

# *Zoning Board of Appeals*

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## **Minutes**

(meeting taped)

Monthly meeting: Thursday, August 21, 2014 in the City Hall Aldermanic Chambers.

The meeting was called to order at 7:15 p.m.

By roll call, members present: Richard Bartholomew, Sam Pollastro Jr., Earl Robinson and Harvey Finkel. Angelo Dirienzo, John Kowarik and Phyllis Sochrin were excused.

Also present – Atty. Majorie Shansky, Corporation Counsel representing the City for Schrade Roosevelt, LLC v. City of Derby ZBA

**Public portion:** This public portion is to satisfy section 101 of the Charter of the City of Derby. No one came forward. Public portion was closed.

**Approval of minutes:** Motion was made by Harvey Finkel and second by Earl Robinson. Move to accept the minutes of the April 24, 2014 meeting, as written. Motion carried unanimously.

**Application No. 378** – Applicant: 340 Derby Avenue LLC. Location of affected premises – 340 Derby Ave, Derby, CT 06418. Appealing determination of the Zoning Officer on July 3, 2014.

Corporation Counsel advised that the applicant has withdrawn his application. The Board accepted the withdrawal without prejudice.

**Executive Session:** Motion made by Sam Pollastro Jr. and second by Harvey Finkel. Move to enter into executive session at 7:17 pm. for the purpose of discussion of pending litigation - Schrade Roosevelt, LLC v. City of Derby ZBA with Corporation Counsel Marjorie Shansky invited to attend. Motion carried unanimously.

Motion made by Harvey Finkel and second by Earl Robinson. Move to return to regular session at 7:57 pm. Motion carried unanimously.

Motion made by Sam Pollastro Jr. and second by Earl Robinson. Move to authorize the Corporation Counsel to present a counter-proposal for the litigation discussion of Schrade Roosevelt, LLC v. City of Derby ZBA which will include but limited to hours of operation, landscaping requirements, adequate lighting, signage related to regulated use and other details expressed by the members during executive session. Motion carried unanimously.

Motion was made by Harvey Finkel and second by Sam Pollastro Jr. Move to adjourn the meeting at 8:00 p.m. Motion carried unanimously.

Respectfully prepared,

*Karen Kemmesies*

Karen Kemmesies, secretary

*These minutes are subject to Board approval at their next scheduled meeting.*