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TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
JUNE 16, 2016 7:00 P.M. EAST HAVEN SENIOR CENTER

MEMBERS PRESENT: ROBERT FALCIGNO-CHAIRMAN
GEORGE HENNESSEY-VICE CHAIRMAN
DONALD THOMAS-ABSENT
CHARLES LANG
JOSEPH PORTO

ALTERNATES PRESENT:

STAFF PRESENT: ALFRED ZULLO-ATTORNEY- ABSENT
CHRISTOPHER SOTO-ZEO
ROSALIE DEPALMA -- CLERK

Chairman Falcigno called the meeting to order at 7:00 P.M. and explained the procedure of the Board to the audience. Chairman Falcigno noted that only a four member Board was present and a unanimous vote was needed for approval. Joseph Porto made a motion to accept the minutes of the previous meeting, second by Charles Lang. Motion carried unanimously.

Public Hearing #1: An appeal by Niki Whitehead of a Letter of Zoning Compliance for the property located at 60 Brown Road issued July 23, 2014 by former Zoning Enforcement Officer Frank Biancur, Jr..

A motion was made by Joseph Porto to accept and Table Public Hearing #1, second by Charles Lang. Motion carried. Niki Whitehead addressed the Board stating there was an error in a notification to Branford.

Public Hearing #2: An appeal by the owner of 92 Caroline Road of the of the Zoning Enforcement Officer's Notice of Violation dated March 1, 2016.

A motion was made by Charles Lang to accept and open Public Hearing #2, second by Joseph Porto. Motion carried. Attorney Joseph Zullo addressed the Board noting a Notice of Violation of the Town's seasonal use regulations was sent by certified mail to the owners of 92 Caroline Road March 1, 2016. Attorney Zullo stated since the notice was sent the issue has been litigated and the Town is in the process of a universal solution for all the neighbors in the area and one the Town has agreed the Board rescind the notice of violation in order of date without prejudice but it reserves the right to enforce any actions in the future if future violations occur and two any fines or penalties be abated subject to the right that the Town can institute any fines or penalties in the future if future violations occur. Attorney Zullo noted the owners were not present to sign off on the request for Stipulated Disposition, thus the Board and counsel were in agreement to continue the hearing to the next scheduled meeting and leave the Public Hearing open.

Public Hearing #3: An appeal by the owner of 87 Caroline Road of the of the Zoning Enforcement Officer's Notice of Violation dated March 1, 2016.

A motion was made by Joseph Porto to accept and open Public Hearing #3, second by Charles Lang. Motion carried. Attorney Joseph addressed the Board repeating the same comments and conditions stated in Public Hearing #2. The only difference was the appellant was present to sign off on the request for Stipulated Disposition.

Chairman Falcigno opened the regular meeting of the Zoning Board of Appeals.

16-17

APPLICANT & PROPERTY OWNER: Richard Cordiero; Property Affected: 9 Atwater Street; Zone R-1, Map 070, Block 0418, Lot 011 - *Change of roof pitch and add cupola.*
VARIANCE: Schedule B - Line 6 - Building Height.

ZEO Soto addressed the Board stating Mr. Cordiero no longer requires a variance. A motion was made Charles Lang to Deny as Moot application 16-17, second by Joseph Porto. Motion carried. No further comments were made.

16-19

APPLICANT & PROPERTY OWNER: Richard Esposito; Property Affected: 58 Minor Road; Zone R-3, Map 010, Block 0306, Lot 005 - *Accessory Structure.*
VARIANCE: Section 25.4.10.2; Schedule B - Line 8 - Rear Property Line Setback and Line 9 - Side Property Line Setback.

Ronald Hurlburt, L, S. 12 Olde Orchard Road, Clinton, CT. 06413 addressed the Board on behalf of the applicant. The required certified receipts were submitted to the Board. He was seeking a variance for an accessory structure an outdoor pizza oven to remain enclosed in the backyard. Hardship: Parcel is small and predates zoning, oven is placed in corner of parcel because of improvements and narrow lot. It was established no permit was obtained for structure as applicant did not think one was required. Stacey Cimino 60 Minor Road and Bill Dobie 50 Minor Road spoke in favor of this application. John Williams 104 South End Rod spoke in opposition his concerns accessory is located three inches off his property line and the proximity of the gas line to his children's play area. Mr. Hurlburt stated the gas line was professionally installed, permitted, inspected and approved. No further comments were made.

16-20

APPLICANT & PROPERTY OWNER: Maria Saulino; Property Affected: 280 Foxon Road; Zone CD, Map 470, Block 5936, Lot 002- *Addition to existing restaurant.*

VARIANCE: Schedule B - Line 7 - Street Line Setback and Line 9 - Side Property Line Setback.

Attorney Timothy Lee, of Fasano, Ippolito & Lee 388 Orange Street, New Haven, CT. addressed the Board on behalf of the applicant. He was seeking a variance for the construction of a 1,707 sq. ft. addition to the existing restaurant to allow a larger waiting and dining area. The required certified receipts were submitted to the Board. Hardship: The parcel is uniquely shaped in the form of a triangle. In addition, the 100 yr. flood line and location of the existing kitchen, equipment prevents expansion elsewhere on the property. No further comments were made.

A FIVE MINUTE RECESS WAS CALLED AT 7:30 P.M.

MEETING RECONVENED

SEE VOTING

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VOTING:

PUBLIC HEARING #1
Niki Whitehead
60 Brown Road

A motion was made by Joseph Porto to accept and table Public Hearing #1, second by Charles Lang. Motion carried.

Falcigno -- yes
Hennessey -- yes
Lang -- yes
Porto - yes

PUBLIC HEARING #2
92 Caroline Road

A motion was made by Charles Lang continue Public Hearing #2 to the next scheduled meeting and leave Public Hearing open, second by Joseph Porto. Motion carried.

Falcigno -- yes
Hennessey -- Yes
Lang -- yes
Porto - yes

PUBLIC HEARING #3
87 Caroline Road

GRANTED - A motion was made by Charles Lang that the Notice of Violation be rescinded pursuant to the terms of the request for Stipulated Disposition executed by the appellant and the Town of East Haven dated June 16, 2016, second by Joseph Porto. Motion carried.

Falcigno -- yes
Hennessey -- yes
Lang- yes
Porto - yes

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ZBA

16-17

A motion was made by Charles Lang
To Deny as Moot application 16-17,
second by Joseph Porto. Motion
Carried.

Falcigno – Denied as Moot
Hennessey – Denied as Moot
Lang – Denied as Moot
Porto – Denied

16- 19

DENIED

Falcigno – no
Hennessey- no
Lang – yes
Porto – yes

16-20

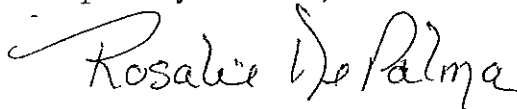
GRANTED

Falcigno – yes
Hennessey – yes
Lang – yes
Porto – yes

A motion was made by Charles Lang to adjourn, second by Joseph Porto. Motion carried.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Rosalie DePalma".

Rosalie DePalma
Clerk