

MINUTES
Special Meeting

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Zoning Board of Appeals
Waterford Town Hall

May 25, 2022
5:30 PM

Members Present: Catherine Gonyo, Michelle Kripps, Anne Darling, Warren Mackenzie, John Morgan
Alternates Absent: Greg Gallup, William Herzfeld, Jason Maryeski
Staff Present: Jill Stevens, Zoning Official; Dawn Choisy, Recording Secretary
Also Present: Attorney Avena, Attorney Barger

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chairwoman Gonyo called the meeting to order at 5:30. No alternates were seated.

2. APPROVAL OF MINUTES

MOTION: Motion made by A. Darling, seconded by M. Kripps, to approve the minutes of the May 12, 2022 special meeting

VOTE: 4-0-1, C. Gonyo abstaining

3. PUBLIC HEARING

Application #ZBA-22-3 – Appeal of the Zoning Official's approval of a Zoning Compliance permit for Temporary Outdoor Entertainment on property located at 262 Boston Post Road. Appeal is taken by Mark R. Kepple, Esq.

Chairwoman Gonyo re-opened the public hearing and read the following exhibits into the record:

EXHIBIT 1 - Application
EXHIBIT 2 - Letter from Attorney Mark Kepple, Re: Appeal of PI-Z-21-55 received December 30, 2021
EXHIBIT 3 - GIS map of property, labeled "Exhibit A"
EXHIBIT 4 - Document titled "Exhibit B Reason for Appeal"
EXHIBIT 5 - Document titled "Exhibit C"
EXHIBIT 6 - Zoning Compliance Permit #Z-21-55 along with Conditions of Approval
EXHIBIT 7 - Temporary Outdoor Entertainment application submitted by Mike Buscetto, Austin Street Co.
EXHIBIT 8 - Plan of Parking Lot
EXHIBIT 9 - Zoning Compliance Review dated 11/17/21 prepared by Jill Pisechko
EXHIBIT 10 - Condensed Comment Sheet for Application #Z-21-55
EXHIBIT 11 - Legal Ad published in the Day newspaper on December 30, 2021 for issuance of permit #Z-21-55
EXHIBIT 12 - Legal Notice of Public Hearing published in The Day newspaper on April 28, 2022 and May 5, 2022.

Attorney Mark Kepple requested that Board member W. Mackenzie recuse himself from this application due to a previous altercation with a neighbor concerning noise. W. MacKenzie stated that he would have no bias in review of this application.

Attorney R. Avena, representing ZEO Stevens clarified to the Board that this application is not a variance application, it is a statutory appeal of whether or not the ZEO's actions were correct. He reviewed permit #Z-21-55 that was issued under Section 3.19 of the regulations, as well as the regulation itself.

ZEO Stevens reviewed the steps she took prior to issuing the permit, which included referring the application to other departments for feedback, and conditions of approval were attached to the permit as requested by other departments.

Attorney Kepple reviewed and submitted into the record as Exhibit 13 a document titled "Chronology of Events".

Attorney Kepple requested that Planning Director Abby Piersall explain the origin of the present regulation section 3.19. A. Piersall explained the process.

Attorney Kepple submitted into the record as Exhibit 14 a letter dated 9/20/21 to David Campo, Town Clerk from Brett Mahoney, former Chief of Police. He asked Chief of Police Mark Balestracci several questions. Chief Balestracci responded.

Attorney Kepple read into the record a Facebook posting regarding the number of concerts that had taken place at 262 Boston Post Rd. He entered into the record as Exhibit 15 the Town of Waterford's Noise Ordinance.

Chairwoman Gonyo asked if any members of the public wished to speak regarding this matter.

Bill O'Donnell of 7 Reynolds Lane spoke in favor of the appeal.

Bill Herzfeld of 6 Graham Street spoke in favor of the appeal.

Deborah Griffith of 53 North Road spoke in favor of the appeal.

Nancy Hennigan of 7 Reynolds Lane spoke in favor of the appeal.

Harry Colonis of 35 Paula Lane spoke against the appeal.

Mike Buscetto of 207 Great Neck Road, and also proprietor of 262 Boston Post Road spoke against the appeal. He read and submitted into the record an e-mail correspondence from Scott Gladstone (Exhibit 16), and e-mail correspondence from Bill O'Donnell (Exhibit 17).

Chairwoman Gonyo stated that the Board is not here to discuss noise, they are here to determine whether or not the ZEO did her job correctly.

Chairwoman Gonyo asked Attorney Kepple to explain under what sections of the Zoning Regulations is the appeal based on (Exhibit 5). Attorney Kepple briefly explained.

At 8:40 Chairwoman Gonyo called for a 5-minute break.

The meeting resumed at 8:45.

Attorney Kepple submitted into the record as Exhibit 18 a map showing the location of Ms. Griffith's home on North Road, and as Exhibit 19 a photograph of the property at 262 Boston Post Road with a sign stating "Free Ear Plugs". He read into the record an e-mail from M. Buscetto.

Attorney Avena reviewed and entered into the record as Exhibit 20 a document titled "Appeal of Zoning Permit 2-21-55 and Objection to the Decision of the Waterford Zoning Enforcement Officer".

There being no further comments, the public hearing was closed at 9:18.

4. ADJOURNMENT

MOTION: Motion made by A. Darling, seconded by W. Mackenzie, to adjourn the meeting at 9:19.

VOTE: 5-0

Respectfully Submitted,

Dawn Choisy
Recording Secretary