

**ZONING BOARDS OF APPEALS
JANUARY 25, 2011
PUBLIC HEARING**

Charles Marino called the meeting to order at 7:34 P.M. with the following in attendance:

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

1. Charles Marino took attendance and noted there was a quorum.
2. **VOTED:** Unanimously on a motion by David Cronin and seconded by Arlene Schwartz-Regan to go into Executive Session at 7:36 P.M. with Borough Attorney regarding pending litigation, Rosa, LLC vs. Zoning Board of Appeals at.al, inviting in Attorney Edward Fitzpatrick and Steve Macary.

Commission Chair Charles Marino called the meeting back to order at 8:25 P.M.

3. **VOTED:** Unanimously on a motion by Arlene Schwartz-Regan and seconded by Edward Rachuba to approve the December 28, 2010 meeting minutes.
4. **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. Attorney Donald Zehnder Jr. submitted a sketch to the Commission that he said was prepared by a certified surveyor. He said that it is no where near 5,000 ft and Ms. Yenkelun has no way of developing the existing property. He said that a neighbor had approached her to ask if she would be willing to sell it. Mr. Zehnder explained that it is very hard to park on Nixon Avenue and that the neighbor is proposing to put in a garage. He said that all of the neighbors had been notified and no one had contacted him to object. Mr. Zehnder explained that Mr. Almeida (the neighbor) could not be present at the meeting and that his son was present on his behalf. He said that Mr. Almeida also plans on putting in a retaining wall. Charles asked if in doing this would it make one of the pieces of property conforming or would they both still be non-conforming. Steve replied that it would be hard to say, but that his (Mr. Almeida) property is conforming right now, and that any structures such as the retaining wall would be handled by the building department. A discussion took place regarding the garage and the setbacks. Arlene said that it is very rare to make a non-conforming lot more non-conforming. Attorney Zehnder said that he addressed it with Attorney Fitzpatrick and Steve and that Attorney Fitzpatrick had no problem with it. David Cronin said he can't see making a non-conforming property more non-conforming. Arlene agreed and said it is a congested area as it is. Attorney Zehnder said that there would be more parking and that it wouldn't be more congested. Arlene said that she was not comfortable with it.

VOTED: Unanimously on a motion by David Cronin and seconded by Arlene Schwartz-Regan to **DENY** Appeal # 1939 because it would be expanding a non-conforming property to be more non-conforming.

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 8:38 P.M.

RESPECTFULLY SUBMITTED: Basiliza MacCalmon, Secretary/sk