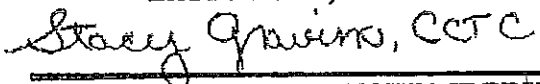


TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES-REGULAR MEETING
FEBRUARY 15, 2018- 7:00P.M. -East Haven Senior Center

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

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ALTERNATES PRESENT: DAVID GERSZ
VINCENT LETTIERI


TOWN CLERK

STAFF PRESENT: ALFRED ZULLO-ATTORNEY
CHRISTOPHER SOTO-ZONING ENFORCEMENT OFFICER
SAL BRANCATI-ADMINISTRATION AND MANAGEMENT
SUSAN MAURO-CLERK

Chairman Falcigno called to order at 7:00 p.m. Roll Call. A quorum was established.

The East Haven Zoning Board of Appeals Commission held its' Regular meeting at 7:00 P.m. on Thursday February 15, 2018 at the East Haven Community Center, 91 Taylor Avenue in order to transact on the following:

Last meetings minutes were approved. Roll Call Vote. All in Favor. Motion Carried

18-07

APPLICANT: Banton Construction Company; Property Concerned: 15 Sibley Lane, Zone R-3, Map 010, Block 0302, Lot 014, - *Variance requested to comply with as-built conditions which differ from previously granted variance.*

VARIANCE: Sched B; Line 8: Rear line setback of 30 required' where 26.6'exists. Sched B; Line 9: Side line setback of 20' required where .72 exists (north), 14.7 (south).

James Nenninger from Banton Construction appeared stating this wasn't a result of a layout error. This house had unforeseen conditions and this house was in the Hurricane Sandy Recovery Program. After lifting the existing foundation we found the bedrock drastically changed in elevation and we had to stabilize the house by installing stone and had to dig down to 15 feet in some areas. The house location was predicated by existing bedrock. James read number 7 of the letter which was attached to his application which stated that said conditions created a hardship.

Christopher Soto asked for clarification on the distance and asked for a correct scale because what was listed in application was significantly less. Applicant fixed dimensions and application was approved. Bob closed public hearing 18-07. Roll Call Vote. All in Favor. Motion Carried.

18-08

APPELLANT: Niki Whitehead; Property Concerned: 60 Brown Rd; *Appeal of Action of Z.E.O. Christopher Soto (Preliminary zoning approval for modification of garage at 60 Brown Road. Work describes as slight reduction of existing garage to limit of 24' x 24'; reduction of height of building not to exceed 15' above slab).*

Niki Whitehead appeared and asked for a continuance as she did not have adequate time to review all records. Bob asked if she wanted to read a portion of the appeal so it would be documented or if she wanted to revise it. Attorney Zullo noted that he believed she had all the necessary documents and that next month this public hearing will close. Niki did not disagree with Attorney Zullo however stated she hasn't opened the envelope but the point is she said is that the decision of the zoning enforcement officer was made based on the selection of materials and that is what is reflected in the package and may settle what she is concerned about. Attorney Zullo stated it was fine that she didn't want to make a presentation but next month it will be closed. Bob reiterated what Attorney Zullo stated and that a decision will be made next month and there will not be a continuance. Niki asked for a continuance. Bob asked if anyone would like to speak for or against. First opposition: Tony Maturo, 28 Short Beach Road. Tony practices real estate law and doesn't know what the factual issue is because it complies with zoning. He asked if she is a citizen of this country and what her standing is. Tony's lot was surveyed and was compliant with all zoning and Niki continues to raise complaints. Tony states it appears the town is operating in a fair manner and this raises a nuisance for the taxpayers.

Second person to oppose: Brian Prinz. He owns property at 60 Brown Road and has worked with Chris Zoto and architect and tried to resolve this issue and they have worked in good faith. He feels that what was presented to the town is in compliance. He stated he is willing to work with the town to rectify this situation and does not understand why this is an issue. Bob states that they got the information tonight and it is being reviewed and Niki has the right to review those materials.

A motion for continuation on 18-07 was made. Roll Call Vote. All in Favor. Motion Carried

18-09

APPLICANT: Planet Fitness Park, LLC; Property Concerned: 836 Foxon Road, Zone R-2 Map 450, Block 5722, Lot 011, – *Allow a tattoo and body piercing studio in an R-2 zone where none is permitted.*

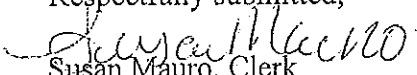
USE VARIANCE: § 24.2 and Schedule A, Line 29B: Allow a tattoo and body piercing studio in an R-2 zone where none is permitted.

Attorney Zullo let the record reflect that he knew the person who was going to be operating the tattoo studio.

Attorney Nicholas Mingione appeared on behalf of applicant. He states that this neighborhood is essentially a commercial zone and this property had already gone through this variance process in 1993. On 2/7/18 we received a positive referral from zoning and this subject parcel.

Sal Brancatti supports this application and looking at it to be an R-2 Zone Route. This use will not impair the character of the neighborhood it is a commercial zone. Bob asked for public comment and there was none. Bob closed public hearing. 18-07. Roll Call Vote. All in Favor. Motion Carried.

Respectfully submitted,


Susan Mauro, Clerk