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## TOWN OF EAST HAVEN ZONING BOARD OF APPEALS

East Haven Senior Center, 91 Taylor Avenue

### Amended Regular Meeting Minutes - September 21, 2023

#### I. Roll Call and Pledge of Allegiance

Ms. Mison opened the meeting at 7pm. She called the roll.

In attendance: Judy Mison (chairperson), John Wobensmith, (vice-chair), David Gersz (attending remotely, via Zoom), Cindy Sparago, Charles Page and Bill Carbone (alternate).

Also in attendance: Joseph Budrow, Planning and Zoning Administrator/ZEO, and Lou Dagostine, legal counsel.

The Pledge of Allegiance was recited. Ms. Mison explained how the meeting will be run.

Mr. Budrow said there were no outstanding meeting minutes ready to be voted on. He also requested that **Application No. 23-26** be bumped to Item 1a on the agenda.

#### II. Review and Action on Prior Meeting Minutes

There were no meeting minutes to approve.

**MOTION:** Ms. Sparago made a motion to move **Application No. 23-26** to the top of the agenda. Mr. Carbone seconded the motion. All were in favor. **Motion carried, 5-0.**

#### III. Other Business

1. Request from Ralph Mauro to submit an application to build a new house at 8 Morgan Terrace. (The Board will consider the request pursuant to Section 51.9 of the East Haven Zoning Regulations.)

Attorney Len Fasano presented, requesting the Board allow a new application be received. He said the patio and shed are to be removed from the property. The number of variances is reduced from four to three. He is requesting the Board allow the matter to be placed on the agenda in October.

Mr. Budrow noted that the site plan states that the shed will be removed. He clarified that the patio will be, too. Attorney Fasano confirmed.

Attorney Dagostine referred to Zoning Regulation 51.9 and read it out loud, then stated that this was a two-part issue.

Ms. Mison asked Attorney Fasano if there were significant changes. He responded stating they are removing one of the previous variances. He said the house is still 980 square feet (floor area) and that it can't go any smaller. Mr. Budrow reminded the Board that the house is actually proposed at 930 square feet.

Ms. Sparago reminded the Board that the last motion, relating to the patio and shed, was conditioned. She saw no substantial change. She then read Zoning Regulation 51.9.

Attorney Fasano responded, asking the Board rehear the application.

Mr. Carbone asked what led to the negative decision last month. Ms. Sparago answered by explaining the history of the approved 2020 application that was appealed and went through the Courts. She doesn't see a hardship for the property.

Mr. Budrow answered Mr. Carbone sharing that the Board voted 3-1 in favor of the previous application but four yes votes were required.

Attorney Fasano said a Variance has to be a minimum request. Also, they need to look at an application as presented and not look at past Court proceedings.

**MOTION:** Mr. Wobensmith made a motion to allow an application for 8 Morgan Terrace to be received within six months and be on the October agenda. Mr. Gersz seconded the motion. (Mssrs. Wobensmith and Gersz, and Ms. Mison) voted in favor of the motion. (Mr. Page and Ms. Sparago) voted against the motion. **Motion carried, 3-2.**

#### **IV. Public Hearings and Deliberation Sessions**

##### **Application No. 23-26 – on behalf of Teresa Rodriguez, 56 Charter Oak Avenue.**

Ms. Rodriguez presented. She said her hardship was safety. She said her husband has dementia and that the porch is too small, allowing him to walk off. She needs the porch widened.

Mr. Wobensmith feels if the stairs were off the side of the porch, toward the driveway, it would be a safer structure. Ms. Rodriguez was asked if she would be open to the stairs being off the side of the porch and toward the driveway. Mr. Wobensmith explained why he thought the porch would be safer.

The Board wanted a better sketch of the proposed porch and see it in October.

There was no public comment.

**MOTION:** Ms. Mison made a motion to continue the public hearing to the October 19 meeting. Mr. Wobensmith seconded the motion. **Motion carried, 5-0.**

**Application No. 23-10 – on behalf of Leonard Fasano for Susan Vizziello, 198 Beach Avenue.**

Ms. Sparago recused herself. Mr. Carbone was seated.

Attorney Len Fasano presented. He said he had spoken to Attorney Jennifer Coppola earlier in the day. He said the original hearings were via Zoom. He said the original plans showed the living space. They are asking to use it. There is no outside work to be done. He had nothing further to add.

Ms. Mison said she heard the original hearings and agreed there was a misunderstanding on both sides. Mr. Page said he feels this is a simple issue. With no outside expansion, he is for this. Mr. Carbone agreed with Mr. Page. He didn't see a problem. Mr. Gersz said if there is no external staircase or added meters, he was for this.

Mr. Budrow reminded the Board that there were two conditions on the initial Variance. He stated that the second condition stated that something had to be done about an accessory structure. He said he thinks it is currently being rented as a dwelling. He asked Attorney Fasano if his client is willing to deconstruct the existing accessory structure as a dwelling. Attorney Fasano said he had no historical knowledge of the building and that his client will address it. Attorney Fasano said within 30 days he will submit his findings to the Zoning Enforcement Officer.

The hearing was opened to the public and there was no one in favor of the proposal.

Mr. Patrick Rowland spoke. He reminded the Board that the Rispolis were told to remove an accessory dwelling. He referred to the meeting minutes of the final public hearing of the original variance request. He said he told the ZBA chairperson, who was the acting ZEO at the time, that a second story was being built. He said Attorney Mingione said the upper area would be storage only. Mr. Rowland didn't want the Board to have to hear people begging for forgiveness. He referred to Court cases that he submitted prior. He didn't know how not allowing a second story could be enforced. He said Ms. Rodriguez should just go ahead and build her porch.

Attorney Fasano did not have a response and didn't want to debate.

**MOTION:** Mr. Carbone made a motion to close the public hearing. Ms. Mison seconded the motion. **Motion carried, 5-0.**

### **Deliberation:**

Mr. Gersz was reminded what the exact request was. He was in favor of the attic area to be used as living space. Ms. Mison confirmed that the hearing had to be closed tonight.

**MOTION:** Mr. Carbone made a motion to amend Application 20-03-V to allow for the attic to be fit out as living space and thus eliminating the first condition on the original Variance. Mr. Page seconded the motion. Ms. Mison added that she didn't want any external staircase, balcony or added meters. Mr. Budrow added a second condition, that Attorney Fasano submit his research on the accessory structure within 30 days. (Mssrs. Gersz, Page and Carbone, and Ms. Mison) voted in favor of the motion. (Mr. Wobensmith) did not vote in favor of the motion. **Motion carried, 4-1.**

### **Application No. 23-22 – on behalf of Erik Wilson for 1090 North High Street, LLC., 1090 North High Street.**

Mr. Erik Wilson presented. He submitted a list of items that would be stored in the proposed barn. He said he is proposing a barn. He said this is a nonconforming situation being made more nonconforming. One hardship is the steep slope.

Ms. Mison referred to the external stairs and asked if they lead to a storage area. Mr. Wilson said that area will be for maple taps and bee hive supplies. Ms. Mison was concerned if there would be living space in the building. Mr. Wilson said there will not be. Mr. Budrow confirmed that the external stairs were removed from the proposal in August.

Mr. Wobensmith said the proposal is more nonconforming than what is there now. Mr. Wilson said the size of the proposed building is smaller in square footage. Ms. Mison asked if an easement would be required over the neighboring property.

Mr. Budrow asked if there was a consideration to locate the barn on the property at 1100 North High Street. Mr. Wilson said that property was too small and there was steep slope. There was more discussion on how the barn would be accessed.

Mr. Budrow stated that the Statement of Use (the items to be stored in the barn) was just submitted. He felt only the lower level was accessible for much of the listed items. The third story has not been described as how it will be used. He feared the building would be turned into a dwelling. Ms. Sparago agreed. She said once a building is built, it is hard to deny a use. She feels the building is too big. Mr. Wilson responded saying he thought the building wasn't a 3-story building. He said a typical barn has multiple levels. He called the upper story a loft.

Mr. Budrow said there are three levels and that this isn't the minimum variance necessary for a barn. It is 34 feet tall. He asked if the barn was going to be hooked up to public sewer or water. Mr. Wilson said 'no.' He asked about a septic system.

Mr. Wilson said he tried to submit the least nonconforming building possible.

Ms. Sparago asked Attorney Dagostine and Mr. Budrow if Mr. Wilson has the right to replace the building with one of same square footage. Attorney Dagostine wasn't sure if by right. Mr. Budrow said the building is currently not on one property and the proposal is not the same footprint. It's a new proposal.

Mr. Carbone asked if the proposed roof pitch could be changed. There was discussion about the farming activity.

Ms. Mison asked Attorney Dagostine about Zoning Regulation 51.8.1. Mr. Budrow answered saying that the Regulation was not applicable because the proposal did not require a Site Plan Review or a Special Exception.

Mr. Gersz was concerned with what the building will be like in ten years. He also wanted to hear what the public has to say. Mr. Budrow said if this is approved, he would recommend a condition that the building not be hooked up to public water or sewer, or a septic system.

Ms. Elinor Wilson spoke in favor. She said this proposal is an improvement.

**MOTION:** Mr. Wobensmith made a motion to close the public hearing. Mr. Page seconded the motion. **All were in favor. Motion carried, 5-0.**

**Deliberation:**

The Board discussed the size of the barn. Ms. Sparago said there is no sizeable farm and the building is 3,000 square feet in floor area. The height is extreme. Mr. Carbone said it is a big structure. The height is extensive. Mr. Page said he would like to see the height come down. Mr. Gersz feels the footprint is too big for that part of the property. Ms. Sparago said an easement should be on a deed if a proposal comes back. Mr. Wobensmith agreed about the easement. He talked about how much hay can come from a half-acre of land and read through the submitted items on the storage list. He felt there was too much for one or two floors. He also agreed the height should be reduced.

**MOTION:** Ms. Sparago made a motion to deny Application No. 23-22 based on the height and footprint. Mr. Gersz seconded the motion. Ms. Sparago said due to Section 51.7.3, this was not a minimum variance, and due to Section 51.7.4, the proposal is not in harmony with the neighborhood. Mr. Wobensmith said 'yes' due to the height only. Ms. Mison said 'yes' agreeing with the Zoning Regulations stated. Ms. Sparago is a 'yes' and Mr. Page agreed due to the height and Section 51.7.3. Mr. Gersz was a 'yes.' **All were in favor. Motion carried, 5-0.**

**Application No. 23-23 – on behalf of Gerald Paprocki, 60 Green Street.**

Mr. Gerald Paprocki presented. He has submitted a reduced-size house at 26' x 40 in a Colonial style. The rear deck was reduced to 12'x12'.

Ms. Mison asked if he will live at the house. Mr. Paprocki answered that he will sell. Mr. Gersz asked if he built the homes on Laurel Street. He reminded Mr. Paprocki that he requested the Colonial design. He then asked if he bought the lot from the family. Mr. Budrow said the lot was purchased from William Surprenant. Mr. Gersz felt the lot was big enough to build a house without a variance.

There was discussion on the reduction of the original footprint. Mr. Budrow reminded Mr. Paprocki that there was a request for the house to be 24 feet wide. Mr. Paprocki wants a two-car garage. Ms. Sparago feels that 24 feet is generous. She said there is enough room for cars to park in front. Mr. Paprocki said he can build a longer raised ranch with a 24' width. He shared a number of dimensional scenarios.

Mr. Budrow mentioned that the design of the house is not to be negotiated here. Mr. Paprocki said a 24' width wouldn't look good. Mr. Gersz said he needs a new design.

Mr. Budrow said that Mr. Paprocki can offer extension time to keep the hearing open.

Ms. Pamela Cofrancesco, of 54 Green Street, spoke in opposition. She feels that 10 feet from her property line is too close and she is worried about a fire. She said only two houses on the street have a two-car garage.

**MOTION:** Ms. Sparago made a motion to continue the public hearing to the October 19 meeting. Mr. Page seconded the motion. **All were in favor. Motion carried, 5-0.**

The Board took a 5-minute break.

**Application No. 23-24 – on behalf of Bruce Frosolone, 42 Deerfield Street.**

Mr. Bruce Frosolone presented. He wants a 16'x30' garage at a 16.5-foot height. He would like to do projects like working on a '57 Chevy. He said the 16-foot width is needed for a new car and he could go with a 26-foot long garage.

Mr. Budrow said if the height was at 15 feet, the setbacks would be 4 feet. Mr. Page said he felt 16 feet wide was fine and a 24-foot depth was good. Ms. Sparago confirmed that at 15 feet in height, this is just a coverage issue. Mr. Budrow said that a 16'x24' garage comes to a lot coverage of approximately 31%.

**MOTION:** Mr. Wobensmith made a motion to close the public hearing. Ms. Mison seconded the motion. **All were in favor. Motion carried 5-0.**

**Deliberation:**

**MOTION:** Ms. Mison made a motion to approve Application No. 23-24 at a dimension of 16'x24' and at 15 feet in height. Mr. Page seconded the motion. **All were in favor Motion carried 5-0.**

**Application No. 23-25 – on behalf of Mark Severino, 10 Meadow Street.**

Mr. Mark Severino presented.

Ms. Mison confirmed that the deck is being removed. She asked if the proposed garage is proposed as facing to the front. He answered 'yes.'

There was discussion about a curb cut being required. Mr. Budrow asked if the existing curb cut was being abandoned. Mr. Severino answered, 'yes.'

Ms. Sparago asked if the Town Engineer looked at the site plan. She wondered if he is okay with the driveway. Mr. Budrow wasn't sure if he assessed the driveway. Mr. Severino approached the Board to point at distances and locations.

Ms. Sparago asked Mr. Budrow why he stated the garage was 1.6 feet from the street line and Mr. Severino is saying 21 feet. Mr. Budrow answered that the street edge is about 20 feet from the proposed garage. He said street lines can vary with regard to the street edge. Here, the house is almost entirely within the front setback line.

There was discussion about how much distance there is to back out from the property.

Ms. Mison suggested a 2-car garage. Ms. Sparago feels that there is a hardship but the Board is supposed to give the minimum variance necessary.

Mr. Budrow reminded the Board to remember to point to the Findings. He asked for a verification if they were looking at a 24'x24 garage. He didn't remember if anyone suggested a 2-car garage. He told Mr. Severino that changes can be made on the fly and asked if he was amenable to a 24'x24 2-car garage.

Mr. Grant Herried, of 9 Cliff Street, is in favor of the proposal. He said getting cars off the street was a good thing. There was discussion about the size of the garage and it was confirmed that the height will not be more than the existing house.

Ms. Laura Melillo spoke and just wanted to know how close the garage was going to be to her side property line. Mr. Budrow said the new proposal is 20 to 21 feet away.

**MOTION:** Mr. Wobensmith made a motion to close the public hearing. Ms. Sparago seconded the motion. **All were in favor. Motion carried 5-0.**

**Deliberation:**

**MOTION:** Ms. Mison made a motion to approve Application No. 23-25 as a two-car garage at dimension of 24'x24'. She referred to and read Sections 51.7.1, 51.7.2, 51.7.3 and 51.7.4 of the Zoning Regulations. Mr. Page seconded the motion. **All were in favor Motion carried 5-0.**

**V. Adjournment.**

**MOTION:** Mr. Wobensmith made a motion to adjourn the meeting at 10:11pm. Mr. Page seconded the motion. **All were in favor. Motion carried 5-0.**

Next scheduled Zoning Board of Appeals regular meeting: **Thursday, November 16, 2023 at 7:00pm.**