

**TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
OCTOBER 16TH, 2014 7:30 P.M. EAST HAVEN SENIOR
CENTER**

MEMBERS PRESENT: ROBERT FALCIGNO – CHAIRMAN
PAUL BEISLER – VICE CHAIRMAN
BEN GIAQUINTO
CHARLES LANG-ABSENT
TED MUSCO

ALTERNATES PRESENT: DONALD THOMAS
JOSEPH PORTO
RONALD VESTUTI-ABSENT

MEMBERS PRESENT: FRANK BIANCUR -ZEO
ALFRED ZULLO-ATTORNEY
ROSALIE DEPALMA-CLERK

The meeting was called to order at 7:30 P.M. by Chairman Falcigno who then explained the procedure of the Board to the audience. Chairman Falcigno seated alternate, Joseph Porto, to the Board in order to have a quorum. Ben Giaquinto made a motion to accept the minutes of the previous meeting; second by Ted Musco. Motion carried unanimously.

14-38

APPLICANT & PROPERTY OWNER: Phillip Tutino; Property Affected, 59 South Street; Zone R3, Map 010, Block 0103, Lot 024

Proposal to add / construct a 2 story addition in rear of house. Addition will be 8' by 16' and stay in line with setbacks of the existing house.

VARIANCE: Section 44 Nonconformity

The applicant requested this application be Tabled. Ted Musco made a motion to TABLE application 14-48, second by Ben Giaquinto. Motion carried unanimously. No further comments were made.

14-39

APPLICANT & PROPERTY OWNER: Lanna Berkun; Property Affected: 3 Cambridge Court; Zone R1; Map 030, Block 220, Lot 08

Proposal to raise home to meet FEMA requirements.

VARIANCE: Section Height 25.3 and Schedule 'B' Line # 6 asking for 37 ft, increase of 7 feet. Lot Coverage Schedule 'B' line # 11 asking for 35.9% where 25% is required.

Joe Wren of Indigo Land Design, LLC, P. O. Box 1036, Old Saybrook, CT 06475 addressed the Board on behalf of the applicant. He was seeking the aforementioned variances to raise the existing year-round dwelling to be in compliance with current FEMA flood regulations. Mr. Wren submitted into record a letter sent from Indigo Land Design to adjoining property owners of the variances requested. Mr. Wren noted the house would remain on the same footprint and would be elevated vertically from 8.9 ft. to 18 ft. Chairman Falcigno questioned the number of steps, Mr. Wren replied twenty front steps and twenty three back steps. The required certified receipts were submitted to the Board. Hardship: strict application of regulations would prohibit the applicant from elevating dwelling to be in compliance with FEMA flood requirements which will promote and preserve the safety and welfare of residents of East Haven and property values, coverage variance requested is due solely to additional stairs needed to access elevated dwelling, height variance is necessary due to raising the

structure to meet and exceed present and anticipated future FEMA requirements. No further comments were made.

14-40

APPLICANT & PROPERTY OWNER: Jim Harding: Property Affected: 84 Catherine Street; Zone R1, Map 020, Block 0313, Lot 007

Proposal to add to egress window wells & concrete pad for Air conditioner unit on left side of house.

VARIANCE: Schedule 'B' Line #9 Sideyard Setbacks looking for 6 ft where 10 ft is required, which is a 4 ft reduction.

Jim Harding addressed the Board on his behalf. He was seeking a variance to add two egress window wells and concrete pad for air conditioner unit on the left side of his home. The required certified receipts were submitted to the Board. Hardship: House is situated to left of lot and driveway is on right side, position of house on left is a hardship. There were concerns and discussion if this construction would affect Mr. Harding's and adjoining neighbor's septic systems. Kathleen Bagnasco spoke on behalf of her mother's estate Mary Guidone 46 Catherine Street, her issue was who would be liable if this property was damaged during construction. Ms. Bagnasco was assured that any liability would be on Mr. Harding. No further comments were made.

14-41

APPLICANT & PROPERTY OWNER: William & Cynthia Cowles: Property Affected: 216 Cosey Beach Avenue: Zone R1, Map 030, Block 0215, Lot 005

Proposal to raise existing dwelling to meet FEMA standards, and remove existing foundation. Also replace with flood resistant foundation and remove rear deck and replace with new deck and stairs to the new level. And new stairs to new level of front door.

VARIANCE: See Plans/ Application in Planning and Zoning Office for full description of variances required.

Arthur Seckler, III, Senior Associate of Lothrop Associates Architects, 333 Westchester Avenue, White Plains, New York 10604 addressed the Board

on behalf of the applicants. He was seeking to raise existing dwelling above flood plain per FEMA regulations, remove existing foundation and replace with new flood resistant foundation and remove rear deck and replace with new deck and stairs to the new level and new stairs to new level at front door. Variances needed 1,282 minimum lot area, 9.6 ft. minimum square on lot, 4 ft. lot frontage, 1.57 ft. on height, 14.5 ft on setback from street, 3.7 ft. on setback from side and 6% relief sought on maximum lot coverage. The required certified receipts were submitted to the Board. Hardship: The dwelling is in a storm surge area and must be raised in its current location above the flood plain per FEMA regulations. The existing site and some of the existing setbacks are currently non-conforming, existing building height when raised will be over the max height allowed, and the expanding of exterior stairs to accommodate the new height will add to some of the existing non-conforming setbacks. No further comments were made.

14-42

APPLICANT & PROPERTY OWNER: Sammy Sosa: Property Affected: 20 Atwater Street: Zone R1, Map 070, Block 0481, Lot 005

Proposal to raise existing house to meet FEMA regulations. Remove existing foundation and replace with flood resistant foundation. Remove existing stairs and replace with new stairs that match height and remove existing attached boiler shed and add mechanical room on first floor.

VARIANCE: All Schedule 'B': Line #4 Maximum Height 30 ft, looking for increase to 32.2 ft in height. Street line setback Line # 7 asking for 2.7ft where 25 ft is required. Line #6 rear yard setback 18.8 ft where 20 is required. Line #9 Side yard setback looking for 6.2 ft where 10ft is required.

Arthur Seckler III Senior Associate of Lothrop Associates Architects, 333 Westchester Avenue, White Plains, New York 10604 addressed the Board on behalf of the applicant. He was seeking the aforementioned variances to raise the existing dwelling above flood plain per FEMA regulations, remove existing foundation and replace with new flood resistant foundation, remove existing exterior stairs and replace with new to accommodate new height, remove existing attached boiler shed, add mechanical room to first floor and various minor repairs. The required certified receipts were submitted to the Board. Hardship: The dwelling is in a storm surge area and must be raised in its current location above the flood plain per FEMA regulations and some of the existing setbacks are currently non-conforming and

expanding exterior stairs to accommodate the new height will add to some of the existing nonconforming setbacks. No further comments were made.

14-43

APPLICANT & PROPERTY OWNER: Pasquale & Maria Capozza: Property Affected: 60 Cosey Beach Avenue: Zone R1, Map 030, Block 0219, Lot 005

Proposal to Raise dwelling to meet FEMA standards including front porch and stair to deck, also replace existing exterior stairs on west side of house. Construct flood resistant foundation under raised residence, porch and deck.

VARIANCE: See Plans & Application in Planning and Zoning Office for more details.

Arthur Seckler, III Senior Associate of Lothrop Associates, 333 Westchester Avenue, White Plains, New York 10604 addressed the Board on behalf of the applicants. Attorney Zullo noted for the record he had previously represented the applicants and noted if any conflict of interest existed he would recuse himself. Mr. Seckler was seeking to raise stairs to deck to allow for increased height required, replace existing exterior stair on west side of structure and construct flood resistant foundations under raised residence, porch and deck. Variances required 2600 sf. for existing non-conforming area, 6.58 ft. for height, 20.33 ft. front yard setback, 7.5 ft. for side yard setback, 15.60% for lot coverage for construction of larger stairs. The required certified receipts were submitted. Hardship: The existing residence must be raised above the flood plain, the proposed height will exceed the maximum height allowed by current zoning by about 6.5 ft., the front and side yard variances are required to increase the length of the stairs to allow access to the raised structure, the existing property is non-conforming for lot area, lot coverage, front yard setback, side yard setback and building height. No further comments were made.

14-44

APPLICANT & PROPERTY OWNER: Theresa Bishop: Property Affected: 41 Phillips Street; Zone R1; Map 030, Block 0315, Lot 003

Proposal to raise existing dwelling to meet FEMA standards, remove existing foundation and replace with new flood resistant foundation. Remove existing stairs and raise to accommodate new height. Remove existing boiler shed.

VARIANCE: All Schedule 'B'; Line #7 Street line setback 5.5 ft where 25 is required for new stairs. Line #9 side yard setback 9.4 ft proposed where 10 ft is required, and Line #13 Min floor area per dwelling 900 sq ft required, house will be 774 sq ft after removing attached shed.

Arthur Seckler III, Senior Associate of Lothrop Associates Architects, 333 Westchester Avenue, White Plains, New York 10604 addressed the Board on behalf of the applicant. He was seeking the aforementioned variances to raise the existing dwelling above flood plain per FEMA regulations, remove existing foundation and replace with new flood resistant foundation, remove existing exterior stairs and replace with new to accommodate new height and remove existing attached boiler shed and various other minor repairs. The required certified receipts were submitted to the Board. Hardship: The dwelling is in a storm sure area and must be raised in its current location above the flood plain per FEMA regulations, and some of the existing setbacks are currently nonconforming and expanding exterior stairs to accommodate the new height will add to some of the existing nonconforming setbacks. No further comments were made.

14-45

APPLICANT & PROPERTY OWNER: Gloria Acres LLC: Property Affected; 142 Barberry Road; Zone R5, Map 620, Block 7643, Lot 001

Proposal raise roof on a portion of an already existing garage to match the height of the other side which is 30 ft.

VARIANCE: Section 25.4.10 Accessory Structures ** Note: Garage is already over 500 sq ft in area.

Mr. Joseph Carfora owner of Gloria Acres L.L.C 142 Barberry Road addressed the Board on his behalf. He was seeking a variance to raise the roof on a portion of an already existing garage to match the height of the other side which is 30 ft. Chairman Falcigno questioned the use of the extended height. Mr. Carfora replied the extended height would provide storage. The required certified receipts were submitted to the Board. Hardship: Building pre-exists zoning and does not conform to present zoning regulations. No further comments were made.

NO RECESS CALLED
SEE VOTING

PAGE SEVEN

ZBA

VOTING:

14-38

TABLED

14-39

A motion was made by Ted Musco to accept CAM report and grant application 14-39, second By Ben Giaquinto. Motion carried unanimously.

Falcigno – yes
Beisler – yes
Musco- yes
Giaquinto – yes
Porto – yes

14-40

GRANTED

Falcigno – yes
Beisler – yes
Musco – yes
Giaquinto – yes
Porto – yes

14-41

GRANTED

Falcigno – yes
Beisler – yes
Musco – yes
Giaquinto – yes
Porto – yes

14-42

GRANTED

Falcigno – yes
Beisler – yes
Musco – yes
Giaquinto – yes
Porto – yes

PAGE EIGHT

14-43 GRANTED

Falcigno – yes
Beisler – yes
Musco – yes
Giaquinto – yes
Porto – yes

14-44 GRANTED

Falcigno – yes
Beisler –yes
Musco – yes
Giaquinto – yes
Porto – yes

14-45 GRANTED

Falcigno – yes
Beisler – yes
Musco –yes
Giaquinto – yes
Porto – yes

A motion was made by Ted Musco to adjourn, second by Ben Giaquinto.
Motion carried unanimously.

Chairman Falcigno adjourned the meeting at 8:15 P.M.

Respectfully submitted,

Rosalie DePalma
Clerk

