

APPROVED 9/23/2021

Town of East Haven
Zoning Board of Appeals

Meeting Minutes from August 19, 2021 Regular Meeting
Held In Person At East Haven Senior Center, 91 Taylor Avenue

I. Roll Call

Ms. Martin started the meeting at 7:04 PM.

Present for the meeting were Karen Martin (Chair), Judy Mison, John Wobensmith, David Gersz and Kevin Coyle, Alternate. All were seated.

Also in attendance were Zoning Enforcement Officer, Joseph Budrow, and Legal Counsel, Louis Dagostine of Ciulla and Donofrio, LLP.

II. Review and Action on Prior Meeting Minutes

There were no meeting minutes to approve.

III. Public Hearings

Ms. Martin asked for a motion to continue the opening of the public hearing for Application No. 21-20 as it was noted that the neighbors were not notified.

MOTION: John Wobensmith made a motion to continue the opening of the public hearing for Application No. 21-2. Ms. Mison seconded the motion. **All were in favor. Motion carried, 5-0.**

Application No. 21-15 – 238 Cosey Beach Avenue. This application was continued from July 15. Ms. Martin stated that Application No. 21-21, the Coastal Area Management Site Plan Review, was also being heard as a part of this hearing. Mr. Robert Coolidge, project architect, presented. He stated that the east side staircase was removed from consideration and replaced by a metal spiral staircase off the rear of the proposed deck. The house would now be 8 feet from the east side property line instead of 5 feet away. He also stated that the proposed house location was pushed northward by 1.5 feet, farther from the coastal jurisdiction line. Mr. Wobensmith expressed concern about surface runoff toward neighboring properties. Mr. Budrow stated that a site plan submitted for final zoning approval can address those concerns.

Mr. Hillel Auerbach expressed opposition to the proposal as the proposed house does not match the footprint of the former house. He alluded to a New Haven Register aerial photo that showed the footprint of the former house.

Mr. Ken Davis also shared his opposition stating the side proximity is too close and may be a fire hazard. He commented on site grades.

MOTION: John Wobensmith made a motion to close the public hearing for Application No. 21-15. Ms. Mison seconded the motion. **All were in favor. Motion carried, 5-0.**

Application No. 21-16 – 577 Laurel Street. This application was continued from July 15. Mr. Gerald Paprocki presented. He stated that a smaller house design is now proposed. The new footprint is 26' x 40' thus proposing a house 12 feet from each property line. He stated the house can be moved back 4 feet from original proposal. Mr. Budrow computed a new lot coverage calculation and the new number is 20.9%, less than the maximum allowed. He also mentioned that the son of the property owner submitted an email to the ZBA legal counsel regarding the legality of property deeds on the Land Records.

Mr. Jeff Feldenzer spoke to support the proposal. He liked the new house design.

Mr. Bob Falcigno spoke neither in favor or opposed. He expressed a concern on how the ZBA can make a decision when there is no history of where the existing deed came from. The ZBA stated that it was not bound to research property deeds. A warranty deed and a Schedule A were submitted with the application.

MOTION: John Wobensmith made a motion to close the public hearing for Application No. 21-16. Ms. Mison seconded the motion. **All were in favor. Motion carried, 5-0.**

Application No. 21-17 – This application was continued from July 15. Mr. Gerald Paprocki presented. He stated everything is the same as the last hearing. There will be a new footprint and house design. Also, the house will be moved back. Mr. Budrow stated that he visited the property. He saw no ledge on the property but did see some to the east, beyond the rear property line. Also, he saw a depressed area that could have been an excavation site a long time ago.

Mr. Jeff Feldenzer spoke in favor and shared a concern about hazardous trees.

Mr. Donald Outlaw also spoke in favor. He stated had he knew that this was a buildable site he may not have bought his house. He thought a road was going to be built. He stated the lot is too small. He also shared concerns about flooding from this lot.

Mr. Paprocki stated he was going to get title insurance.

MOTION: John Wobensmith made a motion to close the public hearing for Application No. 21-17. Ms. Mison seconded the motion. **All were in favor. Motion carried, 5-0.**

Application No. 21-18 – A second request has been received asking to not open the public hearing. Mr. Budrow gave a quick overview of why the appeal is on the agenda. Mr. Budrow stated that the allotted extension time of 65 days would run out before the next meeting. The Board discussed a Special Meeting date and chose September 2, 2021.

MOTION: John Wobensmith made a motion to continue the opening of the public hearing to a special meeting to be held on September 2, 2021. Ms. Mison seconded the motion. **All were in favor. Motion carried, 5-0.**

Two neighbors, Ms. Jennings-Lax and Mr. Robert Conners, asked if they could comment on the requests for appeals. They were told it wasn't a public hearing at this time.

Application No. 21-19 – A second request has been received asking to not open the public hearing. Mr. Budrow gave a quick overview of why the appeal is on the agenda. Mr. Budrow stated that the allotted extension time of 65 days would run out before the next meeting.

MOTION: Ms. Mison made a motion to continue the opening of the public hearing to September 2, 2021. Mr. Wobensmith seconded the motion. **All were in favor. Motion carried, 5-0.**

IV. Deliberation Session

Application No. 21-15 – Ms. Martin liked the design. It was a much better plan. The Board members agreed.

MOTION: John Wobensmith made a motion to approve Application No. 21-15. He stated that the site plan was improved and that the house was being moved northward from the CJL. Ms. Mison seconded the motion. **All were in favor. Motion carried, 5-0.**

Application No. 21-21 – Attorney Dagostine stated that the CAM had to be voted on separately even though the application was heard concurrently with the other. Ms. Martin stated reasons why the application should be approved.

MOTION: John Wobensmith made a motion to approve Application No. 21-21. Ms. Mison seconded the motion. **All were in favor. Motion carried, 5-0.**

Application 21-16 – There was some discussion on hazardous trees. Mr. Budrow stated that if a tree crossed a street line it is deemed a Town tree. There was a question on whether the Town has a tree warden.

MOTION: John Wobensmith made a motion to approve Application No. 21-21. Ms. Mison seconded the motion. Two conditions were expressed...the house was to be moved 4 feet eastward, away from the street line, and any compromised trees would be removed. All were in favor. **Motion carried, 5-0.**

Application 21-17 – The discussion was the same as the previous application.

MOTION: John Wobensmith made a motion to approve Application No. 21-21. Ms. Mison seconded the motion. One condition was expressed...surface runoff will not be allowed to cross any property boundaries. All were in favor. **Motion carried, 5-0.**

V. Adjournment

MOTION: John Wobensmith made a motion to adjourn the meeting at 8:30. Ms. Mison seconded the motion. All were in favor. **Motion carried, 5-0.**

Respectfully submitted,

Joseph Budrow

Zoning Enforcement Officer