

**MINUTES OF A REGULAR MEETING
ZONING BOARD OF APPEALS**

SEPTEMBER 18, 2008

MEMBERS PRESENT:

**BEN MAZZUCCO – CHAIRMAN
DAVID DORSA-VICE CHAIR-ABSENT
CHARLES LEMONS
JOSEPH PORTO
GEORGE HENNESSEY**

ALTERNATES PRESENT:

**FRED D'ALBERO
LAWRENCE LAMOTHE
ROBERT SCHUMITZ-ABSENT**

MEMBERS PRESENT:

**DAVE ANDERSON – ZEO
JAMES STAUNTON- TOWN ENGINEER
JAMES CIRILLO – ATTORNEY
ROSALIE DEPALMA - CLERK**

The meeting was called to order at 7:30 P.M. by Chairman Mazzucco. Chairman Mazzucco explained the procedure of the Board to the audience. A motion was made by Charles Lemons to accept the minutes of the previous meeting; seconded by Joseph Porto. Motion carried unanimously. Chairman Mazzucco seated alternate, Larry LaMothe to applications 08-031, 08-032, and 08-033 and alternate Fred D'Albero to applications 08-034, 08-035, and 08-036 in order to have a quorum.

**08-31 APPLICANT: VINCENT MASE; PROPERTY AFFECTED: 31 ANN ST.;
ZONE: R-2. SEEKING TO CONSTRUCT A 20' X 20' DETACHED
GARAGE. VARIANCES REQUIRED: SECTION 25.4.10 (a) –
REDUCTION OF REQUIRED 4-FOOT SIDE YARD SETBACK TO 2
FEET.**

Mr. Vincent Mase addressed the Board on his behalf. He was seeking a variance to construct a 20 x 20 ft. garage on a 20.5 x 21.2 ft. concrete foundation. Mr. LaMothe questioned height of garage and setback variance. Height of garage 12.5 ft. ZEO Anderson answered required setback 4 ft. proposed variance 2 ft. to property line. The required certified receipts were submitted to the Board. Hardship: garage would sit closer to the property lines than it should. No further comments were made.

08-32 APPLICANT: THEODORE AND NANCY KERAMAS; PROPERTY AFFECTED: 48 FARVIEW AVE.; ZONE: R-1; SEEKING TO CONSTRUCT A 24' X 26' DETACHED GARAGE. VARIANCES REQUIRED: SCHEDULE "B", LINE 9: 10 FEET.

Mr. & Mrs. Keramas addressed the Board on their behalf. They were seeking a variance to construct a 24 x26 ft. detached garage with a building height under 15 ft. ZEO Anderson submitted a revised map to the Board members indicating the revised proposed location of the garage, which required a variance of 7 ft. instead of the original 10 ft. The required certified receipts were submitted to the Board. Hardship: The garage must be placed on left side of house as right side has a great deal of rock. No further comments were made.

08-32 APPLICANT: JOHN SULLO; PROPERTY OWNER: JOHN GIORDANO; PROPERTY AFFECTED: 63 (AKA 37) COE AVE.; ZONE: R-1; SEEKING APPROVAL TO STORE TOWED VEHICLES OUTSIDE OF JOHNNY'S GARAGE. VARIANCE REQUIRED: SECTION 44.7 – EXPANSION OF A NON-CONFORMITY TO OCCUPY LAND OUTSIDE OF THE BUILDING.

Mr. John Sullo addressed the Board on his behalf. He was seeking approval to store towed vehicles outside of Johnny's garage. The required certified receipts were submitted to the Board. Chairman Mazzucco requested clerk read into record (See Exhibit A) a letter of opposition from Rebecca Landry Zinko. Chairman Mazzucco questioned number of towing vehicles and number of tow cars he wanted to store. Applicant replied he had three tow trucks and wanted to store up to 22 towed vehicles. Chairman Mazzucco questioned hours of business, applicant replied 8 A.M. to 6 P.M. Charles Lemons questioned how many vehicles presently on site, applicant replied ten. Mr. LaMothe questioned type of licenses applicant had, applicant replied repair, dealers and towing license. Attorney Cirillo questioned applicant if his request was to get permission to store the vehicles he towed with on the exterior of the building or the vehicles he actually towed. Applicant replied he wanted permission for the vehicles he would tow. The following people spoke in opposition: James Dowd, 407 Short Beach Rd, Donna Lalama, 64 Coe Avenue, Cynthia Wood, 16 George Street, Ronald Toothe, 61 George Street, Casey Sokowski, 16 Coe Ave.

Their concerns noise level, congestion, poor maintenance of site, contamination, decrease to property values, lack of consideration applicant has to neighbors, and safety issues. No further comments were made.

08-34 APPLICANT: DONALD DIPALMA; PROPERTY AFFECTED: 84 CAROLINE RD.; ZONE: R-3. SEEKING TO REPLACE AN EXISTING SEASONAL WOOD FRAME COTTAGE WITH A NEW SINGLE FAMILY WOOD FRAME HOUSE AND DECK FOR YEAR ROUND OCCUPANCY. VARIANCES REQUIRED: SCHEDULE "B", LINES 1 & 2: 9,160 SQUARE FEET; LINE 4: 50 FEET; LINE 7: 38 FT; LINE 9: 15.5 FEET (EAST), 12 FEET (WEST)

Mr. Donald DiPalma addressed the Board on his behalf. He was seeking a variance to construct a single family dwelling. ZEO Anderson noted to Board change on application because he did not have height of building at the time application filed, the height would be 35.9 and the required setback would be line 7, 50 ft., line 9, 27.5 ft. east and 24 ft. west. In his presentation, Mr. DiPalma noted the house has been in his family since 1953, he wanted to replace the house and increase living space with a traditional home conforming with the neighborhood. Mr. DiPalma stated he met and complied with all zoning regulations and applications, met requirements on all Town building codes, satisfied flood elevation and received Flood and Erosion and C.A.MA. approval. The required certified receipts were submitted. Mr. LaMothe questioned front setback variance, applicant replied it would increase 15 ft. Chairman Mazzucco questioned size of dwelling, applicant replied it was 48 x 20 and would increase to 50 x 25. Discussion ensued on the issue property was on an unapproved Town Rd. ZEO Anderson stated he had conferred with Attorney Cirillo on the matter. Town Engineer, Staunton stated Mr. DiPalma met all Flood & Erosion criteria. Attorney Cirillo responded Flood & Erosion application was approved contingent on Town Engineer requirements, and the question ZEO Anderson had as to whether the conversion was allowed per Town Ordinance 62- 7 sub-paragraph B. Attorney Cirillo stated he believed this ordinance dealt with additional or out structures on premises rather than a complete renovation of an existing non-conformity. Hardship: No configuration is possible within the current zoning regulations. Many similar non-compliant structures exist throughout the neighborhood. No further comments were made.

08-35 APPLICANT: ROBERT J. DEKO, JR.; PROPERTY AFFECTED: 97 CAROLINE RD.; ZONE: R-3. SEEKING TO CONSTRUCT A SINGLE FAMILY DWELLING. VARIANCES REQUIRED: SCHEDULE "B", LINES 1 & 2: 12,500 SQUARE FEET; LINE 4: 50 FEET; LINE 7: 8 FT; LINE 9: 15 FEET (EAST), 13 FEET (WEST); LINE 11: 6.5%

Attorney Anthony Avallone, 91 William Street, New Haven, CT. and Robert Deko, Jr. addressed the Board. They were seeking a variance to construct a single family dwelling. Attorney Avallone passed out exhibit packets to Board members. In his presentation, Attorney Avallone noted the property was similar in size to other properties in the neighborhood, the property was acquired in 2004, dwelling would be a single family with a front and rear deck, rear of property had R.O.W. which would provide additional access. Attorney Avallone gave a brief history on property, property purchased in 2004 and told it was a viable building lot by a Town official, then was told it was not a viable building lot, but was taxed as a building lot and had sewer, water facilities and trash pick-ups, applicant had a petition from neighbors supporting this application, and the use of the property consistent with other properties. Town Engineer, James Staunton stated he had reviewed documents from previous Town Engineers with their concern of width of road for the access of emergency vehicles, safety issues, evacuation and deficiencies, and concurred with what they said, and brought up an October 17th memo from Assistant Town Engineer, Charles Booker who believed the problem could be solved if the property owners came together and donated their property to create a 45 ft. roadway and pay for installation. In conclusion he supported previous documents of his predecessors and felt an ultimate remedy would be required to issue building permits to these properties. Hardship: Non-conforming lot as per size for R-3 zoning district (August 1944 sub-division)

Attorney Tim Yolen, 700 State Street, New Haven, CT. 06511 spoke in opposition on behalf of Peter and Carol Chometa, 93 Caroline Rd. and passed out Exhibits A through F to Board members. Attorney Yolen outlined the following concerns and opposition, travel portion of R.O.W. 12 ft. wide and not 20 ft. wide as shown on map, construction of road would ultimately become Towns liability, present road cannot support more traffic, Town Ordinance 62- 7 requires a road to be at a minimum standard, Caroline Road is not. He continued there were ten additional underdeveloped lots in area and if Town passed this variance they would be unable to stop the development of these lots and legislation passed in 2004 mandated these lots must now comply with today's zoning regulations. Charles Lemons responded the purpose of the ZBA Board is to hear and vote on any variances to the zoning standards. Attorney Yolen stated if variance passed this dwelling would be less than 10ft from the Chometa lot, and the R.O.W. in question was not in good condition and this portion of Caroline Rd was not paved. Charles Lemons noted after viewing property, Deko house would be 5ft. from back of Chometa dwelling and 10 ft. from Chometa's back deck. Attorney Yolen stated Town Ordinance states cannot have a building other than pre-existing unless the street or highway is 40 ft. in width and an approved travel way 30 ft. in width must have curbs and subject to approval from Town Council and the Board would violate their own laws if they approved this variance.

Attorney Avallone rebutted each piece of parcel of land is unique and no precedent would be set on the decision of this application and the legislation passed applied to existing buildings and not vacant lots and this application met all the requirements. No further comments were made.

08-36 APPLICANT: LAWRENCE: LAMOTHE; PROPERTY AFFECTED: 42 CLIFF ST.; ZONE: R-1. SEEKING TO CONSTRUCT NEW SINGLE FAMILY DWELLING – CORRECT PREVIOUSLY APPROVED VARIANCE. VARIANCES REQUIRED: SCHEDULE “B”, LINE 7: 35 FEET; LINE 9: 20 FEET (SOUTH)

Larry LaMothe addressed the Board on his behalf. He was seeking a variance to construct a single family dwelling and enlarge a previously approved variance. Height required additional setbacks. Hardship: topography – large out-croppings of ledge. No further comments were made.

EXECUTIVE SESSION:

Discussion of zoning violations.

AT THIS TIME 9:30 P.M. CHAIRMAN MAZZUCCO CALLED A TEN MINUTE RECESS.

MEETING RECONVENED

SEE VOTING:

PAGE SIX
VOTING:

ZBA

08-31

GRANTED - A motion was made by Chairman Mazzucco to grant Application 08-031, seconded by Joseph Porto. Motion carried unanimously. Roll call vote.

Mazzucco – yes
Hennessey – yes
LaMothe – yes
Lemons – yes
Porto – yes

08-32

GRANTED – A motion was made by Joseph Porto to grant Application 08-032, seconded by Charles Lemons. Motion carried unanimously. Roll call vote.

Mazzucco – yes
Hennessey – yes
LaMothe – yes
Lemons – yes
Porto – yes

08-33

DENIED – A motion was made by Charles Lemons to deny Application 08-033, seconded by Joseph Porto. Motion carried unanimously. Roll call vote.

Mazzucco – no
Hennessey – no
LaMothe – no
Lemons – no
Porto – no

08-34

GRANTED – A motion was made by Charles Lemons to grant Application 08-034, seconded by Joseph Porto. Motion carried unanimously. Roll call vote.

Mazzucco – yes
Hennessey – yes
D’Albero – yes
Lemons – yes
Porto – yes

VOTING CONTINUED:

08-35 **GRANTED – A motion was made by Charles Lemons to grant Application 08-035, seconded by Joseph Porto. Motion carried unanimously. Roll call vote.**

Mazzucco – yes
Hennessey – yes
D’Albero – yes
Lemons – yes
Porto – yes

08-36 **GRANTED – A motion was made by Charles Lemons to grant Application 08-036, seconded by Joseph Porto. Motion carried unanimously. Roll call vote.**

Mazzucco – yes
Hennessey – yes
D’Albero – yes
Lemons – yes
Porto – yes

Chairman Mazzucco made a motion to enter into Executive Session 9:45 P.M., seconded by Charles Lemons. Motion carried unanimously.

A motion was made by Joseph Porto to convene Executive Session, 10:00 P.M. seconded by Charles Lemons. Motion carried unanimously.

Chairman Mazzucco made a motion to adjourn, seconded by Charles Lemons. Motion carried unanimously.

Chairman Mazzucco adjourned the meeting at 10:00 P.M.

Respectfully submitted,

Rosalie DePalma
Clerk

