

**CITY OF TORRINGTON
ZONING BOARD OF APPEALS
MINUTES
May 10, 2010**

Present: Genevieve Gangi, Acting Chairwoman
James Marinelli, Member
Jenn Healy, Member
Marc Trivella, Alternate
Ken Edwards, Alternate

Also Present: Mike O'Neil, Zoning Enforcement Officer

Not Present: David Moraghan, Chairman
Kathleen Perrotti, Vice Chairwoman
Karen Falk, Alternate

1. **Call to Order:** Acting Chairwoman Genevieve Gangi called the meeting to order at 7:10 p.m. in the Sullivan Senior Center, Shuffleboard Room, 88 East Albert Street, Torrington, CT

MOTION by Mr. Marinelli to open the meeting, seconded by Mr. Trivella, unanimously carried.

2. **Attendance:**

Present were Board Members James Marinelli, Jenn Healy, Genevieve Gangi, and Alternates Marc Trivella and Ken Edwards. Also present is Mike O'Neil, Zoning Enforcement Officer.

3. **Minutes:**

- a. 4/12/10

Ms. Healy noted a correction to her last name spelling, correctly spelled as "Healy".

Mr. Trivella noted on Page 3, third paragraph down, the correct term should be "handwriting" instead of "handwritten".

MOTION by Mr. Trivella to accept the minutes as corrected, seconded by Mr. Marinelli, unanimously carried.

4. Hearings:

a. Appeal

Appellant: Attorney Gregory T. Nolan for Robert and Joseph Capuano

Location: 191 Winthrop Street

Proposal: Appeal from Zoning Enforcement Officer Mike O'Neil's decision in Cease and Desist Order dated February 5, 2010.

(Public hearing continued from April 12, 2010)

Attorney Gregory Nolan was present to represent Joseph Capuano. Mr. Nolan handed Ms. Gangi a green card, thanked the Board and said good evening and began to depart.

Mr. Mike O'Neil, Zoning Enforcement Officer, and the Board requested Mr. Nolan remain. Mr. O'Neil said Attorney Nolan is here to represent his client, as this is a continuation of the public hearing, and to present the affidavit. The public hearing has not been closed. Now we have a dilemma of sorts, there are only four Board members present tonight that were present at last month's meeting. Four votes are needed to overturn Mr. O'Neil's decision. If we move forward tonight, there are two options. The public hearing can be completed and closed, and then we would have 65 days to make a decision, or we can continue the public hearing to next month in which there would likely be more Board members present to hear the public hearing.

Mr. O'Neil explained absent members could listen to the public hearing tape. Ms. Gangi could vote tonight. Mr. Edwards would have to listen to last month's tape in order to vote as he was absent.

Mr. O'Neil stated if Mr. Nolan wishes to continue the public hearing, Mr. Nolan will be asked to grant a 30 day extension at this time, as it will get very close to the time line, and if something happens, we will not have time to reschedule in time to meet the statutory requirements.

Mr. Nolan stated that would be no problem, and inquired if closing remarks could be made at that time. Mr. O'Neil responded yes, and Mr. Nolan stated that sounds like a good idea, let's do that. Mr. Nolan said he would be happy to do that.

Ms. Gangi announced the public hearing will be continued until next month's meeting.

In response to a question from Mr. Marinelli, Mr. O'Neil stated he will confirm that the Board has 65 days in which to make a decision. Mr. Nolan did grant an extension, so we have an extra 30 days.

5. Adjournment:

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MOTION by Mr. Marinelli to adjourn, seconded by Mr. Trivella, motion unanimously carried.

Lona Kirk, Secretary
Land Use Office