

**TOWN OF EAST HAVEN, CT  
MINUTES OF A REGULAR MEETING  
ZONING BOARD OF APPEALS  
JULY 16, 2009 7:30 P.M. EAST HAVEN SENIOR CENTER**

**MEMBERS PRESENT:** CHARLES LEMONS - CHAIRMAN  
JOSEPH PORTO – VICE CHAIR-ABSENT  
ANTHONY REDENTE  
LAWRENCE LAMOTHE  
RONALD DESENA

**ALTERNATES PRESENT:** FRED D’ALBERO  
DONALD W THOMAS-ABSENT  
ROBERT SCHUMITZ-ABSENT

**MEMBERS PRESENT:** DAVE ANDERSON -ZEO  
JAMES CIRILLO-ATTORNEY  
ROSALIE DEPALMA-CLERK

The meeting was called to order at 7:30 P.M. by Chairman Charles Lemons. Chairman Lemons explained the procedure of the Board to the audience Donald Thomas made a motion to accept the minutes of the previous meeting, seconded by Larry LaMothe. Motion carried unanimously.

Chairman Lemons seated alternates Donald Thomas to applications 09-016, 09-017, and 09-018, and alternate Fred D’Albero to applications 0-019, 09-020, 09-021, and 09-022 in order to have a quorum.

09-16 APPLICANT: II BIN IM; PROPERTY OWNER; PAUL CHO; PROPERTY AFFECTED: 36 THOMPSON STREET; ZONE:CD; PROPOSAL TO DEMOLISH AN EXISTING SINGLE-FAMILY HOME AND CONSTRUCT A NEW TWO STORY MIXED-USE BUILDING WITH TWO RETAIL STORES ON THE FIRST FLOOR AND TWO APARTMENTS ON THE SECOND FLOOR. VARIANCES REQUIRED: SCHEDULE "A" PERMITTED USES, TO ALLOW MIX OF USES; SCHEDULE "B" LINE #9, MINIMUM SETBACK FROM SIDE PROPERTY LINES, FROM 20 FEET TO 0 FEET.

Chairman Lemons stated to the Board this was the second time this applicant was a no show and asked the Board to Deny without Prejudice this application. The Board was in agreement. No further comments were made.

09-17 APPLICANT & PROPERTY OWNER: 418-432 MAIN STREET ASSOCIATES, LLC; PROPERTY AFFECTED: 418-432 MAIN STREET; ZONE: CB-1; USE VARIANCE FOR CONSTRUCTION OF TWO ONE-BEDROOM AND THREE EFFICIENCY APARTMENT UNITS IN THE EXISTING SECOND FLOOR SPACE OVER THE RETAIL STRIP CENT. VARIANCES REQUIRED: SCHEDULE "A" PERMITTED USES, TO ALLOW MIX OF USES

Attorney Michael Brandi of Cohen & Acampora addressed the Board on behalf of the applicant. He was seeking a use variance for construction of two one-bedroom and three efficiency apartment units in the existing second floor space over a retail strip center. In his presentation Attorney Brandi gave a history of mix use and stated there was no existing regulation on mix use and presently there was mix use existing in the complex. Attorney Brandi informed the Board there would be no extension or expansion on the existing structure, and the complex has thirty eight parking spaces on site. It was determined the parking lot was being leased to another business. ZEO Anderson stated the requirement for parking spaces would not increase from the change of use from commercial to residential. Attorney Brandi submitted the required certified receipts and a petition signed by the tenants of the building in favor of this application. Hardship: The strict application of the regulations would produce an unusual circumstance and undue hardship in that without the variance there can be effective use of the second floor of the building. The strict application of the zoning regulations would prevent this applicant from

utilizing the space for residential purposes despite the fact that the adjacent properties surrounding the site contain a multitude of residential uses. The following people spoke in opposition of this application, Attorney Laurence Parnoff, 3392 Huntington Road, Stratford, Ct. spoke on behalf of the owner 440 Main St., Dina Kineel, co-owner of DePalmas, Ed Ciarleglio, Lisa Parolo, 37 Pardee Pl. Ext, David Brennan, 425 Main St., Jo-ann Brennan, 425 Main St. and Pat Romano, 21 Jamaica Ct. Their concerns not enough parking spaces, traffic congestion along Main St., site has been caused of many serious auto accidents some fatal, use would cause hardship to other business owners, nuisance to homes in the area. Richard LoRicco, 216 Crown Street, the property manager for this complex spoke in favor of this application stating the use of parking spaces would be decreased with this proposal, and be beneficial economically. No further comments were made.

09-18 APPLICANT & PROPERTY OWNER: FIVE DEES, LLC;; PTOPEY  
AFFECTED: 317 FOXON ROAD; ZONE: R-3; USE VARIANCE TO  
ADD SCHEDULE "A" PERMITTED USES, LINE #47: MEDICAL AND  
DENTAL CLINICS, MEDICAL LABORATORIES, REHABILITATION  
FACILITIES, LICENSED BY THE STATE OF CONNECTICUT" TO  
THE LIST OF USES PERMITTED IN THE EXISTING COMMERCIAL  
BUILDING LOCATED AT 317 FOXON ROAD. VARIANCES  
REQUIRED: SCHEDULE "A" PERMITTED USES

Attorney Bernard Pellegrino, of the Pellegrino Law Firm, New Haven, CT. and Dr. Richard Stahl, Vice President Yale New Haven Hospital addressed the Board on behalf of the applicant. They were seeking a use variance for a medical facility in the existing commercial building. Attorney Pellegrino noted the building was an approved three story office building and approved for business and professional offices and a bank, and provided the Board with copies of use tables. He informed the Board Yale New Haven Hospital was interested in renting the entire first floor of the building. Hardship: the limitations placed on the reasonable use of the existing commercial building by the terms of the previously granted variance cause hardship by precluding this proposed compatible use. Attorney Pellegrino stated there was a need for this type of facility in the area and presented the Board with a petition of 953 names in favor of this application. He noted the site met all parking criteria and would have a beneficial affect on the surrounding areas. He also submitted a report from a traffic analyst Dr. Rick Stahl, Vice President of Ambulatory Services at Yale New Haven Hospital addressed the

Board. He was requesting that a medical office use be permitted on the first floor at 317 Foxon Rd. The facility would be an urgent care center for non-life threatening conditions on a walk-in basis and offer laboratory service and basic x-ray imaging including ultra sound. Hours of business would be Monday-Friday 9-8, Sat 8-5, and Sunday 8-1 P.M. He stated the presence of this facility would increase tax base for the Town and increase economic development to other businesses in the Town and employment opportunities. Chairman Lemons questioned if facility would be exempt from Personal Property taxes, Dr. Stahl replied it would. The following people spoke in favor of this application: Pastor Shanley of Our Lady of Pompeii Church, Frank DiMartino, 161 Foxon Rd, Ken McKay, 59 Sidney St., Dan McCann, 137 Mansfield Grove Rd, Richard Anania, councilman 5<sup>th</sup> district, and Fred Parlato 146 Tyler St. No further comments were made.

09-19 APPLICANT: JOHN ZYRLIS,L JR. FOR TPA DESIGN GROUP;  
PROPERTY OWNER: JOHN MACCALLUM; PROPERTY AFFECTED:  
35 OLD TOWN HIGHWAY; ZONE: R-3; DEMOLITION OF EXISTING  
HOUSE AND CONSTRUCTION OF NEW 3-STORY RESIDENTIAL  
BUILDING; VARIANCES REQUIRED: SCHEDULE "B" LINE #1  
MINIMUM LOT AREA FROM 20,000 S.F. TO 6,770 S.F.: LINE #3,  
MINIMUM DIMENSION OF SQUARE ON THE LOT, FROM 100 FT.  
TO 42.5 FT.; LINE#4, MINIMUM LOT FRONTAGE, FROM 100 FT.  
TO 48.14 FT.; LINE #6, MAXIMUM SETBACK FROM STREET LINE,  
TO RETAIN 25 FT. SETBACK REQUIREMENT; LINE #9, MINIMUM  
SETBACK FROM SIDE PROPERTY LINES, FROM 20 FEET TO 7  
FEET.

Mr. John Zyrlis, of TPA Design Group and John MacCallum addressed the Board. They were seeking a variance to demolish an existing structure and construct a single family three story dwelling which would consist of first floor garage, and second and third floor living area. Variances they were seeking were height, lot size, lot area, front and side yard and square on the lot. Also, needed approval regarding the DEP's comments regarding Coastal Area Management. Mr. Anderson stated that the DEP'S comments had been addressed at the Flood & Erosion meeting. Mr. Zyrlis noted during construction there would be a temporary shed in the rear of the property and they had received Flood & Erosion approval. The required certified receipts were submitted. Hardship: Lot is an existing parcel of land created as part of a subdivision in 1938 which is pre-zoning. The

following people spoke in favor of this application Joe Giordano, 2 Old Town Highway, Matthew Accettullo 31 Old Town Highway and Maureen Roth 2 Old Town Highway. No further comments were made.

09-20 APPLICANT & PROPERTY OWNER: PRISCILLA PAPPACODA;  
PROPERTY AFFECTED: 44 SUPPA DRIVE; ZONE: R-3;  
CONSTRUCT WRAP-AROUND PORCH. VARIANCES REQUIRED:  
SCHEDULE "B" LINE #9, MINIMUM SETBACK FROM SIDE  
PROPERTY LINES FROM 20 FEET TO 16 FEET.

Mr. & Mrs. Pappacoda addressed the Board on their behalf. They were seeking a 4 ft. variance to construct a wrap around porch. Chairman Lemons established the porch was partially under construction, and Mr. LaMothe questioned applicant on not applying for permit. Mr. Pappacoda replied a sewer line broke and the porch had to be torn down and he had started construction on a larger porch. Hardship: to close to property line. The required certified receipts were submitted. No further comments were made.

09-21 APPLICANT & PROPERTY OWNER: PETER EMONS; PROPERTY  
AFFECTED: 111 LENOX STREET; ZONE: R-1; RENOVATE  
EXISTING RESIDENTIAL STRUCTURE BY DEMOLISHING THE  
DETERIORATING REAR AND SIDE ROOMS AND ADDING A  
GARAGE AND FULL SECOND FLOOR. VARIANCES REQUIRED:  
SCHEDULE "B" LINE #9, MINIMUM SETBACK FROM SIDE  
PROPERTY LINES, FROM 10 FEET TO 1 FOOT.

Mr. Peter Emons, 18 Short Beach Road, addressed the Board on his behalf. He was seeking a variance to renovate an existing residential structure by demolishing the rear and side room and add an addition of a garage and full second floor for his daughter and son-in-law. Normal building lot size 7,200 sq. ft. current lot size 4791. Hardship: Due to the smaller size of the existing lot there is limited room for expansion. The required certified receipts were submitted. No further comments were made.

09-22 APPLICANT: STEVE STREETER; PROPERTY OWNER: WILLIAM GINNETTI; PROPERTY AFFECTED: 36 DODGE AVENUE; ZONE: R-1; CONSTRUCT SECOND FLOOR TO EXISTING GARAGE. VARIANCES REQUIRED: SECTION 25.3.1, HEIGHT FOR DETACHED RESIDENTIAL (PRIVATE) GARAGES, FROM 15 FEET TO 21 FEET, 10 INCHES.

Mr. Steve Streeter, 173 Morgan Avenue addressed the Board. This application was previously before the Board requesting a height variance on a second floor addition of 30 ft. and now was seeking a lesser height variance of 21 ft. 10 inches. Hardship: More storage space needed. No further comments were made.

AT THIS TIME 9:15 P.M. CHAIRMAN LEMONS CALLED A TEN MINUTE RECESS.

MEETING RECONVENED:

SEE VOTING;

PAGE SEVEN  
VOTING:

ZBA

09-16

DENIED WITHOUT PREJUDICE

Lemons – yes  
LaMothe – yes  
DeSena – yes  
Thomas - yes  
Redente – yes

09-17

GRANTED

Lemons – yes  
LaMothe – yes  
Desena – yes  
Thomas – yes  
Redente – yes

09-18

GRANTED WITH CONDITIONS – No alcohol  
or drug abuse treatments at facility.

Lemons – yes with conditions  
LaMothe – yes with conditions  
DeSena – yes with conditions  
Thomas – yes with conditions  
Redente – yes with conditions

09-19

GRANTED

Lemons – yes  
LaMothe – yes  
DeSena – yes  
D'Albero – yes  
Redente - yes

PAGE EIGHT

ZBA

VOTING CONTINUED:

09-20

GRANTED WITH CONDITION \$500 FINE  
IMPOSED

Lemons – yes with condition

LaMothe – yes with condition

DeSena – yes with condition

D'Albero – yes with condition

Redente – yes with condition

09-21

GRANTED

Lemons – yes

LaMothe – yes

DeSena – yes

D'Albero – yes

Redente – yes

09-22

DENIED

Lemons – no

LaMothe – no

DeSena – no

D'Albero – no

Redented – no

Donald Thomas made a motion to adjourn the meeting; seconded by Anthony Redente. Motion carried unanimously.

Chairman Lemons adjourned the meeting at 9:55 P.M.

Respectively submitted,

Rosalie DePalma  
Clerk