

Town of East Haven  
**Zoning Board of Appeals**  
Special Meeting Minutes – August 25, 2022  
East Haven Senior Center, 91 Taylor Avenue

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

In attendance: Judy Mison, chair, John Wobensmith, vice-chair, Cindy Sparago and Bridget McCann.

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

Meeting began at 7:10pm. Ms. Mison introduced the Board members present. The Pledge of Allegiance was recited. She

Ms. Mison stated that the 198 Beach Avenue application will be moved down on the agenda and that it is just deliberation tonight.

Mr. Budrow stated that the June meeting minutes were not available tonight but three other meeting minutes were. He also said that 3 Minor Road did not Notice their application and will not be heard. He also shared that the Notice for 8 Hilton Avenue failed to identify that a variance to Regulation 25.4.4 was needed, thus, the Legal Notice had to be run again. The rest of the agenda is good.

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

**MOTION:** Mr. Wobensmith made a motion to approve the meeting minutes of April 21, 2022. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

**MOTION:** Mr. Wobensmith made a motion to approve the meeting minutes of May 19, 2022. Ms. Sparago commented that at the meeting Ms. Mison asked if the deliberation of the application could be left open. **All were in favor. Motion carried, 4-0.**

**MOTION:** Mr. Wobensmith made a motion to approve the meeting minutes of July 21, 2022. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

Ms. Mison explained the process of the meeting and told people in the audience that there are only four members present and that all have to agree for an approval.

### III. Public Hearings and Deliberations

#### **Application 22-15 - on behalf of Majed Albakkour, 36 Pirot Circle.**

Mr. Albakkour presented and introduced himself. Ms. Mison mentioned that previously, an enclosed porch was denied and asked why this proposal was important. He answered that weather was an issue. He wants to build the porch for his kids. Ms. Mison tried to understand why an overhang was needed for the kids to get in and out of the house.

Mr. Wobensmith asked if the stairs could go off the end on the driveway side off the porch. Mr. Albakkour said, 'yes', it's possible. There were questions about the construction of the stairs. Ms. Sparago pointed out that this proposal is for an 8-foot wide porch where the previous was 4 feet. Mr. Budrow shared with the Board that the applicant really wanted a 6-foot wide porch the first time but submitted the proposal as 4-foot wide. Mr. Budrow verified with Mr. Wobensmith that he would like the steps off the right side of the porch. Mr. Budrow told Mr. Albakkour that he can agree to a change during the hearing if he felt it would help his case.

Attorney Coppola stated that she was now present for the meeting.

Mr. Patrick Rowland supported the application as the applicant had the smallest house on the smallest lot in the neighborhood.

**MOTION:** Mr. Wobensmith made a motion to close the public hearing. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

**Deliberation:** Mr. Wobensmith said he was fine with the proposal if the stairs were off the driveway end of the porch. Ms. Mison had concerns with the previous 4 feet going to 8 feet. A comment was made that there was nowhere else for a deck. Ms. Sparago stated there was a patio area. Ms. Sparago didn't see a hardship and had an issue with aesthetics and split-levels out there not having porches on them. Ms. McCann agreed with Mr. Wobensmith and thought 19 feet from the street line was good. It was mentioned that the yard behind a fence was not visible. Ms. Mison stated that Mr. Albakkour was open to changes requested by the Board.

**MOTION:** Mr. Wobensmith made a motion to approve Application 22-15. He alluded to Zoning Regulations 51.7.1 and 51.7.3 with a condition that the stairs are moved to the driveway side of the porch. Ms. McCann seconded the motion. **All were in favor. Motion carried, 4-0.**

**Application No. 22-16 – on behalf of Syed Hussain, 110 Fox Ridge Drive.**

Mr. Hussein presented. He wants to replace a small shed. He lacks space. His house is on a circle and the only location for a shed is as proposed. The existing shed is 8' x 8'. Ms. Mison asked why he needs a new, larger shed. He stated he would like to do woodworking in the shed. Possible shed sizes were discussed. Ms. Sparago asked if there would be electricity run to the shed. The answer was, 'no'.

Mr. Budrow explained the setback requirements for lots that are on corner lots, like this property is. The legal notice is still accurate with regard to the distance from the property line although the agenda has an error with the setback distance from that property line.

Ms. Sparago asked if the shed could be put flush with the house. Would he consider being 12 feet from the street. Ms. Sparago's concern was the neighbor to the south. She stated that he has a hardship based on the three streets around him. Mr. Hussein confirmed what she was asking. He agreed that he could move the shed location 4 feet to the north and still be 9 feet from the street line.

There was no comment from the public.

**MOTION:** Mr. Sparago made a motion to approve Application 12-16 with a condition that the 12 x 14 shed be parallel to the back corner of the house. Ms. McCann seconded the motion. **All were in favor. Motion carried 4-0.**

**Application No. 22-17 – on behalf of Emma Perez, 836 Foxon Road**

Ms. Emma Perez and Mr. Oscar Lucero presented. She stated that they have two business, one is an office and one is for graphic design. Tee shirts and signage. She admitted they moved to the location without permits and is going through the process now. Ms. Mison appreciated the statement of use and said it appears there is ample parking. Ms. Perez was asked if they own the building. They rent. Mr. Budrow was asked if the owner was needed to come forward for the permit. He answered an owner can consent to an applicant going forward. He mentioned the owner was present at a meeting at Town Hall and was okay with the proposals. There is no signature line on the ZBA applications. He stated that the Planning and Zoning Commission has given a favorable comment on this application knowing that rezoning will fix things along Foxon Road. He shared that a previous application on North High Street was going to be addressed by adding 2-family homes to that zoning district. He then shared that the Commission realized that the whole parking lot at 836 Foxon Road is never more than half full so common sense allowed for a favorable comment. Ms. Sparago asked a question about car wraps. Mr. Lucero answered that the activity is not a high priority for him anymore and only does a job if the price is right. He said this activity at the property is low. She asked about the garage area and Mr. Lucero said this is where the car work is done. Mr. Budrow thought this area was for storage only. Ms. Perez explained when a car comes, they apply

lettering. Ms. Sparago asked about the metal containers outside and verified they were not related to their businesses.

Ms. Cathy Alison of 6 Atlantic Court told the Board that small box trucks come and go to the large doors on the side of the building. Mr. Budrow said he will ask the owner about the truck activity. He was asked to ask about the metal containers, too.

**MOTION:** Mr. Wobensmith made a motion to close the public hearing. Ms. McCann seconded the motion. **All were in favor. Motion carried, 4-0.**

**Deliberation:** Ms. Mison had no qualms. Ms. Sparago said this is a zoning issue. Mr. Wobensmith stated he was at the Planning and Zoning Commission meeting and there was a favorable presentation there.

**MOTION:** Mr. Wobensmith made a motion to approve Application No. 22-17. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

**Application No. 22-18 – on behalf of Emma Perez, 836 Foxon Road**

Ms. Perez and Mr. Lucero presented. She said the use was going to be a fruit shop. No kitchen was proposed. Ice cream would be available. It will be a place to bring kids. A refrigerator will be in place. Mr. Lucero said that salads also will be available. Mr. Budrow asked if tables will be there. Ms. Perez said there will be 4 tables. Ms. Mison asked if any licensing is required. Mr. Budrow said that an approval from East Shore Health District is required. Mr. Wobensmith confirmed that health drinks, fruit salads, smoothies etc. will be available. Ms. Sparago asked what the hours would be. Mr. Lucero answered that 6am to 6pm, of 8am to 6pm to start. They may look to close at 8pm at some point.

It was asked if they think they will need more parking. The answer was that they feel the gym traffic will be most of the business and they won't really attract new customers.

A neighbor, Ms. Alison, verified that the fruit shop was not going into a separate building with the drive through.

**MOTION:** Mr. Wobensmith made a motion to close the public hearing. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

**Deliberation:** Ms. Mison saw no issue. Mr. Wobensmith shared that the Planning and Zoning Commission will address the nonconforming issues.

**MOTION:** Mr. Wobensmith made a motion to approve Application No. 22-18. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

**Application No. 22-06 – on behalf of Richard Vizziello, 198 Beach Avenue.**  
Deliberation session.

Attorney Len Fasano approached the Board. Attorney Coppola told the Board that he has a request for the Board. Attorney Fasano requested that the Board allow for an extension of time for the deliberation because of the presence of only 4 members. Attorney Coppola told the Board that Attorney Fasano is agreeing to waive the Statutory limits of State Statute 8-7d, which is allowed. She asked Mr. Budrow to draft an extension request form. Mr. Vizziello agreed to the extension request.

There was discussion of a possible date for the deliberation. Attorney Coppola stated the 12<sup>th</sup> was not good. There was concern about getting a quorum. Attorney Coppola made a call to the absent Mr. Gersz and was unable to reach him. It was discussed that the 8<sup>th</sup> was the date to go with unless a quorum did not appear. The Board agreed on the 8<sup>th</sup> of September.

**MOTION:** Ms. Sparago made a motion to continue the deliberation of Application No. 22-06 to September 8<sup>th</sup> but if not, per CGS 8-7d, to a future date when 5 members can be in attendance. Ms. Mison seconded the motion. **All were in favor. Motion carried, 4-0.**

#### **IV. Adjournment**

Ms. Sparago made a motion to adjourn the meeting at 8:11pm. Mr. Wobensmith seconded the motion. **All were in favor. Motion carried 5-0.**

- Joseph Budrow  
Planning and Zoning Administrator