

**ZONING BOARDS OF APPEALS
DECEMBER 28, 2010
PUBLIC HEARING**

Charles Marino called the meeting to order at 6:30 P.M. with the following in attendance:

Charles Marino, Chair	Steven S. Macary, ZEO
Arlene Schwartz-Regan, Vice-Chair	Sheryl Kimiecik, Secretary
Basiliza MacCalmon, Secretary	Public – 9
Edward Rachuba	
David Cronin, Alternate, Absent	

1. Charles Marino took attendance and noted there was a quorum.
2. **VOTED:** Unanimously on a motion by Basilza MacCalmon and seconded by Edward Rachuba to approve the November 30, 2010 meeting minutes with corrections.
3. **CONTINUED PUBLIC HEARING APPEAL # 1939** – Holly Yenkelun of 152 Scott St. will seek a variance of section 43.6 of the Naugatuck Zoning Regulations, to sell approximately 5000 square feet of property to a neighbor.
Charles Marino read the public notice into the record. Basilza MacCalmon read the application into the record. Attorney Donald Zehnder Jr., representing the applicant, submitted to the Commission the mailings to the abutting property owners. He explained that the property abuts on two roads, and described the property as having a precipitous slope. He said that the hardship is that there really is no other use for this section of the property other than for sledding. He explained that a neighbor (Domingos Almeida) approached the owner and was hoping to buy part of the property to put in a car port or garage for his vehicle. Mr. Zehnder also said that it did not appear that there were any dissatisfaction from the abutting neighbors and that it is a non-conforming lot that they are trying to make more non-conforming. He continued to say that he had spoken to Attorney Fitzpatrick who asked him to come before the ZBA. Charles Marino stated that there were only four Commission members present and in order to vote in favor all four members would need to vote in favor. He said that they could either continue the hearing to the next meeting or close it tonight with only four members voting. Charles said that selling a piece of the property would also make the other piece of property non-conforming. A discussion took place regarding the conformity of the property. Edward Rachuba asked how much distance from the property line did they intend to have. Mr. Zehnder replied that he hasn't seen the final plans. Arlene said that what concerns her is the nonconformity. Steve replied that normally he doesn't make the applicant get an A2 survey until it is approved and Attorney Fitzpatrick suggested that the application be brought to the ZBA Commission. Joe Almeida, son of Domingos Almeida, said that they didn't want to go forward with the survey until they found out what would happen tonight and that he didn't realize that the Commission would need all of this information tonight. Charles asked Mr. Zehnder if he would like to close the hearing tonight or continue it to next month. Attorney Zehnder replied that it should be continued to next month. The hearing was continued to January 25, 2011 at 7:00 P.M.

Charles Marino called for a five minute recess at 6:53 P.M.

Charles Marino called the meeting back to order at 6:58 P.M.

PUBLIC HEARING APPEAL #1941 - Shahil Patel seeks a variance of section 44 alcoholic beverages 44.1.3 of the Naugatuck Zoning Regulations for a package store for property located at 1198 New Haven Rd.

Steve Macary stated that the application was incomplete and that the applicant was not present. Attorney Richard Smith, of New Fairfield CT, representing Jagdish Patel (owner of D & D Liquors), stated he is opposed to the application and requested that the Board deny the application since the applicant failed to show.

VOTED: Unanimously on a motion by Edward Rachuba and seconded by Arlene Schwartz-Regan to DENY Appeal #1941, because the application is incomplete and the applicant did not show.

4. There were no additional items added to the agenda.
5. **VOTED:** On a motion by Edward Rachuba and seconded by Basilza MacCalmon to adjourn the meeting at 7:03 P.M.

RESPECTFULLY SUBMITTED: Basiliza MacCalmon, Secretary/sk