

**TOWN OF EAST HAVEN, CT  
ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING  
JUNE 19<sup>th</sup> 2014 7:30 P.M. EAST HAVEN SENIOR CENTER**

**MEMBERS PRESENT:** ROBERT FALCIGNO – CHAIRMAN  
PAUL BEISLER – VICE CHAIRMAN  
BEN GIAQUINTO  
CHARLES LANG  
TED MUSCO-ABSENT

**ALTERNATES PRESENT:** DONALD THOMAS  
JOSEPH PORTO -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. Chairman Falcigno seated alternate, Donald Thomas, to the Board in order to have a quorum. Vice Chairman Beisler made a motion to accept the minutes of the previous meeting; seconded by Donald Thomas. Motion carried unanimously.

**14-16**

APPLICANT & PROPERTY OWNER: Jose Perez/ M & E Properties LLC (Owner); Property Affected 200 Kimberly Avenue; Zone R1, Map 230, Block 3011, Lot 011

*Proposal to open a locksmith shop in vacant tenant space that was approved for professional use.*

**VARIANCE:** Schedule 'A' Permitted Uses

Jose Perez addressed the Board on his behalf. He was seeking a use variance to open a locksmith shop in a vacant tenant space approved for professional use. The required certified receipts were submitted to the Board. Attorney Zullo questioned customer traffic, Mr. Perez replied it would be minimum only for drop off or pick up of merchandise. Hardship: Change of use. No further comments were made.

**14-17**

APPLICANT & PROPERTY OWNER: John Panula; Property Affected: 10 McKinley Ave; Zone R1, Map 180, Block 2010, Lot 005

*Proposal for an addition 12 ft by 22 ft. to exterior detached garage.*

**VARIANCE:** Schedule 'B' Line #8- Reduction of 10 ft where 20 is required in the rear setback and Line #9- Reduction of 6 ft where 10 is required. Setbacks line up with the existing garage.

Mr. John Panula addressed the Board on his behalf. He was seeking a variance to add an addition to his detached garage 12 ft. by 22 ft. The required certified receipts were submitted to the Board. Hardship: Placement of existing garage would only allow him to go left of garage. No further comments were made.

**14-18**

APPLICANT & PROPERTY OWNER: Eric Ciolino, & Lynn Consiglio (owner); Property Affected: 977 North High Street: Zone R3; Map 370; Block 4727; Lot 003

*Proposal to open a retail and coffee roasting company in the commercial area of the property. Also possibly to add a small cafe' within one to two years in commercial space.*

**VARIANCE:** Schedule 'A' #63 Change of Use

Mr. Eric Ciolino of 196 Foster Street, New Haven, CT 06511 addressed the Board on his behalf. He was seeking a variance to open a retail and coffee roasting company on the commercial area of the property and also to add a small café within one to two years. The required certified receipts were submitted to the Board. Hardship: Change of use. No further comments were made.

**14-19**

APPLICANT & PROPERTY OWNER: DAD Real Estate LLC; Property Affected: 34 Tyler Street; Zone LI-3; Map 190; Block 2217; Lot 004

*Proposal to convert a portion of industrial/ commercial unit into a residential apartment. A use variance was granted in 2010 for same purpose.*

**VARIANCE:** Schedule 'A' Permitted Uses, To allow residential dwelling unit in the LI-3 Zoning District.

Mr. Robert Limoncelli of 58 Mansfield Grove Road, East Haven, Ct. 06512 addressed the Board. He was seeking a variance to convert a portion of industrial commercial unit into a residential apartment. Mr. Limoncelli noted a use variance was granted in 2010 for the same purpose. The required certified receipts were submitted to the Board. Hardship: Property is zoned industrial but borders residentially zoned property. Conversion of a portion of the industrial use on the property to residential dwelling unit will be more compatible with adjacent residences. No further comments were made.

**14-20**

APPLICANT & PROPERTY OWNER: Sara Ann Auerback; Property Affected: 236 Cosey Beach Avenue; Zone R1; Map 030; Block 114; Lot 7

*Proposal to replace previously existing deck on the beach side of the house that was destroyed during the Superstorm Sandy.*

**VARIANCE:** Section 44 Non conformity and see attachment on the application\*

Chuck Fisher of LWF Land surveying, 48 Alps Road, Branford, CT 06405 addressed the Board on behalf of the applicant. He was seeking a variance to replace a deck on the beach side of the house that was

destroyed during the Storm Sandy. Variances requested reduction of rear setback from 20 ft. to 0.0 ft. to allow for steps and deck beyond mean high water, reduction of side setback (East Side) from 10 ft. to 8.0 ft. for proposed deck, reduction side setback from 10 ft. to 5.0 feet (West Side) for proposed steps and deck, increase in lot coverage from 25% to 63%, and waiver of Section 44 to allow change of the nonconformity. Mr. Fisher noted the deck would meet FEMA standards, approved by DEEP and Army Core of Engineers. The required certified receipts were submitted to the Board. Hardship: The original deck pre-dates zoning. Enforcing current zoning would make it impossible to replace a deck belonging to this property for over 100 years. Chairman Falcigno questioned if C.A.M. report was submitted, Mr. Fisher replied it was. No further comments were made.

**14-21**

APPLICANT & PROPERTY OWNER: Bruce & Lucia Palmer; Property Affected; 17 Colonial Heights Rd; Zone R5; Map 630, Block 8144, Lot 002

*Proposal to split lot and construct a new house.*

**VARIANCE:** Schedule 'B' Line #1 Reduction of 1909 sq ft on 17 Colonial Heights and reduction of 1788 sq ft on 17(a) Colonial Heights Rd. Schedule 'B' Line #4 Lot Frontage, 65 ft reduction on 17 Colonial Heights, and 126 ft reduction on 17(a) Colonial Heights where 175 feet of Frontage is needed in an R5 Zone.

Mr. Richard Fiorillo 132 Charter Oak Avenue, East Haven, CT 06512 addressed the Board on behalf of the applicants. He was seeking the aforementioned variances for a lot split to construct a new house. The required certified receipts were submitted to the Board. Hardship: Irregular shape of lot, and Cul de sac does not allow for frontage to be met. Chairman Falcigno questioned hardship, if both lots have irregular shape, Mr. Fiorillo stated they did, thus, Chairman Falcigno stated the Board does not sanction the splitting of lots and based on Mr. Fiorillo's presentation, the hardship is the irregular shape of the lots which does constitute a hardship and on that basis he would recommend the Board approve the application. Vice Chairman Beisler was not in agreement, the reason being he did not believe in the past the Board approved splitting a conforming lot into two non-conforming lots and did not believe the Board should set a precedent.

Jennifer Decarvalho, 12 Colonial Heights Road, East Haven, Ct spoke of her concerns and felt they were addressed and was in favor of this application. No further comments were made.

**14-22**

APPLICANT & PROPERTY OWNER: Judy Marzullo & Corrine Panagas; Property Affected; 64 George Street; Zone R1; Map 070, Lot 020

*Proposal to raze home and rebuild on same footprint.*

**VARIANCE:** Section 44- Non- Conforming Lot

Mr. Charles Anastasio 144 Dunbar Lane, Hamden, CT 07614 representing Westchester Modular Homes addressed the Board on behalf of the applicants. He was seeking a variance to demolish existing house and foundation and raise and rebuild home on the same footprint and same elevation. The required certified receipts were submitted. Hardship: Lot is undersized and nonconforming. No further comments were made.

**14-23**

APPLICANT & PROPERTY OWNER: Debra Mingione; Property Affected; 288 Cosey Beach; Zone R1; Map 020, Block 0113, Lot 09

*Proposal to build a new house to meet FEMA and local regulations*

**VARIANCE:** See attached on application

Mr. Chuck Fisher of LWF LAND Surveying, 48 Alps road, Branford, CT 06405 addressed the Board on behalf of the applicant. He was seeking the following variances: waiver of Section 25.4.3 (Additional Setbacks) for building over 30 ft. in height, new height 40 ft., reduction of rear setback for 20 ft. to 11.0 ft. to allow for steps and deck, reduction of side setback (East side) for 10 ft. to 3.1 ft. to proposed deck and 7.1 ft. to the face of the proposed house., reduction of side setback (West Side) from 10 ft. to 4.8 ft. to proposed house and deck, increase in lot coverage from 25% to 34%, and waiver of Section 44 to allow change of the nonconformity. The required certified receipts were submitted to the Board. Hardship: The existing house built in 1925 was destroyed by Tropical storms Irene and Sandy. No further comments were made.

PAGE SIX

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**14-24**

APPLICANT & PROPERTY OWNER: JJ LLC (Joe Patton); Property Affected: 184 Cosey Beach; Zone R1; Map 030, Block, 0216, Lot 017

*Proposal to construct a set of stairs from property to the beach from a deck*

**VARIANCE:** Schedule 'B' Setback Line #8 Rear Property Line 12 feet to CJL (Coastal Jurisdiction Line), where 20 ft is needed. Reduction of 8 feet.

Mr. Joseph Patton, 2000 Chapel Street, New Haven, CT. 06515 addressed the Board on his behalf. Chairman Falcigno stated to Mr. Patton his application was incomplete as he omitted to complete the hardship line on application and suggested the applicant amend his application and re-schedule and re-advertise his application. Mr. Patton was in agreement. No further comments were made.

NO RECESS CALLED

SEE VOTING

PAGE SEVEN

ZBA

VOTING:

14-16

GRANTED

Falcigno – yes  
Beisler – yes  
Thomas – yes  
Giaquinto – yes  
Lang – yes

14-17

GRANTED

Beisler – yes  
Thomas – yes  
Giaquinto – yes  
Lang – yes  
Falcigno – yes

14-18

GRANTED WITH CONDITION – No Tractor  
trailers or large trucks for deliveries.

Falcigno – yes with condition  
Beisler – yes with condition  
Thomas – yes with condition  
Giaquinto – yes with condition  
Lang – yes with condition

14-19

GRANTED

Falcigno – yes  
Besiler – yes  
Thomas – yes  
Giaquinto – yes  
Lang – yes

PAGE EIGHT

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14-20

GRANTED-A motion was made Charles Lang to approve variance and C.A.M. report; seconded by Vice Chairman Beisler. Motion carried unanimously.

Falcigno – yes  
Beisler – yes  
Thomas – yes  
Giaquinto – yes  
Lang – yes

14-21

GRANTED

Falcigno – yes  
Beisler – no  
Thomas- yes  
Giaquinto – yes  
Lang – yes

14-22

GRANTED WITH CONDITION – The new construction will not exceed what was originally there except the 1 point three feet on right side.

Falcigno – yes with condition  
Beisler – yes with condition  
Thomas – yes with condition  
Giaquinto – yes with condition  
Lang – yes with condition

14-23

GRANTED WITH CONDITION- Chairman Falcigno made a motion to approve variance and C.A.M. report and removal of garage; seconded by Vice Chairman Beisler. Motion carried unanimously.

Falcigno – yes-with condition  
Beisler – yes-with condition



PAGE NINE

ZBA

Thomas – yes-with condition  
Giaquinto – yes-with condition  
Lang – yes-with condition

14-24

TABLED

A motion was made by Donald Thomas to adjourn; seconded by Vice Chairman Beisler. Motion carried unanimously.

Chairman Falcigno adjourned the meeting at 8:25 P.M.

Respectfully submitted,

Rosalie DePalma  
Clerk