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Town of East Haven  
**Zoning Board of Appeals**  
Special Meeting Minutes – February 18, 2022

**I. Roll Call and Pledge of Allegiance**

Ms. Mison started the meeting started at 7:05.

Present for the meeting were regular members, Judy Mison - chair, David Gersz, Cindy Sparago and Kevin Coyle. Ms. Mison stated the ZBA will deliberate after each application.

Also, in attendance were Zoning Officer, Joseph Budrow, and Assistant Town Attorney, Jennifer Coppola.

The Pledge of Allegiance was recited.

**II. Review and Action on Prior Meeting Minutes**

Ms. Sparago noted that her name was misspelled each time it was shown in the January 20 meeting minutes. There was no vote taken.

**III. Public Hearings**

**Application No. 21-30 – 5 Pequot Street.** The applicant was asked if he had anything new to add. Mr. Miessau said he had nothing to new to add and expressed gratitude to the Board. He wanted to clarify he didn't withdraw a previous application to build a house as of right. He said he has two applications in front of the Board. One, for as a matter of right. And two, an application for variances. He feels there is enough evidence in the record for the Board to grant a decision.

Attorney Mingione spoke via Zoom and supported what Mr. Miessau stated. He also wanted the Board to know that he was present.

Attorney Coppola reminded the Board that on the first night of the public hearings that the applicant stated the property was part of a subdivision. She stated there is no evidence that a subdivision was approved by the Town. Also, she said the applicant, tonight, articulated another argument.

Ms. Lorena Venegas spoke in support of the application.

There was no other public comment.

Mr. Miessau was told that there were only four Board members present. He was asked if he would want them to deliberate tonight or wait until February when there might be 5 voting members present. Attorney Mingione thanked the Board and left the decision to his client. Mr. Miessau agreed to a decision taking place.

**Application No. 21-31 (CAM) – 5 Pequot Street.** Mr. Budrow stated that the CAM was to allow a single-family dwelling at the property. Impacts on the coastal resources were the concern with these applications.

Attorney Mingione asked that the record of Application 21-30 be coupled with this application and that he feels this proposal has no impacts on the coastal resources.

There was no public comment for or against the application.

**MOTION:** Mr. Gersz made a motion to close the public hearing for Application 21-30. Mr. Coyle seconded the motion. **All were in favor. Motion carried, 4-0.**

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Mr. Coyle and Mr. Gersz were okay with the application. Ms. Sparago cited Zoning Regulation Section 51.7 and a recent Court decision regarding a nearby property at 8 Morgan Terrace about a lack of hardship. She felt it was pertinent to this application. She is all set to vote. Attorney Coppola read Section 51.7 of the Zoning Regulations. Ms. Sparago stated she knows the property is small but so are neighboring properties. She wondered if this is the smallest house possible to propose.

**MOTION:** Mr. Gersz made a motion to approve Application 21-30. He feels there are many faults in the neighborhood and it was a nice proposal. Mr. Coyle seconded the motion. Ms. Mison stated the property was too small. Mr. Coyle agrees with Mr. Gersz and it was an improvement. **Motion denied, 2-2.**

**MOTION:** Mr. Gersz made a motion to approve Application 21-31. He felt there was no impact on coastal resources. Mr. Coyle seconded the motion. Ms. Sparago didn't have a problem with the CAM. Ms. Mison mentioned she was not in favor because a neighbor said there was flooding but she was not sure if this reason was correct. **Motion carried, 3-1.**

**Application No. 21-43** – 20A Maplevale Road. Attorney Mingione requested a continuance due to a buyer of the property needing more time. He is requesting a continuance of the opening of the hearing.

**MOTION:** John Gersz made a motion to continue the opening of the hearing for Application 21-43. Mr. Coyle seconded the motion. **All were in favor. Motion carried, 4-0.**

**Application No. 21-46** – 245 Hemingway Avenue. Mr. Aquiahuatl was present. He stated he wants to enclose a 9' x 16' space. He stated there was water damage from the roof and he started to build out an enclosed porch. He did not get permits. It was shared that he did not expand the house footprint. Mr. Gersz asked if construction was finished. The applicant said, 'yes'. Mr. Budrow shared the history of when the applicant was told by the building official to stop the project. He did. Two months ago, the applicant began the process for trying to get a zoning approval. The Board asked what kind of room this area might be. It was asked if the area would be connected to the interior of the house.

There was no public comment for or against.

**MOTION:** Mr. Gersz made a motion to close the hearing for Application 21-46. Mr. Coyle seconded the motion. Mr. Gersz was happy that the applicant was following advice of Town staff. Ms. Sparago stated the lot is narrow and there is no other variance requested other than the side yard setback. **All were in favor. Motion carried, 4-0.**

#### **IV. Adjournment**

**MOTION:** Ms. Mison made a motion to adjourn the meeting at 7:55 pm. Mr. Gersz seconded the motion. All were in favor. **Motion carried, 4-0.** Meeting ended at 7:56 pm.

- Joseph Budrow  
Zoning Enforcement Officer