

Stacy Gwinn, CTC
TOWN CLERK

TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
APRIL 20, 2017 7:00PM EAST HAVEN SENIOR CENTER

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

MEMBERS NOT PRESENT: 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 explained that they only had four members and therefore any petition would need a unanimous vote. He also stated that anyone could postpone their hearing until next month when they would hopefully have five board members present.

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

APPEAL HEARING 13-21 (Court Remand)

APPELLANT: Nikki Whitehead; Property Concerned: 60 Brown Rd; *Appeal of Action of Z.E.O. Frank Biancur (Decision to legalized Garage: Release of Zoning Violation Lien & March 8, 2013 to Nancy Anderson & Wally Erikson)*

ZEO Soto stated that he is still working on finalizing the record. He and the appellant requested the hearing be tabled until the next meeting.

Chairman Falcigno asked that there be a motion to table.

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

17-05

APPLICANT: Ralph Mauro; Property Affected: 519 Laurel Street: Zone LI-3, Map 330, Block 4219, Lot 001– *Appeal of Notice of Violation/Action of Z.E.O. (excavation/grading of topsoil, sand, and gravel)*

ZEO Soto explained that he spoke to and had a letter from the applicant's attorney and they both agreed to table until next month.

Chairman Falcigno asked that there be a motion to open the public hearing and then table until next month.

Charles Lang made a motion to open the public hearing and then table until next month. Joseph Porto seconded the motion. Unanimous motion carried.

17-07

APPLICANT: Richard Ruggiero; Property Affected: 4 Jamaica Court, Zone R-1, Map, 030, Block 0220, Lot 022, – *Raising of house.*

VARIANCE: Schedule B; Line 11: Maximum lot coverage in an R-1 zone 25%, 30.1% requested.
Schedule B; Line 7: Minimum setback from street line in an R-1 zone 25' required, 0.9' requested.

Richard Ruggiero stated he was not sure where the 0.9' came and invited Steve Martino to speak. Steve Martino, who works with SIL the general contractor, stated the original variance was prior to him coming on board. ZEO Soto then explained that the side steps/decks that were built exceeded the original variance requested.

In favor: none

Oppose to: none

Chairman Falcigno closed hearing 17-07.

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

APPEAL HEARING # 17-08

APPELLANT: One Barberry Real Estate Holding; Property Concerned: 1 Barberry Rd; *Appeal of Action of Z.E.O. (cease and desist order for the slashing of trees)*

Chairman Falcigno asked for a motion to open and accept the hearing. Charles Lang made a motion. Joseph Porto seconded.

Attorney Peter Alter, of Glastonbury, represented One Barberry Real Estate Holding, requested a continuance and submitted a letter from his client indicating no objection to postponing the hearing.

Attorney Joseph Zullo, represented the Town of East Haven, explained he received the record yesterday and agreed to a continuance. He told ZEO Soto to hold off on admitting anything submitted to his office and that the appellant has the right to be heard first before any other testimony.

Attorney Steven Sosenky, of New Haven, represented a property owner from the proposed area of the quarrying operation. He presented a packet, of what he had just filed in the zoning office, to each board member to review before the next meeting. He did not oppose a continuance.

Chairman Falcigno closed hearing 17-08.

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

17-09

APPLICANT: Denise Lecroix; Property Affected: 4 Sibley Lane (AKA 23), Zone R-3, Map, 050, Block 0402, Lot 002, – *Raising & moving forward existing home, replace foundation, remove and replace decks, add stairs.*

VARIANCE: Sched B; Line 8: Rear setback 30' required 2.6 existing; 2.7 proposed. Line 9: Side setback 20' required, 3.8 existing, 5.0' proposed (north) 20' existing, 16.6 proposed (south). Line 11: Lot coverage 25.3 existing, 35.3 proposed.

Densie Lecroix submitted a proposed amendment to her application limiting the lot coverage calculation to reflect the structures now not being removed as originally indicated on the map. She read her hardship that the dwelling is in a storm surge area and must be raised according to FEMA regulations. The existing building and set backs are non-conforming to the current zoning regulations.

Charles Lang asked for clarification on what they would be approving and it's his understanding that the property encroachments were a separated issue. Attorney Zullo stated that the board would need to make it clear on the record that the variance was for the lot coverage only and did not include the encroachments of the shed, etc.

ZEO Soto read that there was no comments in response to the coastal site plan application.

In favor: none

Opposed to:

Joseph McDonald, 196 Morgan Avenue explained he owns adjoining lot and his only objection is that the encroaching shed be removed off his property.

Chairman Falcigno closed hearing 17-09.

Attorney Zullo recommended to table the application until the applicant can file a new application with the zoning department, to amend her variance request and to match the map.

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

17-10

APPLICANT: AJT Enterprises; Property Affected: 7 Meadow Place, Zone R-1, Map, 070, Block 0717, Lot 019, – *Second floor addition.*

VARIANCE: Schedule B; Line 7: Street line setback (Meadow Place Side) 25' required, 7' proposed 25' required 7.5 proposed (Atwater Street Side).

Anthony Trimachi owner/CEO of AJT Enterprises LLC explained the structure is on a corner lot originally listed as 1.9 stories. He wants to add a second floor with a 6-pitch roofline on the original footprint to allow for more living space for growing family.

Gary Cusano, the property owner, purchased the property after moving back to the area.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 17-10.

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

APPEAL HEARING # 17-11

APPELLANT: John and Lorraine Esposito; Property Concerned: 35 Phillip Street; *Appeal of Action of Z.E.O. (inoperable, unregistered, motor/commercial vehicle)*

John (Jack) and Lorraine Esposito appeared with their daughter Jackie Esposito. Mr. Esposito stated the vehicle is a truck converted into a camper but motor vehicle now considers it a motor home if over 6,000 lbs. He said it's only moved when he goes camping and only 5,700 lbs. Jackie Esposito stated they paid taxes, it's operable, registered and not a commercial vehicle.

ZEO Soto stated the vehicle seemed to have been parked on the property for a while and debris around it. He was unable to make an inspection of vehicle interior prior to hearing. Jackie Esposito says the debris has since been cleaned up and it is a seasonal camper. She said she had pictures of the inside on her cell phone.

Attorney Zullo said unfortunately cell phone pictures can't be admitted into the record and that they would need actual photos. He suggested tabling until ZEO Soto can make an inspection.

Chairman Falcigno recommended a motion be made to table.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 17-11.

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

17-12

APPLICANT: Benito Urgiles; Property Affected: 178 Coe Avenue, Zone R-2, Map, 070, Block 0715, Lot 008, – *First floor addition.*

VARIANCE: Schedule B; Line 9: Side setback 15' required, 4' proposed

Applicant did not appear.

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

17-13

APPLICANT: Sal Raffone; Property Affected: 36 Vera Street, Zone R-1, Map, 140, Block 1424, Lot 013, – *Addition of second floor.*

VARIANCE: Schedule B; Line 7: Street line setback (Vera Street Side) 25' required, 6.9 proposed, 25' required 1.4 proposed (Hilda Street Side)

Sal Raffone, stated the proposed set backs up are the same as the existing building. He just wants to add a second floor. Existing building is non-conforming and the renovation cannot make it conforming. He will purchase the property pending approval of the variance. He intends to renovate and resell the property.

In favor: none

Opposed to:

Jack Lindsay, 37 Vera Street. He has lived across the street from the property for 40 years. He would love to see a nice home but would like to see it moved back since it is so close to the road. He has safety concerns for the children playing on Hilda Street and there are no sidewalks.

Chairman Falcigno closed hearing 17-13.

Chairman Falcigno can't recommend a second floor on a building so close to the road.

Attorney Zullo suggested a continuance. Sal Raffone will consider renovating vs. rebuilding and then proceed from there. ZEO Soto explained a new application would be needed to rebuild for the variances needed.

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

SEE VOTING

VOTING:

13-21 Tabled

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

17-05 Tabled

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

17-07 Approved

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

17-08 Tabled

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

17-09 Tabled

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

17-10 Approved

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

17-11 Tabled

Falcigno - yes

Hennessey - yes

Porto - yes

Lang - yes

17-12 Denied

Falcigno - yes
Hennessey - yes
Porto - yes
Lang - yes

17-13 Tabled

Falcigno - yes
Hennessey - yes
Porto - yes
Lang – 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 8:20 PM.

Respectfully submitted,



Susan Iannone
Clerk