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Town of East Haven
Zoning Board of Appeals
East Haven Senior Center, 91 Taylor Avenue

Regular Meeting Minutes – January 18, 2024

I. Roll Call and Pledge of Allegiance

In attendance: Judy Mison, chair, John Wobensmith, vice-chair, David Gersz, Cindy Sparago, Chuck Page and Bill Carbone (alternate).

Also in attendance: Joseph Budrow, Planning and Zoning Administrator/ZEO, and Jennifer Coppola, Assistant Town Attorney.

Meeting began at 7:05pm. Ms. Mison introduced the Board members present. The Pledge of Allegiance was recited and the meeting process was announced.

II. Review and Action on Prior Meeting Minutes

MOTION: Mr. Page made a motion to approve the minutes of the July 20, 2023 regular meeting. Mr. Wobensmith seconded the motion. All were in favor. **Motion carried, 5-0.**

MOTION: Ms. Sparago made a motion to approve the minutes of the October 19, 2023 regular meeting. Mr. Wobensmith seconded the motion. All were in favor. **Motion carried, 5-0.**

MOTION: Ms. Sparago made a motion to approve the minutes of the November 16, 2023 regular meeting. Mr. Wobensmith seconded the motion. All were in favor. **Motion carried, 5-0.**

III. Public Hearings and Deliberation

Application No. 23-31 – on behalf of Ronald Denuzzo for 218 Beach Ave, LLC, 218 Beach Avenue.

Mr. Denuzzo introduced himself and his wife. They purchased the 2-story, 2-bedroom home in 2005. The house was built in 1920. They noticed the roof was leaking. A contractor inspected the attic and asked if they wanted them to install windows. When they realized they needed a permit they applied for a Variance. He apologized.

Mr. Wobensmith asked if they were adding living space. Mr. Denuzzo answered that they were not. Ms. Sparago asked who the contractor is. Ms. Denuzzo answered that it is C+D

United Stone, LLC. Mr. Denuzzo said that the windows were not the original idea. A contractor inspected the leak and asked if they wanted a dormer. They agreed.

There was discussion on how the dormer was started, stopped, and brought to the ZBA.

Ms. Sparago asked if the contractor can be contacted.

Ms. Mison asked Attorney Coppola what recourse the Board has when a proposal is in progress. Attorney Coppola answered that the Board should follow its standards and determine if the applicant meets a legal standard to obtain a Variance. Otherwise, the dormer can be deconstructed.

Ms. Mison asked the applicants what their land-based hardship was. Mr. Denuzzo answered that the contractor recommended a dormer. They could have just repaired the roof.

Mr. Wobensmith asked if the dormer is higher than the existing peak of the roof. He asked if the footprint of the house was being expanded. Mr. Denuzzo answered 'no' to both questions.

Mr. Page referred to the application and noted that the applicants stated that their hardship was the fact the lot was narrow and the buildable area was very small.

No one in the public spoke in favor of the proposal. Ms. Cybil Shea, of 154 Alden Drive, Guilford, spoke. She said she was neither in favor nor opposed but had questions. She wanted to know if the Denuzzos sold the house, and the buyers wanted to add a bedroom upstairs, would it require permitting of some kind. She mentioned the house has a side door facing her home a discussion ensued about it.

Mr. Wobensmith asked if potential conditions can go to a future owner. Attorney Coppola answered that Variances are recorded on the land records. Future property owners will see them.

Ms. Sparago asked if they can allow the dormer without windows. Attorney Coppola answered that they are thinking of things beyond their scope. She said the Board can't tell someone that they can't use a door. The door is already there.

There was more discussion on storage upstairs and the side door.

MOTION: Mr. Wobensmith made a motion to close the public hearing. Mr. Gersz seconded the motion. All were in favor. **Motion carried, 5-0.**

Deliberation:

Mr. Wobensmith said that stipulations can be added. No windows, and never to be living space. Ms. Mison added that the space is not to be heated and perhaps not to be rented. Ms. Sparago said she didn't think that they can say no to renting. Mr. Page questioned why there is a concern about the windows.

Ms. Sparago asked Mr. Budrow if a dormer can be built in conformity. He answered that there is about an 8-foot-wide area to build a dormer without a Variance.

Mr. Page said he supported the conditions. He had no issues with the windows staying. Ms. Sparago sees no hardship. She mentioned the Board has approved all previous dormers. She wondered how “liveable space” is defined. She said no heat was needed in the attic in the summer time. The dormer will look great. The contractor should be held to task. Mr. Wobensmith feels that the contractor took advantage of the applicants. Mr. Gersz feels the proposal should be approved. He feels the windows are okay. He said he supports no living space in the attic.

MOTION: Ms. Sparago made a motion to approve Application No. 23-31. Mr. Wobensmith seconded the motion. She said, per Section 51.7.1 of the Regulations, the lot is very narrow with not much buildable area. Mr. Wobensmith referred to Section 51.7.3 and Ms. Mison referred to Section 51.3.4. All were in favor. **Motion carried, 5-0.**

Mr. Budrow told the Board that an attorney has requested that the Appeal Hearing for 580 Laurel Street have the public hearing opened at the March 21 regular meeting. Ms. Sparago said she noticed that the yellow sign was not displayed.

MOTION: Ms. Sparago made a motion to continue the opening of the public hearing for **Appeal Hearing No. 23-32** to the March 21 meeting. Mr. Wobensmith seconded the motion. **All were in favor. Motion carried, 5-0.**

Attorney Coppola spoke the Board in Executive Session.

Mr. Wobensmith made a motion to exit Executive Session. Ms. Sparago seconded the motion. **All were in favor. Motion carried 5-0.**

IV. Adjournment

Mr. Wobensmith made a motion to adjourn the meeting at 8:30 PM. Mr. Page seconded the motion. **All were in favor. Motion carried 5-0.**

Joseph Budrow
Planning and Zoning Administrator
Town of East Haven