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

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

STAFF PRESENT: ALFRED ZULLO-ATTORNEY  
CHRISTOPHER SOTO-ZEO  
SUSAN IANNONE-CLERK

Chairman Falcigno called the meeting to order at 7:00 P.M. and after roll call stated they had a quorum.

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

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)*

Atty. Zullo asked, since the appeal period has ended, that Chris Soto should prepare the record according to the judge's ruling. He and the building inspector should measure the building's height. They would then be able to listen to Nikki Whitehead's presentation and make a decision.

Charles Lang made a motion for a continuance. 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. Section 25.10b Setback from tidal wetlands 25' required, 15' proposed.

Demian Sorrentino, Certified Planner and Soil Scientist, Boundaries LLC, Giswold, CT represented Standard Petroleum. He provided aerial photos and architectural drawings of the plan to redevelop the existing service station. He explained the plan would include a new convenience store, canopy, pumps, tanks, concrete, paving, curbs, utilities and landscaping with increased green space. He described the redevelopment and the reasons for the variances. Mr. Sorrentino stated the hardship is trying to replace the existing service station with something similar on only four tenths of an acre.

Chairman Falcigno asked if he was aware the state would be raising that intersection. Mr. Sorrentino then responded he was aware and that their plan included raising the site and building. Existing tanks will be removed and only gas & diesel pumps will be under the canopy on the Coe Ave. side.

Mr. Lang inquired how the underground tanks are protected from floodwater. George McCluskey, from Standard Oil, stated water has never gotten into the existing tanks. The new double walled fiberglass tanks are weighted to keep them down and with lids similar to a submarine.

ZEO Soto explained as part of the variance process both ZBA and Planning & Zoning boards need to approve the coastal site plan. Mr. Sorrentino read the coastal site plan application that explained the measures that will be taken to preserve the tidal wetlands. ZEO Soto read the DEEP response addressed to the town engineer's administrative assistant that stated there were no inconsistencies with the proposal to the policies of the Connecticut Coastal Administrative Act.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 17-02.

Donald Thomas made a motion to approve the variances and coastal site plan. Joseph Porto seconded the motion. Unanimous motion carried.

#### 17-05

**APPLICANT:** Ralph Mauro; Property Affected: 519 Laurel Street: Zone LI-3, Map 330, Block 4219, Lot 001—*Appeal of Notice of Violation/Action of Z.E.O. (excavation/grading of topsoil, sand, and gravel)*

ZEO Soto read a letter from Ralph Mauro's attorney. Atty. Timothy Lee requested the hearing be continued until April. The owner is having the property surveyed.

Charles Lang made a motion to set the public hearing to the April 20<sup>th</sup> meeting. Joseph Porto seconded the motion. Unanimous motion carried.

#### 17-06

**APPLICANT:** John MacCallum; Property Affected: 35 Old Town Highway; Zone R-3, Map 010, Block, 0202, Lot 013, — *Raising of house and building of deck.*

**VARIANCE:** Schedule B; Line 11: Maximum lot coverage in an R-3 zone 20%, requested 20.6%. Schedule B; Line 7: Minimum setback from street line in an R-3 zone 25' required, 5.4 feet requested [Montauk side]; Schedule B; Line 7: Minimum setback from street line in an R-3 zone 25' required, 19.5 feet requested [Old Town Highway side]

John MacCallum read his hardship that stated for medical reasons (broken pelvis from falling off a roof and knee replacement) he anticipates needing the use of a chair lift.

In favor: none

Opposed to: none

Chairman Falcigno closed hearing 17-06.

Charles Lang made a motion to approve. Joseph Porto seconded the motion. Unanimous motion carried.

17-07

**APPLICANT:** Richard Ruggiero; Property Affected: 4 Jamaica Court, Zone R-1, Map, 030, Block 0220, Lot 022, – *Raising of house.*

**VARIANCE:** Schedule B; Line 11: Maximum lot coverage in an R-1 zone 25%, 30.1% requested.  
Schedule B; Line 7: Minimum setback from street line in an R-1 zone 25' required, 0.9' requested.

Chairman Falcigno explained that due to an administrative error the board was not aware of this application and needs time to review it. He recommended that it be tabled until next month. The applicant, Richard Ruggiero, was present for this meeting. He understood he needs to come back next month.

Charles Lang made a motion to approve. Joseph Porto seconded the motion. Unanimous motion carried.

17-08

ZEO Soto explained they received another appeal after the agenda had already been posted. It is an appeal of the zoning enforcement officer's action of a cease and desist order of the slashing of trees on 1 Barberry Rd.

Charles Lang made a motion to accept the appeal application and set the hearing date for the April 20<sup>th</sup> meeting. Joseph Porto seconded the motion. Unanimous motion carried.

SEE VOTING

VOTING:

13-21 CONTINUED

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

17-02 VARIANCES AND COASTAL SITE PLAN APPROVED

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

17-05 APPEAL ACCEPTED & HEARING SET FOR 4/20/17

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

17-06 APPROVED

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

17-07 TABLED

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

17-08 APPEAL APPLICATION ACCEPTED; HEARING SET FOR 4/20/17

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

A motion was made by Joseph Porto to adjourn, seconded by Charles Lang.

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

Chairman Falcigno adjourned the meeting at 7:45 PM.

Respectfully submitted,

Susan Iannone

Clerk