

**ZONING BOARD OF APPEALS**  
**REGULAR MONTHLY MEETING, MONDAY, January 10, 2011**  
**ALDERMANIC CHAMBERS 7:00 PM**

The Ansonia Zoning Board of Appeals held its regular monthly meeting on Monday, January 10, 2011. The meeting began at 7:05 p.m. and the following applications were acted upon.

Roll Call:

Peter Marcinko	Present
Claudia Degnan	Present
Laura Gagnon	Absent
Nicolas Gentile III	Present
Joe Jaumann	Present
John Sanza	Absent
John Erlingheuser	Absent

4 Present, 3 Absent

A quorum was present.

Also present: James Tanner, Zoning Enforcement Officer

Mr. Marcinko declared the meeting open at 7:00. The meeting began with the pledge of allegiance.

Mr. Marcinko explained that since there is a four-member board, the applicants have to have four yes votes to approve a variance.

Mrs. Degnan made a motion to approve the December minutes. The motion was seconded by Mr. Gentile. All were in favor of the motion. The motion was approved.

1. Pension Services LLC Trustee, P.O. Box 15, Easton, seeking relief from the Zoning Regulations, Section 315, Schedule C to divide a 10, 442 square foot parcel as follows: first piece AKA 10 North Street, a 5,643 square foot lot with an existing single family dwelling. Vary the lot width area requirement 1,857 plus or minus, Vary the lot width requirement 26 foot plus or minus in the front and 16 foot plus or minus in the rear, vary the east side yard requirement 6.6 feet plus or minus. Second piece corner of Eagle and North Streets, vary the lot area requirement 2,701 feet plus or minus to erect a single family home, vary the lot width requirement in the front 29 feet plus or minus and vary lot density requirement per section 316 to allow two (2) single family dwelling units where .92 are permitted.

Attny. John Spondheimer requested that the application be postponed until the February meeting, as the applicant would like to have a five member board hear his application. Mr. Marcinko stated they do have a problem as “the time line had been pretty much pushed to its limit”, as Attny. Spondheimer is aware. The board does have a quorum, even though it is only a four member quorum, they are under the impression that the application has to be heard this evening.

Attny. Spondheimer voiced his concerns regarding this. He stated that the boards own rules are such that an applicant does not have to go forward with only a four member quorum. Mr. Marcinko stated that he had been corrected in that. “Apparently it’s not” the case. Attny. Spondheimer asked if that was in writing. He explained that it was put before him the last meeting also. Mrs. Degnan stated that this is the way the board has done it for years. Mr. Marcinko stated that he understands that this is the way that things have been done, but apparently it’s in “the book” (the state statutes). Mr. Gentile said that it’s one of the statutes. Mr. Marcinko asked the Zoning Enforcement Officer if he knew what statute it was. He was unsure exactly which one it was. He believes it’s located in Section 8.

Attny. Spondheimer stated that being the case, they would waive any claim of jurisdictional defect until it can properly be researched. He feels that both sides would need to research this issue and have Corporation Council research this as well. He stated that neither side wants to be in a law suit. He feels that if the research proves to be such that they must move forward with a four member board, they will be prepared to do so at the February meeting. Mr. Marcinko stated that it is the boards understanding that Attny. Spondheimer is willing to waive all timeline issues with this. Attny. Spondheimer stated that he will. He further stated that he will put that in writing to the board. Attny. Spondheimer again stated that he will make no claim of jurisdictional defect by not having heard the matter at the January meeting. This is the first time that this issue has been raised before the board. He again stated that it’s only due to the five verses four issue issue that they would like to wait. Mr. Marcinko stated that he understood. Mr. Marcinkio stated that the board has to be careful on things like technicalities. Once again, Attny. Spondheimer agreed that this will be put in writing.

2. Ansonia M & L Properties, 1 Chestnut Street, Ansonia, for property located at 420 Main Street, Ansonia, seeking an appeal of the cease and desist order issued by the Zoning Enforcement Officer dated August 24, 2010.

The applicant nor a representative was present. Mr. Tanner indicated that the applicant is still working under the request from the board and they are still under an extension. Their intent is to withdraw the application. Mr. Tanner explained that their time is coming up, the appellate court to make a decision. The applicant is functioning under an extension. They will be on the February agenda.

There were no other applications to come before the board.

Mr. Tanner informed the board that there will be a Workshop held by the state for all of the ZBA members (that are not lawyers) and the secretary on March 12 at Wesleyan. The City is paying the fee for the members to attend. He stated that it would be very beneficial for the members to attend.

Mr. Gentile made a motion to adjourn. The motion was seconded by Mrs. Degnan. All were in favor of the motion.

The meeting ended at 7:15.

Respectfully submitted,

Carol Sardinha  
Secretary