# *Zoning Board of Appeals*

**Minutes**

(meeting recorded)

Monthly meeting: Thursday, May 15, 2025

1. Call to Order - The meeting was called to order at 6:38 p.m. in the aldermanic chambers of City Hall.
2. Pledge of Allegiance
3. Roll Call

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| Sam Pollastro Jr. | excused |
| John Kowarik | present |
| Earl Robinson | present |
| Jeffrey Bell | present |
| Ray Bowers | present |
| David Reed (alternate) | present |
| Rita Pelaggi (alternate) | excused |

Also present: Zoning Enforcement Officer Kevin White (on ZOOM) and Town Clerk Marc Garofalo served as host for ZOOM. Without objection, Earl Robinson served as chair in the absence of the chairman. With the absence of Sam Pollastro Jr, David Reed serves as a voting member.

4. Public Portion

No public came forward. Without objection, the public portion was closed.

5. Approval of minutes –February 26, 2025

Minutes were tabled, without objection.

6. Applicant: Drew Perry and Dawn Miller, 27 John St., Derby, CT 06418 Location of affected premises: Same. Appealing the Derby Zoning Regulations 195-11 E(6) for a 4 foot 6 inch side yard variance for an addition to the existing structure.

Applicant Drew Perry was present. Mr. Jeorgie of Charles Jeorgie Associates Architects & Engineers LLC of 430 Kelsey Ave. Suite 1, West Haven CT 06516 with current business address of 365 New Haven Ave. Milford CT was present to review the floor plan prepared by his office and dated 4/25/25. Also presented was a map showing the proposed addition, prepared for Drew Perry dated 7/5/2007 with revisions dated 9/17/2009 and 9/12/2016 prepared by Thaddeus M. Kozlowski of Trumbull, CT

Mr. Jeorgie explained the proposal is for an addition with three-car garage, an additional bedroom with walk-in closet and a fully accessible bathroom. The current structure has two bedrooms with a small bathroom. The roof will be redone with an extension over the ramp, providing additional coverage for the ramp.

Mr. Robinson stated that the application describes the hardship as the owner is wheelchair bound and the existing two bedroom, 1 bathroom home is not fully accessible nor suitable for the health and safety of the occupants. The owner's 26 year old daughter also has a learning disability and cannot live an independent life style. This home, as is, creates a large life safety issue for this family.

Mr. White noted the map shows a last revision date of 2016. He asked that the date of the application reflect 5/15/25. Mr. Kowarik indicated that the notary commission date should state December 31, 2025.

Mr. Jeorgie explained that the owner began this process back in 2016 and over time revisions have been made to the scope of the project. There was no issue to clarifying the date. Mr. White indicated that with the correction to the date, he is in favor of the application.

The certified letter receipts were received and on file in the building department.

6. Public portion for application

Frank Lipke, 20 John St. stated that he is in favor of this application.

Karen Kemmesies, 25 John St. stated that they have been good neighbors for more than 20 years and she did not oppose this application.

The chairman asked three times if there was anyone else wishing to speak. There was no other public in the room or on ZOOM to come forward.

**Motion** by John Kowarik and second by Rita Pelaggi. Move to close public portion. Motion carried unanimously.

8. Action on application

Members discussed the request. It was encouraged to consider plantings that could offer a buffer between the neighbor's property. Members noted the unique shape of the lot that presents with a hardship for placement of the structure. The area being suggested is a flat area whereas the other portions of the lot are sloped. The suggested area does actually lessen the visibility to the other neighbors.

**Motion** by John Kowarik and second by Ray Bowers. Move to **grant** the variance for Applicant: Nitoo and Dharaamdeo Nuckched, 6 Singer Village Dr., Derby, CT 06418 for location of affected premises: Same. Appealing the Derby Zoning Regulations 195-11 E(7)b for an 6 foot variance on each side to install a greenhouse. . **Motion** carried unanimously.

16. ADJOURNMENT

**Motion** was made by John Kowarik and second by Jeffrey Bell. Move to adjourn the meeting at 6:52 p.m. **Motion** carried unanimously.

Respectfully prepared,

*Karen Kemmesies*

Karen Kemmesies, secretary

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