



Town of Monterey

Zoning Board of Appeals Application

For office use only	
Date application was received & filed with the Town Clerk	
Application Number	
Filing fee/expense reimbursement (check #)	
Property Address	
Dates advertised in the Berkshire Eagle	
Hearing Date	
11 copies submitted	

Be sure to supply all required information and sign the form where indicated. Please refer to the Zoning By-Laws of the Town of Monterey adopted by Town Meeting on May 5, 2012, as amended, and, when necessary, refer to specific sections within.

Section A. Please check the action you are seeking (check all that apply):

- Special Permit
- Variance
- Appeal (to modify a decision of a Town Board)

Section B. Site/Property Information:

Address of property (ex. 123 Main Rd.): 32 Sylvan Road

Assessor's Map #: 102-042-000-000-0000 **Assessor's Lot #:** [Click here to enter text.](#)

Zoning District(s): Lake Shore

Registry of Deeds Book & Page Number for Applicant's Title: 02628/279

Section C. Property Ownership Information:

Full Name of Owner(s) (this must match the name on your deed referenced in Section B):

Jonathan & Yvonne Gumowitz

Mailing Address: 50 Ethelridge Road, White Plains, NY 10605

Owner's email address and phone number: 914.831.7478; jonathan@realtor.com

Full name and mailing address of owner's agent or representative: Kerry Bartini, Berkshire Design, Inc. 8 Bank Row, Pittsfield, MA 01201

Agent or representative's email address and phone number: 413.528.6000;
kerry@berkshiredesigninc.com

Section D. Project Description (attach additional sheets if necessary):

Please provide a brief description of the Relief Sought and/or Proposed Project:

Rebuild existing screened porch and deck to be structurally safe. Pour a proper foundation under existing house so as to alleviate current strain on the existing block foundation walls. Add a new entry and stair addition off of the front of the house to provide proper access to the basement. This 144sf addition is on the opposite corner of the house where the current nonconformity exists.

Section E. Variances, if applicable (attach additional sheets if necessary):

From which section of the zoning bylaws are you requesting a variance? Click here to enter text.

What will the requested variance enable you to do? Click here to enter text.

If the variance is not granted, what hardship will you endure? Click here to enter text.

What special circumstances relating to soil condition, shape or topography of the land is prompting your request for a variance? Click here to enter text.

Explain why your special circumstances are not a result of your own actions? Click here to enter text.

Section F. Appeals (attach additional sheets as necessary and a copy of any written determination/action)

What action of which Town board is being appealed? Click here to enter text.

Date of the action: Click here to enter text.

Describe the remedy you seek: Click here to enter text.

Section G. Special Permits, if applicable (attach additional sheets if necessary):

Describe the need for a Special Permit: Existing house is nonconforming on rear house and deck corner side yard setback.

List all the nonconforming aspects of the property: Click here to enter text.

Has a special permit or variance been previously granted to this property which is/are currently active? If yes, please describe and/or attach copies of prior decisions: Click here to enter text.

Each party signing this Application certifies that the information contained herein is true, accurate, complete and that no material fact or statement has been omitted from this Application which would be relevant to the relief requested hereunder. Signing and submitting this Application constitutes permission for the Board and/or its designees to access and walk the exterior portions of the property for the purpose of site visits in connection with the Application.

Applicant or Representative's Signature: _____

Owner's Signature: _____

Date: Click here to enter text.



TOWN OF MONTEREY

Building Department
435 Main Rd. P.O. Box 308
Monterey, MA 01245
Phone: 413.528.1443 x118 Fax: 413.528.6335
montereybuildinginspector@verizon.net
www.monterey-ma.org

March 18, 2021

Jonathon and Yvonne Gumowitz
Kerry Bartini, Owner's Representative

RE: 32 Sylvan Road Building Permit Rejection

Dear Jon and Yvonne:

The building permit application submitted to renovate and expand the single-family dwelling at 32 Sylvan Road has been determined not to be a matter of right. The parcel is identified on the Town of Monterey Assessor's Map as Parcel 102, Lot 042. The parcel is located in the Lake Shore Zoning District.

The existing Single-Family Dwelling is classified in Section 5.1.6 as a Nonconforming Single-Family Residential Structure as it is located within the required twenty-five (25') foot side setback. The 25' side setback is required as the boundary lines were modified in 1995. The applicant proposes to renovate and expand the existing structure in several areas. The applicant also proposes to add to and increase the height of the structure' existing roof liner triggering approval from the Zoning Board of Appeals pursuant to Section 5.1.6.1.b.

To seek relief for your proposal you may apply for a Special Permit before the Zoning Board of Appeals. Please refer to **Zoning By-Laws of The Town of Monterey, Section 5.1.6.2. "By Special Permit- Single and Two-Family Structures"**. **"In cases where a building permit is not authorized as a matter of right, the Zoning Board of Appeals may authorize by special permit any extension, alteration or reconstruction of an existing nonconforming single or two-family dwelling provided the Zoning Board of Appeals finds that such change would not increase the nonconforming nature of the structure, lot, and/or use"**.

Please refer to Section 9.2 which pertains to the powers and duties of the Zoning Board of Appeals and specifically, Section **9.2.2.2 Special Permits**, for your filing.

If you are aggrieved by the building permit rejection, you may appeal this determination to the Zoning Board pursuant to Section **9.2.2.1. Appeals**.

Please contact our office should you require additional information or clarification.

Sincerely,

Donald R. Torrico, C.B.O.
Building Commissioner

Cc: Zoning Board of Appeals

ANDREWS MARK R
ANDREWS CINDY J
Contact Assessor's Office for Address

KATZ ELLEN
Contact Assessor's Office for Address

CLARIN GERARD
CLARIN CAROLE
Contact Assessor's Office for Address

LADS BEACH ASSOC INC
C/O CAROLE CLARIN
Contact Assessor's Office for Address

CONSOLINI MELISSA TRUSTEE
ROBT&CAROLE HAMMER IRR TR
Contact Assessor's Office for Address

LOMBARDO DEAN
Contact Assessor's Office for Address

DONOHUE DANIEL J
Contact Assessor's Office for Address

MAJEWSKI ANDREW
MAJEWSKI LISA R
Contact Assessor's Office for Address

DRUMMOND JOHN W
DRUMMOND ELIZABETH E
Contact Assessor's Office for Address

MTA LAND LLC
A DELAWARE LTD LIABILITY
Contact Assessor's Office for Address

FELDMAN JANET
FELDMAN MARTIN
Contact Assessor's Office for Address

PERLO ALISON L
Contact Assessor's Office for Address

FRANK STEPHEN G
FRANK KATHRYN B
Contact Assessor's Office for Address

RICHMOND ALVIN H
Contact Assessor's Office for Address

GLADSTONE NEIL
AESCHBACH SUSAN
Contact Assessor's Office for Address

SIMON STEVEN KEITH
PISKIN LAUREN ANN
Contact Assessor's Office for Address

GREEN EDITH R
Contact Assessor's Office for Address

KAPLAN HARVEY
Contact Assessor's Office for Address

THIS PARCEL IS SUBJECT TO AND WITH THE BENEFIT OF ALL RIGHTS, RESTRICTIONS, CONDITIONS, EASEMENTS, LEASES, ENCUMBRANCES AND APPURTENANCES OF RECORD.

PROPERTY ADDRESS: 32 SYLVAN ROAD
(ASSESSOR MAP 102 - LOT 42)

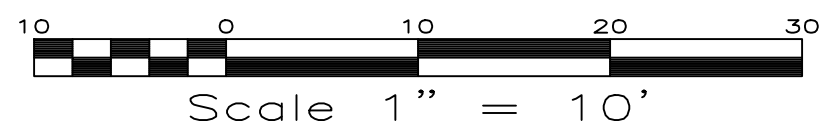
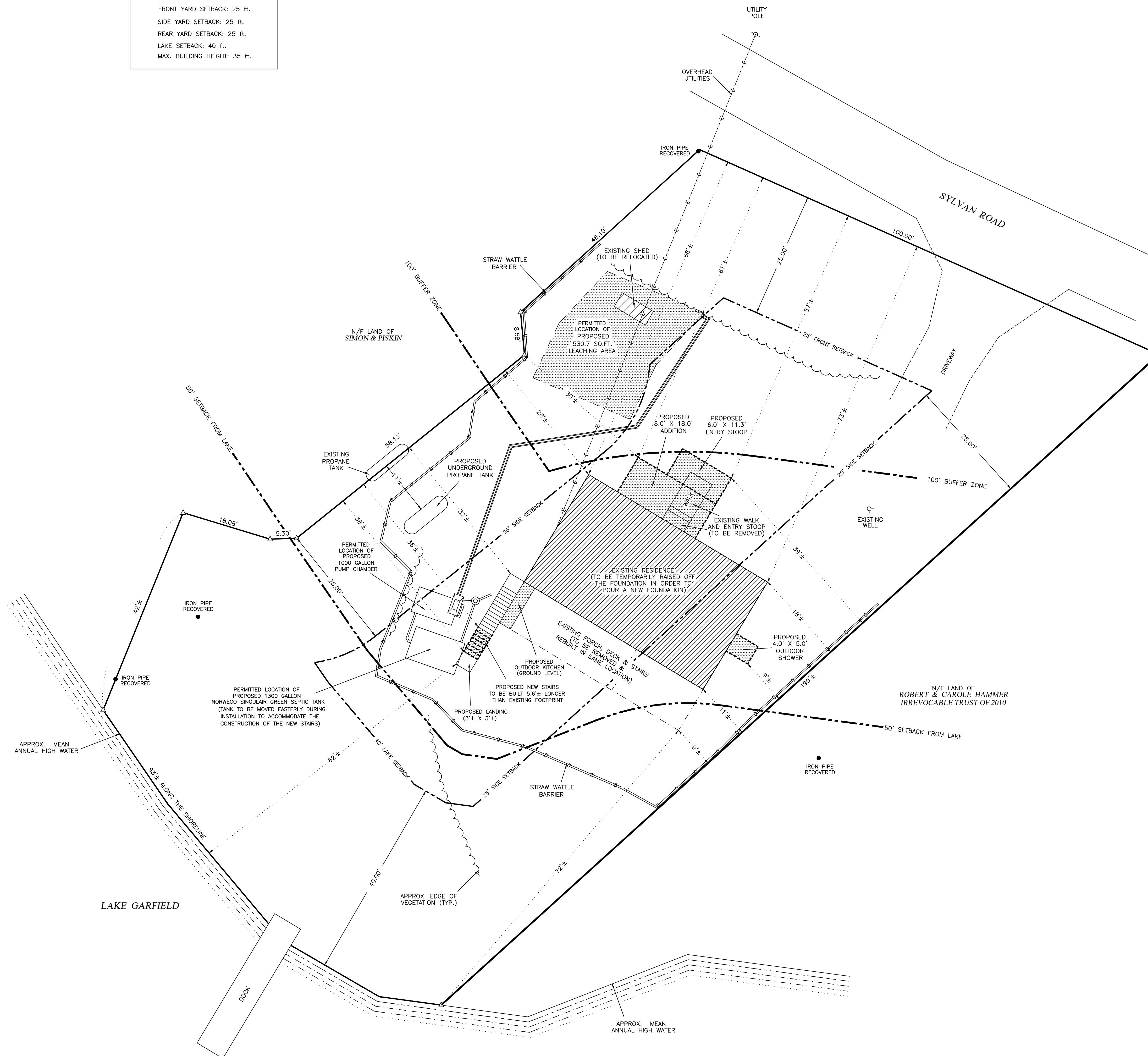
RECORD OWNERS: JONATHAN & YVONNE GUMOWITZ

LOCUS DEED: BK - 2628 PG - 279

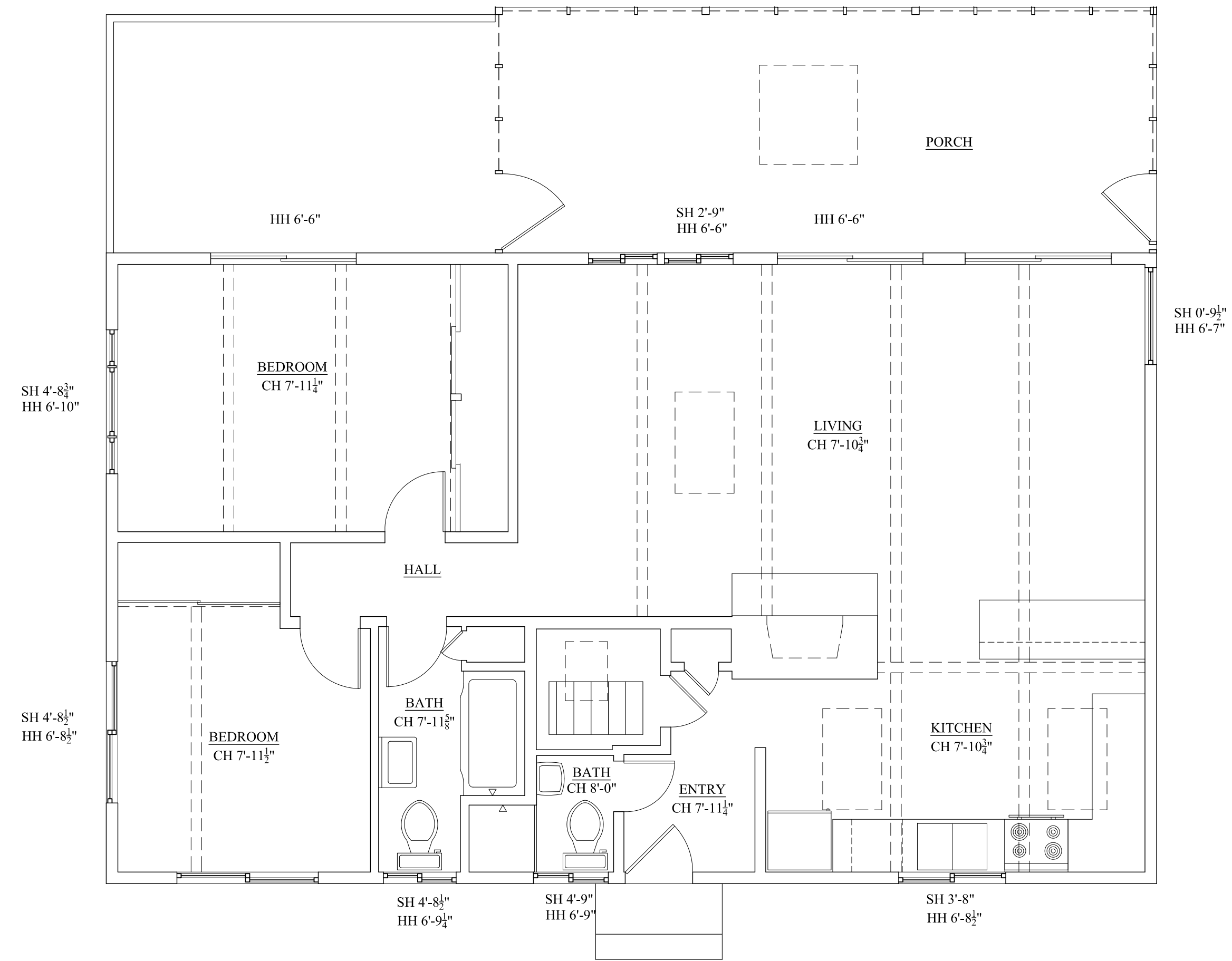
LOT AREA: 0.39 ACRES±

ZONING REQUIREMENTS

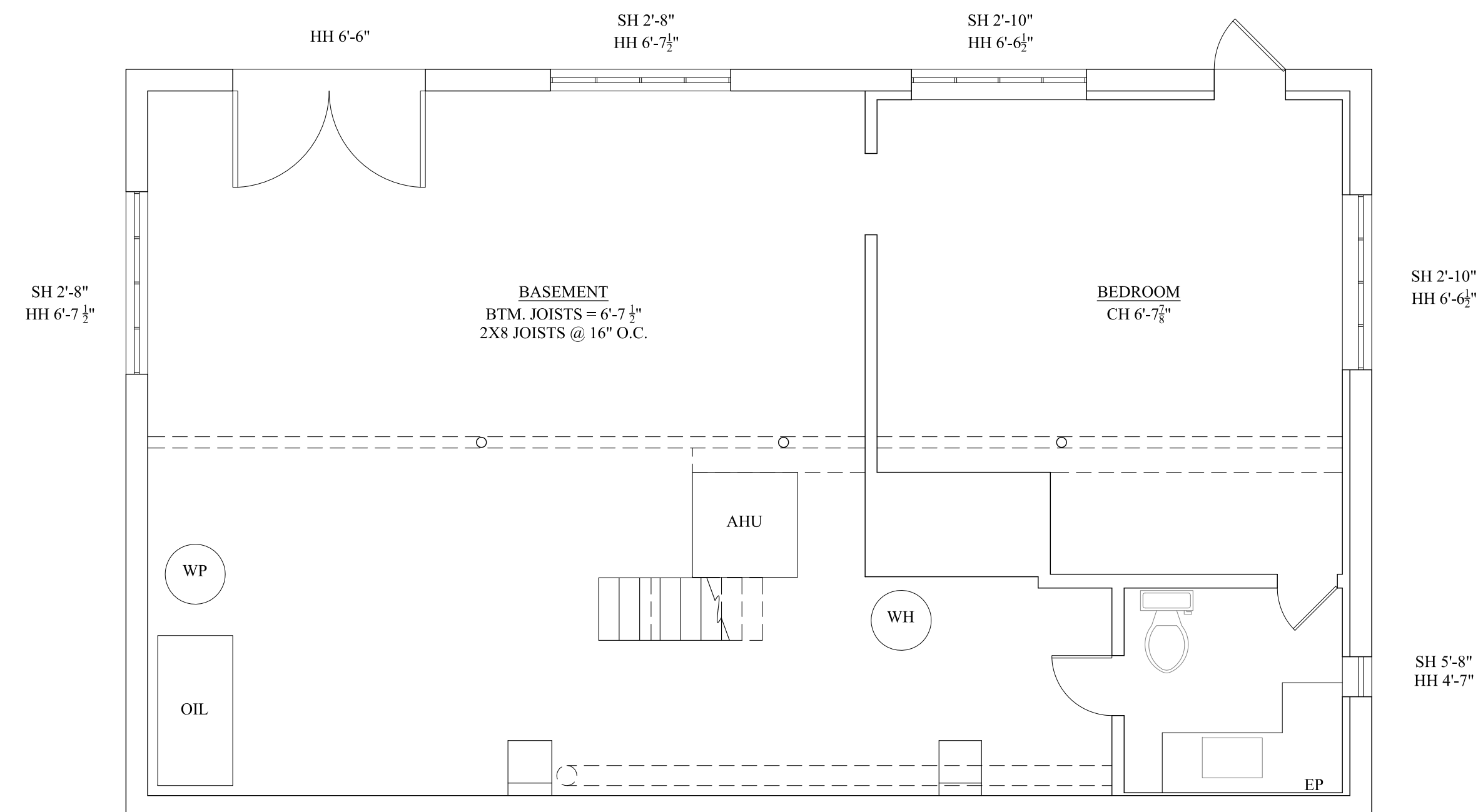
DISTRICT: LAKE SHORE
FRONT YARD SETBACK: 25 ft.
SIDE YARD SETBACK: 25 ft.
REAR YARD SETBACK: 25 ft.
LAKE SETBACK: 40 ft.
MAX. BUILDING HEIGHT: 35 ft.



SPECIAL PERMIT SITE PLAN PREPARED FOR
JONATHAN & YVONNE GUMOWITZ
MONTEREY, MASSACHUSETTS
JULY - 2021 SCALE 1" = 10'
KELLY, GRANGER, PARSONS & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
312 MAIN STREET P.O. BOX 88
GREAT BARRINGTON, MASSACHUSETTS 01230
FAX (413) 528-1912 PHONE (413) 528-3291
C:\Carlson Projects\monterey\sylvan road\Gumowitz\gumo321.dwg (MAR)



1 Existing First Floor Plan
 SCALE: 1/4" = 1'-0" 1034 SF



2 Existing Basement Plan
 SCALE: 1/4" = 1'-0" 1034 SF



REVISIONS:

Number	Date	Note

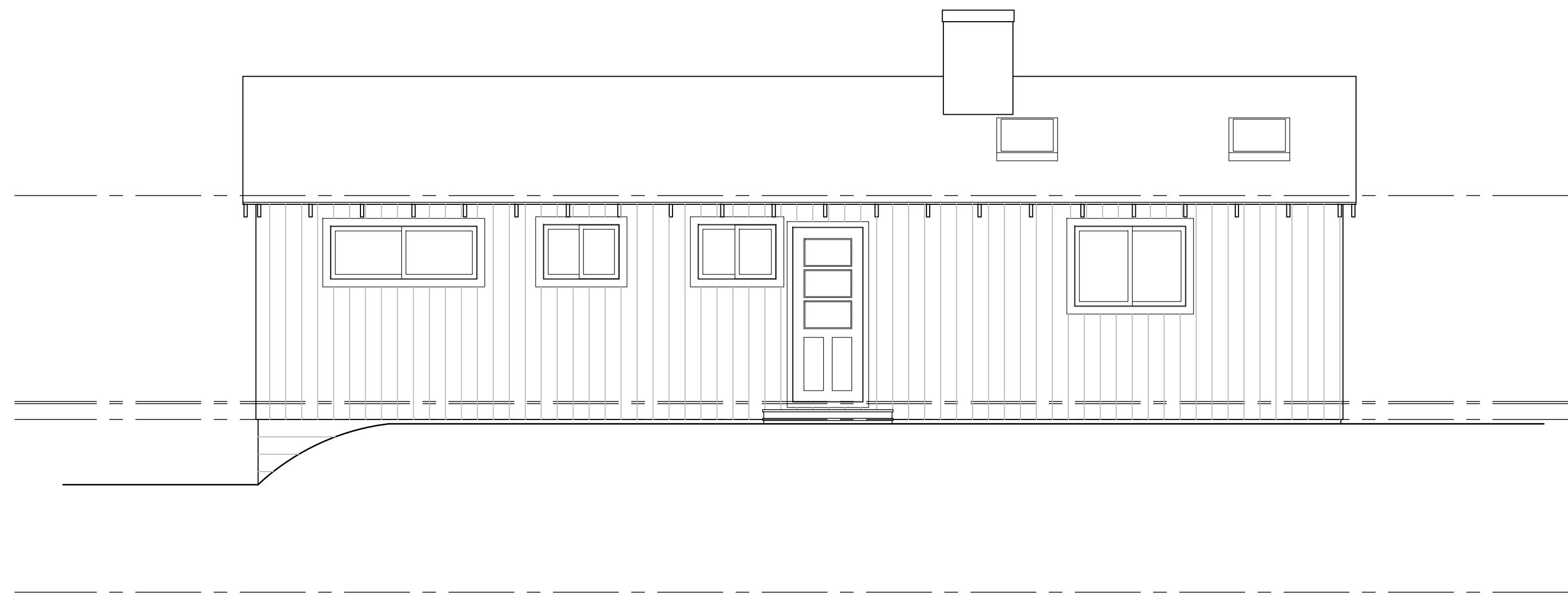
Existing Conditions
 Gumowitz Residence
 Jon & Yvonne Gumowitz
 32 Sylvan Road
 Monterey, MA

BERKSHIRE DESIGN INC.
 ARCHITECTS AIA
 8 Bank Row, Pittsfield, MA
 413-528-6000

Dwg. Title:
Existing Floor Plans

Date: 12.5.20	Scale: As Noted	Drawn By: KJH	Checked By:
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Arch. Stamp	Dwg. No. Ex.1.0
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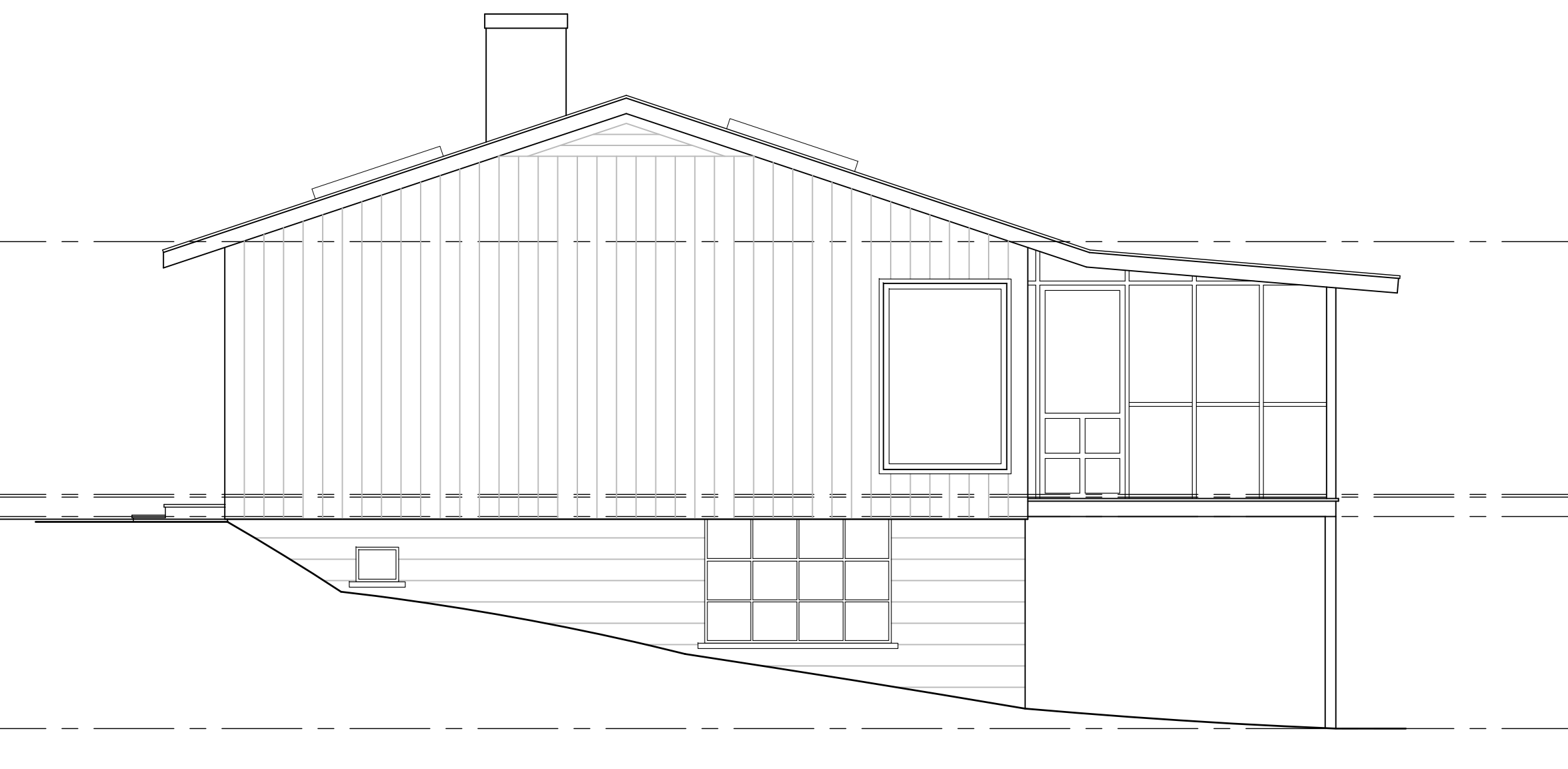
① Existing Front Elevation
SCALE: 1/4" = 1'-0"



② Existing Side Elevation
SCALE: 1/4" = 1'-0"



③ Existing Lake Elevation
SCALE: 1/4" = 1'-0"



④ Existing Side Elevation
SCALE: 1/4" = 1'-0"



REVISIONS:		
Number	Date	Note

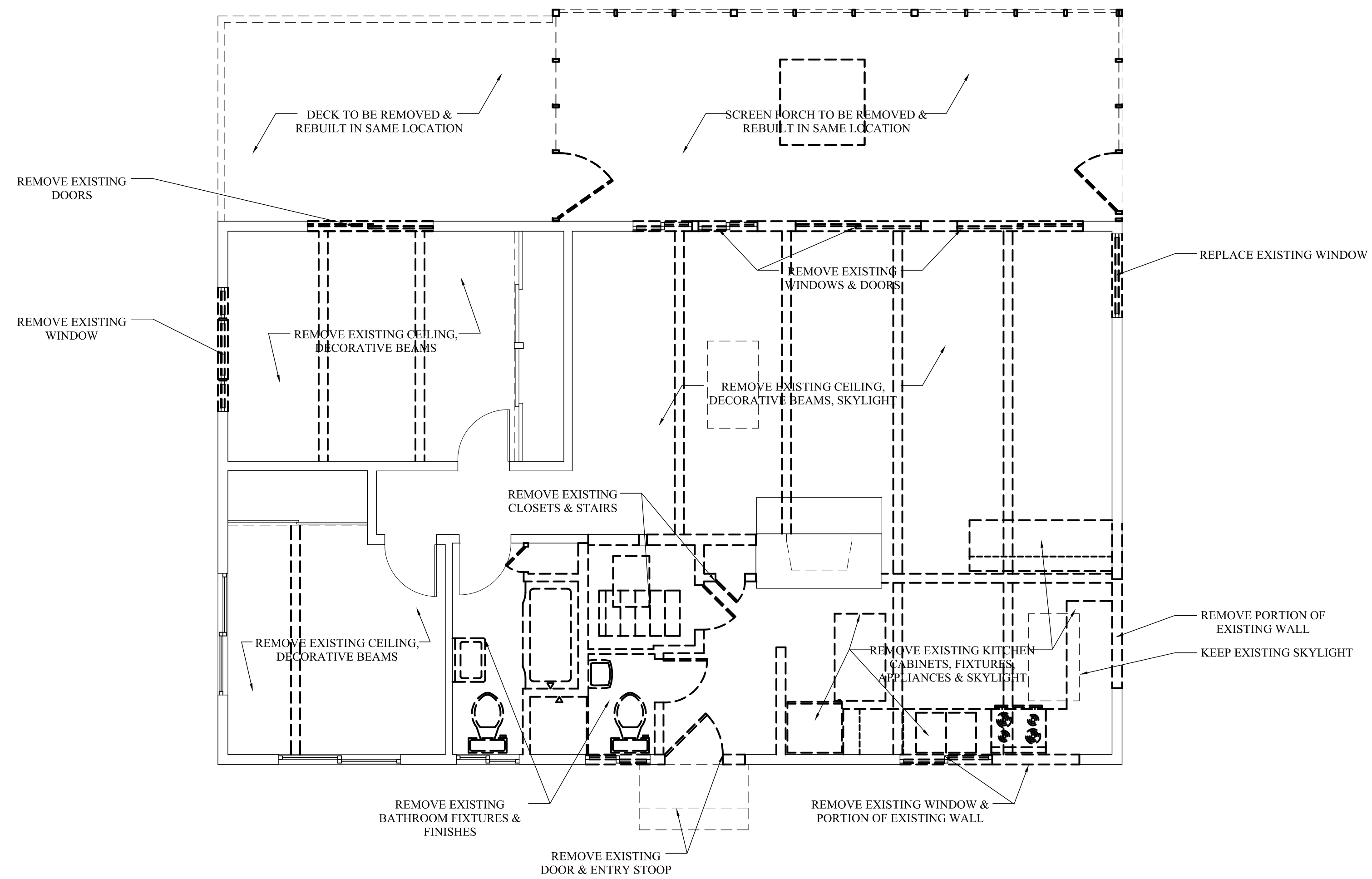
Existing Conditions
Gumowitz Residence
Jon & Yvonne Gumowitz
32 Sylan Road
Monterey, MA

BERKSHIRE DESIGN INC.
ARCHITECTS AIA
8 Bank Row, Pittsfield, MA
413-528-6000

Dwg. Title:
Existing
Exterior Elevations

Date: 12.20.20	Scale: As Noted	Drawn By: KJB	Checked By:
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Arch. Stamp	Dwg. No. Ex.2.0
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1 First Floor Removal Plan
SCALE: 1/4" = 1'-0"



REVISIONS:

Number	Date	Note

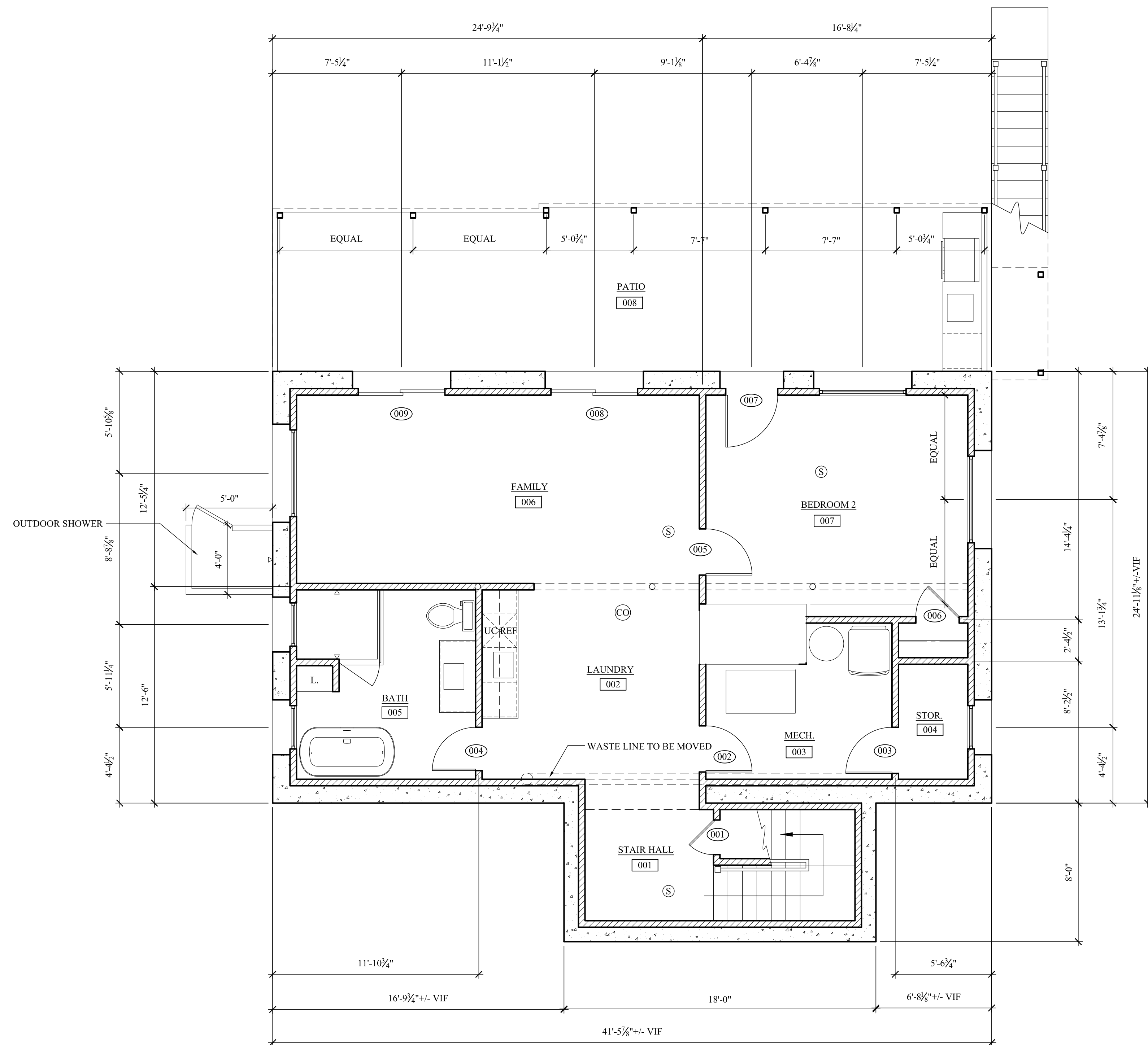
Gumowitz Residence
Jon & Yvonne Gumowitz
32 Sylvan Road
Monterey, MA

BERKSHIRE DESIGN INC.
ARCHITECTS AIA
8 Bank Row, Pittsfield, MA
413-528-6000

Dwg. Title:
**First Floor
Removal Plan**

Date: 2.1.21	Scale: As Noted	Drawn By: KJB	Checked By:
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Arch. Stamp PRELIMINARY NOT FOR CONSTRUCTION	Dwg. No. R1.0
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1 Lower Level Plan
SCALE: 1/4" = 1'-0"

BASEMENT FLOOR DOOR SCHEDULE								
DOOR #	ROOM	MANUFACTURER	MODEL #	TYPE	OPERATION	MATL. W x H x TK	HARDWARE	REMARKS
001	001	TBD	TBD	INT.	SWING	2'-0" X 6'-8"	TBD	
002	003	TBD	TBD	INT.	SWING	2'-8" X 6'-8"	TBD	
003	003	TBD	TBD	INT.	SWING	2'-8" X 6'-8"	TBD	
004	005	TBD	TBD	INT.	SWING	2'-6" X 6'-8"	TBD	
005	007	TBD	TBD	INT.	SWING	2'-8" X 6'-8"	TBD	
006	007	TBD	TBD	INT.	SWING	2'-6" X 6'-8"	TBD	
007	007	TBD	TBD	EXT.	SWING	3'-0" X 6'-8"	TBD	
008	006	ANDERSEN	FWG5068L	EXT.	SLIDING	5'-0" X 6'-8"	TBD	FRENCHWOOD GLIDING PATIO
009	006	ANDERSEN	FWG5068R	EXT.	SLIDING	5'-0" X 6'-8"	TBD	FRENCHWOOD GLIDING PATIO

FINISH SCHEDULE - BASEMENT											
ROOM #	ROOM NAME	FLOOR	BASE			WALLS		CEILING			REMARKS
			CONCRETE	STAINED CONCRETE	CERAMIC TILE	PAINTED GWB	TILE	PAINTED GWB	REMOVABLE TILE	NONE	
001	STAIR HALL		●								
002	LAUNDRY		●								
003	MECHANICAL		●								
004	STORAGE		●								
005	BATH		●	●							
006	FAMILY		●								
007	BEDROOM 2		●								
008	PATIO									●	



REVISIONS:		
Number	Date	Note

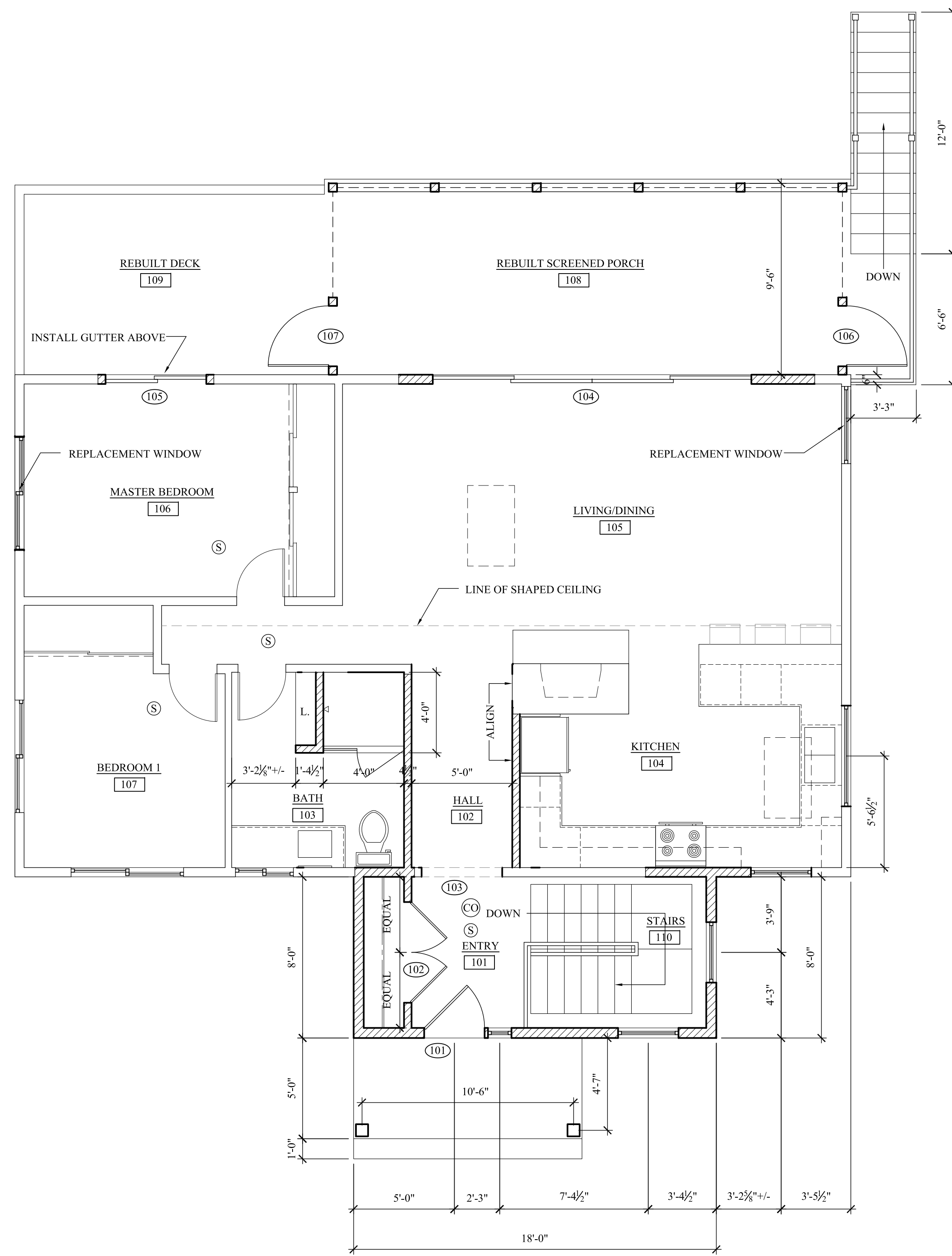
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32 Sylvan Road
Monterey, MA

BERKSHIRE DESIGN INC.
ARCHITECTS AIA
8 Bank Row, Pittsfield, MA
413-528-6000

Dwg. Title:
Lower Level Plan

Date:	Scale:	Drawn By:	Checked By:
2.1.21	As Noted	KH	

Arch. Stamp	Dwg. No.
PRELIMINARY NOT FOR CONSTRUCTION	A1.0



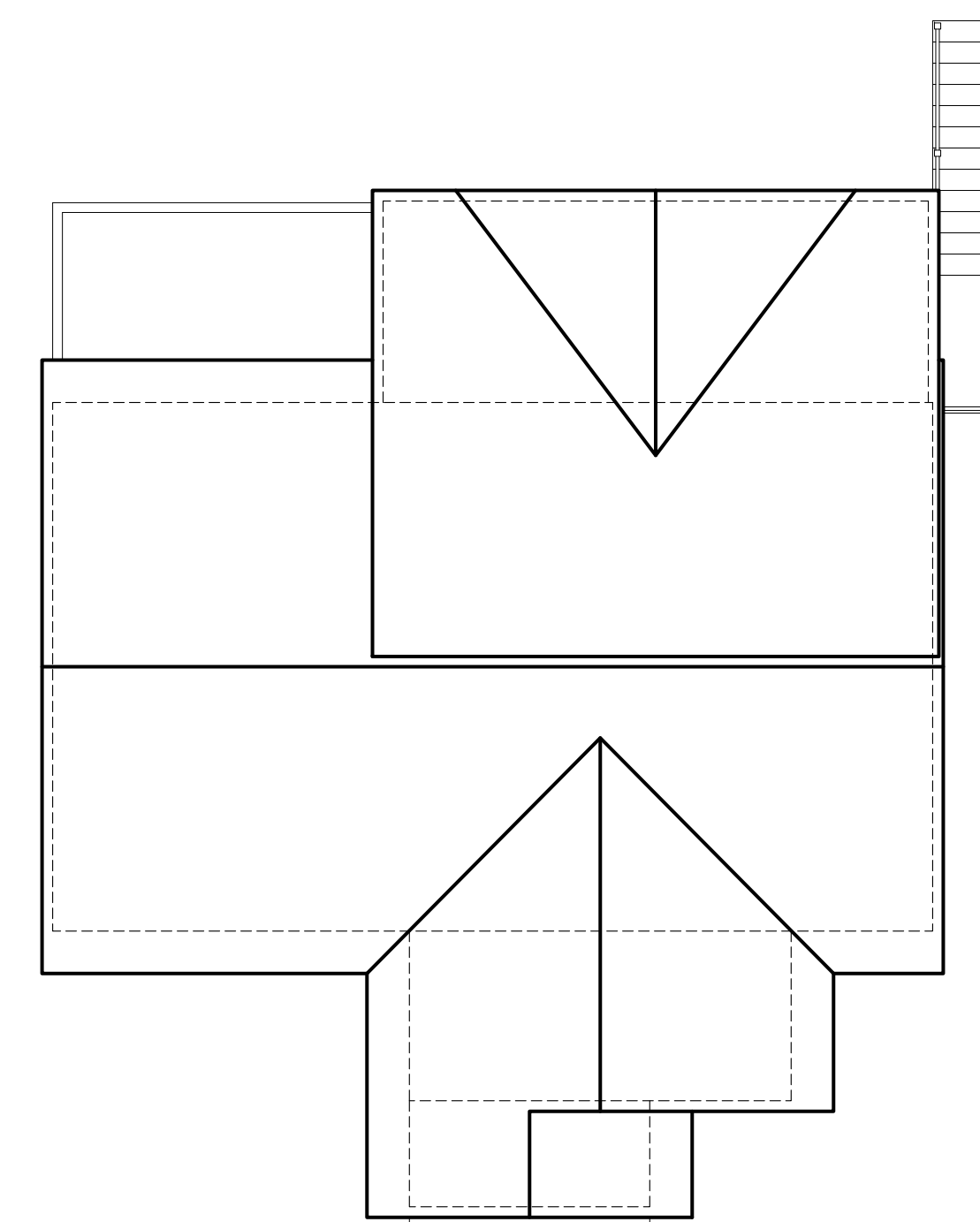
1 First Floor Plan
SCALE: 1/4" = 1'-0"

TABLE OF SQUARE FOOTAGES		
	EXISTING	PROPOSED
FIRST FLOOR	1034 SF	1187 SF
LOWER LEVEL	1034 SF	1034 SF
TOTAL HABITABLE AREA	2068 SF	2212 SF
		+144 SF
FOOTPRINT	1034 SF	1187 SF
HEIGHT*	19' +/-	20' +/-

*TAKEN FROM MID-GRADE @ SIDE ELEVATION

FIRST FLOOR								
DOOR #	ROOM	MANUFACTURER	MODEL #	TYPE	OPERATION	MATL W x H x TK	HARDWARE	REMARKS
101	101	TBD	TBD	EXT.	SWING	3'-0" X 6'-8"	TBD	
		TBD	TBD		SIDE LIGHT	1'-2" X 6'-8"	TBD	
102	101	TBD	TBD	INT.	SWING	(2)2'-6" X 6'-8"	TBD	
103	101				FRAMED OPENING	4'-0" X 6'-8"		
104	105	ANDERSEN	FWG16068-4	EXT.	SLIDING	15'-9 1/2" X 6'-8"	TBD	FRENCHWOOD GLIDING PATIO
105	106	ANDERSEN	FWG5068R	EXT.	SLIDING	5'-0" X 6'-8"	TBD	FRENCHWOOD GLIDING PATIO
106	108	TBD	TBD	SCREEN	SWING	3'-0" X 6'-8"	TBD	
107	108	TBD	TBD	SCREEN	SWING	3'-0" X 6'-8"	TBD	

FINISH SCHEDULE - FIRST FLOOR												
ROOM #	ROOM NAME	FLOOR				BASE		WALLS		CEILING		REMARKS
		MATCH EXISTING	STAINED CONCRETE	VCT	CARPET	WOOD	COMPOSITE	EXISTING	REPAIR EXISTING	PAINTED GWB	REPAIR EXISTING	
101	ENTRY	●										
102	HALL	●										
103	BATH				●			●	●	●	●	
104	KITCHEN				●			●	●	●	●	
105	LIVING/DINING	●						●	●	●	●	
106	MASTER BEDROOM	●						●	●	●	●	
107	BEDROOM 1	●						●	●	●	●	
108	SCREENED PORCH							●	●	●	●	
109	DECK							●	●	●	●	
110	STAIR				●							PROVIDE WOOD TREADS W/ PAINTED RISERS



2 Roof Plan
SCALE: 1/8" = 1'-0"



REVISIONS:

Number	Date	Note

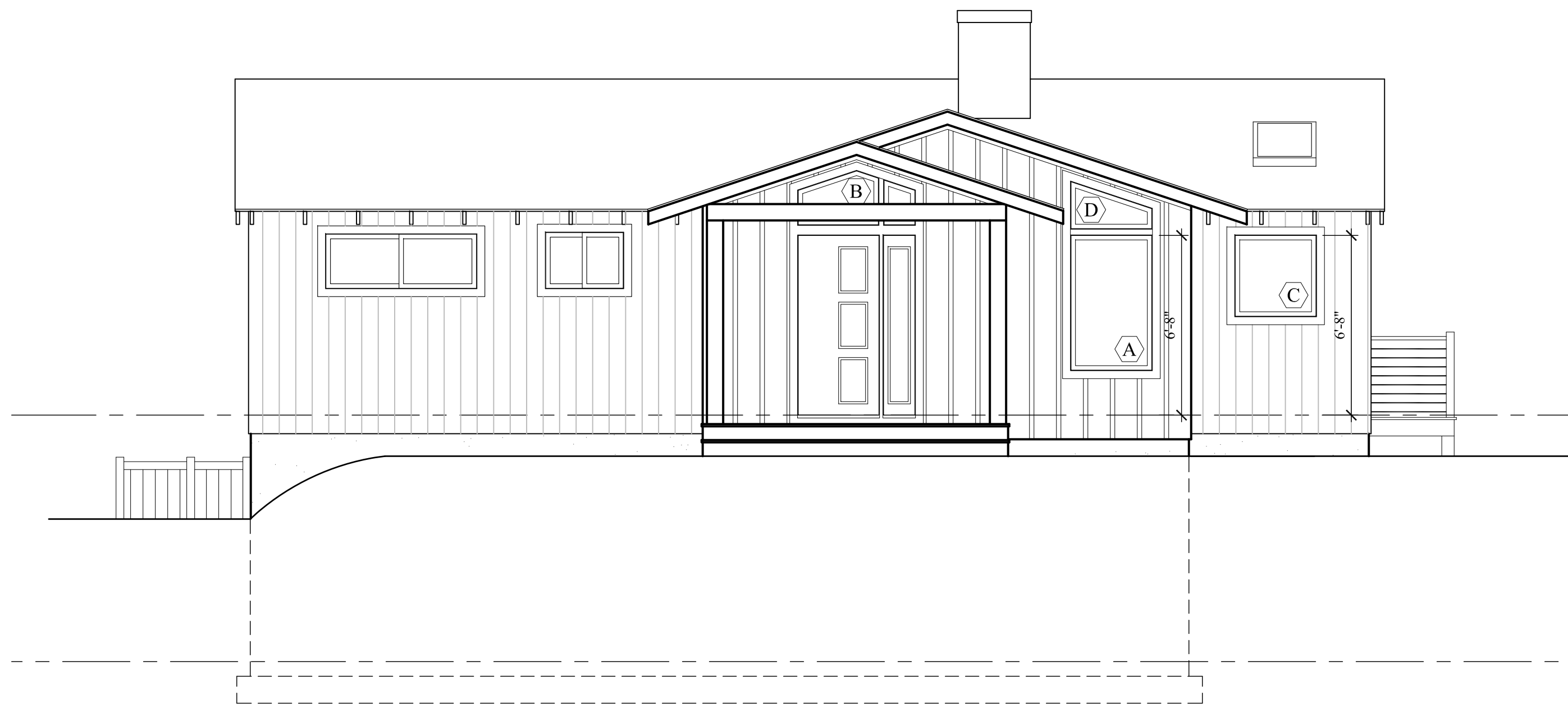
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Dwg. Title:
First Floor Plan

Date:	Scale:	Drawn By:	Checked By:
2.1.21	As Noted	KR	

Arch. Stamp PROFESSIONAL ARCHITECT NOT FOR CONSTRUCTION	Dwg. No. A1.1
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1 **Front Elevation**
SCALE: 1/4" = 1'-0"

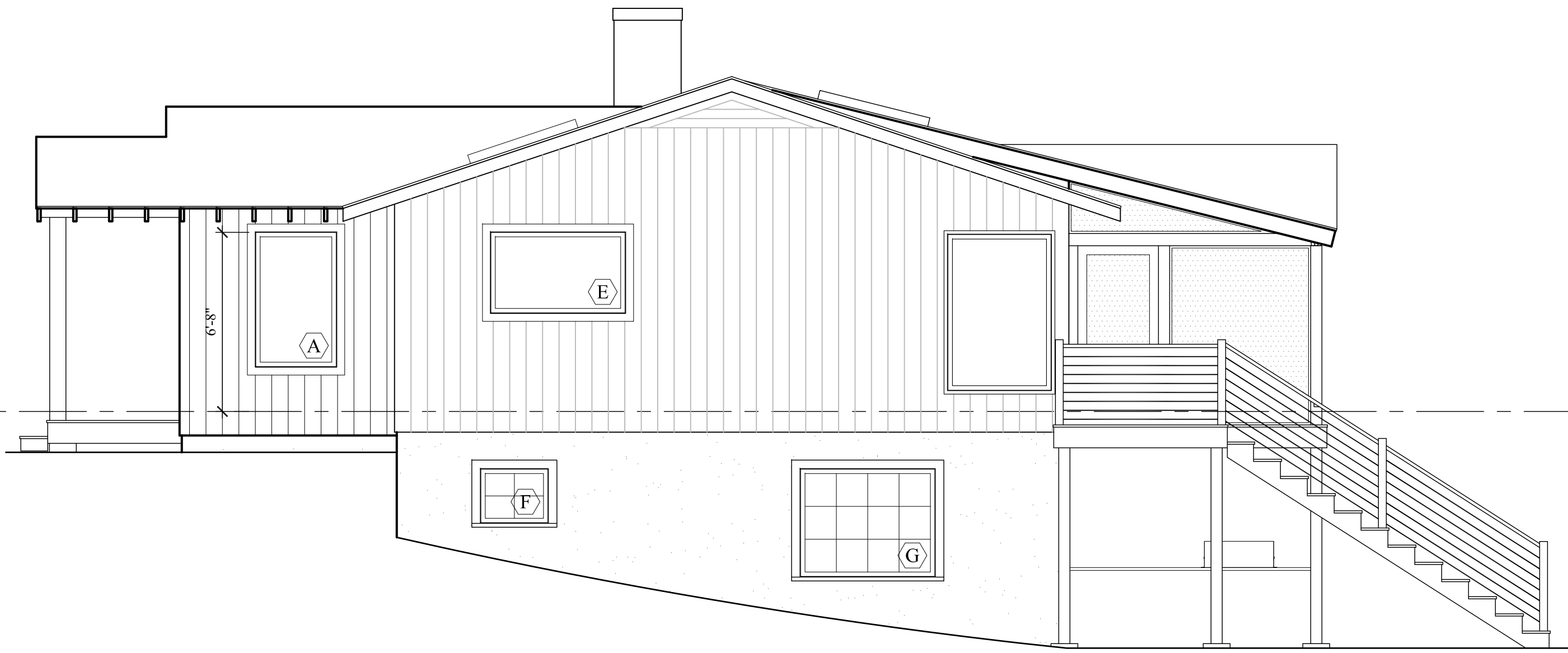


2 **Side Elevation**
SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE						
SYMBOL	MANUFACT.	TYPE	CAT.#	W x H	QUAN.	REMARKS
A	CM			3'-0" x 5'-0"	2	
B	CM			3'-0" x 2'-0"	1	
C	CM			4'-4" x 3'-0"	1	SEE A2.0
D	CM			3'-0" x 1'-9"	1	SEE A2.0
E	CM			5'-0" x 3'-0"	1	
F	CM			2'-6" x 2'-0"	3	
G	CM			5'-0" x 4'-0"	3	
H	SLIDING			VIF	1	TO MATCH EXISTING SLIDERS IN BDRM. 1



3 **Rear Elevation**
SCALE: 1/4" = 1'-0"



4 **Side Elevation**
SCALE: 1/4" = 1'-0"



REVISIONS:

Number	Date	Note

Existing Conditions
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Monterey, MA

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ARCHITECTS AIA
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413-528-6000

Dwg. Title:
Exterior Elevations

Date:	Scale:	Drawn By:	Checked By:
2.1.21	As Noted	KB	

Arch. Stamp	Dwg. No.
	A2.0

