



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

[Zoning Board of Appeals] Meeting Minutes

Date / Time / Location of Meeting	Thursday, November 16, 2023/7:00 p.m./THIS MEETING WAS HELD IN-PERSON
Members Present	Christopher Olson (Chair), John Benson (Vice-Chair), David Femia (Clerk), Barur Rajeshkumar and Secretary Toby Goldstein
Members NOT Present	Nathaniel Orciani; Andrew Feland, Christopher Mitchell and Mark Wyatt (Associate Members)
Invited Guests	Jennifer Kurzon (Attorney for Petitioner) and Steven Gallo

Welcome – Call to Order **Time: 7:00 p.m.**

Approval of Previous Minutes **October 19, 2023**

Motion Originator: David Femia

Motion Seconded: John Benson

Treasurer – Financial Report **Not discussed at this meeting; Mr. Olson reviewed the information.**

Motion to Accept **N/A**

Seconded **N/A**

Mr. Olson called the meeting to order at 7:00 p.m.

Minutes of October 19, 2023

Meeting: After review of the draft minutes by the board members, Mr. Femia made a motion to approve the minutes as written. Mr. Benson seconded. As this was an in-person meeting, Mr. Olson did not need to take a voice vote.

All four members voted in favor of the motion; none were opposed. The vote was 4 “yes”, 0 “no”, therefore the minutes were approved as written.

Continued Public Hearing, to act on the petition of Carol McAdam, General Manager, CAM Hospitality, LLC, for Special Permit, 181 West Boylston Street:

(Representing were Attorney Jennifer Kurzon and Steven Gallo). Ms. Kurzon began by explaining that the main issue from the previous ZBA meeting on October 19 was whether Site Plan Review was needed because of the amount of parking that would be required, and she said that they submitted an updated building plan with the exact square footage of the building and how it was calculated (submitted this afternoon, by email). She noted that 420 square feet were calculated as the total, less than the 600 square feet required for Site Plan Review by Planning Board; she asserted that it was signed off by the Building Inspector, George Tignor. In response to Mr. Rajeshkumar, Ms. Kurzon replied that there was an email exchange with Mr. Olson and Ms. Goldstein and she tried to receive something more formal from Mr. Tignor but did not. Mr. Olson continued that, pursuant to the discussion at the last meeting, he reached out to Mr. Tignor to resolve the calculation number, and they spoke on the phone. He said that Mr. Tignor said that it was his determination after he saw the site and determined from a building code perspective that there was more than 600 square feet of building, but from a zoning perspective in view of the exemptions that are allowed for certain areas, determined that the calculation was less than 600 square feet. Mr. Olson said that he sent that email as he did not have anything in writing and wanted to obtain something from Mr. Tignor after the last meeting’s discussion; Mr. Tignor responded that this was his understanding. Mr. Rajeshkumar commented that he would like to see something in writing.

Ms. Kurzon continued that the building/ floor plan shows the exemptions from the square footage calculations, according to West Boylston zoning bylaw Section 5.2B1. She verified that the basement was not counted, according to the building code. She explained which areas were exempted, and that the areas counted toward the calculations are indicated, and asserted that Mr. Tignor agreed with this. Mr. Olson responded that it was his understanding as well that, under the 600 square foot threshold, the zoning bylaws do not require zoning relief from the Planning Board in this instance. (The board had nothing further to discuss about this subject). Mr. Olson continued, opining that the board did their due diligence and reiterating that the petitioner does not need Planning Board relief before they can go forward with the petition for special permit from the ZBA. He added, however, that he thought it does mean that, considering some of the issues such as parking, traffic and some of the issues associated with that he would feel more comfortable taking a closer look than they might have if a different determination was made.

In response to Mr. Femia, Mr. Olson replied that Mr. Tignor did go to visit the building. He did go to the basement and the second floor, and in his opinion found them not to be usable from a business use perspective and therefore are exempt from the area calculations. Ms. Kurzon asserted that Mr. Tignor went to the site more than one time, and the last time met with a building foreman from the company that owns the property. She said that Mr. Tignor wanted on the plan for the traffic flow designations to be more pronounced. He also wanted a crosswalk from the hotel; she explained where there is currently a crosswalk, which goes across West Boylston Street to Cumberland Farms, and explained that he wanted a crosswalk to connect the hotel to the existing crosswalk, straight across, down the Mill Restaurant walkway, to the curb. Ms. Kurzon noted that a problem is that a third party that leases the property (Mill Restaurant) does not want to be responsible for plowing of the two crosswalks and walkway and there are also liability issues. Ms. Kurzon said that she spoke to Mr. Tignor to clarify the crosswalk situation, and she said that she would have to talk to the owners of the Mill to verify that they would have no objection to that; she said that Mr. Tignor said that he did not want the crosswalk to touch the Mill property (she explained this), but to go straight across from the hotel, across the proposed drive-through to a

grassy area. She added that she emailed Mr. Tignor the site plan with different demarcations, one showing the crosswalk going as she had described before across the Mill Restaurant and one going from the hotel walkway, straight across the proposed drive-through to the grassy area, but did not receive a response from him to calls and emails and wanted to tell the board that he had discussed that. She also mentioned that the traffic designations were highlighted on the site plan and the board can see that they are indicated on the legend, and there are painted lines for the drive-through; she sent that to Mr. Tignor also but noted that she did not hear back. Mr. Rajeshkumar responded that Mr. Tignor was not working for the Town anymore and that someone else will talk to her.

Mr. Olson continued, clarifying to Ms. Kurzon that, on the updated plan, part of the crosswalk is on the neighboring property (Mill Restaurant) and that the petitioner does not have a right of use. Ms. Kurzon responded that West Boylston Black Orchid is the owner of the Mill property, the property of the hotel and the property where the drive-through is proposed to be, and CAM Hospitality (the petitioner) is the lessee of the hotel, but not of the Mill Restaurant. The lessee of the Mill is a third party that has nothing to do with the application. Mr. Olson continued that he saw a couple of issues there to keep in mind, one of pedestrian access and one of vehicle access. Regarding the vehicle access, referring to the plan, he explained that there are two different ways to access the property, one is direct access onto West Boylston Street that is closest to the proposed drive-through, and the second is to drive through the Mill parking lot to the signal that is currently there. He said that he would feel comfortable, since there is no legal right to use that parking lot, not to rely on it for vehicle access in and out of the drive-through and to focus on direct access to West Boylston Street that is closest to the drive-through. Ms. Kurzon responded that the intention was only to use the entrance for the drive-through and it would be a shared entrance with the hotel and it would not include the other access point that goes to the Mill Restaurant. Mr. Olson continued that, since the updated proposal does not involve a restaurant with tables but only the drive-through, he understood that there is pedestrian access now between the hotel and Cumberland Farms but he opined that this new proposal should not add much pedestrian traffic. Ms. Kurzon responded that Mr. Tignor brought it up with regards to the people who walk from the hotel to Cumberland Farms and that is why he brought up the crosswalk issue to begin with. Mr. Olson responded that he believed that there are things that can be done to improve pedestrian access.

Mr. Rajeshkumar asked, if people from the hotel are already going to Cumberland Farms, then why do they need to make crosswalks now? Mr. Benson commented that there is the crosswalk across West Boylston Street to Cumberland Farms already, and verified to Ms. Kurzon that the proposed crosswalk is on the plan and the current one that goes across West Boylston Street actually runs in front of the Mill. Ms. Kurzon explained the location of the crosswalk across West Boylston Street. Mr. Benson opined that, to the extent that the hotel people use the crosswalk, they are going into property that belongs to the Mill. He thought that, relative to the coffee shop, it would be a burden to the applicant to correct something that would have nothing to do with the coffee shop. Mr. Olson opined that it will add potential danger to the people in the hotel now that there will be a drive-through between them and Cumberland Farms. Mr. Benson did not think that this would be relevant to access across the street. Mr. Benson referred to the plan and verified the existing conditions and proposed conditions with Ms. Kurzon. She described hatch marks at the crosswalk across from the hotel to the coffee shop, and replied that this was primarily for employees of the coffee shop to get to their vehicles.

Mr. Benson then commented that, on the north side of the Mill, there is a deck and a concrete walk. Ms. Kurzon described that it is a three-sided concrete walkway. Mr. Benson then followed to the hatch marks for the proposed crosswalk. He asked if they will have a north/south one connected to the concrete walk? Ms. Kurzon replied "no".

Ms. Kurzon then showed the board an aerial view of the hotel, coffee shop and the Mill, which, with a street view, showed what exists now (this was on her phone). Mr. Femia asked if the walk near the deck was on the Mill property? Ms. Kurzon replied "yes." Mr. Benson opined that what was being eliminated from the proposal was the connection to the concrete walk that goes north to south. In response to Mr. Benson, Ms. Kurzon explained where people would walk who are coming from the hotel; they would go from the front of the hotel, down the walkway, and across the parking lot of what will be the coffee shop, then walk along a grassy area to the existing crosswalk which goes across West Boylston Street. Mr. Benson opined a concern with people walking around the coffee shop who previously were without a traffic concern, but now they will have that; he asked how they will ensure that there will be no pedestrian/vehicle contact? Ms. Kurzon responded, opining that the only option would be to have the walkway continue and make it a crosswalk going across, making a second

intersection with the drive-through and it would have to be indicated as a second crosswalk. (Ms. Kurzon then showed the board where this would run on her laptop, the crosswalk across West Boylston Street and a gravel/dirt area at what would be the entrance to the drive-through; she said that there would be to have a second crosswalk from that grassy area. She showed them where the sidewalk would begin). Mr. Benson then described the proposed traffic movement, and Ms. Kurzon pointed it out on the aerials and described it (this was not visible to Ms. Goldstein or the people attending the meeting). Mr. Benson was concerned with how to ensure that people can safely walk, assuming that there will be a fair increase in traffic. Ms. Kurzon responded that the traffic engineer and Mr. Tignor (on the phone; supposedly this was different than what he told the building foreman before) told her that the crosswalk will go straight across (she pointed out from where) for pedestrian hotel traffic. Mr. Benson responded, opining that they will have to make a cut through one walkway (he pointed this out) to go around; he described that they will need to have the walkway cut to allow cars through, and pointed out that people would have to walk in front of drive-through traffic at two locations. Mr. Rajeshkumar asked if they were going to keep the walkway and the roof? Ms. Kurzon replied that the roof will be removed but the walkway will continue to exist and there will just be a cutout there and explained that there will be a crosswalk there (she showed this to the board). This is before the intercom. She noted that the traffic engineer did not find an issue with this walkway as it will be before the intercom. Ms. Kurzon opined that, for a pedestrian, the crosswalk to Cumberland Farms was still the best way to get there rather than taking a car. (The board members then continued to discuss with Ms. Kurzon how pedestrians would travel from the hotel through the parking and crosswalks). Ms. Kurzon asserted that they could take extra parking spots from the hotel if they had to do so. She proposed that they did not really need parking in the front of the coffee shop as it will be a drive-through only, but can remove it to accommodate the crosswalk. She noted that they cannot have an extended sidewalk (she pointed out the area) because of it being State property. Ms. Kurzon opined that another area is a right-of-way but must ascertain that. She said that her understanding was that part of the agreement of Cumberland Farms going into its location was that they would pay for the crosswalk, light and sidewalk and that it became a right-of-way there. She said it was her understanding that West Boylston Black Orchid said that they owned the grassy area. She reiterated that she needed to verify what was the right-of-way area. In response to Mr. Benson referring to the overhead aerial shot of the area, Mr. Gallo commented that the right-of-way is usually larger than the paved road. Ms. Kurzon showed Mr. Femia the boundary line between the Mill property and the coffee shop property. In response to Mr. Benson, Ms. Kurzon replied that the width of the drive-through travel lane is 20 feet; Mr. Gallo showed this to the board. In response to Mr. Femia, Ms. Kurzon replied that part of the walkway from the hotel parking lot to the shared area of the parking lot of the coffee shop will be added on, and she showed the board the proposed walkway, poured concrete sidewalk (which will intersect the existing walkway) and sprayed-on crosswalk. She pointed out on the map what they proposed but will not exist. Mr. Femia asked why they cannot make a curve in the walkway (pointing out how it might be located)? Ms. Kurzon replied that this might be a good idea. Mr. Femia continued that he was also not happy about the proposed exit. Ms. Kurzon explained where it will go and the stop sign located there. She noted that the traffic engineer put indicators on it.

Mr. Femia continued, commenting that Route 12 is dangerous, with a hill located there. He wanted to have a sign stating that there is no left turn for entering or exiting. He opined that, when the signal changes, people do not drive slowly up the hill, and asserted that pedestrians coming from the hotel just run across the street to the plaza. Mr. Rajeshkumar responded that he agreed with those comments, and noted that when they go to the other restaurant next door to the hotel (Table 12), the traffic is one-way. Ms. Kurzon responded that the no left turn proposal had been discussed before but the traffic engineer does not think that is necessary and she did not think it is a problem exiting; when entering, Ms. Kurzon explained why she also did not think it would be a problem. Mr. Benson and Mr. Rajeshkumar opined that the left out of the drive-through is more of a problem than the other. Mr. Rajeshkumar opined that drivers are impatient in the morning and want to get in and out of the drive-through and that Gourmet Donuts, Dunkin Donuts and Dairy Queen have the same issue constantly. Mr. Benson agreed that it would be worse at rush hour times. Mr. Olson added that the Building Inspector thought the issue of no left turn at the exit should be pushed back upon and he explained why he thought that this parking lot was different from the others. Mr. Olson commented that when exiting, drivers take a left into a left-only lane, and people coming up West Boylston Street try to merge left (he described where they would be traveling).

Ms. Kurzon responded that she understood and had no objection to having a no left turn condition in the special permit. She opined that it would lose business, but she had no objection to it. Mr. Gallo added that, at the car wash across the street from Walmart on West Boylston Street, there used to be no left turn allowed, but it was

not the case anymore; he noted that, when he used to not be able to turn left there, it was an inconvenience for him to turn around to get home. Mr. Benson asserted that the sign (Ms. Kurzon thought that there were two signs there) had been gone for a while; Mr. Rajeshkumar offered to check into it. Mr. Olson commented that, even if no left turn is allowed, some people will still do it. Ms. Kurzon agreed that people do not always abide by the rules, but opined if no left turn is allowed in a situation with multiple lanes such as this one there would be less of a chance that they will take it. She commented that she spoke to the traffic engineer about this, but noted that even though she admits to not always following traffic signs, she would not take a left turn if it instructed people not to do so. Mr. Benson responded that he thinks it is essential to not allow the left turn, as drivers would be crossing two lanes of traffic to get to the center land and noted that this is not the case at the aforementioned car wash. Mr. Rajeshkumar disagreed with Mr. Gallo and responded that it should not be a problem with one or two cars but, at peak times, he opined that drivers want to get in and out and it would be a problem taking a left turn. Mr. Benson agreed that it would be a problem at rush hour times. Mr. Rajeshkumar thought that it would be an accident waiting to happen if they allow the left turn. Ms. Kurzon noted that no left turn would also apply to the hotel, which does not have that now. Mr. Olson responded that some people could still do it (and he showed everyone how it would be done). Mr. Benson explained the situation mentioned previously at Gourmet Donuts, where drivers have a sharp corner to go around to exit because the neighbors put up a fence; it was not that way when the business first opened. Ms. Kurzon suggested that they could put a one-way sign up for the entrance way, indicating that it is just one-way and someone cannot exit that way. Mr. Olson responded that someone would get coffee, be forced to go to the right, and would be traveling down West Boylston Street looking to turn around somewhere; he wanted to know where someone might be most likely to make that maneuver? Mr. Benson opined that it would be either at Walmart or St. Mary's Credit Union. Ms. Kurzon opined that people that are there for the coffee will not mind having to do that but this concern is more for people that are constantly traveling down West Boylston Street going back and forth to work (Mr. Gallo gave an example of a coffee shop in Holden). Mr. Benson reiterated that he thought the left-hand turn should not be allowed and opined that people will figure a way to exit the lot (Mr. Rajeshkumar gave examples of how this could be done). Mr. Femia added, that if someone makes a left if it is not allowed, they would get cited. Mr. Benson mentioned the left turn to leave the Walmart parking lot, noting that there is a traffic light there, and thought that this would be the easiest way to turn around; he described how someone pulls into the parking lot, goes around to the right, then takes a left to the signal to exit. Others agreed with him.

Mr. Femia then asked, regarding the sidewalk, where would be the safest place for hotel residents to go when they come out of the hotel? Ms. Kurzon replied that they would want to direct them to go directly to the existing crosswalk. She pointed this out on her laptop and said that it is probably the best way to get people closest to the intersection. Mr. Benson added that pedestrians would go straight across, then take a 90-degree turn, and this would get people safely to the sidewalk. He thought it would be ideal if they could cross at one place (which he pointed out) and there would be a sidewalk for them and then the pedestrians could get safely to the crosswalk. Ms. Kurzon opined that they would be dealing with the State and it would probably take the State three years to do this, and they can verify if this is a right-of-way or State property; she explained that Mr. Gallo's father said that he owns that property but she has not verified that. Mr. Femia verified with Ms. Kurzon that the 20-foot width of the drive-through would be wide enough for the vehicles to move through with the intercom placed there. Mr. Benson opined that they should not put anything in there because people make wide turns, unless there will be no parking outside of the drive-through lane. He said that a curve would cause a hard turn, but with no curve there and nothing outside of it there would not be a problem like the one at Gourmet Donuts. He said that the reason that he brought this up was that, if a proposed solution was to put a sidewalk there, they would run into a problem with people that make a wide turn; he opined that a crosswalk would be a middle option. (Mr. Femia agreed and Mr. Benson described how it would work). Ms. Kurzon then said that she was willing to get rid of parking spaces or move them. Mr. Femia asserted that they only need one for the crosswalk (he described this). Mr. Benson then summarized how the pedestrians could go (he described it, opining that they would have to reinstate part of the plan that was taken out) and then the pedestrians could figure out how to get to the crosswalk.

Mr. Benson then said that he had one area of concern; Ms. Kurzon responded that it is asphalt. She said that the Mill was putting out tables there in the summer. There are five parking spaces according to Mr. Gallo, with angle parking. She noted that the view of the street on the plan shows this. The board discussed where people would walk; they determined that there would not be vehicles there with the tables. Ms. Kurzon added

that, on the plan of 8/23/23, there is grass there (Mr. Gallo thought gravel) and bushes. Mr. Benson asked if that area is owned by the State as they could not remove the bushes if that is the case? Mr. Benson was concerned about how people would go safely from one area to the other if they cannot walk on the grassy area, and suggested that the Mill could put up a fence if they did not want people walking there. Mr. Femia and Mr. Benson summarized that the board agreed that there should be no left turn out of the lot. Ms. Kurzon responded to Mr. Benson that there will not be any walk-up service so they will not be dealing with pedestrians in that situation.

Ms. Kurzon continued, that they can work with the traffic engineer and look at different ways to do the crosswalk and find out how much of this area is the right-of-way for the State and see what they can propose in terms of that. She explained that it only came up last week, and there were many people to contact to get everyone on board. She noted that there are two different ways of doing it (showing the board the street view). Ms. Kurzon replied to Mr. Femia that the area he was pointing out was probably deeded to the city so that the State would not have to be responsible for snow removal, even if it is within the State's right-of-way (Mr. Rajeshkumar replied to Mr. Femia that the Town does clean the sidewalks there). The board discussed the sidewalks at Cumberland Farms; the State put them in, but Cumberland Farms paid for them. Mr. Femia suggested seeing if the State owns the grassy area, in which case they can ask them if they can use the area for safety purposes; if it belongs to West Boylston, then the Town can use it as it wants. Mr. Benson opined that extending the sidewalk would be the best way to proceed. Mr. Benson mentioned one concern; he asked, if they did not make an actual sidewalk, and directed them to the curb where there is a bush, would there be an ADA issue? Ms. Kurzon replied that there could be an issue, but they can find out. Mr. Gallo asserted, since it is ¼" thick, it would not be an issue. Mr. Benson responded, opining that the curb may be an issue. He asked, once they install a path, will they be obligated to make it ADA compliant? He gave an example of winter conditions. Mr. Gallo responded that going from point A to point B has to be ADA compliant (such as going from a parking space into the restaurant) but that does not mean that everything has to be ADA compliant on the property. Mr. Olson then suggested that there is potentially a secondary reason for the striped crosswalk, that of getting to the hotel, separate from the crossing situation. The board and Ms. Kurzon discussed who would be responsible for cleaning of the sidewalk and crosswalk. Ms. Kurzon asserted that it is in the right-of-way (Mr. Gallo showed this on the plans), and she opined that currently the hotel people do not use the crosswalk. She said that legally there is a shared owner and it is leased out, and asserted that they legally do not have to provide a crosswalk to that. Mr. Femia responded that if they do not try, they will have an issue with people coming in and out, and thought that they should try to make it safer. Mr. Benson responded that, until the proposal becomes functional, people are free to make their own path now, and noted that no traffic goes through now. Mr. Benson opined that this small corner area will be a problem in the winter. Ms. Kurzon opined that the crosswalk will be an incentive to people, since right now they cut across the street. Mr. Rajeshkumar noted that right now people cut across at their own risk, but it will be a problem if they bring in traffic. Mr. Gallo opined that there was not an issue until Cumberland Farms came in and the applicant is not responsible for that. Mr. Femia responded that the purpose of the crosswalk was for safety of the pedestrians, and except for the aforementioned corner, that would be a solution. Mr. Benson reiterated that extending the sidewalk would be the best solution (Mr. Gallo thought that the area they pointed out would be about 60 feet). Mr. Femia asked Mr. Gallo if they determine that the property belongs to his father, would he agree to extend the sidewalk from the driveway to the corner? Mr. Gallo replied that he probably would if that were a condition of the special permit.

Ms. Kurzon proposed continuing the public hearing in order to get the answers to their questions and obtain different configurations of the crosswalk. She noted that the traffic report is updated. There will also be an updated site plan. They will submit one more special permit application, showing changes, and she noted that the traffic site plan uses this special permit, so she will submit updates. The board and Ms. Kurzon then discussed when to have the next continuation of the public hearing; there were several conflicts for the December 21, 2023 and January 18, 2024 meeting dates, so the board proposed Monday, January 29. Ms. Kurzon noted that she would be available for a hybrid meeting, as she will be away. Mr. Benson asked Ms. Kurzon if she could investigate how long it would take to obtain permission to work on the property if it is State land? Ms. Kurzon replied that she has a contact person already, and opined that a sidewalk probably will be a shorter process. Mr. Femia then made a motion to continue the public hearing to Monday, January 29, 2024, at 7:05 p.m. Mr. Benson seconded. Mr. Femia added that the petitioner should send something to Mr. Olson to confirm this extension; he and Mr. Olson also reminded Ms. Kurzon to get her information to the board a week before the meeting, and she said that she

would. The board then voted four in favor, none against, therefore the hearing was continued to January 29, 2024 at 7:05 p.m.

Other Business:

ZBA Treasurer's Report – This was not discussed this evening, but Mr. Olson did review the information.

Miscellaneous Mail and Paperwork Needing Signatures/Future Agenda Items/ZBA Reports: None were discussed this evening.

Next Scheduled ZBA Meeting – Thursday, December 21, 2023. However, Mr. Olson noted that this meeting might be canceled due to lack of business to discuss.

Informal Discussion regarding filing procedures:

Mr. David Sadowski approached the board. Mr. Olson informed him that the agenda was closed because the board must publish at least 48 hours before the meeting what they are going to discuss. Mr. Sadowski responded that the Building Inspector, George Tignor, suggested that they come to the meeting and run the matter by the board. Mr. Olson responded that the board hears matters already referred to them by the Building Inspector and they do not make initial decisions. Mr. Rajeshkumar added that they do not have informal meetings such as are held with Planning Board. Mr. Benson added that, due to Open Meeting Law, they cannot discuss something unless it is reasonably anticipated by the Chair and they cannot act or grant an opinion. Mr. Sadowski asked if only he and Alexis Garcia (also attended meeting) talk and the board does not grant an opinion or act, would that be alright? Mr. Benson replied that most likely they will need to get an opinion from the Building Inspector. Mr. Sadowski responded that it is regarding a variance for area, and after that they might need to obtain a special permit for mixed use. Mr. Olson responded that they would follow a determination by the Building Department that a variance is needed. Mr. Sadowski then discussed the area that they had and what they need to have, noted that the house there was built in the 1700's, prior to the Zoning Act, and described the property (at 114 Worcester Street) and the difficulties with it. He said that they are thinking of a parking lot above the ground, and would need a special permit for mixed use for reasons that he explained. He also handed out drawings of the site to the board members. Mr. Benson responded that it might be an appropriate matter for the board but they cannot take it up this evening. Mr. Benson commented that, besides the fact that they cannot give an advisory opinion this evening, he is not comfortable giving Mr. Sadowski an idea without all the facts and thought that it would not be fair to him. Mr. Rajeshkumar asked if they received a determination from the Building Inspector? Mr. Sadowski replied that he met with Mr. Tignor, and said that he told him that the only way that they could do anything with the property was to get a variance for area from the ZBA. He explained that there is a pre-existing residence, pre-zoning, and it is an irregularly-shaped lot, with poor soil conditions. He explained the topography, with several plateaus, and showed the board the irregular shape on the drawings that he had and reiterated that it would be a financial hardship to the client if he could not develop the property up on the side of the highway. Mr. Benson responded that they could skip the Building Inspector but did not think it was a good idea as the board looks for his input and Mr. Sadowski should have that input also. Mr. Benson advised him to go to Mr. Tignor first so that, if he has any issues, they can work that out before coming to the board. Mr. Sadowski responded that he went to him on the Tuesday before the meeting, and he said that they will need a variance for area even though it was pre-existing non-conforming if they want to do anything on it and that otherwise he would lose the grandfathering if he does anything to it. Mr. Tignor told him to go to the ZBA meeting to see if they should even move forward. Mr. Sadowski added that the owner did obtain a building permit. Mr. Benson responded that they will have to file. Mr. Rajeshkumar suggested that they go to the Building Inspector and obtain a determination, then file a petition with ZBA, but the board cannot do anything now. Mr. Olson told him to get a Zoning Interpretation Form filled out when he goes back to the Building Dept., explaining that there will also be a new person at that position who will need to become familiar with this matter. He also suggested that they might want to have legal counsel. The board members then returned their paperwork to Mr. Sadowski as they are not taking up the matter yet.

With no further business to discuss, Mr. Femia made a motion to adjourn the meeting at 8:37 p.m. Mr. Rajeshkumar seconded. The vote was 4 “yes”, 0 “no”, and the board adjourned at 8:37 p.m.

Submitted by: _____

Date: _____

Reviewed by: _____

