

Zoning Board of Appeals

Minutes

(meeting taped)

Monthly meeting: Thursday, December 18, 2014 in City Hall.

The meeting was called to order at 7:11 p.m.

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

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

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 October 9, 2014 meeting, as written. Motion carried unanimously.

Application No. 380 – 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.

Mr. Bartholomew advised the applicant that there are only four members present this evening. The vote requires four affirmative votes for the application to be approved and as such, this evening will require a unanimous vote. The applicant has the option to table the application until the next meeting with the possibility of having five members present. Atty. Shansky indicated that the legal notice for the meeting has a potential notice defect. This defect could be a fatal flaw should there be a legal challenge to a decision by the Board. As neither the application nor notice specifically cite the request for variance, the Board can not rule on a variance. The application presented this evening can be viewed as informational and providing an initial conversation on the proposal.

Present this evening were Walter Archer, applicant and John Rak. They explained that no lots in the vicinity are conforming to the I-Zone. They are all pre-existing non-conforming. The proposal being presented will have off-street parking and the activity will be low volume. There will be no storage of hazardous materials. It was explained that the grade will be changed. The front will be at street level and then you would drive to the rear which would reveal a two story structure with the lower level below street level. The building would likely be a masonry structure. Members encouraged the applicant to file an application that defines the variance(s)

being requested. Further, it was suggested that the history of the parcel would be germane to the discussion.

Motion made by Harvey Finkel and second by Phyllis Sochrin. Move to continue application 380 with the agreement of the applicant. Motion carried unanimously.

Executive Session: Motion made by Harvey Finkel and second by Earl Robinson. Move to enter into executive session at 8:00 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 Earl Robinson and second by Harvey Finkel. Move to return to regular session at 8:10 pm. Motion carried unanimously.

No action was taken.

Calendar of meetings 2015

Motion made by Phyllis Sochrin and second by Harvey Finkel. Move that the Zoning Board of Appeals meeting schedule for the 2015 calendar year shall be the second Thursday of each month with the exception of January:

January 22, 2015 at 6:30 pm	July 09, 2015
February 12, 2015	August 13, 2015
March 12, 2015	September 10, 2015
April 09, 2015	October 08, 2015
May 14, 2015	November 12, 2015
June 11, 2015	December 10, 2015
January 14, 2016	

The meetings will be held at 7:00 P.M. at City Hall, 1 Elizabeth Street. The calling of a meeting is dependant on the filing of an application for variance. Motion carried unanimously.

Motion was made by Harvey Finkel and second by Earl Robinson. Move to adjourn the meeting at 8:19 p.m. Motion carried unanimously.

Respectfully prepared,
Karen Kemmesies
Karen Kemmesies, secretary

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