

TOWN OF EAST HAVEN, CT  
ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING  
FEBRUARY 16, 2017 7:00PM EAST HAVEN SENIOR CENTER

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

MEMBERS NOT PRESENT: CHARLES LANG

ALTERNATES PRESENT: VINCENT LETTIERI

STAFF PRESENT: JOSEPH ZULLO-ATTORNEY  
CHRISTOPHER SOTO-ZEO  
SAL BRANCATI, DIRECTOR OF ADMIN. & MGT.  
SUSAN IANNONE-CLERK

Chairman Falcigno called the meeting to order at 7:06 P.M. and after roll call stated they had a quorum.

Joseph Porto made a motion to approve the minutes from last month's meeting. Motion seconded by George Hennessey. Motion carried unanimously.

Chairman Falcigno then explained prior to the meeting they needed to reorganize the membership of the board because of newly appointed members Joseph Porto and Donald Thomas. George Hennessey made a motion to nominate Robert Falcigno as chair that was seconded by Joseph Porto. Robert Falcigno made a motion to nominate George Hennessey as vice-chair that was seconded by Joseph Porto. Both motions carried unanimously.

**APPEAL HEARING #16-44**


**APPELLANT:** Cornelius & Donna Anderson; **Property Concerned:** 60 Wood Terrace; *Appeal of Notice of Violation/ Action of Z.E.O. (parking of a commercial vehicle in excess of 6000 pounds in a residential zone)*

Appellant did not appear for the hearing.

In favor: none

Oppose to: none

**RECEIVED FOR FILING**  
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**EAST HAVEN, CONN.**

  
**TOWN CLERK**

Chairman Falcigno closed hearing 16-44

Robert Falcigno made a motion to deny the appeal. Donald Thomas seconded the motion. Unanimous motion carried

**APPEAL HEARING #13-21 (Court Remand)**

**APPELLANT:** Nikki Whitehead; Property Concerned: 60 Brown Rd; *Appeal of Action of Z.E.O. Frank Biancur (Decision to legalized Garage: Release of Zoning Violation Lien & March 8, 2013 to Nancy Anderson & Wally Erikson)*

ZEO Soto requested the hearing be tabled for more time to compile the record. Attorney Zullo agreed with Chairman Falcigno that the 65 day rule does not apply.

In favor: none

Oppose to: none

Chairman Falcigno closed hearing 13-21

Donald Thomas made a motion to table the hearing until the next meeting. Vincent Lettieri seconded the motion. Unanimous motion carried.

**17-03**

**APPLICANT:** Huynhnhu Thi Pan; Property Affected: 485 Main Street; Zone CB-1, Map 230, Block 3011, Lot 017 – *Conversion of single family home into a nail salon.*

**VARIANCE:**Section 42.7.5 to allow a bidirectional driveway of 14' where 26' is required.

Attorney Nicholas Mingione (Fasano, Ippolito, Lee & Florentine, 388 Orange St., New Haven) described the variance needed for the driveway and that there is an existing garage to be removed for parking and a turn around area. Hardship is it's a residential property build in 1922 that is in a commercial zone. Approval of the variance actually would be lessening the non-conformity allowing commercial use. There will not be a lot of employees and walking traffic.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 17-03.

Donald Thomas made a motion to approve. Joseph Porto seconded the motion. Unanimous motion carried.

**17-01**

**APPLICANT:** Andrea Coppola; Property Affected: 320 Cosey Beach Ave.; Zone R-3, Map 020, Block 0112, Lot 010 – *expansion of nonconforming deck; the construction of two screened-in porches in lieu of a section of nonconforming deck (already built).*

**VARIANCE:**Schedule B, Line 9: side yard setback: 20 ft. required, to 3.8 and 6.1 ft. for an existing deck; 8.1 ft. for existing screened in porch, constructed in lieu of section of previously approved non-conforming deck and stairs; Line 9: lot coverage: 20% allowed, 25.9 existing; Section 44.7: Enlargement of a nonconforming structure.

Bob Criscuolo explained the property is in a R-3 zone and presented maps to show existing conditions. He then explained previous variances were granted for prior construction. The owners constructed decks thinking they could do so because of the previous 3.1 variance. He presented a coastal site plan showing the relationship of the property to the beach that shows no adverse impact to coastal resources. He submitted letters in support from neighbors Mr. Esposito and Mr. Liebro.

ZEO Soto explained a bigger deck was built. The owners, in 2015, had gotten a variance for the plan submitted but was then modified when they got a building permit.

Donald Thomas proposed a fine be imposed since the owners did not follow the rules.

Attorney Zullo explained zoning regulations states the town can fine up to \$250 per day.

In favor: none

Oppose to: none

Chairman Falcigno closed hearing 17-03.

Donald Thomas made a motion to approve the variance with a \$250 fine. Joseph Porto seconded the motion. Unanimous motion carried.

#### 17-02

**APPLICANT:** Standard Petroleum Co.; Property Affected: 667 Coe Avenue.; Zone LI-2, Map 160, Block 1715, Lot 007 – *Redevelopment of existing motor vehicle service station for new service station.*

**VARIANCE:**Schedule B, Line 7: street line setback: 50 ft. required, 15 ft. proposed; Line 8: rear property line setback, 20 ft. required, 11.54 minimum proposed; Section B, Line 11: lot coverage 40%, 78.6 proposed; Section 34.6.2: Service station canopy setback from street line, 25' required, 15' proposed.

David McKay, Boundaries LLC, represented the applicant. Requested to amend their application to include an additional variance for set back from title wetlands. Still waiting for comments from CAM.

ZEO Soto recommended they not move forward until they have a report back from the state.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 17-02.

Donald Thomas made a motion to accept the amended application and to table the hearing until next month. Joseph Porto seconded the motion. Unanimous motion carried.

17-04

**APPLICANT:** Anthony Augliera Inc.; Property Affected: 158 Commerce St.; Zone LI-2, Map 090, Block 0811, Lot 003 – *Certificate of Approval for Location*

Vincent Amendola represented the applicant. Also present was Robert Augliera and Mr. Gagliardi. The applicant is relocating his business from West Haven and is asking for approval for a used car dealer's license.

ZEO Soto explained the state requires a Certificate of Approval for Location be heard by the board.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 17-04.

Donald Thomas made a motion to approve. Joseph Porto seconded the motion. Unanimous motion carried.

SEE VOTING

VOTING:

16- 44 DENIED

Falcigno - yes  
Hennessey - yes  
Porto - yes  
Thomas - yes  
Lettieri - yes

13-21 TABLED

Falcigno - yes  
Hennessey - yes  
Porto - yes  
Thomas - yes  
Lettieri - yes

17-01 APPROVED W/FINE

Falcigno - yes  
Hennessey - yes  
Porto - yes  
Thomas - yes  
Lettieri - yes

17-02 TABLED

Falcigno - yes  
Hennessey - yes  
Porto - yes  
Thomas - yes  
Lettieri - yes

17-03 APPROVED

Falcigno - yes  
Hennessey - yes  
Porto - yes  
Thomas - yes  
Lettieri - yes

17-04 APPROVED

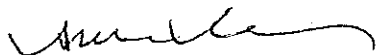
Falcigno - yes  
Hennessey - yes  
Porto - yes  
Thomas - yes  
Lettieri - yes

A motion was made by Joseph Porto to adjourn, seconded by Donald Thomas.

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

Chairman Falcigno adjourned the meeting at 7:40 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Susan Iannone', written in a cursive style.

Susan Iannone  
Clerk