

Stacy Gravano, CTC
TOWN CLERK

TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
JANUARY 19, 2017 7:00PM EAST HAVEN SENIOR CENTER

MEMBERS PRESENT: ROBERT FALCIGNO-CHAIRMAN
GEORGE HENNESSEY-VICE CHAIRMAN
CHARLES LANG
JOSEPH PORTO
DONALD THOMAS

ALTERNATES PRESENT: NONE

STAFF PRESENT: ALFRED ZULLO-ATTORNEY
CHRISTOPHER SOTO-ZEO
SUSAN IANNONE-CLERK

Chairman Falcigno called the meeting to order at 7:00 P.M. and after roll call stated they had a quorum. He then explained the procedure of the Board to all in attendance.

Donald Thomas made a motion to approve the minutes from last month's meeting. Motion seconded by Joseph Porto. Motion carried unanimously.

APPEAL HEARING #16-33 (Continued from 11/17/16)

APPELLANT: Gloria Rispoli; Property Concerned: 12 Smith St.; *Appeal of Notice of Violation/ Action of Z.E.O. (un-permitted use: Rooming/ Boarding House)*

Thomas Rispoli spoke on behalf of his mother and explained that she was traveling for work and could not be there. He then read a letter from his mother stating she was entitled to protect her rights just as her neighbors' do, since the last ZBA meeting she now has a rental agreement for 3 unrelated persons living in the property, and requested the board have Mr. Soto withdraw the zoning violation. She felt Mr. Soto was not responsive to her attempts to contact him and questioned the necessity of the appeal process.

In favor: none

Oppose to:

Sandra Stratman, 183 Morgan Ave., opposed the commercial boarding house use in a residential area. She and other residents had previously sent letters to the mayor. She stated the number of people living there and the cars is excessive. She invested in the area because it is residential

and opposed the idea of commercializing a home into a boarding/frat house. She submitted pictures, from August/September showing numerous cars parked in back of the property.

Anthony DellaRocco, 187 Morgan Ave., does not see as many cars since the summer when 7 people lived in the house. Not sure if this is due to school being out or if 4 people have moved out. He clearly opposed the home being used for student housing.

Chairman Falcigno asked Thomas Rispoli which house his mother lived in to which he responded that she still lived in the other house on the property. Chairman Falcigno explained she would need to live in the same dwelling as the 3 unrelated tenants to be in compliance with the zoning regulation. Attorney Zullo added she would still need a special exception.

ZEO Soto then read letters of opposition from Anthony DellaRocco, Mary Judith Paes, Dana B. Walker and Sandra Stratman. The letters cited damage to the gravel road, the precedence that would be set to allow a boarding house, a party that required the police and violation to the residential zoning for the area. Mr. Soto then stated when complaints were received after the party the Deputy Zoning Officer Ellen Pellegrino visited the property. She observed several parked vehicles and spoke to Ms. Rispoli who said she had 7 college students renting the house. He explained the board had a record of the appeal notice including exhibits: definitions of a dwelling, permitted uses for zoning, yearly Certificate of Compliance/fee, failure to renew yearly special exception, GIS map, field cards, blight complaint form, compliant letter, notes on Ellen Pellegrino's 8/23/16 visit, picture of at least 6 vehicles and letter of zoning violation for operating a rooming house without receiving a special exception. He had a conversation with Ms. Rispoli who said she now only had 3 people living there. He informed her she would need to provide the lease agreements from all the tenants and that he would need to perform an inspection. She then questioned the need for an inspection and it would need to be done at her convenience. Mr. Soto told her that's not acceptable and she has not produced any leases. Extensions have been given at her request and are now maxed out. He said the Mayor's Office received complaints today that up to 12 people were living in the house.

Thomas Rispoli wanted to know who complained. He requested the board wait until next month for his mother to provide proof. His mother was under the impression she wasn't in violation if only 3 people live there.

Attorney Zullo confirmed the hearing must closed tonight and a decision could either be made tonight or at the next meeting. No further evidence can be taken. He addressed Mr. Rispoli and said his mother never presented any leases or proof against the neighbors' complaints and that she is not taking this seriously.

Anthony DellaRocco submitted a police report from the August party. He read from the report that the officer was told by a renter that he rented the house with 6 other students.

Chairman Falcigno closed hearing 16-33.

Donald Thomas made a motion to deny the appeal and uphold the Notice of Violation. Joseph Porto seconded the motion. Unanimous motion carried.

16-40

APPLICANT: Sergio & Maria Ramirez; Property Affected: 371 Thompson St.; Zone R-4, Map 540, Block 6530, Lot 002 – *legalize kitchen addition (already built)*.

VARIANCE: Schedule B, Line 9: side yard setback: 25 ft. required, 20.84 ft. proposed

Angelo Reyes spoke on behalf of Mr. Ramirez who was also in attendance. Permit was pulled 11/24/15 when project began to repair fire damage. On 5/17/16 a second permit was pulled to do additional work. Mr. Reyes misunderstood a permit was needed for the Grinnell wall in front of the property. He hired an outside contractor and was under the impression that he took care of getting an engineer and pulling permits. He missed the date to come back in November 2016. He has now done a new variance application with site plan and elevations and \$500 paid to the Town of East Haven. He will pull the necessary permits once the board approves the variance.

In favor: none

Oppose to:

Robert Sand, 501 Thompson Street, questioned how much the height of the house changed. He commented that work had been done without permits.

ZEO Soto clarified the initial zoning permit was to put on a kitchen addition but then other unpermitted work was done. The side yard encroachment was an honest mistake due to using a hand drawn plan. John Torello did engineering and architectural plans. The height of 29'5" is not in violation.

Mr. Reyes reassured that any work was pre-questioned from a licensed person. Everything at this point has been resolved.

Michael Gargano, 395 Thompson Street, owns adjoining property. He questioned how the height is measured. Donald Thompson explained they take the word of the engineer. Mr. Soto said the height is measured from the average grade point for houses. Mr. Gargano also expressed concerned about the variance for the addition should he want to do anything on his property. The board stated if won't. If this was an issue before the addition was built he would have been opposed to it but it's already built.

Chairman Falcigno closed hearing 16-40

Donald Thomas made a motion to approve the variance. Charles Lang seconded the motion. Unanimous motion carried.

Chairman Falcigno explained to Mr. Reyes he can take out the permits but there is a 15 day statutory time limitation for appeal before any work can begin.

16-41

APPLICANT: Maria Saulino; Property Affected: 280 Foxon Rd.; Zone CD, Map 470, Block 5936, Lot 002 – *Enlargement of Restaurant (Correction of Previously Granted Variance)*.

VARIANCE: Schedule B, Line 9: side yard setback: 20 ft. required, 2.5 ft. proposed; Line 11: lot coverage: 30% maximum allowed, 34% proposed; Section 44.7: Enlargement of a non-conforming use.

Attorney Nicholas Mingione-Fasano, Ippolito, Lee & Florentine, 388 Orange St., New Haven. Atty. Mingione explained this is not a new application. It's the same that was approved in both June and October. He is here to present proper engineering plans to show correction that left off a corner on the front portion of the property and a piece on the back half that had not been cross-thatched.

In favor:

Robert Sand, 501 Thompson Street, feels this change is good for the area.

ZEO Soto read the letter in favor presented by Atty. Mingione from Mr. D'Antonio a neighbor of John & Marie's pizza who fully supports the new variance being requested.

Oppose to: none

Chairman Falcigno closed hearing 16-41.

Joseph Porto made a motion to approve the variance. Charles Lang seconded the motion. Unanimous motion carried.

16-42

APPLICANT: Jaquelyn Rodriguez, Corine McNeil, Christine Hendrickson, Carolyn Pedersen; Property Affected: 105 (AKA 30) Minor Road; Zone R-3, Map 010, Block 0206, Lot 004 – *Elevation of home. (Correction of Previously Granted Variance)*

VARIANCE: Schedule B, Line 7: street line setback: 25 ft. required, 19.2 ft. proposed/ existing; Line 9: side yard setback: 20 ft. required, (south side) 10.6 ft. proposed/ existing & (north side) 4.7 ft. proposed/ existing; Line 11: 20% maximum lot coverage allowed 21.7% proposed/existing.

Vincent LiSanti, Architect-represented the homeowner and the State of Connecticut Hurricane Sandy Disaster Relief Program, 100 Pearl Street, Hartford, CT. He wants to correct variance.

ZEO Soto explained the original variance did not take the run of stairs into account of the front yard encroachment.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 16-42.

Charles Lang made a motion to approve. Joseph Porto seconded the motion. Unanimous motion carried.

Attorney Zullo explained Niki Whitehead appealed in Superior Court a notice of violation in releasing land records. Superior court judge felt she was not given a proper hearing therefore remanded it back to ZBA. It will be on the schedule for the February meeting.

ZEO Soto stated an appeal of an enforcement action by him for issuing a violation for a commercial vehicle on a residential property at 60 Wood Terrace. Schedule a public hearing for February.

Charles Lang made a motion to approve. Joseph Porto seconded the motion. Unanimous motion carried.

SEE VOTING

VOTING:

16-33 DENIED

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

Thomas - yes

16-40 APPROVED

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

Thomas - yes

16-41 APPROVED

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

Thomas - yes

16-42 APPROVED

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

Thomas - yes

A motion was made by Charles Lang to adjourn, seconded by Joseph Porto.

Voice vote: all in favor-none oppose-none abstain. Motion carried.

Chairman Falcigno adjourned the meeting at 8:27 PM.

Respectfully submitted,



Susan Iannone

Clerk