

**ZONING BOARD OF APPEALS
REGULAR MONTHLY MEETING, MONDAY, July 13, 2009
ALDERMANIC CHAMBERS 7:00 PM**

The Ansonia Zoning Board of Appeals held its regular monthly meeting on Monday, July 13, 2009. 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	Present
Jason St. Jacques	Present
Nicolas Gentile III	Present
John Sanza	Absent
John Erlingheuser	Absent

5 Present, 2 Absent

Also present:

Peter Crabtree, Zoning Enforcement Officer

Kevin Blake, Corporation Council

A quorum was present.

Mr. Marcinko declared the meeting open at 7:05. The meeting began with the pledge of allegiance to the flag. A quorum was present.

Mrs. Gagnon made a motion to approve the February minutes. The motion was seconded by Mrs. Degnan. All were in favor of the motion.

Mrs. Gagnon made a motion to approve the April REGULAR meeting minutes. The motion was seconded by Mrs. Degnan. All were in favor of the motion.

Mr. Marcinko explained that since there is a five-member board, the applicants will only need 4 yes votes to approve a variance.

1. David Steaves DBA US Home Service, 37 Manhattan Street, Stamford, for property located at 10 Hawkins Road, Ansonia, seeking relief from the Zoning Regulations Section 315, Schedule C front yard setback from 25' required to 5' provided to construct open porch with roof.

David Steaves, The applicant is present as is Attny Timothy Dillon. Attny. Dillon stated that Dorothy Bosdick originally sold the property (with the houses on them) to Sylvester Grabowski.

Several years later, she sold the interior lots to him as well. The properties were then willed to Theodore Grabowski. Who in turn sold them to Ms. Teodosio. At the time it was purchased, it was purchased as one deed with first piece and second piece listed on it. There were two separate legal descriptions. Mrs. Degnan questioned if Ms. Teodosio was being taxed as one property or two. As we speak, it is being taxed as one lot. Mr. Marcinko stated that once the lot is combined, it is no longer a separate building lot. Mr. Gentile asked why it wasn't changed prior to this meeting. Attny. Dillon stated that he didn't know what the history was behind it. Mr. Marcinko asked if there was currently a right of way to the rear of the property. He was told that there is not. Mr. Marcinko then questioned how they sold a separate lot if there was no way to get to it? He was told that it was sold as a separate piece of land. There was a right of way shown on the map, but there were no tire marks and was never used as a right of way. Mr. Gentile asked what exactly the hardship is. He was told that it is because Mrs. Teodosio purchased the property as two separate pieces and was under the assumption that she could build at some point. There is a unique situation that it is an interior lot that is a very large piece of property. It's almost $\frac{3}{4}$ of an acre in size.

Mr. Marcinko asked three times if there was anyone that wished to speak in favor of the application. There was none. He then asked if there was anyone that wished to speak against the application.

Tom Foley, 40 Prindle Avenue, is present. He stated that he is the next door neighbor of Mrs. Teodosio. He stated that with the grading of the property, with the winter that we've had, with his driveway, his being a lesser grade, is there going to be a problem with emergency vehicles exiting and entering the property? He believes that with his knowledge of the property, there is sledge there. He believes that there will be blasting involved to place a driveway there that would need to be paved or be concreted. His concern is that since he has a well, what will be the impact to his property? He also is concerned with the possibility of having a house sitting that close to his property.

Mr. Marcinko then asked if there was anyone else that wished to speak against the property.

Ms. Erin Discko, 32 Prindle Avenue, stated that she is the next door neighbor on the other side of the property. She stated that she paid over \$300,000 for her two acres of land. She stated that she paid this price so that she would have privacy. If the board were to subdivide the property, it would create a house in her backyard. She then stated that her family at the time that the house was originally sold in the late 80's, her family owned all four houses in a row. She explained that the reason that Ms. Bosdick kept the rear property was because there was property on either side of the property. She sold the property to Mr. Grabowski for one dollar. She sold it for that price because she knew that there was nothing that she could do to with the property.

Steve Blume, 58 Hoinski Way, asked what the grade percentage is that they are proposing. He was told that they are looking for 12%. It was originally 14% and the applicant reduced it to 12%. He then asked how this would be accomplished. He was told that it was unclear. He then asked if a ladder truck (Fire truck) would be able to make the grade and support 70,000 pounds. Mr. Marcinko stated the Mr. Blume made a valid point. He stated that he doesn't believe that the ladder trucks could make a grade larger than 10%.

Mr. Marcinko asked three times if anyone else wished to speak against the application. There

was none.

Mr. Marcinko then asked if there was correspondence regarding this application. He was told that there was. He then requested that the secretary read the correspondence. She did so. A copy of the correspondence is attached to the minutes.

Mr. Marcinko stated that Mr. Gentile will be voting on this issue.

Mr. Gentile made a motion to deny the application due to a lack of hardship and for failing to meet the 10% grade requirement as per section 325.1. Mrs. Degnan seconded the motion.

Roll Call:

Laura Gagnon	Yes
Claudia Degnan	Yes
Peter Marcinko	Yes
Nicholas Gentile III	Yes
Jason St. Jacques	Yes
John Sanza	Not voting
John Erlingheuser	Not voting

The motion was approved to deny the application.

2. Dennis Tobin & Richard Kastens, 526 Howe Avenue, Shelton, for property located at 268 & 268 ½ Wakelee Avenue (lot A), Ansonia, seeking relief from the Zoning Regulations Section 315 Schedule C lot width from 75' required to 52' provided.

Mr. Marcinko stated that Mr. Sanza would be voting on this application.

Michael Horbal, 52 Main Street, Seymour is here representing the applicant. He stated that on October 6, 2008, the board granted variances for this property. He also requested that the board hear both applications at the same time. Attny. Blake stated that the board is allowed to hear both applications at the same time.

3. Dennis Tobin & Richard Kastens, 526 Howe Avenue, Shelton, for property located at 266 Wakelee Avenue (lot B), Ansonia, seeking relief from the Zoning Regulations Section 315 Schedule C lot width from 75' required to 27' provided; Vary impervious surfaces allowed from 60% allowed to 66% provided; and Vary Building area from 35% allowed to 37% provided.

Mr. Horbal stated that apparently the applications did not have the requested variances listed on the original applications due to a clerical error. He stated that the board did grant all of the requested variances at the meeting in October.

Mr. Crabtree stated that he neglected to write the specifics on the original application.

Mr. Marcinko asked three times if anyone wished to speak in favor of the application. There was none. He then asked three times if anyone wished to speak against the application. There was none. He then closed the meeting to the public.

Mr. Marcinko then stated that this application had been approved in October and it is only due to a clerical error that Mr. Horbal is before the board today.

Mr. St. Jacques made a motion to approve both of the variances as stated. The motion was seconded by Mrs. Degnan.

Roll Call:

Laura Gagnon	No
Claudia Degnan	Yes
Peter Marcinko	Yes
Nicholas Gentile III	Not voting
Jason St. Jacques	Yes
John Sanza	Yes
John Erlingheuser	Not voting

The motion was approved.

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

Mr. St. Jacques made a motion to go into executive session and allow Attny. Blake to remain. Mrs. Gagnon and Mr. Erlingheuser were to leave the session. The motion was seconded by Mrs. Degnan. All were in favor of the motion.

(The Board went into executive session)

Mrs. Degnan made a motion to go back into the regular meeting. The motion was seconded by Mr. St. Jacques.

The board indicated that there were no motions or actions taken during the executive session.

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

The meeting ended at 8:45.

Respectfully submitted,

Carol Sardinha
Secretary