening Heaven's Door Ministries, Inc., introduced Alfredo Maldonado, a principal of the corporation, and Jeff Busby. Attorney Lee stated that the last time they were before the Board they were asked to provide a to-scale plan of the parcel showing the parking spaces and hence clarifying the total relief needed. He stated that given the dimensional requirements and the need to place a dumpster they can only have 2 parking spaces onsite as opposed to the 5 originally thought. He is also requesting a waiver from labeling the abutters within 300 feet on the plans.

Mr. Rolle stated that staff has been working closely with the applicant and his engineer to place the dumpster but after reviewing the circulation and the site constraints staff is recommending that trash removal services shall be provided by the property owner and shall consist of, at minimum, twice weekly removal from the premises with no storage of waste outdoors. Frankly the site does not have the space to accommodate a dumpster, the necessary screening and the distance from the building to meet fire code regulations. The actual relief needed now is 13 parking spaces.

Attorney Lee stated that residents will not be allowed to have vehicles.

Mr. Valeri asked if the property was for sale. Attorney Lee stated that they have the property under agreement and will continue with the closing if they obtain the lodging house approval.

Mr. Haddon asked where they will keep the trash. Mr. Maldonado stated that they will keep it in the two-car garage downstairs and have already spoken to the contractor they are likely to hire. Mr. Rolle stated that the two parking spaces inside the garage are not being counted towards the spaces onsite because the two parking spaces outside would block access to the garage.

Steven Branagan, 50 Vernon Street, stated that he is concerned with the parking relief because it's difficult to park in that area already. He is also concerned that his tenants said they would move out if this halfway house occurs.

Bernadette Shavat, representing her aunt who owns property across 34 Dorchester Street, stated that she is concerned because two of her tenants have already said they would move out if this is approved. She is also concerned with any effects to the daycare center that is close by.

Attorney Lee stated that no one is detoxing in this building and all the residents of this facility are already sober. This is a transitional place for them to get back on their feet. Sobriety and 100% abstinence of alcohol and drugs is a requirement to remain in the house.

Jeff Busby, clinical director for Opening Heaven's Door Ministries, Inc., stated that he has a Masters of Arts in Clinical Psychology and has been in the field since 1988. This ministry is set up to help those that want to reintegrate themselves in to society. They have an interview with prospective residents; do a psychological evaluation to determine if the program is a good fit for them or if they need more supervision. They do not house anyone on methadone or other medication. They monitor and assess and have 2 house managers that are present all the time. He stated that they are not a half-way house, they are a sober house but they are different because they make sure that the track that the residents are where they need to be, whether at work or a specific program, etc. They also perform random drug-tests periodically and have a zero-tolerance rule.

Mr. Busby stated that they have not had one incident in the five years they have been operating. They have maintained good relations with neighbors and try to keep a low profile. They have two other locations Worcester (one for men and one for women). They typically have someone stay with them on average 6 months. But by the time the client leaves they have a job, they know how to manage their income, they have a sponsor, a home group, and their own housing. Their mission is for their clients to have a relationship with God but also to be responsible citizens.

Mr. Abramoff asked how many of the residents are working. Mr. Busby stated that out of the 16 they currently have, over half of them are working. Some of the remaining are on disability and they are asked to go to meetings and volunteer and contribute in some way.

Mr. Maldonado stated that he will be there daily 8-10 hours a day. Mr. Busby will also be there from 9-5. There will be a paid housing manager and another supervisor that has graduated the program that will live onsite. There will always be someone there. He also stated that there will be no sex offenders or arsonists at this location since they're not equipped to handle those issues. He stated that he is a product of the ministry and that people have to realize that re-entry is a part of every community.

Mr. Haddon stated that he believed the Variance should be tied to the petitioner. Mr. Rolle stated that the parking variance should be conditioned to the use of a lodging house.

Mr. Loew asked if there was additional licenses needed though the state. Mr. Busby stated that there is not additional license required for sober houses but that they are currently putting in place a standard that sober houses have to meet in order to receive referrals from the state. Their ministry already supersedes those.

Mr. Valeri asked what their success rate is and what happens to the ones that do not graduate the program. Mr. Busby stated that with the ladies it is 50% and with the men it is 37%. The ones that are not successful go back to detox or to another program.

Mr. Branagan stated that taking this property off the tax roster will make taxes worse for everyone else. Attorney Lee stated that the property didn't pay taxes for years since it was owned by the diocese for a long time but it is currently taxed like a residence.

Mr. Maldonado stated that although they don't pay taxes they are saving tax money treating these individuals. It costs \$46,000/year to house an inmate. The residents have to pay their pay through this program and they get the necessary treatments they need.

Upon a motion by Mr. Valeri and seconded by Mr. Haddon, the Board voted to close the hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and approve the variance for relief of 13 parking spaces with the following conditions:

1. That the project be constructed in substantial accordance with the final approved plan;
2. That all proposed plantings shall be of non-Asian Longhorn Beetle susceptible species and shall not be known to be invasive species;
3. That the lodging house shall be limited to a total of 30 beds/occupants;
4. That trash removal services shall be provided by the property owner and shall consist of, at minimum, twice weekly removal from the premises with no storage of waste outdoors (stored in the garage);
5. That snow shall be trucked off-site once storage on-site impedes visibility and/or the use of the required on-site parking spaces; and
6. Remove striping & handicap accessible demarcation from the proposed turn-around area.
7. That the applicant post the contact information for the house manager to the exterior of the property so it can be seen by passersby.
8. Operator is for Open Heaven's Door Ministry only and use will expire with a change in ownership or user
9. That the parking variance is contingent on the continued use as a lodging house; and
10. Operator is to maintain the operating standards that were provided in writing and as party of the hearing's verbal testimony

And to approve the waiver requested.

**List of Exhibits:**

- Exhibit A: 48 Vernon Street Application; received 6/23/2015 & revised 7/24/2015; prepared by Alfredo Maldonado.
- Exhibit B: 48 Vernon Street Plan; dated 5/29/2015; prepared by Reney Moran & Tivnan.
- Exhibit C: 48 Vernon Street Plan; dated 9/11/2008; prepared by Jarvis Land Survey, Inc.
- Exhibit D: Worcester Fire Department Comments; undated.
- Exhibit E: 48 Vernon Street Plan; dated 9/9/2015; prepared by Jarvis Land Survey, Inc.



## NEW BUSINESS

### **6. 37 Mason Street & 9 Winfield Street (ZB-2015-045)**

- Special Permit: To allow for an Extension, Alteration, or Change of a pre-existing non-conforming structure/use in a BL-1.0 Zoning District (Article XVI, Section 4)
- Petitioner: Javier Valencia
- Present Use: Presently located on the premises is an existing commercial structure, used as an automotive repair facility and located at 9 Winfield Street is a paved lot, used as an off-street parking area.
- Zone Designation: MG-1.0 (Manufacturing, General) and BG-3.0 (Business, General), respectively
- Petition Purpose: The petitioner seeks to construct a ~2,080 SF addition to the front of the existing structure, which is non-conforming with regard to the rear-yard setback, located at 37 Mason Street along with associated accessory off-street parking spaces provided at 9 Winfield Street, along with associated grading and site-work, at the properties.

Public Hearing Deadline: 10/14/15

Attorney Jonathan Finkelstein introduced the owner, Javier Valencia, and his brother, Cesar Valencia. Attorney Finkelstein stated that the building that will have the addition is located in the MG-1.0 zoning district and 9 Winfield is in the BG-3.0 zone. The existing structure is ~2,279 SF one-story commercial building which is currently been used for automobile repair. The applicant seeks to add a 52' x40' (for a total of ~2,080 SF) addition to the front of the existing structure and will consist of 3 service bays (a net increase of 1 bay onsite). Approximately 224 SF will be dedicated as office space. Each bay requires 3 parking spaces and they are providing 9 spaces in the 9 Winfield Street lot. The structure is non-conforming with regard to the rear-yard setback. They have talked to the neighbor and they are ok with the addition.

Attorney Finkelstein stated that they will agree to setback 5 feet from the front and side property lines for the parking spaces located at 37 Mason Street but they plan to apply for a waiver of that requirement in the future via a Special Permit. He stated that no handicapped space will be provided because 15 is the trigger and they only have 10. The chain-link fence in the front will be removed but will remain everywhere else. There are only 2 spaces on the 37 Mason Street property and they can move the snow to ensure those aren't blocked.

Mr. Cesar Valencia stated that the hours of operation are Mondays to Fridays from 8 am-5 pm and Saturdays from 8 am-1 pm. They do receive deliveries and they have a dumpster that is picked up as needed.

Attorney Finkelstein stated that he would prefer "That snow shall be trucked off-site once storage on-site impedes visibility and/or the use of the required on-site parking spaces" not be a condition of approval. They are only required to provide 1 space in that lot and they have 2, they can designate the other one as snow removal area. It's a very small area of asphalt that has to be cleared.

Ms. Tatasciore stated that condition c - "One van accessible parking space must be provided onsite in compliance with the Architectural Access Board requirements" should also be removed. Mr. Rolle stated that they just discovered an issue due to a section in the Ordinance that requires that when a MG zone abuts a residential zone the residential side yard setback applies (8').

Attorney Finkelstein stated that his clients will make the adjustments to the addition to meet the setback. He also requested a waiver from labeling all abutters within 300 feet on the plans.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and the petition with the following conditions:

1. That the structure be constructed in substantial accordance with the final approved plan dated and with the submitted rendering on file with the Division of Planning and Regulatory Services (DPRS);
2. That 6 copies of final revised plans are submitted to the DPRS prior to the issuance of a building permit showing the following conditions:

*Parking Spaces*

- a. Revise the plan to show that the parking spaces at 37 Mason Street are set back 5 feet from the front and side property lines and shall be appropriately landscaped per Article IV, Section 7, Note #5 a) of Table 4.4 of the Zoning Ordinance;
- b. All parking spaces and traffic circulation shall be striped;

*Landscaping and Screening*

- c. Comply with the requirements of Article IV, Section 7 and Article V, Section 5. C;
  - i. Provide a 5 ft. landscape buffer along the side and front lot lines;
  - ii. Provide and maintain plantings in the landscape buffer, located along the street, and where parking abuts residential uses;
  - iii. Provide a landscaping table that includes number, type, and size of all proposed plantings;
  - iv. That all proposed plantings shall be non-Asian Longhorned Beetle susceptible species;

*General*

- d. That the roof-overhang of the proposed addition shall not protrude into the required side-yard setback more than the permitted 2 ft. (per Article XVI, Section 3.F); and
- e. Remove the note on the plan that states that the applicant is seeking a variance for rear setback; a special permit is required, not a variance.

And to approve a waiver of the application requirement to label abutters and abutters thereto within 300 ft. Staff support such a waiver.

**List of Exhibits:**

- Exhibit A: Special Permit Application; dated August 10, 2015; prepared by Javier Valencia.
- Exhibit B: Special Permit Plan; dated July 21, 2015 and undated revised plan; prepared by HS&T Group, Inc.
- Exhibit C: Rendering, Elevation & Floor Plan; undated; preparer unknown.

**7. 926 West Boylston Street (ZB-2015-047)**

- Variance: For relief of the minimum parking requirement for a Clinic (Article IV, Section 7, Table 4.4)
- Special Permit: To allow for a reduction of required parking by 10% (Article IV, Section 7.2.)
- Petitioner: DRX UC Worcester, PC (afc Doctors Express Urgent Care Centers)
- Present Use: Presently located on the premises is an existing commercial structure.
- Zone Designation: BL-1.-0 (Business, Limited) & WR(GP-3) (Water Resource Protection) Overlay District
- Petition Purpose: The petitioner seeks to use the premises as a clinic.
- Public Hearing Deadline: 10/17/15
- Constructive Grant Deadline: 11/21/15

Attorney Lawrence Brodeur from Fletcher & Tilton, representing DRX UC Worcester (Doctors Express), introduced Jim Brennan from Doctors Express and Peter LaPointe from Colvest/Worcester LLC, owner of the property. The location is a former site of a Blockbuster Video and it has been empty for 3.5 years. Doctors Express is an urgent care facility and will have 7 exams rooms, which requires 28 spaces. They can only provide 21 spaces onsite. The petitioner operates 15 urgent care centers in New England. Their experience is that they only need less than 3 parking spaces per exam room. Therefore, the 21 spaces provided are more than sufficient to satisfy their needs. They are amenable to the recommended conditions of approval and requested a waiver for labeling all abutters on the plans.

Attorney Brodeur stated that they did not explore a lease agreement with neighboring properties for use of additional parking. Peter LaPointe stated that they plan to change the storefront and entry doors, add awnings over each of the storefront windows, and change the color of the back wall. He explained the upgrades to the landscaping. Mr. Brodeur stated that there will be a dumpster onsite that will be serviced off hours so it does not interrupt with cars parked onsite. Snow will go to landscaped areas first and then if it blocks parking spaces or visibility then it will be trucked offsite.

Mr. Michajlow stated that it will be nice to use the building and believes this petition meets the variance requirements.

Mr. Loew asked about the signage they were proposing. Mr. LaPointe stated that there will be a sign over the entrance of the building and one on the free-standing pylon that already exists on the site. They will comply with the ordinance.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and to approve the variance for 5 spaces and the special permit for

reduction of parking of 2 spaces subject to the conditions in the memo, and to approve the requested waiver.

**List of Exhibits:**

- Exhibit A: Variance and Special Permit Application; received August 13, 2015; prepared by Frank Colaccino.
- Exhibit B: Site Plan; dated June 16, 2015; prepared by The Colvest Group.
- Exhibit C: Floor plan; dated June 26, 2015; prepared by SBA Architects.

**8. 6 Norfolk Court (ZB-2015-048)**

- Special Permit: To allow a single-family attached dwelling in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)
- Petitioner: Tallage Adams, LLC
- Present Use: Presently located on the premises is a vacant lot.
- Zone Designation: RL-7 (Residence, Limited)
- Petition Purpose: The petitioner seeks to construct a single-family attached dwelling with a total of three dwelling units along with associated off-street parking, site work, grading, and paving.

Public Hearing Deadline: 10/21/15

Kevin Quinn, from Quinn Engineering, stated that they are proposing to construct a single family attached building consisting of 3 dwelling units (townhouses) whereby each unit will have a 2-car garage on vacant land. These will be condo units. They are also proposing to change their frontage to be on Norfolk Street. Mr. Quinn stated that they are proposing 3 red oak trees to be planted on the sides so as not to interrupt the driveway pavement. Mr. Quinn stated that they would like to keep the middle deck where it is located for ease of construction and would install privacy fence between that one and the unit to the left. He indicated on the plans the mature trees that will be kept and the area that will be cleared for construction.

Mr. Rolle stated that if a privacy wall will be installed between the decks they are fine with eliminating that condition.

Mr. Kelly stated that the structure can only be 35 feet tall and the plans show it is 38 feet tall.

Mr. Quinn stated that they will make that change.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and approve the petition with conditions of review memo except comment about deck relocation – they will provide a privacy wall instead; comment about trees altered – 2 on Norfolk Street & 1 on Norfolk Court.

## List of Exhibits

- Exhibit A: Special Permit Application; prepared by William Cowin; received August 17, 2015.  
Exhibit B: Definitive Site Plan; prepared by Quinn Engineering, Inc.; dated August 14, 2015.  
Exhibit C: Rendering and Elevations.

### 9. 2A & 2B Pocono Road (ZBA-2015-049)

- Special Permit: To allow a single-family attached dwelling in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)
- Special Permit: To allow for a reduction of required parking by one space (Article IV, Section 7.2.)
- Variance: For relief of the height dimensional requirement for a single-family attached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner: Elvira Diliddo
- Present Use: Presently located on the premises is an existing single-family semi-detached dwelling along with associated off-street parking
- Zone Designation: RL-7 (Residence, Limited)
- Petition Purpose: The petitioner seeks to add an additional dwelling unit to the existing structure for use as a single-family attached dwelling, for a total of 3 units, along with associated off-street parking.

Public Hearing Deadline: 10/17/15

Constructive Grant Deadline: 11/21/15

Attorney Donald O'Neil stated that his client, Elvira Diliddo, is creating a 1,200 SF in-law apartment for her granddaughter. It will be in the basement area of the existing duplex. Her daughter owns the other dwelling unit. This is an interior reconfiguration and no external construction will occur. Currently, the 2A Pocono Road unit does not require a Variance for height due to the fact that the basement is not considered a story. By converting the basement to a separate residential dwelling unit, will render the walk out basement into a habitable story per the Zoning Ordinance and thus requires a Variance for height for relief of 6 feet.

Ms. Tatasciore asked if the applicant has been in touch with the City's Engineering Division to obtain a suitable municipal address for the proposed third unit, such as 2C Pocono Road. Attorney O'Neil stated that they haven't yet and will still need to clarify with the code department if sprinklers are needed.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and approve the petition with conditions of review memo and to approve the waiver of the application requirement to label all abutters and abutters thereto within 300 ft. on the plan.

**List of Exhibits:**

- Exhibit A: Variance and Special Permit Application; received August 19, 2015; prepared by Attorney Donald O'Neil.
- Exhibit B: Plan for Special Permit; dated July 14, 2015; prepared by B & R Survey, Inc.
- Exhibit C: Belgrade Terrace 1913 Subdivision.
- Exhibit D: 2004 ANR Plan.
- Exhibit E: 2011 ANR Plan.
- Exhibit F: Comment from Fire Chief; received September 16, 2016.

**APPROVAL OF THE MINUTES**

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted to approve the May 18, 2015 minutes.

**OTHER BUSINESS**

- 10. **Communications** - None
  
- 11. **Signing of Decisions from prior meetings** – decisions were signed

**ADJOURNMENT**

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted to adjourn the meeting at 7:30 p.m.