

# TOWN OF NORTH HARMONY ZONING BOARD OF APPEALS

WEDNESDAY, 03/27/2024, 7: 00 P.M.

**ZBA MEMBERS PRESENT:**

**GREG MICHALAK  
HELEN EMICK  
DAN THOMAS**

**LEAH STOW  
ROGER VAILLANCOURT**

**Julie Conklin, Zoning Board Clerk  
Kelly Johnson, Attorney  
Charles Grieco, Attorney  
Bradley Lawson, Zoning C.E.O.**

**OTHERS PRESENT:**

**William Wright  
Bob Marchiando  
Frank Schoeuacher**

**Sue Marchiando  
Michael Grimone**

**Mr. Michalak** brought the hearing to order at 7:00 PM.

**Mr. Thomas motioned to adopt the minutes of the 02/28/2024 Zoning Board of Appeals Hearing as submitted by the Zoning Clerk. Mrs. Emick seconded. Yes (5): Michalak, Stow, Emick, Thomas, Vaillancourt. No (0).**

**Mr. Michalak motioned to move to the executive session to discuss litigations between the Marchiando's and the Town of North Harmony at 7:02. Mr. Thomas seconded. Yes (5): Michalak, Stow, Emick, Thomas, Vaillancourt. No (0).**

**Mr. Michalak motioned to return to regular session at 7:23. Mr. Vaillancourt seconded.**

**Mr. Michalak** stated that as recommended by the town's council they have decided to table the Marchiando application, on the grounds that the rehearing, as submitted, is no longer applicable with the new determination submitted by Mr. Lawson.

**Mr. Michalak** motioned to table the application giving the applicant time to respond to the new determination.

**Mr. Marchiando** asked, No chance for questions by the applicant?

**Mr. Michalak** stated not at this time.

**Mr. Wright** stated that, the town is going to allow this Article 78 to proceed without any determination of findings, which that is what this meeting was supposed to be about?

**Mr. Grieco** stated that, as discussed with Mr. Wright's partner, that the rehearing be adjourned so that the process could be allowed to play itself out. Also stated that the Marchiando's could amend their petition, if necessary, although he understood Marchiando's intention was to proceed with the current

court date. He stated that the town would respond accordingly to that petition based on the subsequent developments that have occurred since the filing of the petition.

**Mr. Marchiando** voiced his objections to the unfolding of events leading to tonight's decision and the lack of consideration shown to them.

**Mr. Grieco** stated again that he advised Marchiando's attorney what process was going to take place at tonight's meeting and that he stated that their decision was to still move forward.

**Mr. Michalak motioned to table the Marchiando application as submitted, for it is no longer applicable with the new determination submitted by Mr. Lawson. Mrs. Emick seconded. Yes (5): Michalak, Stow, Emick, Thomas, Vaillancourt. No (0).**

**By a motion made by Mr. Michalak, Mr. Thomas seconded and with none being opposed the hearing was adjourned at 7:30PM**

*Julie Conklin*  
*Zoning Board Clerk*