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TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
March 21, 2019 - 7:00 P.M. – EAST HAVEN SENIOR CENTER

The East Haven Zoning Board of Appeals Commission held its Regular meeting at 7:00 pm on **Thursday, March 21, 2019** at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

MEMBERS PRESENT: ROBERT FALCIGNO – CHAIRMAN
 GEORGE HENNESSEY – VICE CHAIRMAN - ABSENT
 MICHAEL SMITH
 DONALD THOMAS
 JOSEPH PORTO

ALTERNATES PRESENT:
 VINCENT LETTIERI - ABSENT
 DAVID GERSZ

STAFF PRESENT: ALFRED ZULLO – ATTORNEY
 CHRISTOPHER SOTO –ZONING ENFORCEMENT OFFICER
 TEMPLE SMITH – CLERK

Chairman Falcigno called meeting to order at 7:10 p.m. Roll Call. A quorum was established.

Roll Call - Quorum Established.

Michael Smith makes a motion to approve the minutes from the February meeting. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

Michael Smith makes a motion to add appeal hearings 19-01 thru 19-15 to be heard at the end after hearing appeal 19-19. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 18-24

1 Barberry Road: *Appeal of Cease and Desist/Action of Z.E.O. (excavation/grading of topsoil, sand, and gravel)*

Bob Falcigno opens public hearing. No one from the appeal comes forward from the public.

Bob closes the public hearing. Michael Smith makes a motion to deny the appeal due to the fact that the zoning officer was correct in putting the cease and desist on the actions and operations of 1 Barberry Road. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

18-36

APPLICANT: Brian Prinz; Property Concerned: 60 Brown Road, Zone R-3, Map 110, Block 1125, Lot 004 – *Enclose existing porch to build a stair case to enable interior access to power & water mains.*

VARIANCE: § 44.7 – Enlargement of a non-conforming use, Sched B; Line 8: Rear yard 30' required; 20' proposed. Schedule B; Line 9: Side yard setback 20' required; 1.83' proposed.

Atty. Eisenhandler states that the neighbor wanted to be present but they were ill however I have copies of the letter. (See Letter attached Evidence 1). Letter is read aloud. – No more evidence is offered.

For the applicant – None

Opposed to the applicant - None

Skip Thomas motions to close the public hearing. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried.

Bob Falcigno states he cannot justify agreeing to something you are doing yourself as it is self- imposed. Michael Smith states it is our job as ZBA to keep the boundaries where they are supposed to be and if someone self- imposed a hardship on themselves we cannot the change that. Michael smith makes a motion to deny the variance on the grounds that the issue is self-imposed as the hardship. Skip Thomas seconds. Roll Call Vote. All in favor to deny the variance. Motion Carried.

19-16

APPLICANT: Mark Celentano; Property Concerned: 509 Laurel Street, Zone LI-3, Map 330, Block 4218, Lot 011 – *Remove remainder of storm damaged roof; replace with pitched roof.*

VARIANCE: Sched B; Line 8: Rear yard setback 25' required; 1' proposed.

Applicant is not present. Chris Soto states that the applicant did reach out to him to have the items tabled as he did not get the notice in time. Michael Smith makes a motion to table the hearing until the next meeting April 18, 2019. Skip Thomas seconds. Roll Call Vote. All in Favor. Motion Carried.

19-17

APPLICANT: GNHWPCA; Property Concerned: 24 Farview Road, Zone R-1, Map 020, Block 0109, Lot 020 – *Relocate pump station stairs to run east to west vs north to south as previously approved.*

VARIANCE: Sched B; Line 7: Street line setback 25' required; 4' requested.

Applicant is not present. Michael Smith motions to table until next meeting April 18, 2019. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

19-18

APPLICANTS: Warren and Pam Smith; Property Affected: 861 AKA 859 Foxon Road, Zone CA-1, Map 450, Block 5821, Lot 021, – *Certificate of Approval for Location*.

Warren Smith states that they are still looking to purchase the business. They are looking to get approval of the location so he can apply for the business through a state license.

Opposed of the applicant – None

For the Applicant – None

Skip Thomas makes a motion for the approval of the certificate. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

19-19

APPLICANT: Neil Saulino; Property Concerned: 280 Foxon Road, Zone CD, Map 470, Block 5936, Lot 002 – *Rear addition*.

VARIANCE: Sched B; Line 9: Side yard setback 20' required; 4' 9" requested.

Neil Saulino from John and Maria's pizza states he is looking for a 5 ft. variance on the back rear of the building for a dough machine. The hardship is to minimize the flow of traffic in the main kitchen area.

Opposed of the applicant - None

For the Applicant – None

David Gersz makes a motion to approve variance. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

Bob Falcigno states that there has been a request from Jennifer Lavonne to move 19-08 to be heard first. Michael Smith makes the motion to move 19-08 to be heard first. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 19-01

256 Thompson Street: Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)
Appellant: Vincent Consiglio

Vincent Consiglio – 30 Timberland Drive – I am submitting all my testimony and documentation in writing as a summary of my testimony. Vincent Consiglio reads his testimony into the record prior to handing it in.

Chris Soto submits for the record the following Exhibits:

Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)

Exhibit B – East Haven Zoning Regulations effective 1/10/2001, Sec. 22 – Zoning Map Pg 1

Exhibit C – East Haven Zoning Regulations effective 5/31/89, Sec. 22 – Zoning Map Pg. 1

Exhibit D – PZC Actions & Decisions – Oct 7, 1998- 2 pages

Exhibit E – PZC Notice of Public Hearing – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages

Exhibit F – PZC Public Hearing Minutes – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages

Exhibit G – PZC Regular Meeting Agenda and Actions & Decisions – Nov 4, 1998 4 pages

Exhibit H – East Haven Zoning Map (Excerpt) Adopted Nov. 16, 1998 1 page

Exhibit I – Brook Run Sub-Division Map - # BRC 1 page

Exhibit J – Zoning Permit – 256 Thompson St; Construction of Dwelling with 2 dwelling units

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4 pages.

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Exhibit P – Zoning Permit – 17 Foxon Hill Road; Construction of Dwelling with 2 dwelling units
4 pages

Exhibit Q – Zoning Permit – 37 Foxon Hill Road; Construction of Dwelling with 2 dwelling
units 4 pages.

Exhibit R – New Haven Register Hearing Notices

Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZFO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statute and our own words. There is nothing in this statute that says it is mandatory. Mr. Soto's job is to look

into records and determine if the application is correct. The assessor card contains a lot more information that zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Bob Falcigno closes 19-01. Michael Smith motions to close public hearing 19-01. Skip Thomas seconds. Roll Call Vote. All in Favor

APPEAL HEARING # 19-02

266 Thompson Street: Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)
Appellant: Vincent Consiglio

Vincent Consiglio submits all his documentation writing with his evidence.
Chris Soto submits for the record the following Exhibits:

- Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)
- Exhibit B – East Haven Zoning Regulations effective 1/10/2001, Sec. 22 – Zoning Map Pg. 1
- Exhibit C – East Haven Zoning Regulations effective 5/31/89, Sec. 22 – Zoning Map Pg. 1
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Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statute and our own words. There is nothing in this statute that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information than zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

In Favor of the Appeal - Bob Sands – I am in favor of the appeal but not in the form of a duplex. The zone change you are making reference to and if it happens to you in your area and someone begins to build a high rise in your area and you come back to make this argument before this board to appeal the zoning and the ZEO bases his decision not on a fact but on a map that was presented to him when he got there I don't think it's right at all. The appeal should be upheld and appreciate the commission with this process and hope it is a favorable decision.

Chris Soto states regarding its not based on fact – we would have to define what fact is? The fact is this is a map has been there for 25 years, and goes through the proper process and that is what my record shows. The map that is reference in our zoning regulations in fact has all those lots as a DRA1 zone. It was originally printed and presented that way to that commission.

In Favor - Michael McGuill – is in favor of the appeal of 19-02.

IN Favor - Nikki Whitehead is in favor of the appeal 19-02. If the 1998 map is gospel here and what we are basing applications on. Those discrepancies I showed you in that corner of the map then we have a DR zone that consumes the boat yard – we shared with you two errors and the way it's been corrected and you're not taking the white out into account here you have to look at the other copies we provided to you. We shared with you two errors that we found you have to look at the other copies we provided to you and you would have to agree that Nellie Greens rendered it non-conforming. If you don't have a map of a clear chain of custody. You really have a problem. A clear chain of custody is established by filing it in the town clerk's office because you cannot loose things in a town clerk's office.

Bob Falcigno closes public hearing 19-02. Skip motions to close 19-02. Michael Smith seconds the motion. All in Favor. Motion Carried.

(Board Member - Joe Porto due to health reasons must leave the meeting)

APPEAL HEARING # 19-03

276 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in a DRA-1)
Appellant: Vincent Consiglio

Vincent Consiglio submits all his documentation in writing with his evidence.

Chris Soto submits for the record the following Exhibits:

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Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Nikki Whitehead in favor of the appeal – wants to address the testimony of Atty. Zullo General Statutes 8-3d and that it do not require the filing of the map. A copy of such boundary should be filed in the office of the town clerk. There was nothing filed in the town clerk that showed boundary change. If you would go to C in your packet C-2 item 8 2 pages this is the legal notice of the zone change. This is what you may be referring to as you do not need an entire map. You cannot construed you do not need anything.

Bob Sands – 501 Thompson Street – In favor of the appeal

Skip Thomas makes a motion to close 19-03. Dave Gersz seconds. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 19-04

288 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in a DRA-1)

Appellant: Michael McGill

Michael McGill states that he is submitting his testimony and evidence in writing.

Chris Soto submits for the record the following Exhibits:

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Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement.

Niki Whitehead – in favor of the appeal. Atty Zullo states a 1994 element – if you look at your packet and is addressed in D1 at the very end of the narrative – “the zoning discussed in 1994 is not related to the 1998 zoning map update and there is no indication of a possible rezoning effort resulting in changes in the 1998 map.

Bob Sands – 501 Thompson Street – in favor of the appeal

Skip Thomas makes a motion to close 19-04. Dave Gersz seconds. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 19-05

288 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Vincent Consiglio

Vincent Consiglio submits all his documentation in writing with his evidence.

Chris Soto submits for the record the following Exhibits:

Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)

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Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statute and our own words. There is nothing in this statute that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information than zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Nikki Whitehead – in favor of the appeal – approving this zone change if you consider the 1998 map that is controlling you are actually changing the ZRA1 for the boat yard that was never requested and also of Mansfield Landing rendering both non-conforming.

Bob Sands – 501 Thompson Street – in favor of the appeal

Skip Thomas makes a motion to close 19-05. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 19-06

300 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Vincent Consiglio

Vincent Consiglio submits all his documentation in writing with his evidence.

Chris Soto submits for the record the following Exhibits:

- Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)
- Exhibit B – East Haven Zoning Regulations effective 1/10/2001, Sec. 22 – Zoning Map Pg. 1
- Exhibit C – East Haven Zoning Regulations effective 5/31/89, Sec. 22 – Zoning Map Pg. 1
- Exhibit D – PZC Actions & Decisions – Oct 7, 1998- 2 pages
- Exhibit E – PZC Notice of Public Hearing – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages
- Exhibit F – PZC Public Hearing Minutes – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages
- Exhibit G – PZC Regular Meeting Agenda and Actions & Decisions Nov 4, 1998 4 pages
- Exhibit H – East Haven Zoning Map (Excerpt) Adopted Nov. 16, 1998 1 page
- Exhibit I – Brook Run Sub-Division Map - # BRC 1 page
- Exhibit J – Zoning Permit – 256 Thompson St; Construction of Dwelling with 2 dwelling units
- Exhibit K – Zoning Permit – 266 Thompson St.; Construction of Dwelling with 2 dwelling units 4 pages.
- Exhibit L – Zoning Permit – 276 Thompson St.; Construction of Dwelling with 2 dwelling units 4 pages
- Exhibit M – Zoning Permit – 288 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages
- Exhibit N – Zoning Permit – 300 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages
- Exhibit O – Zoning Permit – 310 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages
- Exhibit P – Zoning Permit – 17 Foxon Hill Road; Construction of Dwelling with 2 dwelling units 4 pages
- Exhibit Q – Zoning Permit – 37 Foxon Hill Road; Construction of Dwelling with 2 dwelling units 4 pages.

Exhibit R – New Haven Register Hearing Notices

Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order

directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statue and our own words. There is nothing in this statue that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information than zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

In Favor - Bob Sands – 501 Thompson Street – if the map is irrelevant does it need to be documented or filed and does not need to be filed it must have relevance. If it has it now it must have been filed. I am confused on how that is being addressed with the commission here. – I am in favor of the appeal.

Skip Thomas makes a motion to close 19-06. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 19-07

300 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)

Appellant: Michael McGill

Michael McGill will submit his testimony and evidence in writing.

Chris Soto submits for the record the following Exhibits:

Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)

Exhibit B – East Haven Zoning Regulations effective 1/10/2001, Sec. 22 – Zoning Map Pg. 1

Exhibit C – East Haven Zoning Regulations effective 5/31/89, Sec. 22 – Zoning Map Pg. 1

Exhibit D – PZC Actions & Decisions – Oct 7, 1998- 2 pages

Exhibit E – PZC Notice of Public Hearing – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages

Exhibit F – PZC Public Hearing Minutes – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages

Exhibit G – PZC Regular Meeting Agenda and Actions & Decisions – Nov 4, 1998 4 pages

Exhibit H – East Haven Zoning Map (Excerpt) Adopted Nov. 16, 1998 1 page

Exhibit I – Brook Run Sub-Division Map - # BRC 1 page

Exhibit J – Zoning Permit – 256 Thompson St; Construction of Dwelling with 2 dwelling units

Exhibit K – Zoning Permit – 266 Thompson St.; Construction of Dwelling with 2 dwelling units 4 pages.

Exhibit L – Zoning Permit – 276 Thompson St.; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit M – Zoning Permit – 288 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit N – Zoning Permit – 300 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit O – Zoning Permit – 310 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit P – Zoning Permit – 17 Foxon Hill Road; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit Q – Zoning Permit – 37 Foxon Hill Road; Construction of Dwelling with 2 dwelling units 4 pages.

Exhibit R – New Haven Register Hearing Notices

Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George

Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statue and our own words. There is nothing in this statue that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information that zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Bob Sands 501 Thompson Street – In favor of the appeal and thanks the commission for their time to hear this appeal.

Skip Thomas makes a motion to close 19-07. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 19-08

300 Thompson Street: Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)
Appellant: Jennifer Iovanne

Jennifer Iovanne states that she is giving an overview and referring to items during her presentation to stream line the process and the record has been given to the clerk. Her address is 309 Thompson Street. I am appealing this permit as the zoning application describes the work as town house style this type of housing is known as duplexes.

Exhibit A – Appeals from the Appellants

Exhibit B -Visual aide (Exhibit B)

Exhibit C – Brook Run Subdivision

Exhibit D – 1998 Zoning Map Update

Exhibit E – The Physical Zoning Map

(also refers to zoning permit applications)

Exhibit F – Filing the 1998 Zoning Map

Chris Soto states to the board that there was a lot of evidence to imply to you that things were done in a various manor. If you go to exhibit F from Jennifer's exhibit regarding the discrepancies of the DRA1 zone on the application and the field cards. Go to 17 Foxon Hill Road the application says DRA1 and the appeal card says R4 – then you get to 256 Thompson

Street it says DRA1 and field card says R3 there was never an R3 zone there. 266 DRA1 field card R3 never an R3 zone there. perhaps the wywhrow raising could be to the fact that the tax accessors cards had not been changed in the 1988 zoning map. There is a statement made that the accessors map shows a zoning of an R4 – that is an impossibility because assessor maps do not show zoning – there is an overlay when you go onto GIS that allows you to bring down an zoning map that overlay was instituted based on a draft when Frank Biancur was here and that draft is known to have some errors but that overlay does show DRA1 zone as the map of what is on the counter that is showing that. That layer always had the DRA1 zone. Regarding the map for sale being different than what's on the counter on the counter. I have not sold a map in at least 2 years it could be that she just has an old map. There is the notion that we did not go to the town clerk's office to check to see if the map was ever filed. I don't know a ZEO to check if there is a map filed every time they do an application. That has been the only map that has been use. In regards to the white out on the map – George Mingone had a practice of updating the map and zone changes on the counter to reflect the recent zone changes instead of getting a new map. All those zone changes should be filed with the town clerk's office and recorded by the applicant. Differently than a town zone map which just gets filed and not recorded by vol. and page number. The map for sale and the established date – the map in use does have those things. The idea that the DRA1 was an erroneous change and not a decision. That cannot be substantiated in our records there is no evidence in our records that I would have known of that 1998 update did not purposefully change that zone to a DRA1 – I have seen the Mylar does show the zone in a DRA1 zone. As far as my office is concerned that was an intentional zone change that was done when the condo sub-division went through. I have evidence as well to submit for the record to review. This would be the local course of sequence that was done when submitting a zone change.

Chris Soto submits for the record the following Exhibits:

Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)

Exhibit B – East Haven Zoning Regulations effective 1/10/2001, Sec. 22 – Zoning Map Pg. 1

Exhibit C – East Haven Zoning Regulations effective 5/31/89, Sec. 22 – Zoning Map Pg. 1

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Exhibit J – Zoning Permit – 256 Thompson St; Construction of Dwelling with 2 dwelling units

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units 4 pages.

Exhibit R – New Haven Register Hearing Notices

Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statute and our own words. There is nothing in this statute that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information than zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

In Favor of the Appeal:

Nikki Whitehead is in favor of the appeal. She makes it noted that this is not an attack on the Z.E.O. Officer. She states that if you read all the stages of the map updates you will see nothing that gives any indication of the zones being changed. It is also important to think about that study area from the appellants. There are two startling indications of errors in the map that were corrected. We do not have a reliable base line map to work with we do not have a proper map to rely on.

Robert Sands – 501 Thompson Street – would like to yield my two minutes to Nikki Whitehead. Atty. Zullo denies the yield and states only two minute rule per person for speaking in favor of or opposed of. The applicant has as much time as needed only.

Michael McGill – 99 Thompson Street – is for the appeal.

Altagracia Borilla – 57 Foxon Hill Road – is for the appeal.

Michael Corrano – 81 Foxon Hill Road - is for the appeal – when they knock down the trees – when are my panels going to be fixed.

Michael Smith makes a motion to close public hearing on 19-08. Roll Call Vote. All in Favor. Motion Carried.

APPEAL HEARING # 19-09

310 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)

Appellant: Michael McGill

Michael McGill states that he is submitting his testimony and evidence in writing.

Chris Soto submits for the record the following Exhibits:

Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)

Exhibit B – East Haven Zoning Regulations effective 1/10/2001, Sec. 22 – Zoning Map Pg. 1

Exhibit C – East Haven Zoning Regulations effective 5/31/89, Sec. 22 – Zoning Map Pg. 1

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Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statute and our own words. There is nothing in this statute that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information than zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title

information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Bob Sands – 501 Thompson Street – In favor of the appeal.

Skip Thomas makes a motion to close 19-09. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried

APPEAL HEARING # 19-10

310 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)

Appellant: Jennifer Iovanne

Jennifer Iovanne states that he is submitting her testimony and evidence in writing. She would like to add to item to pay attention exhibit F and two cases included.

Chris Soto submits for the record the following Exhibits:

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Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statute and our own words. There is nothing in this statute that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information than zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Bob Sands – 501 Thompson Street – In favor of the appeal – the meticulous of the record keeping by the board and watching many meetings not an easy task but looking at the facts that we are laying out there it is very hard for anything but this to go in favor of the appellants in my eyes.

Skip Thomas makes a motion to close 19-10. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried

APPEAL HEARING # 19-11

37 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)

Appellant: Nicholas Torello

David Gerz makes a motion to close public hearing 19-11 (non-appearance). Michael Smith seconds. Roll call Vote. All in Favor. Motion Carried

APPEAL HEARING # 19-12

37 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)

Appellant: Altagracia Bonilla

Altagracia Bonilla states that he is submitting his testimony and evidence in writing.

Chris Soto submits for the record the following Exhibits:

Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)

Exhibit B – East Haven Zoning Regulations effective 1/10/2001, Sec. 22 – Zoning Map Pg. 1

Exhibit C – East Haven Zoning Regulations effective 5/31/89, Sec. 22 – Zoning Map Pg. 1

Exhibit D – PZC Actions & Decisions – Oct 7, 1998- 2 pages

Exhibit E – PZC Notice of Public Hearing – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages

Exhibit F – PZC Public Hearing Minutes – Nov 4, 1998 RE: Adoption of Town Zoning Map 3 pages

Exhibit G – PZC Regular Meeting Agenda and Actions & Decisions – Nov 4, 1998 4 pages

Exhibit H – East Haven Zoning Map (Excerpt) Adopted Nov. 16, 1998 1 page

Exhibit I – Brook Run Sub-Division Map - # BRC 1 page

Exhibit J – Zoning Permit – 256 Thompson St; Construction of Dwelling with 2 dwelling units

Exhibit K – Zoning Permit – 266 Thompson St.; Construction of Dwelling with 2 dwelling units 4 pages.

Exhibit L – Zoning Permit – 276 Thompson St.; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit M – Zoning Permit – 288 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit N – Zoning Permit – 300 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit O – Zoning Permit – 310 Thompson St; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit P – Zoning Permit – 17 Foxon Hill Road; Construction of Dwelling with 2 dwelling units 4 pages

Exhibit Q – Zoning Permit – 37 Foxon Hill Road; Construction of Dwelling with 2 dwelling units 4 pages.

Exhibit R – New Haven Register Hearing Notices

Atty. Zullo states that the plain language of the statute says zoning regulations or changes shall become effective at such time by the zoning commission providing a copy of the regulation changes shall be filed in the office of the town clerk. That was done, the minutes were filed, the actions and decisions were filed. All of them were filed. The map does not need to be filed in my opinion it was up there as I have seen it on numerous occasions. The zoning regulations the minutes etc. are there if you're interested in looking at the minutes can go to the zoning office and look at their files. That is just the way things are done. With private parties that file a request for zoning regulation or a zone who all they need to do is file an order and the order directs the person to either check the town or the ZEO files on the conditions on the variance or zone change etc. When I bought my zoning regulations the map was right in there. The same copy I bought is still under the counter in the town clerk's office. There have been various version of the regulations that have been passed over the years did someone take it of course they did. why would they pay for it if they can take it? I spoke with Stacy and Lisa Leary and both have indicated that they have had problems with people taking things from land records pages get ripped out. People think if they pull their lien out of the book the lien is no good. I have a case right now involving who tried to help his case by taking a map that disappeared from the land records. Luckily Stacy was able to find another one. I know it disappeared because my title searcher looked at it and told me he saw it and the next time he went back it was gone. Those things happen. To say the map was never up there I don't believe that I spoke with George Mingone and said do you remember doing this project he said I do. He said he remembers setting up many maps. Lisa states she sets maps up all the time and does not remember wither. This letter from Stacy – I have no idea why she generated it, who it is supposed to be addressed to, and why she would think she could take my opinion and put it on paper is beyond me because I never spoke with Stacy about whether the map should be filed. I thought the map should be filed because it was not up there. The statute does not require that the map be filed. That is my opinion. In addition the language of regulation mirror the statute that says the same thing. There is not map order here. This commission needs to look at the plain language of the statute and our own words. There is nothing in this statute that says it is mandatory. Mr. Soto's job is to look into records and determine if the application is correct. The assessor card contains a lot more information than zoning information – it contains title information, and you cannot rely on a title card or zoning information or otherwise it is the first thing you learn as a lawyer. You are supposed to go to the Zoning Department for zoning information and the Town Clerk for title information. That is why we have regular reviews from assessment companies come in. They have rooms and space listed on the assessor cards that do not exist.

Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Bob Sand – 501 Thompson Street – In favor of the appeal

Nikki Whitehead – states that this lot is stable it has none of the attributes of a zone change and if you look at the visual aide that there are 12 lots that do not belong in the grand subdivision – this is the impact that this sub development is going through with this re-zoning. The map that was filed is it retroactive from the time it was filed – over 20 years since that update and during this

period these applications came into this office. I don't want to get caught up in that time period – so if this map is retroactive to 1998 we are changing history.

Chris Soto states the filing of the map in February has no bearing of the decision. I was advised by Attorney Zullo to put a map up there to be viewed.

Skip Thomas makes a motion to close 19-12. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried

APPEAL HEARING # 19-13

17 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-I)

Appellant: Stephen Roberts

Chris Soto states he received a call from Mr. Roberts and Mr. Roberts and his attorney decided to withdraw his appeal.

APPEAL HEARING # 19-14

71 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-I)

Appellant: Altagracia Bonilla

Altagracia Bonilla states that he is submitting his testimony and evidence in writing.

Chris Soto submits for the record the following Exhibits:

Exhibit A – CT General Statutes, Chapter 124 Zoning, Sec 8-3 (8 pages)

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Opposed of the Appeal - Atty. Dana Friedman – see memorandum of statement

Bob Sands – 501 Thompson Street – In favor of the appeal- we took it that a map needed to be filed based on state statute – and it seems like it is being treated as a minor thing and it really is not. It took the appellants many months to put this together and I hope that you take the time to really read it in the order of that we presented it to you.

Skip Thomas makes a motion to close 19-14. Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried

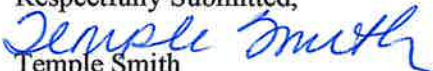
APPEAL HEARING # 19-15

71 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Nicholas Torello

David Gerz makes a motion to close public hearing 9-15 (non-appearance). Michael Smith seconds. Roll call Vote. All in Favor. Motion Carried.

Dave Gersz made the motion to adjourn at 11:40 p.m. Skip Thomas seconds the motion. Roll Call Vote. Motion Carried

Respectfully Submitted,


Temple Smith
ZBA Clerk