

**TOWN OF EAST HAVEN, CT
MINUTES OF A REGULAR MEETING
ZONING BOARD OF APPEALS
APRIL 18, 2013 7:30 P.M. EAST HAVEN SENIOR CENTER**

MEMBERS PRESENT: ROBERT FALCIGNO – CHAIRMAN
PAUL BEISLER – VICE CHAIRMAN
JOSEPH PORTO
CHARLES LEMONS
CHARLES LANG

ALTERNATES PRESENT: DONALD THOMAS -ABSENT
MICHAEL ENDERS-ABSENT
RONALD VESTUTI-ABSENT

MEMBERS PRESENT: FRANK BIANCUR -ZEO
ALFRED ZULLO-ATTORNEY
ROSALIE DEPALMA-CLERK

The meeting was called to order at 7:30 P.M. by Chairman Falcigno who then explained the procedure of the Board to the audience. A motion was made by Charles Lemons to accept the minutes of the previous meeting; seconded by Joseph Porto . Motion carried unanimously.

13-03

(TABLED FROM MARCH 2013 MEETING)

APPLICANT & PROPERTY OWNER: Martin Hallier Jr.; Property Affected: 104 Frontage Road; Map 260, Block, 3210, Lot 001; Zone CC

Proposal for development of the property to include a convenience store, a coffee shop, and retail sale of gasoline.

VARIANCE: *Schedule 'A' Permitted Uses; Line 40 reduction of 1080 feet to 420 feet for separation of gas pumps on another parcel. Schedule 'B' Line #7 Street setback reduction from 25 feet to 0 feet for the proposed canopy and from 25 feet to 9 feet for proposed pump island.*

Chairman Falcigno stated the Public Hearing on this application was closed and opened it to the Board for discussion. Chairman Falcigno suggested the Board deny this application and have applicant go before P & Z and apply for a text change and if the applicant had to come back to ZBA Board it would waive waiting period. Attorney Zullo recommended the Board make a motion as such: Charles Lemons made a motion to deny application as it does not comply with zoning regulations and no hardship: seconded by Joseph Porto. Motion carried unanimously. No further comments were made.

13-11

APPLICANT & PROPERTY OWNER: Lisa Kwesell, Property Affected: 2 Minor Road; Map 010, Block 0206, Lot 001, Zone R-3

Proposal to remove/ demo existing single story house, porch, and deck, and construct a new FEMA compliant 2 story house with porch, deck, and stairs. No change in footprint of the original house.

NOTE* **There is an existing variance which was granted in May 1997 to construct a second story at this property.*

VARIANCE: *Section 25, Schedule 'B' Line #7, minimum setback from the street line from the required 25 feet to 7 feet (18 ft reduction). Section 25, Schedule 'B' Line #8 for minimum setback of 30 feet to 6 feet (24 ft reduction). Section 25.4.3 Height, Increase of 11 feet to 41 feet (highest point of home in rear). See variance page in application.*

Robert Criscuolo, an engineer, 420 East Main Street, Branford, CT. 06405 addressed the Board on behalf of the applicant. The required certified receipts

were submitted to the Board. In his presentation Mr. Criscuolo requested the aforementioned variances for the removal of the existing single story house, porch, and deck to construct a new FEMA compliant two-story house with porch, deck and stairs and noted the house would be located within same footprint as existing house and that a variance was granted by ZBA on 5/15/97 regarding the construction of a new 2nd story on the existing house. The required certified receipts were submitted to the Board. Hardship: The existing non-conforming house, which was constructed in 1950, is not compliant with current FEMA standards and was damaged by the significant storm events that occurred in the last two years. The subject property is an undersized existing non-conforming lot that predates the implementation of zoning. The following people submitted letters of approval for this application. Attorney Leonard Fasano, 388 Orange Street, New Haven, CT. 06511 (Exhibit A) and Patricia Jane Rosato, 188 Beach Avenue, East Haven, Ct. 06512. (Exhibit B) No further comments were made.

13-12

APPLICANT & PROPERTY OWNER: Anthony Dellarocco; Property Affected: 187 Morgan Avenue; Map 010, Block 0102, Lot 012; Zone R-3

Proposal to construct a carport 20 ft wide by 20 ft deep.

VARIANCE: Lot is only 40 feet wide and in order to construct carport, it needs to be located on side of house. Location will be 2 feet from property line, where 20 feet is required by Schedule 'B' Line # 9 so applicant is looking for an 18 foot reduction in side yard setbacks.

Mr. Anthony DellaRocco addressed the Board on his behalf. He was seeking a variance to construct a 20 ft. wide by 20 ft. deep carport. The required certified receipts were submitted to the Board. Hardship : Property is 40 ft. wide and in order to turn into and back out of carport it needs to be placed 2 ft. from property line. No further comments were made.

13-13

APPLICANT & PROPERTY OWNER: Vincent Mauro: Property Affected; 15 Henry Street; Map 070, Block 0417, Lot 016; Zone R-1

Proposal to demo and replace existing home on 100 ft by 100 ft lot and then split the lots into two 50 ft by 100 ft lots and construct 2 new homes which would comply with FEMA standards.

VARIANCE: Section 25, Schedule 'B' Line #1 to allow 2 lots of 5000 sq. ft where 7200 is required. Section 25, Schedule 'B' Line #4 to have 50 ft of frontage where 60 feet is required. Section 25, Schedule 'B' Line #3 to have minimum dimension of 50 ft where 50 feet is required.

ZEO Biancur noted to the Board he received a letter from the applicant requesting this application be TABLED as he had no representation. The Board was in agreement to table this application. No further comments were made.

13-14

APPLICANT & PROPERTY OWNER: Therese Johnson: Property Affected: 45 Old Town Highway; Map 010, Block 0203, Lot 016; Zone R-3

Proposal to construct second floor bedrooms and full bath due to the size of the applicant's family. Also add a deck onto the house at a later date.

VARIANCE: Lot is legal nonconforming. See proposed plans in packet

Therese Johnson 45 Old Town Highway addressed the Board on her behalf. She was seeking a variance to construct second floor bedrooms and a full bath and would stay within footprint of the house. The required certified receipts were submitted to the Board. Hardship: Narrow lot and growing family. No further comments were made.

13-15

APPLICANT & PROPERTY OWNER: Julius Delguidice: Property Affected; 234 Dodge Avenue : Map 180, Block 2110, Lot 01; Zone R-1

Proposal to build new house (single family).

VARIANCE: Section 25, Schedule 'B' Line #1 Minimum Lot Area of 5000 feet where 7200 is required, asking for a reduction of 2200 feet. Line #7 Minimum Street setback to 8.6 feet where 25 ft is required. Asking for a reduction of 16.4 ft.

Mr. Tony Thompson of Plans Ahead Design and Construction and Attorney Kenneth Rozich, of Jacobs & Rozich, 91 William Street, New Haven, CT 06509 addressed the Board on behalf of the applicant. They were seeking a variance to construct a new single family house. The required certified receipts were submitted to the Board. Hardship: This is a pre-existing non-conforming lot that predates zoning but similar to abutting lot. Mr. Thompson stated the dwelling

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ZBA

would be a three bedroom, two car garage colonial and it would conform to the neighborhood. Chairman Falcigno questioned the deed on this property stating in researching he found that the 50 ft. lot is non-conforming and the adjoining 100 ft. lot in the rear are in the same names which makes it a continuous piece of property and thus it becomes one lot. Attorney Rozich responded he had two warranty deeds not in the same names on the property showing it not to be a continuous piece of property. After discussion between Town Attorney Zullo and Attorney Rozich on this issue, Mr. Lemons suggested the Board make a motion to TABLE this item until the next scheduled meeting pending further information on this issue, seconded by Joseph Porto. Motion carried unanimously. No further comments were made

NO RECESS CALLED

SEE VOTING

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VOTING:

13-03

DENIED- A MOTION WAS MADE BY
BY CHARLES LEMONS TO DENY
APPLICATION AS IT DOES NOT
APPLY TO ZONING REGULATIONS
AND NO HARDSHIP : SECONDED
BY JOSEPH PORTO. MOTION CARRIED
UNANIMOUSLY.

Falcigno – yes to deny

Beisler – yes to deny

Lang- yes to deny

Lemons – yes to deny

Porto – yes to deny

13-11

GRANTED

Falcigno – yes

Beisler – yes

Lang – yes

Lemons – yes

Porto – yes

13-12

GRANTED

Falcigno – yes

Beisler – yes

Lang- yes

Lemons – yes

Porto – yes

PAGE SEVEN

ZBA

13-13

TABLED

Falcigno – yes

Beisler – yes

Lang – yes

Lemons – yes

Porto - yes

13-14

GRANTED

Falcigno – yes

Beisler – yes

Lang – yes

Lemons – yes

Porto – yes

13-15

TABLED- A MOTION WAS MADE BY CHARLES LEMONS TO TABLE THIS\ ITEM UNTIL THE NEXT SCHEDULED MEETING PENDING FURTHER INFORMATION; SECONDED BY JOSEPH PORTO. MOTION CARRIED UNANIMOUSLY

Falcigno – yes

Beisler – yes

Lang – yes

Lemons – yes

Porto – yes

A motion was made by Charles Lemons to adjourn; seconded by Joseph Porto. Motion carried unanimously.

Chairman Falcigno adjourned the meeting at 8:05 P.M.

Respectfully submitted,

Rosalie DePalma

Clerk