

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of April, 2018 A.D. the said meeting was called to order by Zoning Board of Review Chairman Jonathan Ure at 7:00 P.M. in the Town Hall Meeting Room with a moment of silent meditation and a salute to the Flag.

PRESENT: Jonathan Ure, Ronnie Sposato, Joseph York; Michael Geary;

Dan Baruti, Solicitor: Matthew Riley from Attorney Assalone's office;

Zoning Board Clerk: Elizabeth Metcalf

Deputy Zoning Official: Sherri Desjardins

Absent: Philip Scalise, Daniel Harrington,

Sitting as Board: Ure, Sposato, York, Geary, Baruti

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOSEPH YORK TO HEAR PETITIONS II AND III BEFORE PETITION I.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Petition II – Hearing

A Petition for a Special Use Permit filed by Jeffrey Chalifoux of 89 Highview Ave, Hope Valley, RI 02832 for property owned and located at 75 Fairview Ave, Hope Valley, RI 02832 identified as AP 28, Lot 80 an R-1 Zone and filed in accordance with Sections 8C and 10 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petition III – Hearing

A Petition for a Dimensional Variance filed by Jeffrey Chalifoux of 89 Highview Ave, Hope Valley, RI 02832 for property owned and located at 75 Fairview Ave, Hope Valley, RI 02832 identified as AP 28, Lot 80 an R-1 Zone and filed in accordance with Sections 6 and 9 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

Petitions II & III were heard together.

Petitioner Jeffrey Chalifoux was present.

Mr. Chalifoux spoke about his project. He has a 10'x 52' mobile home on 75 Fairview Avenue. The mobile home was built in 1965 and is totally worn out. The replacement mobile home will be 14'x 52', as they no longer make 10' wide mobile homes. It is close to the sideline and doesn't meet the sideline requirements. Since mobile homes are no longer permitted in Hopkinton, but he is grandfathered in, he has asked for a Special Use Permit. The road frontage is 70'.

The Zoning Board reviewed the site plan.

Chairman Jonathan Ure: The lot is narrow and Mr. Chalifoux is overlaying the existing mobile home on the same footprint. Due to the location of the driveway and the septic, he really has nowhere to go. He can't go further back; it makes everything worse. The terrain in the back drops off. An inability to find exactly what he has; he's stuck.

Chairman Jonathan Ure asked if anyone from the public wanted to speak. Neighbors present include: Dave Wightman of 76 Fairview Avenue, Greg Wightman of 70 Fairview Avenue and Ann & Richard Tyszka of 70 Thurston Drive. All neighbors are in favor of this project.

After due consideration, the Zoning Board makes the following findings of fact in regards to this Special Use Permit Application:

The testimony of Mr. Jeffrey Chalifoux- the need to replace the existing mobile home, a 10'x 52' with a model that is as close to the same size as the existing mobile home at 14' x 52'. The change in size is due to the existing size mobile home no longer being manufactured. This property is a preexisting nonconforming lot in an R-1 zone which has a side setback of 3'1" from the south and 9'9" to the north, with 10' being the required minimum setbacks. The lot area is 10,662 square feet with a requirement of 20,000 sq ft. The unique and unusual configuration of the narrow lot along with site conditions due to the positioning of the existing mobile home and driveway leaves him with little other option for the location of the mobile home.

The site plan prepared by Daniel Harrington III, PLS depicts all current and proposed site conditions and their locations on the property.

We have a copy of the approved three-bedroom DEM Septic Permit dated 6/13/2006.

There are three neighbors present and they are not opposing the project.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK TO ACCEPT THE FINDINGS OF FACT FOR THE SPECIAL USE PERMIT.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK TO ACCEPT THE SAME FINDINGS OF FACT FOR THE DIMENSIONAL VARIANCE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT BASED ON THE PREVIOUSLY STATED FACTS, THE

TESTIMONY HEARD AND THE DOCUMENTS OF RECORD THAT THE HARDSHIP FROM WHICH THE APPLICANT SEEKS RELIEF IS DUE TO THE UNIQUE CHARACTERISTICS OF THE SUBJECT LAND OR STRUCTURES AND NOT TO THE GENERAL CHARACTERISTICS OF THE SURROUNDING AREA, AND IS NOT DUE TO A PHYSICAL OR ECONOMIC DISABILITY OF THE APPLICANT.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY, THAT BASED ON THE PREVIOUSLY STATED FACTS, THE TESTIMONY HEARD AND THE DOCUMENTS OF RECORD THAT THE HARDSHIP IS NOT THE RESULT OF ANY PRIOR ACTION OF THE APPLICANT AND DOES NOT RESULT PRIMARILY FROM THE DESIRE OF THE APPLICANT TO REALIZE GREATER FINANCIAL GAIN.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY, THAT THE GRANTING OF THE REQUESTED VARIANCE WILL NOT ALTER THE GENERAL CHARACTER OF THE SURROUNDING AREA OR IMPAIR THE INTENT OR PURPOSE OF THE ZONING ORDINANCE OR THE COMPREHENSIVE PLAN UPON WHICH THIS ORDINANCE IS BASED; AND THAT THE RELIEF TO BE GRANTED IS THE LEAST RELIEF NECESSARY.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY THAT IN GRANTING A DIMENSIONAL VARIANCE, THAT THE HARDSHIP THAT WILL BE SUFFERED BY THE OWNER OF THE SUBJECT PROPERTY IF THE DIMENSIONAL VARIANCE IS NOT

GRANTED SHALL AMOUNT TO MORE THAN A MERE INCONVENIENCE. THE FACT THAT A USE MAY BE MORE PROFITABLE OR THAT A STRUCTURE MAY BE MORE VALUABLE AFTER THE RELIEF IS GRANTED SHALL NOT BE GROUNDS FOR RELIEF.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY, THAT THE ZONING BOARD FINDS BASED ON THE PREVIOUS FINDINGS OF FACT THAT THEY APPROVE THIS DIMENSIONAL VARIANCE.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Petition I – Hearing

A Petition for a Special Use Permit filed by George A Comolli, Attorney on behalf of Edward C and Julieta G Sherman of 163 Canal Street, Westerly, RI 02891 for property owned and located at 165 Ashaway Road, Ashaway, RI 02804 identified as AP 23, Lot 4 an RFR-80 Zone and filed in accordance with Sections 8C and 10 of Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, as amended.

The applicant is not present.

Discussion ensued concerning how to move forward.

Sherri Desjardins stated that she had reached out to Mr Surdut, the Attorney from Mr Comolli's law office. He assured Sherri that they would either submit something to the Zoning Clerk or to Sherri herself, and assured her that he would be at this meeting.

It was discussed that the Attorney should have followed through after the last meeting, as to the Continuance status.

Zoning Board Solicitor Matt Riley stated that the Petition should be denied on its merits.

Sherri Desjardins: They were supposed to submit an amended Special Use Permit to reflect the current conditions at the site, along with a Dimensional Variance and an amended site plan.

It was decided that the hearing should go forward tonight as planned. Chairman Jonathan Ure read a timeline for this Petition; said timeline to be added to the findings of fact.

April 9, 2014- A Special Use Permit was approved for a 30'x 50' storage garage and two 20'x 40' concrete mulch bins and a dimensional Variance for 40' rear yard setback and a 57.7' setback to the west side and a 57' setback to the east side, with conditions attached thereto which were included in Exhibit 1 as recorded in the land evidence records.

January 1, 2017- A complaint was received from an abutting neighbor and inspections were conducted by the Zoning Official on January 31, 2017 and March 21, 2017.

May 11th, 2017- Notice of expiration of the 2014 Special Use Permit and a cease and desist order was sent to the applicant.

May 30th, 2017- An appeal Petition was received.

June 15th, 2017- A checklist for the appeal was determined to be complete by the Zoning Board.

July 20, 2017- The Special Use permit was on the agenda for determination of completeness and the Zoning Board voted the checklist was complete, subject to the Appeal decision.

The Hearing for the appeal was continued to August 24, 2017.

August 24, 2017- Discussion continued regarding the Appeal, with off record discussion with the abutters. This was continued to September 21, 2017.

September 21, 2017- The Appeal was discussed and continued to October 26, 2017. (The meeting date was later changed to October 19, 2017)

The Special Use Permit was also continued to October 26, 2017 (later changed to October 19, 2017). The Solicitor advised the Zoning Board that the matter shall not be heard until the Appeal Decision is reached.

October 19, 2017- Appeal discussion continued, site visit with Zoning Board scheduled for November 1, 2017. Hearing continued to November 16, 2017.

November 1, 2017- Site visit by Zoning Board and Zoning Official. Petitioner was advised Special Use Permit must be amended and Dimensional Variance Application be submitted, with a revised site map based on current site configuration.

November 16, 2017- Zoning Board of Review votes to uphold Zoning Official's decision and to stay enforcement of decision until January meeting.

December, January and February-there were no meetings.

February 14, 2018-Zoning Official has a site visit with Attorney Surdut and the property owner.

March 15, 2018- Hearing is continued to April 19, 2018 meeting.

April 19, 2018- Applicant or Representation is not present. We have not received an updated site map, or an amended Special Use Permit Application. The Zoning Official did have correspondence with the applicant's attorney in the first week of April, where he stated that his client was looking for a continuance and that he would be in attendance at this meeting.

This Board has had special meetings and long delays for this application to allow the applicant time to discuss issues with the neighbors in order to resolve the issues and that the meetings that we didn't have (except December) were at the request of continuances by the applicant. Last month a motion was made by Ronnie Sposato and seconded by Joseph York to continue this matter to the April 19, 2018 Zoning Board of Review meeting with the understanding that this will be the last Continuance granted. All were in favor, none were opposed.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK TO ACCEPT THESE FINDINGS OF FACT.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Discussion ensued concerning the stay of enforcement. The enforcement starts from tonight on.

Chairman Jonathan Ure read the Notice of Violation from the Zoning Official, May 11, 2017:

You must reapply for a Special Use Permit and Variance or return the site to the pre-existing condition that existed prior to the original application submission in 2014. This includes the removal of all equipment, mulch bins and compiled organic materials. Otherwise the pre-existing use shall be deemed abandoned and the lot should be brought into compliance with residential use. You have ten days to comply or you may exercise your right to appeal this decision as outlined in Section 24 of the Hopkinton Zoning Ordinance.

It was noted that in response to this letter, the applicant then applied for a Special Use Permit.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK THAT THE ZONING BOARD OF REVIEW DENY THIS SPECIAL USE PERMIT ON ITS MERITS BASED ON THE FINDINGS OF FACT STATED.

THE MOTION WAS RESCINDED. NO VOTE WAS TAKEN.

Added to the findings of fact;

The Board had a site visit, numerous conversations at different hearings that the applicant did attend. They had a full understanding of what needed to happen in order for the Special Use Permit to be approved, and how to come into compliance. The applicant is not here for the meeting. The Board made concessions to allow or accommodate deviations from the original Special Use Permit that he applied for in 2014, as the mulch bins and the parking areas were not in the right location. There were additional buildings that came after that application that needed dimensional variances as well as greenhouses and sheds and questions as to when they were put on the property. Also, the equipment and the activities going on were not part of the original Special Use Permit. He expanded what he was doing into a full time mulch operation, which was not in the proposal.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK THAT BASED ON THE FINDINGS OF FACT THAT THE ZONING BOARD FINDS THAT THE PROPOSED USES AND/OR STRUCTURES WILL NOT BE COMPATIBLE WITH THE NEIGHBORING USES AND WILL ADVERSELY AFFECT THE SURROUNDING NEIGHBORS' USE AND ENJOYMENT OF THEIR PROPERTY.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK THAT BASED ON THE FINDINGS OF FACT THAT THE ZONING BOARD FINDS THAT THE PROPOSED USE WILL NOT BE ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Discussion ensued concerning the wording of the findings of fact in relation to what the Applicant knew and didn't know.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK TO TAKE A FIVE MINUTE BREAK.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Sherry Desjardins left the meeting during the break.

The meeting reconvened at 9:17pm.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK TO STRIKE THE LAST TWO MOTIONS THAT WERE MADE BY RONNIE SPOSATO.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Jonathan Ure: Let the record reflect that neither the Petitioner nor his counsel are present. Let the record reflect that at the July 20, 2017 Zoning Board meeting this Special Use Permit was on the agenda for the determination of completeness and the Zoning Board voted the checklist complete, subject to the appeal decision. The timeline is on the record. In November of 2017 we upheld the decision of the Zoning Official and denied the Appeal.

The hearing was opened up to comments from the neighbors. There are two neighbors present.

Raymond Muszynski of 159 Ashaway Road spoke first. He has lived at his address for two years. He wanted to let the Board know that everything that was going on that started this complaint is still going on. The equipment is still coming in and out. He is still taking dirt out of there. Loam is being brought in again and there is a big pile of it on the side of the mulch bins. The 35,000 lb articulating loader is parked out back. An excavator was bought in yesterday and

is gone today. He sees large dump trucks, two small dump trucks, another truck and two large heavy equipment trailers. The trailer is parked right next to the mulch bin on the west side of the property. He runs the 35,000 lb articulating loader. When he runs it Mr. Muszynski's house vibrates; it's only 50 feet from his house. There is noise from the tailgates slamming, rocks being loaded into a dump truck and backup beepers. In the summer, the activity starts at 7am and ends at 6pm-7pm. The mulch bins are too small, so he's piling up on the side of it now. Mr. Muszynski stated that his back property line looks like World War One no man's land. The Petitioner is bringing in asphalt and concrete and burying it on the property. Mr. Muszynski says he has two pumps running in his basement due to drainage problems. "I want this all to end".

Jonathan Ure: Mr Muszynski has been present at almost every meeting.

Karin Liese of 171 Ashaway Road spoke:

He has so annihilated the back, that in the fifty-seven years (less 7 years in Westerly) or so she has lived there, she has never been able to see his house, until now. The Petitioner started digging before he owned the property. When she was a child, there were wetlands in the back of the property. She feels that they were trying to cover that up. They were taking a lot of trees down. Before Mr. Sherman was involved in the property it was all woods to the back of the property. It was strictly the flower shop; everything was at the front of the property, nothing in the back, just woods. Mr. Sherman has added greenhouses since taking over. She believes he has added one or more greenhouses and a few sheds. They never had any problems when it was a flower shop. There was no noise, no mess. She and her husband had sold the owners a piece of their property so that they could enlarge their parking lot. This kept their customers off of their driveway. She can hear motors running even when inside her house in the winter with the TV on. It looks like a bomb went off over there. It has affected their use and enjoyment of their property and their quality of life. The business has changed from a flower shop to a landscaping business.

Jonathan Ure: Mr.Sherman has expanded uses also to retailing mulch and loam and stockpiling it, and probably selling it offsite. He had said he would not bring in heavy equipment.

Dan Baruti: Did you do that subdivision in 1997 for the extra parking area?

Mrs Liese: It could have been. I would have to look back through my paperwork, but it sounds about right.

Dan Baruti: Did you do reciprocal easements with them so you could share some of the space that you transferred to him?

Mrs. Liese: The dirt driveway, we actually have a life estate right of way on it now. We used to own it. The driveway is actually on their property.

Dan Baruti: Have you had your property surveyed since 1997?

Mrs. Liese: We have not, he has. He has had a surveyor come in and mark it all off as of last Fall, 2017. The surveyor spoke to her. He told her who he was and why he was there.

Dan Baruti: When these trucks access the back of the property they go down along parallel to your property line?

Mrs. Liese: They do not, because we were so afraid of that ahead of time and with our grandchildren and my elderly mother walks up there, so we insisted that they have no access pertaining to his business, on the dirt driveway. We asked that he exit and enter on the other side, which I believe is the west side and there have been one or two occasions that he wanted to use the dirt driveway and he did call my husband and ask. Within the last year he has tried to change that again. He was out there one day trying to tell me that he was going to take the whole fence down and start using the gates. She put a stop to it. She came to the Board. She

told him, no, he could not use the driveway. The Board upheld what we had decided.

Dan Baruti: Have you seen the proposed plan? The plan that he submitted with this application? Because he has a proposed access point that goes around the back of that greenhouse, and the road actually goes through the existing greenhouse. Are you sure that nothing that he’s doing encroaches on your property?

Mrs. Liese: It very well could. I’m not positive. I would have to go recheck his latest survey.

Dan Baruti: Would it be a problem for you if he relocated his ingress/egress to the line that’s parallel to your property?

Mrs. Liese: Yes. I am so worried about that; I would consider moving and selling my house if that happened. It would be that bad.

The Board reviewed the survey.

Jonathan: This looks like an overlay of the past site plans that we received. This road was in an initial proposed one. It looks like they are just adding layers on top of old site plans. They are never taking anything off that has not been approved or disapproved. Just because things are on there, doesn’t mean they have been approved. This site plan does not depict the actual site conditions.

Mrs. Liese: Since he has come in there he just does what he wants.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY TO CLOSE THE HEARING TO COMMENTS.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK TO REOPEN THE PREVIOUS FINDINGS OF FACT.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Added to the findings of fact:

The testimony of Mr. Muszynski and Mrs. Liese who are neighbors to the west and east of the property.

That there is heavy excavation equipment being stored on the property that expands beyond what was discussed with the Board, beyond what the Board was told (during the site visit) would be left on the property.

That there is organic material, mulch and soil being brought into the property in volumes much larger than we were told.

There was building and excavation debris that was being buried in the back.

Photos received by Mr. Muszynski showing large deposits of concrete and asphalt which we assume are buried onsite.

At the site visit we also noted that there were installed numerous greenhouses and sheds and mulch bins and parking areas created that deviated from the 2014 Special Use Permit approval that was ultimately overturned and rescinded.

The uses that the applicant is doing now are even further out of conformance and detrimental to the neighbor's use and enjoyment of their property.

The neighbors are hearing loud noises, such as heavy equipment tailgates, beeping, heavy motors shaking Mr. Muszynski's house.

There was a call to the Zoning Official stating that the applicant or his counsel may request a continuance at this evening's meeting. Yet, at this evening's meeting, there is no counsel or applicant present and no continuance formally requested. During the phone call, counsel for the applicant was fully aware that tonight's meeting was taking place. The counsel for the applicant appears regularly before this Board, and understands the policies and procedures of this board and what other towns require in similar such instances.

As Mr. Muszynski and Mrs. Liese pointed out, that prior to 2014, the back of the property was spongy, appeared to be wetlands, and now it's not the same.

Dan Baruti: We should strike from the original Motion anything that speaks to the mind of the applicant or counsel. This Board explained to the Petitioner and his counsel, what was expected of them.

Dan's comments are part of the findings of fact.

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY TO ACCEPT THE FINDINGS OF FACT.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THAT THE PROPERTY IS NOT CURRENTLY COMPATIBLE WITH THE NEIGHBORING USES AND WILL ADVERSELY AFFECT THE SURROUNDING NEIGHBORS' USE AND ENJOYMENT OF THEIR PROPERTY, FOR THE REASON'S STATED IN THE FINDINGS OF FACT.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THAT THE PROPERTY IS NOT ENVIRONMENTALLY COMPATIBLE WITH NEIGHBORING PROPERTIES AND THE PROTECTION OF PROPERTY VALUES, FOR THE REASONS PREVIOUSLY STATED.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK THAT BASED ON THE FINDINGS OF FACT THAT THE PROPERTY IS NOT COMPATIBLE WITH THE ORDERLY GROWTH AND DEVELOPMENT OF THE TOWN, AND WILL BE ENVIRONMENTALLY DETRIMENTAL, FOR THE REASONS PREVIOUSLY STATED.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY THAT BASED ON THE FINDINGS OF FACT THAT ALL BEST PRACTICES AND PROCEDURES TO MINIMIZE THE POSSIBILITY OF ANY ADVERSE EFFECTS ON NEIGHBORING PROPERTY, THE TOWN, AND THE ENVIRONMENT HAVE BEEN CONSIDERED AND WILL BE EMPLOYED, INCLUDING BUT NOT LIMITED TO CONSIDERATIONS OF SOIL EROSION, WATER SUPPLY PROTECTION, SEPTIC DISPOSAL, WETLAND PROTECTION, TRAFFIC LIMITATIONS, SAFETY AND CIRCULATION.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK THAT BASED ON THE FINDINGS OF FACT THAT THE PURPOSES OF THE ORDINANCE, AS SET FORTH IN THE COMPREHENSIVE PLAN, SHALL NOT BE SERVED BY SAID SPECIAL USE PERMIT.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY JOE YORK THAT BASED ON THESE FACTORS THAT THIS BOARD DENY THE SPECIAL USE PERMIT FILED BY ATTY. GEORGE COMMOLI ON BEHALF OF MR. EDWARD SHERMAN RECEIVED ON JULY 11, 2017.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY THAT BASED ON THE FACT THAT THE SPECIAL USE PERMIT HAS BEEN HEREBY DENIED AND BASED UPON THE FACT THAT THE ZONING OFFICIAL’S DECISION OF MAY 11, 2017 WAS UPHOLD, THAT THE STAY OF ENFORCEMENT OF THE ZONING OFFICIALS ORDER DATED MAY 11, 2017 BE LIFTED AND ENFORCEMENT COMMENCE FORTHWITH.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY THAT THE RECORD REFLECT THAT THIS MATTER IS NOW CLOSED.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY RONNIE SPOSATO AND SECONDED BY MIKE GEARY THAT THE MEETING BE EXTENDED ANOTHER TEN MINUTES.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY RONNIE SPOSATO TO APPROVE THE MINUTES OF THE MARCH 15, 2018 ZONING BOARD OF REVIEW MEETING.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

A MOTION WAS MADE BY JOE YORK AND SECONDED BY MIKE GEARY TO ADJOURN THE MEETING AT 10:04 PM.

IN FAVOR: URE, SPOSATO, YORK, GEARY, BARUTI

OPPOSED: NONE

SO VOTED

Respectfully Submitted,

Elizabeth Metcalf

Deputy Zoning Board Clerk