

Stacy Gravano, CTC
TOWN CLERK

TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
JUNE 15, 2017 7:00PM EAST HAVEN SENIOR CENTER

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

MEMBERS NOT PRESENT: NONE

ALTERNATES PRESENT: MICHAEL SMITH

ALTERNATES NOT PRESENT: VINCENT LETTIERI

STAFF PRESENT: JOSEPH ZULLO-ATTORNEY
CHRISTOPHER SOTO-ZEO
SAL BRANCATI-DIRECTOR OF ADMIN. & MGMT.
SUSAN IANNONE-CLERK

Chairman Falcigno called the meeting to order at 7:00 P.M. and after a roll call was taken he stated they had a quorum. He then read a letter dated June 5, 2017 from Charles Lang resigning his position on the ZBA board.

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

Nikki Whitehead, 9 Hilton Ave., East Haven. Stated she owns 68 Brown Rd. and asked that her letter to the board be read. Chairman Falcigno read her letter dated June 14, 2017 in which she requested a continuance because recent landscaping activity at 60 Brown Rd. could have a bearing on the appeal and that there was no evidence that this was on the record in order to make it complete. There was then discussion between Chairman Falcigno and Ms. Whitehead as to how long this appeal has been going on for. ZEO Soto stated Mrs. Anderson said they finished the landscaping and after he consulted with Attorney Zullo they must have the property surveyed in order to get accurate measurements.

Chairman Falcigno stated this appeal has gone on for too long and recommended a 30-day continuance until next month's meeting.

Joseph Porto made a motion for a continuance until the regular July meeting. Donald Thomas seconded the motion. Unanimous motion carried.

APPEAL HEARING 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 stated he spoke to the applicant's attorney. They were in the process of submitting an application to Planning & Zoning to resolve the matter. Their surveyor, Bob Criscuolo, told him they would have an application in on Monday. Chairman Falcigno questioned why fines have not been issued and why the work continued. ZEO Soto explained a fine could not be issued once an appeal had been filed. He said the applicant requested a continuance until the July meeting. Sal Brancati said he spoke to their attorney and if they get their special exception from P & Z then they could withdraw this appeal before the July meeting.

Joseph Porto made a motion for a continuance until the regular July meeting. Donald Thomas 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)*

Attorney Peter J. Alter, Alter & Pearson, LLC, represented One Barberry Real Estate Holding LLC. He stated he and Attorney Zullo had a mutual request for a stipulated disposition of 17-08 since 17-18 represents the same matter on an amended basis. He stated his client has stopped excavating and quarrying activities. He requested a special meeting, separate from the regularly scheduled ZBA meeting, to hear 17-18 & 17-20 since they would require extensive testimony and a presentation. Attorney Zullo stated they were securing the senior center on July 13, 2017 for the meeting.

Joseph Porto made a motion to schedule a hearing on July 13, 2017 for 17-18 and 17-20. Michael Smith seconded the motion. Unanimous motion carried.

Joseph Porto made a motion to accept the stipulated disposition. George Hennessey 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.

Denise Lecroix, 4 Sibley Lane, East Haven withdrew her application. ZEO Soto explained Ms. Lecroix was in the process of purchasing adjacent property that would then change the variances needed. He read an email from her attorney Tom Crosby that said Lighthouse Marina LLC/member Mr. McDonald withdrew their opposition and supported Ms. Lecroix application. She would be purchasing a 30' disputed strip of land from them. She would submit a new application at the next available meeting.

Donald Thomas made a motion to accept the withdrawal without prejudice. Joseph Porto seconded the motion. Unanimous motion carried.

APPEAL HEARING # 17-18

APPELLANT: One Barberry Real Estate Holding; Property Concerned: 1 and 99 Barberry Rd; *Appeal of Cease and Desist/Action of Z.E.O. (amended cease and desist order for the slashing of trees)*

Donald Thomas made a motion to table until special meeting on July 13, 2017. Joseph Porto seconded the motion. Unanimous motion carried.

17-19

APPLICANT: Maria Esposito; Property Affected: 285 Dodge Avenue, Zone R-1, Map 180, Block 2108, Lot 007 – *Enclose and extend porch.*

VARIANCE: Sched B; Line 9: Side yard setback 10', required 6.4 existing.

Maria Esposito, 127 Prospect Rd., East Haven and brother-in-law Jack (?) stated Roberta and Dennis (deceased) Pellegrino, owners' daughter, need oxygen 24/7 due to illness. Porch was enclosed and pushed out to house large oxygen systems in closet for both parties in master bedroom.

In favor:

Roberta Pellegrino, 285 Dodge Ave., stated her husband passed away. She is on oxygen and has medical problems.

Oppose to: none

Chairman Falcigno closed 17-19.

Donald Thomas made a motion to approve. Joseph Porto seconded the motion. Unanimous motion carried.

Chairman Falcigno explained they would need to get a zoning permit and not to do any work unit after the 15-day statutory time period for appeal.

APPEAL HEARING # 17-20

APPELLANT: One Barberry Real Estate Holding; Property Concerned: 1 and 99 Barberry Rd; *Appeal of Cease and Desist/Action of Z.E.O. (excavation/grading of topsoil, sand, and gravel)*

Donald Thomas made a motion to table until special meeting on July 13, 2017. Joseph Porto seconded the motion. Unanimous motion carried.

17-21

APPLICANT: Joseph Dalbero; Property Concerned: 481 Thompson Avenue, Zone R-1, Map 190, Block 2214, Lot 007 – *one story addition over existing deck.*

VARIANCE: Schedule B; Line 9: Side yard setback 10' required, 3' proposed.

Joseph Dalbero, 481 Thompson Ave., read hardship there is a pre-existing, non-conforming use and wants to build a one story addition on top of an existing deck.

ZEO Soto stated Chairman Falcigno previously spoke to the applicant and asked that he recused himself. Chairman Falcigno agreed. ZEO Soto said pre-existing conditions does not mean it is a hardship. Donald Thomas asked if work had started. Mr. Dalbero replied he took down deck, removed siding but is now waiting for the variance and permits.

In favor:

Fred Parloto, 146 Tyler St. Mr. & Mrs. Dalbero are his neighbors. He has seen the plans and says the work would be in the back of the house and would not affect the curb appeal. They have done a nice job of remodeling their cape and understood they need more space.

Joe Dalbero, 536 Thompson spoke in favor of his son. He said the addition would provide more room for their large family on holidays.

Oppose to: none

Chairman Falcigno closed 17-21.

Joseph Porto made a motion to approve. Michael Smith seconded the motion. Unanimous motion carried.

17-22

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. ZEO Soto requested they table the application and he would contact the applicant.

Donald Thomas made a motion to table. Joseph Porto seconded the motion. Unanimous motion carried.

17-23

APPLICANT: Cosey Beach Avenue Properties, LLC; Property Affected: 215 Cosey Beach Avenue, Zone R-1, Map, 030, Block 0215, Lot 017, – *Exterior front stairs.*

VARIANCE: Schedule B; Line 7: Street line setback 25' required, 19.5' existing.

Michael Barbero, principal owner for the applicants. Bought the properties before storm Irene. After the storm the plans needed to be changed to include pilings and with the need of flood insurance was hard to sell the properties. He now has buyer for one and renter for the other. Certificates of Occupancy could not be accepted because the stairs were encroaching on the property line. The previous ZEO didn't count stairs and overhangs. Therefore, he did not know he was in violation. ZEO Soto said the original plans did not show stairs and it has not been an uncommon thing.

In favor: none

Oppose to: none

Chairman Falcigno closed 17-23.

Joseph Porto made a motion to approve. Michael Smith seconded the motion. Unanimous motion carried.

17-24

APPLICANT: Cosey Beach Avenue Properties, LLC; Property Affected: 225 Cosey Beach Avenue, Zone R-1, Map, 030, Block 0215, Lot 015, -- *Exterior front stairs*.

VARIANCE: Schedule B; Line 7: Street line setback 25' required, 19.5' existing.

Michael Barbero stated it was the same situation as 17-23.

In favor: none

Oppose to: none

Chairman Falcigno closed 17-24.

Joseph Porto made a motion to approve. George Hennessey seconded the motion. Unanimous motion carried.

17-25

APPLICANT: Warren Smith; Property Affected: 861 Foxon Road, Zone CA-1, Map 450, Block 5821, Lot 021, -- *Certificate of Approval for Location*.

Attorney David Crow, 378 Boston Post Rd., Orange, CT stated his client had additional information for their package. Warren Smith then submitted a copy of the lease from the current landlord agreeing to re-assign it to him for 10 years. Atty. Crow explained that Mr. Smith is only purchasing the existing business Affordable Transmissions not the property. He would like to keep their car repair and used car licenses. He does not intend on expanding the business. ZEO Soto explained DMV requires change of ownership come before ZBA. He also confirmed they would be doing general repair.

In favor: none

Oppose to: none

Chairman Falcigno closed 17-25.

Joseph Porto made a motion to approve. Donald Thomas seconded the motion. Unanimous motion carried.

A motion was made by Joseph Porto to adjourn, seconded by Michael Smith.

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

Chairman Falcigno adjourned the meeting at 7:54 PM.

Respectfully submitted,

Susan Iannone
Clerk