

ZBA Minutes  
6/6/01

The meeting was called to order at 7:30 p.m. Those attending were: Mike Iafolla, Mark Johnson, Sam Chechovich, George Lagassa, Dick Wollmar, and Tina Kinsman, Secretary.

Don Crandlemire, Attorney for Jim Jones, spoke to the Chairman and stated that a court stenographer would be keeping an accurate record of the meeting and this would be made available from Don Crandlemire. Mike thanked him and said that the Board would not finance or abet anyone with pending litigation.

Don Crandlemire then proceeded with his presentation, and gave a copy to the Secretary for the record.

Mark Sullivan, Attorney representing Joe Fitzgerald and Giant Lift Manufacturing, presented the Secretary with a copy of his statement.

Mr. Landman, Post Road, made a comment that the use under discussion was not in keeping with the surrounding area.

Bob Powers, of Powers Motor Company, gave the Board a letter and two pictures for the record.

Mike Iafolla, Chairman, stated that the Zoning Board's comments regarding 120 Lafayette Road were **site specific** to 120 Lafayette Road.

Joe Fitzgerald submitted to the Board that the applicant was in violation of the excavation regulations; the Chairman said that the excavation regulations do not apply in this case. Joe Fitzgerald then submitted videos and photos that showed noncompliance regarding drainage and siltation; unfortunately, the photos were taken away, and the Board has no perspective regarding which side of the property was represented in the photos and videos.

Paul Marston made some comments regarding his property, 187 Lafayette Road, and said that he supports the applicant, Jim Jones and interested parties.

Bob Kinsman asked the Board if there were any controls or measures regarding pollution and dust control.

A question was asked of the Board how materials transported to the site were guaranteed to be free of pollutants; the Chairman replied that the material transported from the site is certified by the contracting authority that it is free of pollutants.

The Board went into deliberation and then made the following decision; Dick Wollmar voting against, on the grounds of Section 702 of the Zoning Ordinance.

The Board voted to uphold the Cease & Desist issued by the Building Inspector, and to deny the appeal, that the applicant asked for a waiver to hold the Cease & Desist in abeyance in order to continue operations, by following two paths: either a Site Plan Review from the Planning Board or a waiver from such, and a Special Exception from the Zoning Board of Adjustment. There were amendments by George Lagassa and Sam Chechovich as follows: that the hours of operation be 8:30 to 4:30, Monday through Friday, excluding holidays, there was discussion, hours of operation changed to 7:30 – 4:30 Monday through Friday, excluding holidays; that the applicant adheres to the controls imposed at the property lines, specifically, the noise and dust (to be determined by the Building Inspector) and the Chairman stated that the Building

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Inspector will make this determination based on the severity of the complaints that he receives, and that he will shut down the operation, if necessary.

Respectfully submitted,

Tina Kinsman  
Recording Secretary