

**ZONING BOARDS OF APPEALS
JUNE 30, 2009
PUBLIC HEARING**

Charles Marino called the meeting to order at 6:33 P.M. with the following in attendance:

Charles Marino, Chair	Public – 7
Arlene Schwartz-Regan, Vice-Chair	Steve Macary, ZEO
Basiliza MacCalmon, Secretary	Rachel Brainard, Secretary
Edward Rachuba	David Cronin, alternate- Absent

1. Charles Marino took attendance.
2. **VOTED:** On a motion by Arlene Schwartz-Regan and seconded by Basiliza MacCalmon to approve January meeting minutes with corrections.
VOTED: On a motion by Edward Rachuba and seconded by Basiliza MacCalmon to approve May meeting minutes with corrections.
3. **APPEAL #1928** – Ronald Cabral, Sr. seeking a variance of Section 24.1 Schedule B, minimum set-back from street; Section 24.4.4, narrow streets, of the Naugatuck Zoning Regulations for property located at 77 Arch Street.
Charles Marino read the legal notice into the record. Basiliza MacCalmon read the appeal into the record. Chairman Marino noted the certified mailings have been received. He noted the applicant would need a unanimous vote this evening because they are missing one Commissioner. He said they have the option to wait until next month. Attorney Michael McVerry, representing the applicant stated they would like to proceed with the hearing this evening. He stated that Mr. Cabral owns this property which was purchased in 1994. He lives on the adjacent lot. Attorney McVerry handed the Commission a copy of the property deed and submitted a chain of the title back to 1941. He noted the property is located in a RA-1 Zone. Attorney McVerry stated that in 2005 the Zoning Commission amended Section 24.4.4 (narrow streets) of the Zoning Regulations. Both streets that abut this lot are listed as 40 foot streets. The proposed house would now have to be reduced to 22 x 16 ½. The lot was purchased prior to the amendment of the regulations. Attorney McVerry stated they are asking to take 5 feet off so that the applicant is able to build a house. Arlene Schwartz-Regan asked if they grandfather in the regulations at the time the property was purchased. Attorney McVerry answered no and said if the house was built when the lot was purchased then it would have been ok. He showed the Commission a copy of the assessor's map where the adjacent houses are all right on the street. Commissioner Regan asked which street the front door would face, Arch or Scott. Mr. Cabral said he was not sure. Charles Marino asked if the applicant could build on the footprint which is allowed and then construct a canter lever. Attorney McVerry said that would be two 5 foot canter levers.
Public Comment:
Ellen Granoth, 124 Scott Street, asked where would the driveway be and if a traffic study had been done. She stated the traffic on Scott Street is horrendous.
Steve Macary stated a study would not be required for 1 house. Attorney McVerry said the proposed plans are 10 years old, and they show the driveway on Scott Street on the

westerly side of the lot. Arlene Schwartz-Regan stated she feels the hardship for this appeal is the Zoning Regulations.

Beth Dudek, 120 Scott Street, stated it is a blind road on Scott Street. She feels with a house there will obscure vision even more. She said the way cars come down Scott Street it will make it more dangerous.

Edward Rachuba said the house would obstruct vision because the property juts out.

Charles Marino noted there is a stop sign there. Mr. Cabral said he shouldn't be penalized because people speed. The house will be set back 25 feet if it is built. Attorney McVerry stated the house is tucked back away as far as it could be. Commissioner Regan said she is concerned that it's a congest area as it is. Charles Marino asked if it was a buildable lot. Attorney McVerry said they could build something but it would be exceptionally small. He said that one house will not aggravate traffic. He said the house, as proposed, is sitting back as far as it could be, the enforcement issue would become the police's problem.

Arlene Schwartz-Regan said it is a decent size of property, especially for that neighborhood. Steve Macary said they are asking for 2 fronts of 30, rear of 10, and side of 25. Arlene Schwartz-Regan said that was a reasonable request. Beth Dudek, 120 Scott Street, asked if there would be off street parking. Attorney McVerry said the house will have a garage and a driveway.

VOTED: Unanimously on a motion by Arlene Schwartz-Regan and seconded by Basiliza MacCalmon to **APPROVE** Appeal #1928 a variance of Section 24.1 Schedule B, minimum set-back from street; Section 24.4.4, narrow streets, of the Naugatuck Zoning Regulations for property located at 77 Arch Street.

4. On a motion by Basiliza MacCalmon and seconded by Edward Rachuba to adjourn the meeting at 7:15P.M.

RESPECTFULLY SUBMITTED: Basiliza MacCalmon, Secretary/rb