

TOWN OF EAST HAVEN, CT
MINUTES OF A REGULAR MEETING
ZONING BOARD OF APPEALS
FEBRUARY 21, 2013 7:30 P.M. EAST HAVEN SENIOR CENTER

MEMBERS PRESENT: ROBERT FALCIGNO – CHAIRMAN
 PAUL BEISLER–VICE CHAIRMAN
 CHARLES LEMONS-ABSENT
 JOSEPH PORTO
 CHARLES LANG

ALTERNATES PRESENT: DONALD THOMAS
 MICHAEL ENDERS-ABSENT
 RONALD VESTUTI-ABSENT

MEMBERS PRESENT FRANK BIANCUR-ZEO
 AL ZULLO- ATTORNEY
 ROSALIE DEPALMA - CLERK

The meeting was called to order at 7:30 P.M. by Vice Chairman Porto who then explained the procedure of the Board to the audience. Vice Chairman Porto seated alternate, Donald Thomas to the Board in order to have a quorum. A motion was made by Paul Beisler to accept the minutes of the previous meeting; seconded by Robert Falcigno. Motion carried unanimously. Election of officers was held. A motion

was made by Paul Beisler to nominate Robert Falcigno Chairman of the Zoning Board of Appeals; seconded by Donald Thomas. Motion carried unanimously. A motion was made by Chairman Robert Falcigno to nominate Paul Beisler Vice Chairman of the Zoning Board of Appeals; seconded by Charles Lang. Motion carried unanimously.

**13-01 APPLICANT & PROPERTY OWNER: Mark & Alyssa
Pethick, PROPERTY AFFECTED, 62 Morgan
Avenue; Map 010, Block 0105, Lot 005, Zone R-3**

Proposal to raise existing structure so that finished floor elevation is 12 feet above mean sea level. Add rear shed dormer and rebuild front existing gable dormer. Also replace rear deck and stairs.

VARIANCE: Schedule 'B' General Bulk Standards, Line #7 Reduction of minimum setback from street line from required 25 feet (17 feet existing) to 13.25 feet (reduction of 12.75 feet in street line setback)

Section 25 Schedule "B" Line #11 Maximum lot coverage, currently is 30% where 20% is required and applicant is asking for 31% (!% increase in lot coverage)

Section 25 Schedule "B" Line #9 side property setbacks, on East side of house in the Front setback would be 9' 7" (10' 5" reduction) where 20 feet is required and in back of house on east side would be 11' 8" (8' 4" reduction) where 20 is required and the back stairs on the east side would be 8' 3" (11' 8"

reduction) where 20 is required. On the west side of the house in the bump out bay window would be 5' 11' where 20 is required (16' 1" reduction) and back of house would 5' 11" where 20 is required which would be a (reduction of 14' 1")

*NOTE: 62 Morgan Avenue was damaged in both Hurricane Irene and in Hurricane Sandy. These variances are all due the two storms

Joseph Migani, an architect, 22 Bank Street, Seymour, CT. addressed the Board on behalf of the applicant. He was seeking the aforementioned variances. The required certified receipts were submitted to the Board. Mr. Mangini stated the description of work to be done raise existing structure so that finish floor elevation is 12' above mean sea level and add rear shed dormer and rebuild front existing gable dormer and replace rear deck and stairs. Hardship: The variance is requested to allow the building to be raised to the required height above sea level. The reduction in the street setback, and slight increase in lot coverage is caused by stair access to elevated floor level. ZEO Biancur indicated to the Board application was approved by C.A.M. and received a special permit from DEEP. No further comments were made.

13-03 APPLICANT & PROPERTY OWNER: Martin Hallier Jr.;
PROPERTY AFFECTED: 104 Frontage Road; Map 260,
Block, 3210, Lot 001; Zone CC

Proposal for development of the property to include a convenience store, a coffee shop, and retail sale of gasoline.

VARIANCE: Schedule 'A' Permitted Uses; Line 40 reduction of 1080 feet to 420 feet for separation of gas pumps on another parcel. Schedule 'B' Line #7 Street setback reduction from 25 feet to 0 feet for the proposed canopy and from 25 feet to 9 feet for proposed pump island.

***NOTE: Street line is highway line of Route 1 which stops back further than adjacent parcels.**

Mr. Ronald C. Hurlburt, a land surveyor, 12 Olde Orchard Road, Clinton, CT. addressed the Board on behalf of the applicant. He was seeking a variance for the proposed development of the property to include a convenience /coffee store and retail gasoline. The required certified receipts were submitted to the Board. Mr. Hurlburt submitted into the record the following documents: Notice of Amendment of Zoning Regulations dated 11-18-1970, Planning & Zoning Actions and Decisions dated 7-2-2009, Amendment to Zoning Regulations effective 12-1-1970, ZBA Minutes dated 7-20-1989, and Variance Granted by ZBA recorded in Town Clerk Office dated 8-30-1989. (On file in ZBA office) Mr. Hurlburt was seeking two variances setback variance from street line to the Gas Canopy and separation distance from gas pumps. Hardship: Parcel originally was a gas station, Town created Zoning regulation of 1500 ft. gas pump separation and granted variance to station north, thereby creating a hardship. Mr. Hurlburt noted Arthur DeSorbo, Director of Administration & Management and the Town

Planner were in favor of this proposal and he stated it would add value and tax revenue for the Town and create competition and versatility to the area. Attorney Rod Farrell and Attorney Shivani J. Desai of the Law Firm Cohen & Acampora 8 Frontage Rd. East Haven, CT. spoke in opposition of this application. Attorney Desai submitted a traffic study into record. (On file in ZBA Office) noting there were significant traffic issues concerning this proposal and applicant did not establish a legal hardship. Maryann and Carmelo Rivera 605-607 Main Street, East Haven spoke in opposition. Their concern water and drainage problems to their property. No further comments were made

**13-04 APPLICANT & PROPERTY OWNER: Sergio Mangione;
PROPERTY AFFECTED: 33 Ellis Road; Map020, Block,
0110, Lot 026: Zone R-3
(Tabled from January Meeting)**

Proposal to construct a new home, old house was completely destroyed by hurricane Sandy. Lot is legal non- conforming.

VARIANCE: Section 25, Schedule 'B', Line #7 reduction of 18 ft on the street line setbacks where 25 is required, setback off street line would be 7 feet. Schedule 'B' Line #9 side yard setbacks, on west side reduction of 10 feet where 20 feet is required, and on north side reduction of 15 feet to a 5 foot setback where 20 is required. Section 25.4.3 Additional Set-backs; increase of 9 feet in height where 30 feet is allowed.

***NOTE: House is being raised to FEMA standards and that is the reason for the height. Also house can't be moved back from original placement due to the proximity of Caroline Creek.**

Mr. Sergio Mangione addressed the Board on his behalf. He was seeking a variance for the construction of a new two story home old home was totally destroyed by Hurricane Sandy. The lot is legal non-conforming. Mr. Mangione stated he wanted to raise house to 15 ft. elevation and add a second floor to increase his living space. The increase proposed in this application was a concern of the Board. The required certified receipts were submitted to the Board. Donna Afragola Sandillo, 413 Cosey Beach Avenue, Ext. spoke in favor of this application. Hardship: the size of lot. No further comments were made.

13-05 APPLICANT & PROPERTY OWNER: Joseph & Janet Barcale; PROPERTY AFFECTED: 95 Warner Road; Map 630, Block, 8242, Lot, 003- Zone R-5

Proposal to construct new home on approved building lot.

VARIANCE: Schedule 'B' General Bulk Standards, Line #8 40 foot setback required. Applicant is looking for an 18 foot reduction to 22 feet in the setback requirement due to the shape of the lot and positioning of the house. * NOTE: The positioning of the new home and variance being requested is largely due to the contour/ slope of the land.

Mr. Joseph Barcale addressed the Board on his behalf. He was seeking a variance to construct a new home on an approved building lot. The required certified receipts were submitted to the Board. Hardship: Slope of land and contour of land for position of house. Mark Viveiros, 45 North Hill Road, North Haven, CT spoke in favor of this application. No further comments were made.

**13-06 APPLICANT & PROPERTY OWNER; Jason Holloway;
**PROPERTY AFFECTED: 4 Hellstrom Road; Map 360,
Block, 4626, Lot 012 Zone R-2****

Proposal to construct a new 24 foot by 24 foot detached garage.

VARIANCE: Schedule 'B' General Bulk Standards; Line #9 Reduction of side yard setbacks to 4 feet where 15 is required. Line #8 of Schedule 'B' Rear yard setback of 24 feet where 25 is required, Zoning Regulations section 25.4.10 Accessory Structures, looking for a 76 ft increase from 500 feet to 576 feet for the total area of the garage.

Jason Holloway addressed the Board on his behalf. He was seeking a variance construct a 24' x 24' detached garage. The required certified receipts were submitted to the Board. Hardship: Property is narrow house was built close to side lines. Needs new size garage to fit two full size SUV vehicles. Chairman Falcigno noted

to the applicant he saw no number on the applicant's house or mailbox. No further comments were made.

13-07 APPLICANT & PROPERTY OWNER: Wendy Belmore, PROPERTY AFFECTED; 57 Catherine Street, Map 020, Block, 0313, Lot 012 – Zone R-1

Proposal to construct a new 20 foot by 20 foot garage, (detached).

VARIANCE: *Applicant is asking for a 27 foot reduction in the 50 foot requirement from the street line under Zoning Regulation 25.4.10. Applicant would like the detached garage to be in line with the house.*

Wendy Bellmore addressed the Board on her behalf. She was seeking a variance to build a 20 x20 ft. garage 15 ft. high. The required certified receipts were submitted to the Board. Hardship: The location of the garage does not meet the 50 ft. setback, applicant wanted to keep her yard space. No further comments were made.

13-08 APPLICANT & PROPERTY OWNER: FC Rose Family LLC. ; Property Affected; 139 Main Street; Map 210, Block, 2418, Lot, 003- Zone RA-1

Proposal to rebuild house that was destroyed by fire and the new house will sit on the same footprint as the old one.

VARIANCE: *Lot is a legal non conforming building lot, Schedule 'B' Line #7, Street line east side of front of house from 25 feet to 19.5 feet and west side of front of the house 22.2 feet where 25 is required. Line #31 Minimum Lot Area 9580 reduction where 20,000 is required. Line #9 side yard setbacks, 12.4 where 15 is required, and east side of house 18 ft reduction to 8 feet where 15 is required.*

Steve Russo 231 Silver Sands Road, East Haven, CT. addressed the Board. He was seeking a variance to rebuild a house that was destroyed by fire 4/17/12 and the new house will sit on the same footprint as the old one. Lot is a legal non conforming building lot. Hardship: If same foot print is not rebuilt insurance will not pay full claim, shape and size of lot. Attorney Zullo recused himself from this application because Mr. Russo is a client of his. No further comments were made.

**13-09 APPLICANT & PROPERTY OWNER: Chris Gavin;
PROPERTY AFFECTED: 15 Hampton Road; Map 010,
Block, 0104, Lot 013
Zone R-3**

Proposal to move house and raise it into the middle of the lot, which will make the house more conforming to the lot. Also the house will be raised 11 feet (4 feet above the base flood elevation).

VARIANCE: *Schedule 'B' Line #7 Street Line Setback a 15 ft reduction from 25 ft required to 10 ft, Line #9 Side yard setbacks reduction on west side of property from 11.3 feet from required 20*

PAGE TEN

ZBA

feet to 8.9 ft, and Line #8 Rear Property Line reduction of 15.8 feet where 30 is required the rear setback will be 14.2 ft.

Mr. Tony Thompson of Plans Ahead LLC and Christopher Gavin addressed the Board. They were seeking a variance to move house and raise it into the middle of the lot, which will make the house more conforming to the lot. Also the house will be raised 11 feet (4 feet above the base flood elevation). Mr. Thompson noted the house would be FEMA compliant and there would be no change of the footprint. The required certified receipts were submitted to the Board. Hardship: Irregular shape of lot. No further comments were made.

NO RECESS CALLED

SEE VOTING

ZBA

ZBA

GRANTED

Falcigno – yes
Porto – yes
Beisler – yes
Thomas – yes
Lang – yes

13-03

TABLED- A motion was made by Chairman Falcigno to table application 13-03 until next scheduled meeting so the Board could review all the information presented; seconded by Joseph Porto. Motion carried unanimously.

Falcigno – yes to table
Porto – yes to table
Beisler – yes to table
Thomas – yes to table
Lang – yes to table

13-04 DENIED – No hardship shown for 2nd Floor

Falcigno – no
Porto – no
Beisler – no
Thomas – no
Lang – no

PAGE TWELVE

ZBA

13-05

GRANTED

Falcigno – yes

Porot – yes

Beisler – yes

Thomas – yes

Lang – yes

13-06

GRANTED

Falcigno – yes

Porto – yes

Beisler – yes

Thomas – yes

Lang – yes

13-07

GRANTED

Falcigno – yes

Porto – yes

Beisler – yes

Thomas-abstained

Lang – yes

13-08

GRANTED

Falcigno – yes

Porto – yes

Beisler – yes

Thomas – yes

Lang – yes

PAGE THIRTEEN

ZBA

13-09

GRANTED

Falcigno – yes

Porto – yes

Beisler – yes

Thomas – yes

Lang – yes

A motion was made by Joseph Porto to adjourn; seconded by Donald Thomas. Motion carried unanimously.

Chairman Falcigno adjourned the meeting at 9:05 P.M.

Respectfully submitted,

Rosalie DePalma

Clerk