



## Town of Burlington

### ZONING BOARD OF APPEALS

Minutes of the Regular Meeting of Tuesday February 17, 2015

#### I.

##### A. Attendance, Call to Order:

Greg Szydlo Chair called the meeting to order at 7:00PM. In attendance were Greg Szydlo, Lori Arel, Cheryl Byrne, Lisa Cianchetti, Chris Argiropolous, Peter Perkins arrived at 7:08pm. Robert Sussdorff arrived at 7:09pm. Liz Burdick, ZEO  
Allison Yudelson, ZBA Secretary

##### B. Act on Meeting Minutes:

MOTION Byrne, second Cianchetti to approve the minutes from the January 20, 2015 regular meeting as submitted; unanimously approved

##### C. General Communications:

a. Notification for Informational Sessions regarding proposed capital projects bond referendum.

#### II. Public Hearing(s)

- a. Application 2014-528 –application for front yard variance for proposed 2 story garage on property known as 4 Rowe Court submitted by Cheryl Byrne.  
MOTION Perkins, seconded Cianchetti to close the regular meeting and open the public hearing at 7:13pm; unanimously approved.  
Seated: Szydlo, Perkins, Cianchetti, Sussdorff, Argiropolous.  
Byrne recused herself.  
Byrne was present and addressed the Commission.  
Applicant is requesting a 31.6' variance of required 35' R-15 front yard setback to construct a two story garage a distance of 3.4' to the front boundary on Rowe Court. Rowe Street connects to Rowe Court both are paper streets.  
Hardship being topography and nonconforming/predates zoning.  
The proposed garage will be two bays one upstairs and one downstairs accessed by the way of an easement over adjacent property at 26 Strong Street. A driveway permit would also be necessary.  
Commission questioned the radius for the Fire Department.  
Public:  
Kim Holden- 24 Strong Street-spoke in favor of the applicant felt there would be better safety if the area was opened up.  
Lee Gezelman-Lake Garda Association-concerns with drainage issue at end of School Street and feels it needs to be resolved before construction begins. Felt road (Rowe CT) should be developed before the garage. Concerned with whats going into the lake.



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Commissioner Perkins commented that silt fence should remain up until construction is complete.

Barbara Pavlik Dahle-Spielman Highway-questioned if there were other paper roads in town.

Kenneth Byrne Sr-26 Strong St-stated that the mound of dirt will be used to fill in when complete.

Kenneth Byrne Jr-stated that run off issue was there prior to construction. The issue dates back many years.

MOTION Perkins, seconded Cianchetti to close the public hearing and reopen the regular meeting at 8:00pm; unanimously approved.

MOTION Cianchetti, seconded Sussdorff to approve Application#2014-528- Application of Cheryl Byrne for a 31.6' variance of the required 35' R-15 front yard setback (ZR Sec. IV.B.5) to construct a two-story, detached garage a distance of 3.4' to the front boundary on unimproved Rowe Court. **Variance approved with the following**

**conditions:**

1. Easement documents to 4 Rowe Court over adjacent 26 Strong Street for garage access shall be reviewed/approved by the Town Attorney and filed on the land records.
2. Permits shall be obtained for all proposed driveways and shall be constructed in accordance with the requirements of local and state agencies as applicable.
3. The two existing, non-conforming sheds located on 4 Rowe Court and/or 26 Strong Street shall be removed prior to issuance of a certificate of occupancy for the subject detached garage.

Hardship: Size of lot, location of lake, topography and pre-existing non-conforming lot.

IN FAVOR, Szydlo, Perkins, Sussdorff, Argiropolous, Cianchetti. OPPOSED, None. ABSTAINED, None.

- b. **Application 2014-531**-Appeal from Order Decision of the ZEO-location of affected premises-48 Claire Hill Road-submitted by Bruce Cady.  
Email dated January 21, 2015 to ZBA from Attorney Marjorie Shansky requesting an extension of the continued public hearing to March 17, 2015 read into the record.  
MOTION Perkins, seconded Byrne to grant extension to March 17, 2015; unanimously approved.
- c. **Application 2014-532**-Appeal from Order Decision of the ZEO-regarding regulations relating to farms, farming and livestock-206 Johnnycake Mountain Road- submitted by Johnnycake Mountain Associates.  
Letter dated February 13, 2015 to ZBA from Attorney William Tracy requesting continuance of the opening of the public hearing of Application 2014-532 & Application 2014-533 to March 17, 2015.  
MOTION Perkins, seconded Cianchetti to defer public hearing to March 17, 2015; unanimously approved.



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- d. **Application 2014-533**-Appeal from Order Decision of the ZEO-regarding regulations relating to farms, farming and livestock-Map 6-9 Lot 25-submitted by Johnnycake Mountain Associates.

### III. Unfinished Business

- a. none

### IV. New Business:

- a. **Application 2014-534**-Appeal from Order Decision of the ZEO-location of affected premises-511 Spielman Highway-submitted by Gerald Romaniec.  
Letter dated February 16, 2015 to ZBA from Town Attorney Kenneth Slater read into the record.  
Legal opinion of Town Attorney that ZBA has no jurisdiction to hear public hearing.  
Gerald Romaniec addressed Commission as to why he feels that the appeal should be heard by ZBA.  
There was lengthy discussion and ZBA determined that the Commission can not accept the Application 2014-534 and that they don't have authority to hear the public hearing.  
The Commission offered the applicant to withdraw application and refund application fee but the applicant declined.

### V. Adjourn:

MOTION Cianchetti, seconded Byrne to adjourn the meeting at 8:45pm; unanimously approved.