

**Lenox Zoning Board of Appeals
Meeting Minutes
July 17, 2019
Land Use Meeting Room**

Members present: Robert Fuster (RF); Robert Fuster Jr. (RFJr); Albert harper (AH); Shawn Leary Considine (SLC); Clayton Hambrick (CH)

Staff Present: Land Use Assistant, Jessica Cote (JC)

Other Members of Public: Clarence Fanto, Berkshire Eagle

RF opened the meeting at 7:00pm. The meeting was recorded by the ZBA as well as Clarence Fanto

7:00 PM 3 Brunell Ave (Map 42, Parcel 40) Variance (Section 6.1.1 of the Lenox Zoning Bylaw), to allow for the construction of a two car garage which would extend 11 feet into the side yard setback.

- Smitty Pignatelli (petitioner) explained the need for a variance in order to expand current one car garage to become a two car garage.
- Original deed stated that buildings could not be within 8 feet
- Looking to move garage back more behind the house. Topography of lot makes the need to move garage back from where it is now. Only logical option with current setbacks would incur a financial setback.
- RFJr states it would be last burdensome to have the garage location as petitioner has presented instead of moving to the back yard to meet all the setback requirements.
- SLC closed meeting and RFJr seconded.
- Board discussed variance.
- SLC moves to approve variance as applied. RFJr seconds. All in favor 5-0.

7:00 PM 91 East Street (Map 8, Parcel 57) Variance (Section 6.1.1 of the Lenox Zoning Bylaw), to allow for the construction of a two car garage which would extend 10 feet into the side yard setback.

- RF opened the meeting at 7:15pm
- Dick Ferry (petitioner) explained the need for variance as the property backs up to wetlands.
- Currently two curb cuts. Goal is to put garage on side yard on north side of house and reduce to one curb cut.
- Putting garage somewhere else puts the garage in the buffer zone and the south side of the house would require a bit of fill therefore creating a financial hardship.
- RF suggested speaking with DPW as well as Fire Chief in regards to reducing the curb cuts.
- AH motions to close meeting, SLC seconds. All in favor 5-0.
- Board discussed variance including financial and topographical hardships.
- SLC moves to approval variance as applied. RFJr seconds. All in favor 5-0.

7:00 PM 165 Housatonic Street (Map 44, Parcel 59) Special Permit (Section 5.3.5 of the Lenox Zoning Bylaw), to allow for the extension and alteration of a pre-existing, nonconforming single-family residence for the addition of a master bedroom, sunroom, screened porch and new wood deck.

- RF opened the meeting at 7:30pm
- Attorney Lori Robbins representing the applicant Mark Dichter.
- Since the notice was posted, the applicant has decided not to construct the sunroom in the original application. Construction will be for a master bedroom and new wood deck.
- Lori Robbins explained the property and the request for a special permit.

- SLC moves to close meeting. AH seconds. All in favor 5-0.
- SLC moves that the board grant the special permit application. All in favor 5-0.

7:00 PM 310 Old Stockbridge Road (Map 3, Parcel 4) Special Permit extension. Original Special Permit was granted in 2015. It allows access via Old Stockbridge Road in Lenox to a resort located on property known as Elm Court in Stockbridge, Massachusetts, for uses as allowed by a Special Permit granted by the Stockbridge Board of Selectmen dated September 10, 2014.

- RF opened the meeting at 7:45pm
- Nick Arienti, representing Front Yard LLC, explained the original permit and that the decision was appealed and sat in the courts for two and half years. Nick explained how economic climate has changed and the new construction cost increased therefore the need full financing. Applicant wants to have full financing before starting project in order to deliver on initial decision and timeframe of construction that was granted with original special permit.
- Applicant looking for an extension of one year for the original special permit.
- AH asked about specific dates within the original special permit. RF stated that there were no specific dates.
- SLC moves to grant a one year extension of the existing Special Permit. AH seconds. All in favor 5-0.

7:00 PM 17 West Street (Map 43, Parcel 15) Special Permit (Section 7.1.7 & 3.4) of the Lenox Zoning Bylaw), to reduce the number of parking spaces required from 34 to 23 and locate the parking area in the front of the structure, with sufficient screening, rather than the side or rear of the building

- RF opened the meeting at 8:15pm.
- The board reviewed the Dover Amendment which explains what a ZBA can and cannot decide on in regards to religious and educational uses.
- Lori Robbins spoke about the informal presentation last year and explained the Dover Amendment.
- Rabbi Levi (petitioner) explained his proposed use for the property – a Jewish place of worship and community center.
- Anthony Allegrone from Allegrone Companies explained the new building to be built and site plans.
- James Scalise from SKDesign discussed the site plan. James described the current plan of 23 parking spaces however Jim explained how there are more spaces available and could be put into the design plan. Jim also explained the landscaping plan for screening of parking as well as the lighting within the parking lot.
- Olga Weiss, town resident at 180 West Street, asked who gets notified of meeting. Olga has concerns about the demo of the building. She does not like the idea of putting cars within the front of the building.
- Lucy Kennedy, town resident, expressed frustration with the demolition of the building. She requests that the ZBA go slowly and cautiously.
- Joe Toole spoke in favor of Chabad being a vital part of Berkshire Community and welcomes this new establishment into Lenox.
- Sonia Becker spoke in favor of Chabad.
- Jonathan Kramer spoke in favor of Chabad.
- RFJr moved to close the meeting. SLC seconds.

- RFJr moves to grant special permit. SLC seconds. All in favor 5-0 with conditions that the lighting in the parking lot should be downward facing and shielded and that there is no overflow onto West Street.

Other Business:

RFJr moves to close the meeting. AH seconds. All in favor 5-0. Meeting closed at 9:46pm.

Approve Minutes:

June 5, 2019 – Approved by consensus