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TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
SEPTEMBER 15, 2016 7:00PM EAST HAVEN SENIOR CENTER

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

ALTERNATES PRESENT:

STAFF PRESENT: TOWN ATTORNEY JOSEPH ZULLO
CHRISTOPHER SOTO-ZEO
SAL BRANCATI, DIRECTOR OF ADMIN. & MGT
DANELLE FEELEY, TEMPORARY CLERK

Chairman Falcigno called the meeting to order at 7:00 P.M. and made mention that there are four members present so each applicant and person who comes up to make their petition will need a unanimous vote of all four members for approval. If they wish to withdraw their application and appear at next month's meeting they have the opportunity to do that.

Charles Lang made a motion to approve the minutes from last month's meeting, seconded by Joseph Porto. Voice vote: all in favor-none oppose-none abstain. Motion carried.

16-27

APPLICANT & PROPERTY OWNER: Salvatore and Maria Vollero; Property Affected: 143 North Atwater Street; Zone R-1, Map 070, Block 0718, Lot 005 – *Enlargement of a non-conformity. Use footprint of existing deck to create living space.*

VARIANCE: Schedule B, Line 11: Lot Coverage 25% max allowed, 36.54% proposed.

Salvatore Vollero of 143 North Atwater Street stated that he has been there for 30 years; he put an addition on it in 1995 and the contractor put a deck on and he believes he has been paying taxes on it and he just wants to enclose it. Because his lot is so small he has so many constraints. He needs this enclosed space for his mother-in-law that lives in Messina Drive and is in bad shape. He wants it for a bedroom and seating area for his mother-in-law. He has a shed in the back and he is taking that down so the area will be cleared. His wife is never home because she is taking care of her mother over there so it would help them family wise and financially.

ZEO Christopher Soto explained that in their application for Item #7 they wrote in variance required so they have to state their hardship on the record. On line #6 they wrote a brief

statement as to what they were trying to do. So they need to state their hardship to the board on the record.

Mr. Vollero explains that a variance is needed for existing living quarters for the purpose of moving his elderly relative onto the property to provide for her welfare.

In favor:

- Brian Duryea of 149 North Atwater Street spoke in favor of this; he has been a neighbor for 15 years and knows the conditions of the family over the last year in terms of their personal health, family situation and finances. He is 100% in favor of this being granted and has no objections to it.
- Sue Vance of 42 Catherine Street said she has been friends of Mr. and Mrs. Vollero for a number of years and knows his mother-in-law needs a lot of guidance and has no objection to what they are doing.

None spoke in opposition.

No questions from the Board members.

Chairman Falcigno closed Hearing 16-27.

Roll call vote: all in favor-none oppose-none abstain. Motion carried.

Approved.

Chairman Falcigno explained that there is a 15-day statutory time frame from when it appears in the newspaper where people can appeal it.

Appeal 16-28

APPLICANT & PROPERTY OWNER: Gloria Rispoli; Property Affected: 12 Smith Street; Zone R-3, Map 010, Block 103, Lot 26 – *Appeal of zoning violation dated August 4, 2016. Accept for review and set hearing date.*

Charles Lang made a motion to accept for review and set the Public Hearing date for October 20, 2016. Seconded by Joseph Porto.

Voice vote: all in favor-none oppose-none abstain. Motion carried.

16-29

APPLICANT: Joshua Onofrio; Property Concerned: 170 Cosey Beach Road; Zone R-1, Map 060, Block 0413, Lot 011- *Rehab of entire home.*

VARIANCES: Schedule B, Line 7: 25' required, 23' proposed. Schedule B, Line 9: 10' required 4.6 proposed.

Joshua Onofrio of 13 Old Toll Road, Madison, CT- Mr. Onofrio explained that he would like to rehab the home; it is very small square footage wise. He would like to put a second floor on and stay within the footprint and not go out of it any way. He would just go up and move the bedrooms from the first floor to the second floor because currently when coming in the house you go through a bedroom. He reads Item#7 from his application, which states that this is a corner lot with two street line setbacks, 25ft. and 10ft. The lot is only 38ft. wide and the house is 24'x36'. The hardship is that there are two front yards and two side yards because it is a corner

lot. The setbacks are 25ft. on one side, and then 10ft. on the other side. He is there asking to put on a second floor, he recently purchased it and would love to build it up.

Chairman Falcigno explained that if he is going to put a second floor on, he could not exceed the height limitation of 30ft.

Mr. Onofrio said it would be under the 30ft.

Chairman Falcigno says he would need to go in for a Zoning permit before anything is done so the Zoning Officer can explain it then.

None spoke in favor.

None spoke in opposition.

Chairman Falcigno closed Hearing 16-29.

Chairman Falcigno explained that once it is published in the newspaper, there is a 15-day statutory time frame for appeal for anyone to appeal the variance granted. Building before this time frame puts him in jeopardy if someone appeals and he has to take it down.

16-30

APPLICANT: Criscuolo Engineering, LLC. Property Concerned: 660 Thompson Street; Zone R-5, Map 590, Block 6836, Lot 008- Existing house is built 4" over the rear setback.

VARIANCES: Schedule B, Line 8: Reduction of rear property line setback from 40' to 39.5.

Charles Fisher of Criscuolo Engineering explained that he represents Sachem Capital, which is the current homeowner via foreclosure. He explained that the house was constructed by a previous owner and from what he understands, during construction the homeowner got into some financial trouble and lost the home. When Sachem Financial went to sell it, they came to the Town Hall and realized there was no C/O and needed an as built. When they got the as built it came to light that the corner of the home was built 4" over the rear setback line which is 40ft. and the back corner of the house is 39.68ft so it is 32/100 of a foot over the rear setback line which is just under 4".

Chairman Falcigno asks if the corner under 4" is the side where the rock outcropping is? Mr. Fisher says yes, there is a rock outcropping. Mr. Fisher added that the house had a 1' overhang and apparently the builder at the time misunderstood that they were offsetting the foundation and pushed the house back 1' without leaving a 3-4" buffer like they would do. The overhang ended up about 4" over the rear-setback line. That is the hardship and he is calling this an unusual circumstance.

None speak in favor.

None speak in opposition.

Chairman Falcigno closed Hearing 16-30.

Roll call vote: all in favor-none oppose-none abstain. Motion carried.

Approved.

SEE VOTING

VOTING:

16- 27

APPROVED

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

Appeal 16-28

PUBLIC HEARING SET FOR 10/20/16

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

16-29

APPROVED

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

16-30

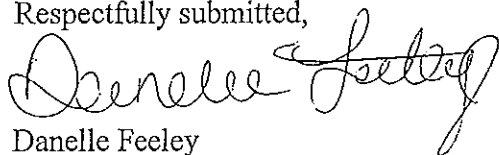
APPROVED

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

A motion was made by Charles Lang to adjourn, seconded by Joseph Porto. Voice vote: all in favor-none oppose-none abstain. Motion carried.

Chairman Falcigno adjourned the meeting at 7:25PM.

Respectfully submitted,



Danelle Feeley
Temporary Clerk