

**ZONING BOARDS OF APPEALS
AUGUST 31, 2010
PUBLIC HEARING**

Charles Marino called the meeting to order at 6:31 P.M. with the following in attendance:

Charles Marino, Chair	Public – 1
Arlene Schwartz-Regan, Vice-Chair	Steven S. Macary, ZEO
Basiliza MacCalmon, Secretary	Sheryl Kimiecik, Secretary, Absent
Edward Rachuba	
David Cronin, alternate	

1. **APPEAL #1936** –Daniel Rooney, seeking a variance of the Naugatuck Zoning Regulations of section 24.1 Schedule B, 5.2 of the Naugatuck Zoning regulations located at 16 Walnut Terrace.

Charles Marino explained that there were only four board members present, therefore if one member votes against the motion the appeal would not pass. He gave the applicant a choice to continue with the hearing or postpone it. The applicant stated he would like to continue. Arlene read Appeal #1936 into the record. Steve Macary explained that the applicant is building a deck and will be going into the rear setback lines. Daniel Rooney explained that he is interested in building a deck at the rear of his property and the extent of the deck doesn't comply with the setbacks. Arlene asked how many feet he was asking for. Steve explained that the motion would be for a two foot variance over the rear setback line. Charles Marino read the public notice into the record. Arlene asked how big the deck would be. Mr. Rooney replied that it will be 12 X 16. Arlene suggested that he make it 10 X 16. Mr. Rooney said that he didn't realize it was a problem until the builder came and told him. A discussion took place regarding the differences between putting in a 12 ft or 10 ft deck.

Public comment: Pat Scully, Lines Hill Rd, gave a suggestion on the placement of the deck in which case a variance would not be needed. Dan Rooney said that he would like to go ahead and seek the approval for the 12 X 16 ft. deck.

A discussion took place regarding a fence that is on the property, and it was determined that Mr. Rooney also has one more foot past the fence.

VOTED: 4-0, on a motion by David Cronin and seconded by Edward Rachuba to **GRANT** Appeal #1934 with a 2 ft. variance into the rear setback line.

2. **APPEAL #1935** - P & R Property Management, LLC will seek a variance of section 24.1, 5.3 of the Naugatuck Zoning regulations, located at 44 Arch Street. Arlene read Appeal #1935 into the record. Steve said that all of the paperwork for the application is complete, and noted that pictures and a map had been submitted to the Commission. The applicant explained the plans for the porch. Arlene said that she spoke to the building department and determined which section was recently added. She said that the building department also said that a back door is not

required on a two family house. The applicant said that the problem is in the front on the left corner because of the neighbor's lot. Steve said that the rear of the porch has stayed the same then, and the problem is in the front on the right corner of the house. A discussion took place regarding the old porch and the new addition, and the compliance to the zoning regulations. Mr. Rachuba said that no matter what is done it is going to be out of compliance. Steve said that he could build to the left, ten feet away from the property line he is fine, he just can't build to the right. Arlene said that it was a mistake and he has to fix it and he could fix the problem without a variance. Applicant said if the appeal is denied then he would like a variance for the left side so that he could keep the stairs to code. Steve explained that he would like a 1.5 foot variance for the steps.

Public Comment: Pat Scully said that he doesn't want a precedent to be set for people to go out and build things and then expect a variance after it is built.

VOTED: 2-2, on a motion by Edward Rachuba and seconded by Dave Cronin to Grant Appeal # 1935 of the side setback to 8.5 feet. Motion failed.

<u>For</u>	<u>Against</u>
Edward Rachuba	Arlene Schwartz-Regan
Dave Cronin	Charles Marino

VOTED: Unanimously on a motion by Charles Marino and seconded by Arlene Schwartz-Regan to take a five minute recess.

Charles Marino reopened the hearing at 7:25 P.M.

VOTED: 0-4, on a motion by Edward Rachuba and seconded by David Cronin to Grant Appeal #1935. Motion failed.

<u>For</u>	<u>Against</u>
	Edward Rachuba
	Arlene Schwartz-Regan
	Charles Marino
	David Cronin

VOTED: Unanimously on a motion by Edward Rachuba and Seconded by David Cronin to Grant Appeal #1935 on the North side for a stairwell for a 1.5 ft. side variance.

3. Minutes were tabled until September 28, 2010 meeting.
4. On a motion by Arlene Schwartz-Regan and seconded by David Cronin to adjourn the meeting at 7:38 P.M.

RESPECTFULLY SUBMITTED: Basiliza MacCalmon, Secretary/sk