

**APPROVED ON 2/18/2021**  
**TOWN OF EAST HAVEN**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF REGULAR MEETING**  
**JANUARY 21, 2021**  
**HELD VIA CONFERENCE CALL**

Chairman Robert Falcigno called the regular meeting to order at 7:00 p.m.

Sotonye Otunba-Payne, Clerk, called the roll for the Board as follows:

Robert Falcigno - Present

David Gersz - Present

Karen Martin - Present

Joseph Ginnetti (entered - 7:03 p.m.) - Present

Judy Mison - Present

Vincent Lettieri (alternate) (entered 7:07 p.m.) - Present

The following were in attendance:

Jennifer Coppola - Counsel to the Board.

Attorney Coppola advised the Board to wait for Mr. Ginnetti and Mr. Lettieri as they may be having technical problems joining the meeting.  
Mr. Ginnetti and Mr. Lettieri did join the meeting,

**II. Administrative Actions**

1. Accept/Approve of Minutes from the December 17, 2020 Special Meeting

Mr. Gersz moved to approve the Draft Minutes of the December 17, 2020 Special Meeting. Said motion was seconded by Ms. Martin.

Robert Falcigno - Yes.

David Gersz - Yes.

Karen Martin - Yes.

Joseph Ginnetti - Abstained

Judy Mison - Abstained

The motion passed.

2. Accept/Approve of Minutes from the January 7, 2020 Special Meeting

Attorney Coppola stated there were some issues with reproducing the minutes. The minutes were not included in the Board members' packages. She requested that this item be tabled.

Ms. Martin moved to table the approval of the Draft Minutes for the January 7, 2021 Special Meeting until the Board's next meeting. Said motion was seconded by Ms. Martin. The motion passed unanimously.

### III. Executive Session

3. Upon a two-thirds (2/3) vote of the Zoning Board of Appeals, to convene in executive session to discuss threatened claim.

Mr. Gersz moved to Enter into Executive Session and invite Attorney Coppola. Said motion was seconded by Ms. Martin. The motion passed unanimously.

Attorney Coppola joined the Board in Executive Session.

**(The Board entered executive session at 7:14 p.m.)**

Mr. Ginnetti Moved to Exit Executive Session. Said Motion was by Mr. Gersz. The motion passed unanimously.

**(The Board exited executive session at 7:43 p.m.)**

### IV. Public Hearings

4. Discussion and possible consideration of rescinding January 7, 2021 decision on **Application #20-24-V: APPELLANTS:** Ethan Kistler, Owner and Applicant; Property Concerned: 140 South End Road. Zone R-3, Map 010, Block 0305, Lot 011 - *Request to legalize pre-existing 29-foot 6-inch x 8-foot porch*. **VARIANCE:** Schedule B; Line: 7; Minimum setback from the street line: 19 feet requested where 25 feet required.

Mr. Gersz motioned to rescind the January 7, 2021 decision on Application #20-24-V regarding the variance request as to the porch. Said motion was seconded by Ms. Mison.

Robert Falcigno - Yes, to rescind.

Karen Martin - Yes, to rescind.

David Gersz - Yes, rescind.

Joseph Ginnetti - Yes, to rescind.

Judy Mison - Yes, to rescind.

The motion passed unanimously.

5. Consider and possible action on **Application #20-24-V: APPELLANTS:** Ethan Kistler, Owner and Applicant; Property Concerned: 140 South End Road. Zone R-3, Map 010, Block 0305, Lot 011 - *Request to legalize pre-*

*existing 29-foot 6-inch x 8-foot porch.* **VARIANCE:** Schedule B; Line: 7; Minimum setback from the street line: 19 feet requested where 25 feet required.

Attorney Coppola indicated that the Board should give Mr. Kistler an opportunity to address the Board regarding the application as well as Mr. and Mrs. Hill who are the current owners of said property. Other members of the public could speak as well regarding the porch. The shed was previously approved at the January 7, 2021 meeting.

Mr. Kistler began by apologizing for the reasons that have led him to being before the Board. When they initially planned for the porch, he made attempts to do this by the book. They looked at the website and went through the Zoning Regulations of the Town of East at page 67 regarding the Schedule B, Bulk Standards, Line 7, minimum setback from street which indicated it should be 25 feet. They believed that from the street line they were good. They believed they had the minimum amount of space and that they could build this porch.

Mr. Kistler indicated that they ended up getting the contractor. The contractor was Impact Services. It was a father and son team of John and Joe Mastersanti. No permits were applied for. He attempted doing by the book. He apologized again that all are here again over this issue.

Mr. Joe Giordano of 2 Old Town Highway resides in the same neighborhood as Mr. Kistler's former home and the Hills' current home. He was also one of the realtors involved in the sale of the property. He is speaking, however, more as a neighbor, and not with his realtor cap on. He happens to live a couple of blocks away from this residence. He personally spoke with the next-door neighbors when the Kistlers first applied for a variance in November. They were not able to present at the November meeting because it was canceled. There was no quorum. There was another meeting held in December during which they were unable to present because there was no quorum or the meeting was canceled.

Mr. Giordano further stated that he spoke to the neighbor on the other side and also a neighbor across the street. All of the neighbors were in favor of this porch as everyone called it. He would call it a deck. It is a flat, low-to-the-ground platform with railing. It does not have a porch on it. He was unsure if any of the members had driven by to observe it.

Mr. Falcigno replied that he had seen it.

Mr. Giordano indicated that a porch to him has an overhang on it whereas the said porch does not. He considered it more of a deck. It is pretty far off the street. Three of the neighbors directly across and on one side of the said

property were in favor of it. Mr. Jim Bassett from the Building Department was also at the property and had no issue with it. It was nicely built. Mr. Bassett has been waiting to issue a permit for the property so all can move on. He hoped there would be a favorable vote from the Board as it is the right thing to do under the circumstances. He thanked the Board.

Ms. Jennifer Hill she would like to speak in favor of this application because they are living in the home now. They had met their neighbor to the left who did not have any problem with the addition. It is a beautiful deck. It would be nice in the spring and the summer when they are able to sit out there.

Ms. Hill further stated that they had no role in applying for the permit. This occurred before they bought the house. She could confirm that none of their neighbors have any issues with the deck.

Mr. Gersz indicated that if proper procedure was followed from the get-go, this would not have been an issue.

Ms. Martin asked when the deck was completed. Mr. Kistler replied by saying that the deck was completed in May, 2020.

Ms. Martin motioned to approve the variance requested in Application #20-24-V for the porch. Said motion was seconded by Mr. Ginnetti.

Robert Falcigno - Yes.

David Gersz – Yes.

Karen Martin - Yes.

Judy Mison - Yes.

Joseph Ginnetti - Yes.

The motion passed unanimously.

6. **APPEAL #20-12: APPELLANTS:** Pat Rowland and Lisa Kwesell;  
Property Concerned: 188 Beach Avenue (*issuance of Zoning Permit*).

Attorney Coppola stated that she communicated with counsel for the appellants. There are now two new Board members who need to review the proceedings from September, 2020 which was quite lengthy regarding this matter. There are also 47 exhibits. She requested that the Board continue the continuation of the public hearing in the matter until the February 18<sup>th</sup>, 2021 regular meeting.

Attorney Coppola added that as the Board had done in some of the prior motions, it will be using a portion of the 90 days afforded to agencies and applicants via the Executive Order 7I issued by Governor Lamont. So, the Board is moving to continue this matter and to use that portion of the

Executive Order that has been afforded the agencies and applicants to continue it to the next regular meeting date.

Mr. Gersz motion to continue Appeal #20-12 to the February 18, 2021 meeting. Said motion was seconded Ms. Mison.

Robert Falcigno - Yes.  
David Gersz – Yes.  
Karen Martin - Yes.  
Judy Mison - Yes.  
Joseph Ginnetti - Yes.

The motion passed unanimously.

Mr. Gersz moved to adjourn. Said motion was seconded by Ms. Martin. The motion passed unanimously. The Board adjourned at 8:00 p. m.

Respectfully Submitted,

Sotonye Otunba-Payne