



EAST HAVEN

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TOWN CLERK
ZONING BOARD OF APPEALS

TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
MAY 19, 2016 AT 7:00 P.M. EAST HAVEN SENIOR CENTER

MEMBERS PRESENT:

ROBERT FALCIGNO-CHAIRMAN
GEORGE HENNESSEY-VICE HAIRMAN
DONALD THOMAS
CHARLES LANG
JOSEPH PORTO

ALTERNATES PRESENT:

STAFF PRESENT:

ALFRED ZULLO-ATTORNEY
CHRISTOPHER SOTO-ZEO
ROSALIE DEPALMA-CLERK

Chairman Falcigno opened Public Hearing #1:

PUBLIC HEARING #1: An appeal by the owner of 84 Caroline Road of the Zoning Enforcement Officer's Notice of Violation dated March 1, 2016.

Attorney Joseph Zullo addressed the Board. In his presentation Attorney Zullo submitted and read into record a Request for Stipulated Disposition on 84 Caroline Road, (Exhibit A) filed in zoning office. Attorney Zullo commented the Town has been looking at properties on Caroline Road with respect to seasonal use with respect to 6-27 of the East Haven code the issuance of building permits on unapproved roads and noted the Town is looking to put together a comprehensive solution for this problem which also involves other roads in the Town. Attorney Zullo stated his recommendation is essentially dispose each case presented the same way as the Chometa case was treated with the expectations there will be a comprehensive solution for every property, and was requesting the Board to entertain the request for stipulated disposition and informed the Board that he was in contact with Attorney Pellegrino who was representing both property owners and supported this solution. A motion was made by Charles Lang that the Notice of Violation be rescinded pursuant to the terms of the request for Stipulated Disposition executed by the appellant and the Town of East Haven dated May 19, 2016, second by Donald Thomas. Motion carried unanimously. Roll Call Vote: Falcigno – yes, Hennessey – yes, Thomas – yes, Lang – yes, Porto – yes. Chairman Falcigno closed the Public Hearing.

PUBLIC HEARING #2: An appeal by the owner of 80 Caroline Road of the Zoning Enforcement Officer's Notice of Violation dated March 11, 2016.

Attorney Zullo addressed the Board and requested that all the testimony from the prior public hearing be considered part of the record for this public hearing only noted the address for this appeal 80 Caroline Road. (See Exhibit B filed in Zoning Office) A motion was made by Charles Lang that the notice of violation be rescinded pursuant to the terms of the Request for Stipulated Disposition executed by the appellant and the Town of East Haven dated May 19, 2016, second by Joseph Porto. Motion carried unanimously. Roll Call Vote: Falcigno – yes, Hennessey – yes, Thomas – yes, Lang – yes, Porto – yes. Chairman Falcigno closed Public Hearing #2.

Chairman Falcigno called the meeting to order at 7:25P.M and explained the procedure to the audience. A motion was made by Donald Thomas to accept the minutes of the previous meeting; second by Joseph Porto. Motion carried unanimously.

APPEAL

APPLICANT: Ms. Niki Whitehead; Property Affected: 60 Brown Road; Zone R-3, Map 110, Block 1125, Lot 004 - *Appeal of Zoning Letter of Compliance dated July 23, 2014. - Accept for review and set public hearing date.*

A motion was made by Donald Thomas to accept the aforementioned appeal, second by Joseph Porto. Motion carried unanimously. Roll Call Vote: Falcigno – yes, Hennessey – yes, Thomas – yes, Lang- yes, Porto yes.

A motion was made by Donald Thomas to set the hearing date on the aforementioned appeal to June 16, 2016, second by Joseph Porto. Motion carried unanimously. Roll Call Vote: Falcigno – yes, Hennessey – yes, Thomas – yes, Lang – yes, Porto – yes.

16-15

APPLICANT & PROPERTY OWNER: Sandra Encalada; Property Affected: 370 Silver Sands Road; Zone R-1, Map 100, Block 0814, Lot 011 - *Second Floor Addition.*

VARIANCE: Schedule B, Line 9 - Side Yard Setback: Requesting 6.5 feet of relief.

Monica Aquilar addressed the Board on behalf of the applicant. She was seeking a variance to add a second floor addition to her home. The required certified receipts were submitted to the Board. Ms. Aquilar noted the addition was needed to have more room space for Ms. Encalada's two girls. Hardship: Pre-existing non-conforming lot. No further comments were made.

16-16

APPLICANT & PROPERTY OWNER: Robert Gargiulo; Property Affected: 295 Cosey Beach Avenue; Zone R-1, Map 020, Block 0213, Lot 002 - *10' x 25' deck and replace main steps*

VARIANCE: Schedule B, Line 7 - Street Line setback: 5' relief on west corner, 7'8" relief on east corner of home; Line 9 - Side Yard Setback - 4'5" relief requested.

Mr. & Mrs. Robert Gargiulo addressed the Board on their behalf. They were seeking a variance to build a 10' x 25' deck and replace main steps. The required certified receipts were submitted to the Board. Hardship: Purchased property with non-conforming front deck/stairs, and would like to remove for safety and replace plus expand. ZEO Soto informed the Board he believed the applicants should be requesting two front yard variances, and informed the Board the ordinance states you are entitled to replace a non-conformity, but you are not entitled to expand it. No further comments were made. No further comments were made.

16-17

APPLICANT & PROPERTY OWNER: Richard Cordiero; Property Affected: 9 Atwater Street; Zone R-1, Map 070, Block 0418, Lot 011 - *Change of roof pitch and add cupola.*

VARIANCE: Schedule B - Line 6 - Building Height: 6'4" relief requested.

Mr. Cordeiro addressed the Board on his behalf. He was seeking a variance to change his roof height from a 10/12 pitch to a 12/12 pitch and add a 54" high cupola. Mr. Cordeiro noted the height variance was required due to the structure being over 30 ft. in height, and noted if the Board was unable to grant the cupola addition asked the Board respectfully consider the roof pitch change

as a separate item due to its minor significance. The required certified receipts were submitted to the Board. Hardship: Due to flood regulations building has to be at an elevation of 12' over BFE and could not be set back due to location. ZEO Soto recommended the Board Table this application the variance request needs to be amended and research whether or not this application requires a C.A.M report. The Board was in agreement. Niki Whitehead 60 Brown Road commented as the owner of the tidal wetlands that border the property the East Haven Land Trust would like the opportunity to review the Coastal Site Plan (C.A.M.) if one is required and had no problem with the height. No further comments were made.

16-18

APPLICANT & PROPERTY OWNER: Giacomo & Sharon DiNuzzo; Property Affected: 22 Timberland Drive; Zone R-3, Map 500, Block 6329, Lot 008 - *Build deck on rear side of swimming pool.*

VARIANCE: Schedule B - Line 9 - Side Yard Setback - 11' relief requested; Line 11 - Lot Coverage: 5.76% of relief requested.

Mr. & Mrs. Giacomo DiNuzzo addressed the Board on their behalf. They were seeking a variance to build a 20' x 20' deck on the rear side of their swimming pool, with a 3 x ft. platform for attached stairs with a locking gate. The required certified receipt were submitted to the Board. Hardship: Deck will increase visibility within pool, allow safety entry to pool, pool cannot be moved deck on any other side will obstruct visibility for children, and concern with flooding. Discussion ensued if the proper process and information was given to applicants to the proper location for the pool to be constructed by former ZEO. A motion was made by Donald Thomas to accept application as amended, second by Vice Chairman Hennessey. Motion carried unanimously. Roll Call Vote: Falcigno – yes, Hennessey – yes, Thomas – yes, Lang – yes, Porto – yes. A motion was made by Donald Thomas accept variance as written, second by Charles Lang. Motion carried unanimously. Roll Call Vote: Falcigno – yes, Hennessey –yes, Thomas – yes, Lang – yes Porto – yes. No further comments were made.

NO RECESS CALLED

SEE VOTING:

PAGE FIVE

ZBA

VOTING:

APPEAL: Nicki Whitehead
80 Brown Road Appeal of
Zoning Letter of Compliance
Dated July 23, 2014

SET PUBLIC HEARING JUNE 16, 2016

16-15

GRANTED

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

16-16

GRANTED

Falcigno -- yes
Hennessey -- yes
Thomas -- no
Lang -- yes
Porto -- yes

16-17

TABLED -- Donald Thomas made a motion to Table
Application; second by Charles Lang. Motion carried
unanimously.

Falcigno -- yes to table
Hennessey -- yes to table
Thomas -- yes to table
Lang -- yes to table
Porto -- yes to table

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ZBA

16-18

GRANTED

Falcigno – yes
Hennessey – yes
Thomas – yes
Lang – yes
Porto – yes

NEW BUSINESS:

A motion was made by Charles Lang to accept and put on agenda 87 Caroline an Appeal for Notice of Violation by ZEO, second by Joseph Porto. Motion carried unanimously. Roll Call Vote: Falcigno – yes , Hennessey – yes, Thomas – yes, Lang – yes, Porto- yes

A motion was made by Charles Lang to accept and put on agenda 92 Caroline Road an Appeal for Notice of Violation by ZEO, SECOND Joseph Porto. Motion carried unanimously. Roll Call Vote: Falcigno –yes, Hennessey – yes, Thomas – yes, Lang – yes, Porto – yes.

A motion was made by Joseph Porto to adjourn, second by Charles Lang. Motion carried unanimously

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

Respectfully submitted,

Rosalie DePalma
Clerk