

ZONING BOARDS OF APPEALS
APRIL 26, 2011
PUBLIC HEARING

Charles Marino called the meeting to order at 7:00 P.M. with the following in attendance:

Charles Marino, Chair	Steven S. Macary, ZEO, Absent
Arlene Schwartz-Regan, Vice-Chair	Sheryl Kimiecik, Secretary
Basiliza MacCalmon, Secretary	Public – 0
Edward Rachuba	
David Cronin, Alternate	

1. Charles Marino took attendance and noted there was a quorum.
2. There was no executive session
3. There was no vote on the January 25, 2011 meeting minutes.
4. **PUBLIC HEARING APPEAL #1942** – Arthur DiFabbio of 11 Mitchell St., seeking a variance of section 25.6.1 and section 25.6.2 of the Naugatuck Zoning Regulations. Charles Marino read the public notice into the record. Basilza MacCalmon read the application into the record. Mr. Marino asked the applicant if he had the green cards from the notifications to the neighbors. Mr. DiFabbio submitted them to the Commission. Mr. Marino asked Mr. DiFabbio to state his intentions for the property. Mr. DiFabbio said that he would like to store his collector cars, he has lived there for twenty five years, and he has no intention of making it a commercial business. Arlene asked how much of a variance is needed. Mr. DiFabbio replied that it is two feet for height, and according to the regulation the garage can only be 750 sq feet, and he is looking for 1200 sq feet. Ed Rachuba said that unfortunately he didn't see a hardship, that it would be his own doing to put the garage in to house the antique cars, and that he appreciates what he wants to do, but that he could put a three car garage in and wouldn't have to be before the board. Mr. DiFabbio said that if he is going to do it and spend \$30-\$40,000 he wants to just do it once. He said that he knows the board can't consider it as a hardship, but that he had to rent a storage garage from November to April and it was \$3,000. Ed Rachuba said that unfortunately the board can't take a monetary issue as a hardship. A discussion took place regarding the footprint of the property. Arlene said that he was asking for a huge amount, 484 sq feet, and usually if the board does grant something it is more like two or five feet, and this would be setting a real precedence here. Charles Marino said that the garage can only be half the size of his house, so could he put two garages there instead of one. Arlene said that she didn't believe the board could do that and that they need to come up with their own plans. Charles Marino said that they could. Mr. DiFabbio asked that if he built two 750 sq ft garages he could pass zoning. Mr. Marino said that he could do two, even if they were only a foot apart. Mr. DiFabbio said that the reason he is here is to get an appeal, and his property is off by itself, and none of the neighbors have a problem with it. Arlene said that it is just not a reasonable request, and a variance is supposed to be for a hardship but a reasonable request. Mrs. DiFabbio said that Steve had filled out a letter, a report, but that they had never seen it. Arlene said that they have a variance letter from Keith Rosenfeld, Town Planner, and a letter from Steve Macary ZEO. She read the letter from Mr. Macary into the record. Arlene asked if the building

would be just to house the cars and not to tinker with them. Mr. DiFabbio said absolutely not, and that they could call the neighbors and ask them. Arlene said that if he was to get the variance, it would have to state clearly that he couldn't service cars or anything like that. She said that she has a hard time with the 450 ft. variance. Mr. Marino said that they could close the discussion and come back for a special meeting, or keep the discussion open and continue it. He said that one thing he would like to know is the land coverage, and explained that only so much of the land can be covered by buildings. A discussion took place regarding land coverage, and the possibility of building two garages instead of one to keep within the regulations. Arlene said they could only vote on what was before them. Mr. DiFabbio said that he had met with Steve twice, and that Steve had said that it wasn't going to be a big issue. Mr. Marino said that Steve wrote in his report that it would create a non-conforming piece of property which they are not supposed to do. Mr. Rachuba said that they could do a three car garage and stay within the regulations, but if they want to store more cars then maybe they could put a second garage in, but Steve would have to discern that. David Cronin said that maybe they should wait for Steve to come back. Mr. Marino said that he thinks they need information from Steve as to how much they can allow coverage if they go along with the idea of proposing two separate garages. Mr. DiFabbio said that would be silly, that the regulations state 1100 sq ft or 50% of the house, and he doesn't see why even as a variance he can't use the 1100 sq feet, and if he went out and added 1000 sq ft to his house then he would meet the regulations, and he just happens to live in a small house. Arlene said they can only vote on what's in front of them, and they aren't supposed to make suggestions, and that it's Steve's job to make suggestions to the applicant even before they come here, but it's not the Commissions job to say how they should do it. The discussion continued regarding whether or not to close the Public Hearing or continue it to the next meeting. Mr. DiFabbio said that he would have liked Steve here, and that Steve had said that it wouldn't be a big issue, and then everyone here is saying that it is a big issue. Mrs. DiFabbio said that if Steve had said that this was going to be this major issue, why would they have even gone this far. Arlene said that they can't speak for him. Mr. Marino said that the meeting will be left open then to the next meeting, May 31, 2011.

VOTED: On a motion by Ed Rachuba and seconded by Basilza MacCalmon to continue the meeting to next month and leave the public hearing open.

5. There were no additional items added to the agenda.
6. **VOTED:** On a motion by Basilza MacCalmon and seconded by David Cronin to adjourn the meeting at 7:52 P.M.

RESPECTFULLY SUBMITTED: Basiliza MacCalmon, Secretary/sk