



**JUNE 17, 2019 ZBA MEETING MINUTES**

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, June 17, 2019 at 7:00 p.m. in the Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA.

MEMBERS PRESENT	MEMBERS ABSENT
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	
	Mike Garabedian (A)
Ed Colbert (A)	

**NEXT MEETING, MONDAY, JULY 15, 2019.**

**REGULAR MEETING**

**(Ms. Gallugi read the opening statement according to Chapter 40A)**

**Ms. Gallugi addressed the attorneys, applicants and audience in regard to the following...**

- Cell phone videotaping is **NOT permitted** without first notifying the Commissioner of ZBA Board. The Commissioner must then announce videotaping is occurring. It may in no way be disruptive.
- Meetings are broadcast on channel 9 (PATV) and live on Facebook
- Meeting minutes are made public
- New applications, information, plot plans, renderings, etc., should be passed into the ZBA Clerk **BEFORE the deadline NOT the day of the meeting**
- The above-mentioned material **can NOT** be accepted the night of the meeting because all information pertaining to a variance application must be filed in the City Clerk’s office and be made available to the public before the scheduled meeting.

## **REGULAR MEETING**

**1.** Continued application of **Circle Storage, LLC c/o Attorney John Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 15.6.5** as it applies to the premise known as **0 Newbury St., Peabody, MA, Map 057, Lot 074T**. Petitioner seeks a variance to subdivide parcel of land and requires relief to: **Side Yard Setback** where 50 feet are required, and 33+/- feet are proposed; **Frontage Requirements** for subdivision of land under the subdivision control law. The property is located in a **BR1 Zoning District**.

**Ms. Gallugi:** Number 1 is continued from last month.

**Attorney Keilty:** Thank you madam chairperson and members of the board. My name is John Keilty. I'm an attorney. I practice a law at 40 Lowell Street here in Peabody, Massachusetts. I appear this evening on behalf of Circle Storage LLC. Circle Storage has asked for variance from the provisions of City of Peabody Zoning Ordinance to allow a piece of their property to be carved out and essentially given to Frederick Peterson. Mr. Peterson and his family have occupied the premises for well over 20 years. It would seem there is evidence that the occupation has been ongoing since at least 1981 one of the predecessors in title occupied the land during the 70s and he had actually occupied this piece of land and it shows on the Assessors map as a piece of the property that is fenced. I gave you copies of a plan that would show the development of the property which is by right use. It shows that the larger of the buildings that is not yet constructed but will be constructed at some future date, that the fence line that is shown on the assessor's information also shows on this map and we've carved out this piece out from the Circle Storage land mass. They will be located 33 feet the building will be 33 feet from the property line and that's the relief that I've requested which is side setback of 33 feet rather than the 50 feet that is required, and I've given you copies the front and last page of an agreement I do have the last page signed by Ralph Caruso and that agreement demonstrates what the issue is that we're trying to address. The question had come about as to why I showed buildings on the on the Circle Storage land which are not there yet. It is because that's the area that will be impacted and that's the area that I've called out as requiring a variance and I've given you the front page of the agreement which demonstrates that Peterson has indeed occupied the property for over 20 years Mr. Panos represents the Petersons. He's happy to supplement any questions that you may have with respect to the agreement and the variance requests, but I think we've given you background that demonstrates why we're here. We have not created this hardship. It's not self-inflicted but instead we are faced with in actuality, where property owned by Circle Storage has actually been occupied for in excess of 20 years by the Peterson's use of the land, and with that if you would like to hear from Jason, I would turn it over to him.

**Ms. Gallugi:** I have a question for you. So, back to.... just for clarity.... to the buildings and the parking spaces that you drew in here or somebody drew in, it's not if they're not actually here at this point in time, his rendering of these buildings could change I mean what would .... is this like maybe perhaps....

**Attorney Keilty:** This is actually a plan that has been taken through construction review inside plan review and it's now being modified slightly with respect to its drainage to accommodate this particular car about that we're talking about tonight, so I gave you the approved site plan so that

you could see the act of the Kiowa upon the parcel of land which is approximately...what ten-eight acres, I believe. But those buildings have been through site plan review.

**Stephen Zolotas:** Through the chair. So, Attorney Keilty, we obviously, we appreciate supplying us the agreement or at least portions of that and we appreciate Attorney Panos being here on this and it's certainly not an indictment on either attorney, but we have made it a position. This was happening too frequently in the past that of receiving things night of and then our inability to really truly review them prior to this or make them available to the public prior to our actual hearing. So, we've received the agreement tonight. We appreciate that, but it does raise a possible issue for us where we don't want to be setting a precedent again where we're suddenly accepting documents, and part of the record on the night of the hearing. It certainly doesn't preclude you from moving forward tonight. Obviously, we'll hear Attorney Panos' representations on it and we could move forward based upon that, but just to be clear on that, how we are moving forward with this, that we may not be able to accept this agreement that's necessarily part of this petition we can here turn upon statements and then a decision can be made. Whether you want to move forward based upon that or if you want to submit the entirety of the agreement as part of a subsequent not subsequent as part of a petition for next month. But I just want to put that out there. We'll leave that up to you.

**(Agreement was made part of these minutes)**

**Attorney Panos:** Good evening. My name is Jason Panos, practicing law in 246 Andover St., Peabody Massachusetts. I represent the adjacent property owner at 114 Newbury Street. His name is Frederick Peterson. He's owned that property since I believe 1981 and to start, we are in support of this petition. The portions of the agreement were provided to you as evidence to demonstrate that we have in fact, settled a long-standing dispute regarding portions of the Circle Storage property that Mr. Peterson and his predecessors and interests have occupied for well over 20 years and rather than pursue what we thought was a fairly substantial and strong adverse possession claim, which as you know is costly and time-consuming, we came to an agreement, we would convey in settlement of any of those disputes, a portion of the property so that we could avoid that litigation. In going forward and Mr. Peterson's happy and Circle Storage seems to be happy and they I think have come to the realization of you know what they were facing with what I believed was an uphill battle for them to overcome and rather than go through all of that we kind of cut to the chase and settled and that's what the portions of the agreement illustrate today, that were provided to you today.

**Stephen Zolotas:** Through the Chair to Attorney Panos. Without disclosing attorney-client privilege, did your client retain you before or after this petition was filed?

**Attorney Panos:** Well before.

**Stephen Zolotas:** Thank you.

**Attorney Panos:** To give you a little background, through the Chair. This is the fourth time that Mr. Peterson has attempted settlement foregoing his adverse possession claim rights. So, he's been anxious. This is as close as he has gotten to resolving this issue which has been long-

standing and the more long-standing the more persisted the more adverse obviously it gets and so everybody's really happy to put this chapter aside and the property being conveyed to him, allows him to maintain his business, his auto body shop, where it's been. It doesn't really interrupt his business activities there and as I said everybody's pretty satisfied and happy with the outcome.

**Dan Sencabaugh:** Through the Chair. Attorney Panos, I appreciate your being here and I do feel like hearing testimony from both Attorney Keilty and Attorney Panos tonight is helpful. I don't know that we can consider the agreement that was presented to us tonight. I do think we can consider your side of the story. I would ask because I was told or the Board was told, was represented to the Board last month that there were aerials and there was other evidence out there that there was this real adverse possession claim and you're saying that there's a strong claim, it's an uphill battle for the other side. Can you get into that a little bit in terms of the history just so that we can appreciate that and perhaps have something more to vote on other than just what we're being told?

**Attorney Panos:** Sure. So, the area in dispute had been surveyed and when I looked at this and I've done some adverse possession work, when I would I looked at this in the context of that adverse possession precedents and litigation, I came to the immediate conclusion that this was among the strongest cases I had ever seen. That typically you would prove an adverse possession claim through affidavits going back, hiring engineers, spending a lot of money proving out through aerial photography and so forth that you in fact have adversely possessed a disputed area. All of that existed. Both parties had that documentation in front of them. As a matter of fact some of the earlier iterations of the development plans that I saw showed very faintly the outline of the fenced in portion of the disputed area, which is kind of a inverse arc, around the Petersen property and is fenced in. That fence has existed for a very long time. Mr. Peterson provided me on the aerial photograph that that dates back easily to the late 70s. That shows the fence line then where it is today. So, we were all convinced that it existed. The petitioner here tonight understood very quickly that the issue existed, and they want to develop a piece of property and we want to, and our interest in this is to make sure that this matter is settled once and for all. You will also recall that the subject property that is the subject of their development has been before this Board several times over the past few years. Different property owners, foreclosures, lots of controversy and I think this is an opportunity for all of us to put this property in its future to rest once and for all, that we can finally stabilize the property and move forward, and we can end up without this albatross over our neck which is do we own it don't we own it and we of course were convinced that we do. I was hired ... to Attorney Zolotas' question... to pursue the adverse possession claim, that's what my clients mandate to me was, and I convinced him that that was not a good idea. If we could come to a mutually agreeable settlement as we ended up with, and whether you accept that or not as part of your record tonight, all it illustrates is that we have in fact come to an agreement in settlement of a claim that both sides agree exists.

**Attorney Panos:** Through the Chair, this is the disputed area that's existed since the late 70s and you can have that. That pretty much shows the area as it existed, then as it exists today. Just pictorially.

**Ms. Gallugi:** Any other questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Motion to close Public Hearing

**Ms. Sencabaugh:** Second

**Mr. Zolotas:** Motion to approve.

**Mr. Sencabaugh:** Second.

**Ms. Gallugi:** Roll call vote.

**Dan:** Y

**Stephen:** Y

**Barry:** Y

**Julie:** Y

**Fran:** Y

**Variance was granted (5-0 in favor)**

2. Application of **Brian Cooper, 185 Winona St.,** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **185 Winona St., Peabody, MA, Map 055, Lot 004.** Petitioner seeks a variance for a deck and requires relief to **Left Side-Yard Setback** where 20 feet are required, and 9.5 feet are proposed. The property is located in a **R1 Zoning District.**

**(Secretary read the Legal Notice)**

**Mr. Cooper:** Good evening. My name is Brian Cooper, 185 Winona St. I am here in petition for a variance to add my deck to attach to my pool. I need 20 feet and I have 9 and a half feet. So, that's what the variance is for. I have spoken with all my neighbors. I do have a letter here from my neighbor at 189 Winona Street, who it directly affects, and she is in favor. All my neighbors are ok with it so that's it.

**(Letter from neighbor was read into the record)**

**(Letter was made part of these minutes.)**

**Ms. Gallugi:** I have a couple of questions for you. So, you want to build the deck from the pool to attach it to the house?

**Mr. Cooper:** So, if you look at the plot plan, it's actually a two-level deck. There's one that 28 foot one which was an existing deck we replaced and the second piece, that bottom one, is a second lower deck to attach to the pool.

**Ms. Gallugi:** That second deck, is there anything there now?

**Mr. Cooper:** No, just the frame. The building inspector approved the frame up to six feet within the pool, so that's what's there now.

**Ms. Gallugi:** So, isn't there supposed to be a fence around this pool or something?

**Mr. Cooper:** It has to be locked gates. Yeah, it's an above-ground pool.

**Ms. Gallugi:** So, the second deck is what you want to build and that's going to go from your house to that pool and it's a lower second deck? Right to the pool?

**Mr. Cooper:** Yes. Correct.

**Mr. Cooper:** Yes, with locking gates on each side with alarms.

**Ms. Gallugi:** You want this because why? What is the hardship? The hardship is that it was too difficult for you to bring your daughter up the ladder?

**Mr. Cooper:** Yeah. To try to use the pool with two kids and ....

**Ms. Gallugi:** It's really not a hardship. That's an inconvenience. I get it and I'm sure it will be easier, and it would look nice but just so you know. Any other questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Motion to close Public Hearing

**Ms. Sencabaugh:** Second

**Mr. Sencabaugh:** Motion to approve.

**Mr. Zolotas:** Second.

**Ms. Gallugi:** Roll call vote.

**Ms. Gallugi:** Roll call vote.

**Dan: Y**

**Stephen: Y**

**Barry: Y**

**Julie: Y**

**Fran: Y**

**Variance was granted (5-0 in favor)**

3. Application of **Jose Dos Santos, 3 Berry Place**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **3 Berry Place, Peabody, MA, Map 075, Lot 197D**. Petitioner seeks a variance for an addition and requires relief to **Right Side-Yard Setback** where 10 feet are required, and 2.4 feet are proposed. The property is located in a **R2 Zoning District**.

**(Secretary Read the Legal Notice)**

**Jose Dos Santos:** My name is Jose Dos Santos. I lived 3 Berry Place. She is my translate.

**Roberta Bravo:** My name is Roberta Bravo. I'm just here as a friend to help out with the translating. Jose bought a house recently and there was an existing building on the right side of the house. He renovated without knowing he needed a building permit. He looked to change the roof because the rain. It was going like a towards his neighbor and thinking about like it just taken that away from the neighbor. He wants to put the roof higher. He kind of thought about it just like a renovate the building but he took it away the wall in order to make it higher but the footage you know it was not enough unfortunately but it again it was an existing building there.

**Ms. Gallugi:** Did he build this without a building permit?

**Roberta Bravo:** He started and then the Building Inspector came and then he was like asking what he was built.

**Ms. Gallugi:** Does he have a building permit now?

**Roberta Bravo:** No. He's still waiting for his permit.

**Ms. Gallugi:** So, he had an existing... what do we call this a shed ...it's like a mudroom.

**Roberta Bravo:** Yeah it was a bigger than a shed. It was like a more mud.

**Ms. Gallugi:** Okay, and he tore it down. He tore it down and then he rebuilt it,

**Roberta Bravo:** He did, but he didn't complete it. But he tore down one of the walls because in order to change .....but

**Ms. Gallugi:** It looks totally different. So, we really need to know....He might have not have torn it down altogether, but in reality he tore most of it down and rebuilt it. It looks like he even put a new foundation on the ground.

**Roberta Bravo:** That's true. He had to do that to make it stronger because where he did with the roof it was like a .....

**Ms. Gallugi:** So, he changed the roofline. This is a little larger and he made a foundation all without a building permit is that correct?

**Roberta Bravo:** Yes. Unfortunately, yes.

**Ms. Gallugi:** May I ask what he does for work?

**Roberta Bravo:** He's a landscaper.

**Ms. Gallugi:** Okay. So, he's not a builder. He's not a contractor. He doesn't build houses or things like that he's...

**Roberta Bravo:** A landscaper.

**Ms. Gallugi:** So, you have the roof. You have the walls. You have the foundation. You have the doors. It's really just about totally built.

**Roberta Bravo:** Right.

**(Discussion ensued)**

**Ms. Gallugi:** So, you changed you changed the way the building looks.

**Roberta Bravo:** Yeah. It wasn't a change like on the size of the room or anything but yeah it was a change on the roof because working for the foundation...to make the roof ....to switch to the side.... I don't know if I'm explaining right but it was like a detail is on the side, he just make him on then both side, from a front and the back of the house. But in order to do that he had to then make the walls a stronger in order to support the roof.

**Ms. Gallugi:** Right so but there was a change in the way it looks.

**Roberta Bravo:** Because of the roof, yes.

**Mr. Osborne:** Through the chair. I'm gonna be honest with you. I'm very confused. I... the cement work at the foundation, is that the same dimensions as the existing foundations that was there before you did anything? Did you just reinforce the foundation that was there? Did you remove it and build a larger foundation?

**Roberta Bravo:** He just kept the foundations and the same location, but he removed the wall and he made the foundation deeper, the pillars. He removed the wall. It's the same size.

**Mr. Osborne:** Why are they here?

**(Discussion ensued.)**

**Mr. Osborne:** Through the chair. Did you know when addition was built? Did you buy the house with this addition or did you add addition?

**Roberta Bravo:** He bought the house with the addition.

**(Discussion ensued)**

**Ms. Gallugi:** You kept the same actual dimension of the foundation. You dug deeper to make it stronger. Instead of the roof being this way you made it this way. The rain water flows onto your own property from the roof instead of onto your neighbors. It's the same height.

**Roberta Bravo:** It looks different because of the roof.

**(Discussion ensued)**

**Ms. Gallugi:** Any other questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Motion to close Public Hearing

**Ms. Sencabaugh:** Second

**Mr. Zolotas:** Motion to approve.

**Mr. Sencabaugh:** Second.

**Ms. Gallugi:** Roll call vote.

**Dan: Y**

**Stephen: Y**

**Barry: Y**

**Julie: Y**

**Fran: Y**

**Variance was granted (5-0 in favor)**

4. Application of **Maria O'Toole, 3 Victor Circle**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **3 Victor Circle, Peabody, MA, Map 075, Lot 086A**. Petitioner seeks a variance for an open deck

and requires relief to **Side-Yard Setback** where 10 feet are required, and 5.9 feet are proposed. The property is located in a **R2 Zoning District**.

**(Secretary read the Legal Notice)**

**Maria O'Toole:** Good evening ladies and gentlemen. My name is Maria O'Toole. I reside at 3 Victor Circle here in Peabody. I'm here with my other half Said Ayati. I seek relief to the right side of my yard to build a new deck, a replacement of a 19-and-a-half-year-old dilapidated unsafe deck. Before the work was started, and after signing a contract with the Mr. Martens of Apex Carpentry of Swampscott, Massachusetts the contractor applied for a permit here at City Hall. He was then told to come back the next day for pickup. Because the weather was permitting, with no rain, he started the framing and the demo of the old deck. Not that it was a lot to take down, as it was already dilapidated and unsafe. He then went back to City Hall the next morning to pick up the permit and was asked for a plot plan. He called me. Surprisingly I gave him the one I had. He took it back to City Hall and was told it was too old. We needed a new one from a surveyor. I asked why as nothing has changed in 19 and a half years. However, we did, as requested, got the surveyor, got a new plot plan based on that new one. More detail than nineteen and a half years ago. We need a variance thus the reason why we are here tonight. After speaking with the property owner Frank Sabelli, who abuts my property he, has no opposition or objection to the replacement and the new deck that I request. My request for a new deck other than it is old, rotted, 19 and a half years old, it is a place where my 91-year-old mother who resides with us can sit, see the birds, the squirrels and be content with just sitting outside. I respectfully request and ask for your permission to grant my request for a new deck at 3 Victor Circle.

**(Discussion ensued)**

**Stephen Zolotas:** Through the chair. So, this deck, is it ...it's the same size as the pre-existing deck?

**Said Ayati:** The deck that was back there, the old one, it was 4' x 20' but it was not usable not the usable space. So, based on what we were looking at we decided to add extra footage to it so now we went to 8' x 20' that's what it is right now. So, really, it's 8' x 19.4'.

**Ms. Gallugi:** I have a couple of questions. You said the old deck is 8' x 19.4' and was there for 19 years and you never used it?

**Maria O'Toole:** We did.

**Ms. Gallugi:** Okay because you just said it was not usable it's not a usable space.

**Said Ayati:** Not a usable space. In other words, you know you cannot sit out there and have breakfast. You could not.

**Ms. Gallugi:** So, it was used for what for 19....?

**Maria O'Toole:** Just basically as an egress.

**Dan Sencabaugh:** Through the Chair. I'll just make a comment that this is, if I see at least satisfies the hardship you know element of a variance where we look at the shape and topography of the land and you have here, I'll just hold it up, but basically you've got this lot at the end of a cul-de-sac that's very narrow in nature. I don't see a problem with this and in fact in the application that it explains that how the lot narrows to the front and to the rear of the property, explains why you know this is really a hardship. Not so much you know how old somebody is or why they need it because of a you know physical handicap, or you know you feel bad for people. It sounds like you know that would be the hardship, but this is a prime example of hardship met in my opinion. So, I just point that out to the Board and to the audience.

**Ms. Gallugi:** Any other questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Motion to close Public Hearing

**Ms. Sencabaugh:** Second

**Mr. Zolotas:** Motion to approve.

**Mr. Sencabaugh:** Second.

**Ms. Gallugi:** Roll call vote.

**Dan:** Y

**Stephen:** Y

**Barry:** Y

**Julie:** Y

**Fran:** Y

**Variance was granted (5-0 in favor)**

5. Application of **Covenant Christian Academy c/o John Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **83 Pine St., Peabody, MA, Map 045, Lots 500-504A**. Petitioner seeks a variance for an addition and requires relief to **Right Side-Yard** where 15 feet are required, and 3.9 feet are proposed and **Lot Coverage** where 35% is allowed and 37.5% is proposed. The property is located in a **R4 Zoning District**.

**(Secretary read the Legal Notice)**

**Attorney Keilty:** My name is John Keilty. I am an attorney. I have offices at 40 Lowell Street in Peabody Massachusetts. I appear this evening on behalf of Covenant Christian Academy Inc who is located at 83 Pine Street in Peabody, Massachusetts and they located in Ward 6 and they are in a Zoning District which is R4. This property is formerly the John F Kennedy Jr. High School. Prior to that it was the West Peabody Speedway, showing the age now, and the reason we're here this evening is Covenant Christian would like to build a gymnasium that would extend toward the side line of the property and we are asking for lot coverage of thirty seven and a half percent rather than thirty five percent and we're asking also for side of 4.9' rather than 15' those are the two variances we've asked for and I'd like to take a moment to show you what triggers it is the shape of our lot that triggers the need for that and we believe that we fulfill the requirements for hardship we've set that out in our application and we would ask you if you have any questions we're happy to answer them but I think I've given you a pretty good idea of what we're what we're requesting what we're proposing to build and how.

Through the Chair. Attorney Keilty, it looks like from the plan that was submitted along with the application that you're going to be losing a number of parking spaces. Does that loss of parking spaces necessitate any variance for...

**Attorney Keilty:** No.

Could you just inform us as to what the required parking is. Do you know the number of parking spaces that are there? That is required for the educational use?

**Attorney Keilty:** Yes. There has not been one that has been suggested by the building department, but I do know that we would be exempted from certain aspects of the parking requirement because of our educational use we have agreed that the dimensional relief that we're seeking is necessary to be gotten from this Zoning Board we could not avoid coming to this Board but with respect to parking issues if we're asked how many parking spaces we're going to have we will reveal that too there are no actual assigned spaces to the condominium units, it's generalized parking. For instance, if I go there on a Saturday for soccer games I can park virtually anywhere on that property. So, it's kind of shared parking by some. What the city in public in general and the people that utilize these residences the children at the school don't have cars. So, we have automobiles, we have parking for our employees but not at all for the students.

Do you know if there's any plans in the works to make up for some of the spaces that are being lost or is there just going to be a decrease in the amount of spaces available?

**Attorney Keilty:** It will be a decrease in the amount of spaces available because there the rest of the property is owned by either the City of Peabody Parks and Recreation or is owned by or has conservation owned by the City of Peabody but has conservation land on it so I don't see room for expansion at all.

**Ms. Gallugi:** Any other questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Motion to close Public Hearing

**Ms. Sencabaugh:** Second

**Mr. Zolotas:** Motion to approve.

**Mr. Sencabaugh:** Second.

**Ms. Gallugi:** Roll call vote.

**Dan:** Y

**Stephen:** Y

**Barry:** Y

**Julie:** Y

**Fran:** Y

**Variance was granted (5-0 in favor)**

6. Application of **9 Bourbon, LLC c/o Josh Goldstein, 9 Bourbon St.,** for a **Modification Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 9.2** as it applies to the premise known as **9 Bourbon St., Peabody, MA, Map 036, Lot 019.** Petitioner seeks to modify a variance to allow for **34 Parking Spaces** where 38 spaces were previously granted, and 40 spaces are required; **Side-Yard Setback** to allow for 21 feet where 40 feet are required; **Front Yard** to allow for 16 feet where 50 feet are required; **Rear Yard** to allow for 7' where 50 feet are required. The property is located in a **BR Zoning District.**

**(Secretary read the Legal Notice.)**

**Josh Goldstein:** My name is Josh Goldstein, from 9 Bourbon Street. We're here tonight seeking a variance for parking. It was an actual variance that was granted previously for 38 parking spots. We are looking to reduce down to 34 spots. Where the building is gonna have a small little bump out of about three hundred square feet to make more of a dramatic design and a nicer look to the building and we're just looking to increase that space a little and that's going to decrease the parking by 4 spots.

I think I remember this. The back of the property is a dumpster and a hill.....

**Josh Goldstein:** We bought the land and back in March. So, we bought the property. There's buildings, it's condo buildings in the back. There's no dumpster back there now.

So, is this the color? Is your building?

**Josh Goldstein:** So, right now it's just a foundation in the ground. There's just a foundation. Behind it is Ledgewood Estates and then behind that is the ice-skating rink and...

Didn't this come before us and they were going to clean up the whole area and they were going to plant trees and then nothing happened, and you came along and you bought that this piece of Property?

**Josh Goldstein:** That is correct.

**Ms. Gallugi:** And you're going to clean it up and plant trees and make everything look pretty... are going to do everything to make it pretty as quick as possible and what exactly is going here?

**Josh Goldstein:** So, it's gonna be a 10,000 square foot office building. It's gonna be an orthodontist on the first floor and then my office on the second floor.

**Stephen Zolotas:** Through the Chair. The architectural design you have here shows the landscaping. Is that the actual landscape and you're going to fix it up?

**Josh Goldstein:** So, that's just to make it look pretty for now, but we are gonna hire an architectural person to do the landscape design and make sure that does look good. Obviously with everything going on in Bourbon Street and all of the In the Game center we want to make a very appealing complex.

**Stephen Zolotas:** Was landscaping made part of this application?

**Josh Goldstein:** I don't think it was.

**Stephen Zolotas:** So, you would have to just in order to be compliant with this application this petition you would need to meet also landscaping requirements. If you don't, you'd have to come back before us to do less than what we require.

**Josh Goldstein:** Sure. I was told there was to be ten trees planted in the back of the building and follow everything.

**Ms. Gallugi:** Did you talk to any neighbors?

**Josh Goldstein:** I have not talked to any neighbors.

**Ms. Gallugi:** Any other questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Motion to close Public Hearing

**Ms. Sencabaugh:** Second

**Mr. Sencabaugh:** Motion to approve.

**Mr. Zolotas:** Second.

**Ms. Gallugi:** All in Favor? Any opposed?

**Mr. Zolotas:** Motion to close Public Hearing

**Ms. Sencabaugh:** Second

**Mr. Zolotas:** Motion to approve.

**Mr. Sencabaugh:** Second.

**Ms. Gallugi:** Roll call vote.

**Dan: Y**

**Stephen: Y**

**Barry: Y**

**Julie: Y**

**Fran: Y**

**Variance was granted (5-0 in favor)**

**Dan Sencabaugh:** Motion to approve the Minutes

**Stephen Zolotas:** Second

**Dan Sencabaugh:** Motion to adjourn

**Stephen Zolotas:** Second