

**TOWN OF EAST HAVEN, CT
MINUTES OF A REGULAR MEETING
ZONING BOARD OF APPEALS
JANUARY 19, 2012 7:30 P.M. EAST HAVEN SENIOR CENTER**

MEMBERS PRESENT: CHARLES LEMONS – CHAIRMAN
JOSEPH PORTO – VICE CHAIRMAN
ANTHONY REDENTE
LAWRENCE LAMOTHE
RONALD DESENA - ABSENT

ALTERNATES PRESENT: DONALD THOMAS

MEMBERS PRESENT: DAVE ANDERSON – ZEO-ABSENT
ALFRED ZULLO - ATTORNEY
ROSALIE DEPALMA - CLERK

The meeting was called to order at 7:35 P.M. by Chairman Lemons who then explained the procedure of the Board to the audience. Chairman Lemons seated alternate Donald Thomas to the Board in order to have a quorum. A motion was made by Donald Thomas to accept the minutes of the previous meeting; seconded by Vice Chairman Joseph Porto. Motion carried unanimously.

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12-001 APPLICANT: FASANO & IPPOLITO & LEE LLC; PROPERTY OWNER: 87 HUNT LANE ASSOCIATES LLC; PROPERTY AFFECTED 75 HUNT LANE; ZONE: R-3 APPLICATION FOR A VARIANCE FROM THE MINIMUM LOT FRONTAGE REQUIREMENTS TO ALLOW SUBDIVISION OF THE PARCEL INTO THREE SEPARATE LOTS. VARIANCES REQUIRED: SCHEDULE "B", GENERAL BULK STANDARDS, LINE #4, MINIMUM LOT FRONTAGE, FROM 100 FEET TO 27 FEET FOR THE TWO PROPOSED NEW PARCELS.

Chairman Lemons read into record a letter from the applicant requesting this application be withdrawn.

12-002 APPLICANT & PROPERTY OWNER: K PROPERTY LLC; PROPERTY AFFECTED: 197 KIMBERLY AVENUE (REAR) ZONE; CC; APPLICATION TO CONSTRUCT A 16 FT. BY 30 FT. WOOD FRAMED ADDITION TO THE REAR OF AN EXISTING COMMERCIAL BUILDING. VARIANCES REQUIRED: SCHEDULE "B" GENERAL BULK STANDARDS LINE #9, MINIMUM SETBACK FROM SIDE PROPERTY LINE, FROM 10 FEET TO 4.6 FEET.

Frank Capuano, 197 Kimberly Avenue addressed the Board on his behalf. He was seeking a variance from 10 ft. to 4.6 ft. for 16 x 30 ft. one story addition for storage. Larry LaMothe questioned height of the addition, applicant replied 25 ft. and noted existing building is 15 ft. Hardship: narrow lot and would like to keep addition in line with existing building which will allow vehicles access to rear of property. The required certified receipts were submitted to the Board. Mr. Kent Ras, 201 Kimberly Avenue, East Haven, CT spoke favorably but had concerns the construction would create water drainage problems to his property. No further comments were made.

12-003 APPLICANT & PROPERTY OWNER: ANDREW WEINSTEIN; PROPERTY AFFECTED: 220B COSEY BEACH AVENUE; ZONE: R-1; APPLICATION FOR THE CONSTRUCTION OF A NEW DUPLEX HOME (WHICH IS LOCATED ON TWO SEPARATE PARCELS) TO THE CURRENT FEMA REQUIREMENTS. THE FORMER HOME WAS DESTROYED BY TROPICAL STORM IRENE. VARIANCES REQUIRED: SCHEDULE "B" GENERAL BULK STANDARDS, LINE #9, MINIMUM SETBACK FROM SIDE PROPERTY LINES, FROM 10 FT. TO 0.2 FEET (WEST SIDE), FROM 10 FT. TO 0 FT. (CENTER OF DUPLEX WALL ON PROPERTY LINE); LINE #11, MAXIMUM LOT COVERAGE AS % OF LOT AREA, FROM 25% TO 51%, LINE # 12, MAXIMUM FLOOR AREA AS % OF LOT AREA, FROM 50% TO 79%; AND WAIVER OF SECTION 25.4.3, ADDITIONAL SETBACKS, FOR BUILDING OVER 30 FT. IN HEIGHT. TOTAL SITE PLAN REVIEW (CSPR) APPLICATION AND RELATED COMMENTS PROVIDED BY THE OFFICE OF LONG ISLAND SOUND PROGRAMS OF THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO DETERMINE THE PROPOSAL'S CONSISTENCY WITH THE CONNECTICUT COASTAL MANAGEMENT ACT (CCMA).

Robert Criscuolo, an engineer, 420 East Main St., Branford CT and Jennifer Fisher, a surveyor, 48 Alps Rd., Branford, CT addressed the Board on behalf of the applicants. They were seeking the aforementioned variances. The required certified receipts were submitted to the Board. Hardship: The preexisting non conforming duplex was destroyed by Hurricane Irene. The previous coverage of the destroyed home was 37% and the siting of the house was over the DEEP jurisdiction line. The construction of the proposed house would increase the setback to the mean high water line by 13.9'. The lot which pre-dates zoning is undersized for the zone and the buildable area is reduced because of the proximity of the DEEP jurisdiction line. The lot sits at a very low elevation compared to the FEMA flood zone requirement forcing the lowest horizontal structure of the house to be at or above elevation 13' (NAVD 1988) which puts the first floor of the structure 10.7" above the ground level, thus pushing the ridge of the two story duplex structure to 40'

above grade. The only reasonable development on this lot is in conjunction with the lot on the East which shares the common wall of the proposed duplex. Donald Thomas questioned the proposed height. Mr. Criscuolo noted the dwelling would not exceed maximum height of 40 ft. Mr. Criscuolo stated the house would meet all FEMA regulations and building codes. The old

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house was 1400 sq. ft. and the new home would be 1660 sq. ft. including decks. Mr. John Dobbins 216C Cosey Beach Avenue spoke his concerns not notified of plans, the effect of the construction on his taxes, and stated there was 5 ft. between his home and the proposed structure. Mr. Dobbins stated he had to remove the existing piers on his home and Mr. Weinstein's proposed construction would hinder this. Chairman Lemons suggested the two home owners strive to reach an amicable resolution. Lynn James 192 Cosey Beach Avenue questioned parking spaces. Mr. Criscuolo indicated for the record the proposed construction would allow for two parking spaces. Susan Pelletier, 7 Phillip Street, questioned beach access, Ms. Fischer stated the access would not be affected. No further comments were made.

12-004 APPLICANT & PROPERTY OWNER MILLENIUM INVESTORS LLC; PROPERTY AFFECTED: 220C COSEY BEACH AVENUE; ZONE: R-1; APPLICATION FOR THE CONSTRUCTION OF A NEW DUPLEX HOME (WHICH IS LOCATED ON TWO SEPARATE PARCELS) TO THE CURRENT FEMA REQUIREMENTS. THE FORMER HOME WAS DESTROYED BY TROPICAL STORM IRENE. VARIANCES REQUIRED: SCHEDULE "B", GENERAL BULK STANDARDS, LINE #9, MINIMUM SETBACK FROM SIDE PROPERTY LINES, FROM 10 FT. TO 0.6 FT. (EAST SIDE), FROM 10 FT. TO 0 FT. (CENTER OF DUPLEX WALL ON PROPERTY LINE); LINE # 11, MAXIMUM LOT COVERAGE AS % OF LOT AREA, FROM 25% TO 41.5%, LINE # 12, MAXIMUM FLOOR AREA AS % OF LOT AREA, FROM 50% TO 64.5%' AND WAIVER OF SECTION 25.4.3, ADDITIONAL SETBACKS FOR BUILDING OVER 30 FT. IN HEIGHT. TOTAL HEIGHT TO BE 40 FT. ADDITIONALLY THE BOARD WILL CONSIDER THE COASTAL SITE PLAN REVIEW (SPR) APPLICATION AND RELATED COMMENTS PROVIDED BY THE OFFICE OF LONG ISLAND SOUND PROGRAMS OF THE CONNECTICUT DEPARTMENT OF ENERGY AND

ENVIROMENTAL PROTECTION TO DETERMINE THE PROPOSAL'S CONSISTENCY WITH THE CONNECTICUT COASTAL MANAGEMENT ACT (CCMA).

Mr. Robert Criscuolo, an engineer, 420 East Main Street, Branford, CT. Jennifer Fisher a surveyor 48 Alps Road addressed the Board on behalf of the applicants. Mr. Criscuolo indicated this application was for the second side of the duplex requested in application 12-003. He was seeking the aforementioned variances and the only change in the hardship was the previous coverage of this

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side of the home was 40% and the construction would increase the setback to the mean high water line by 23.9'. Mr. Criscuolo submitted for the record for applications 12-003 and 12-004 a two page document dated January 2012 in support of their Coastal Site Plans. No further comments were made.

12-005 APPLICANT: BARBARA GREEN; PROPERTY OWNER; GLADYS FRANZMAN; PROPERTY AFFECTED: 224B COSEY BEACH AVENUE; ZONE: R-1; APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY HOME TO THE CURRENT FEMA REQUIREMENTS. THE FORMER HOME WAS DESTROYED BY TROPICAL STORM IRENE. VARIANCES REQUIRED: SCHEDULE "B", GENERAL BULK STANDARDS, LINE #9, MINIMUM SETBACK FROM SIDE PROPERTY LINES, FROM 10 FT. TO 1.4 FT. (WEST SIDE), FROM 10 FT. TO 5 FT. (EAST SIDE); LINE # 11, MAZIMUM LOT COVERAGE AS % OF LOT AREA, FROM 25% TO 45%; LINE # 12 MAXIMUM FLOOR AREA AS % OF LOT AAREA, FROM 50% TO 76%; AND WAIVER OF SECTION 25.4.3, ADDITIONAL SETBACKS, FOR BUILDING OVER 30 FT. IN HEIGHT. TOTAL HEIGHT TO BE 39 FT. ADDITIONALLY THE BOARD WILL CONSIDER THE COASTAL SITE PLAN REVIEW (CSPR) APPLICATION AND RELATED COMMENTS PROVIDED BY THE OFFICE OF LONG ISLAND SOUND PROGRAM OF THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIROMENTAL PROTECTION TO DETERMINE THE PROPOSAL'S CONSISTENCY WITH THE CONNECTICUT COASTAL MANAGEMENT ACT (CCMA).

Mr. Robert Criscuolo, an engineer, 420 East Main Street, Branford, CT and Jennifer Fisher, a surveyor 48 Alps Road, Branford, CT addressed the Board on behalf of the applicant. The required certified receipts were submitted to the Board. Hardship: The pre-existing nonconforming house was destroyed by Hurricane Irene. The previous coverage of the destroyed home was 34% and the siting of the house was over the DEEP jurisdiction line. The construction of the proposed house would increase the setback to the mean high water line by 5.6'. The lot which predates zoning is undersized for the zone and the buildable area is reduced because of the proximity of the DEEP jurisdiction line as well

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as a 4' pedestrian easement on the East. The lot sits at a very low elevation compared to the FEMA flood zone requirement forcing the lowest horizontal structure of the house to be at or above elevation 13' (NAVD 1988) which puts the first floor of the structure 10.8' above the ground level, thus pushing the ridge of the two story structure to 39' above grade. Mr. Criscuolo stated the structure would be compliant with FEMA regulations and building codes. The lot size coverage of 2,614 would go from 889 sq. ft. to 1,176 sq. ft. Barbara Franzman read into record a favorable commentary dated January 19, 2012. Mr. Mark Maturo, 781 Quinnipiac Avenue, New Haven, CT 06513 spoke with regard to the property located at 224 Cosey Beach Avenue. He was concerned whether the proposed construction would be any infringement on the 10 ft. right of way easement, and if the deck proposed is over the high tide line. Jennifer Fisher replied there would be no infringement on the right of way and the deck would not be over the high tide line. No further comments were made.

12-006 APPLICANT & PROPERTY OWNER; SARA-ANN AUERBACH; PROPERTY AFFECTED; 236 (AKA 234A) COSEY BEACH AVENUE; ZONE: R-1; APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY HOME TO THE CURRENT FEMA REQUIREMENTS. THE FORMER HOME WAS DESTROYED BY THE TROPICAL STORM IRENE. VARIANCES REQUIRED: SCHEDULE "B" GENERAL BULK STANDARDS. LINE #9 MINIMUM SETBACK FROM SIDE PROPERTY LINES, FROM 10 FT. TO 5 FT. (WEST SIDE), FROM 10 FT. TO 8 FT. (EAST SIDE) FROM 10 FT. TO 5 FT. (NORTH SIDE); LINE #11,

MAXIMUM LOT COVERAGE AS % OF LOT AREA, FROM 25% TO 46%; LINE #12, MAXIMUM FLOOR AREA AS % OF LOT AREA, FROM 50% TO 72%; AND WAIVER OF SECTION 25.4.3, ADDITIONAL SETBACKS, FOR BUILDING OVER 30 FT. IN HEIGHT. TOTAL HEIGHT TO BE 37 FEET. ADDITIONALLY THE BOARD WILL CONSIDER THE COASTAL SITE PLAN REVIEW (CSPR) APPLICATION AND RELATED COMMENTS PROVIDED BY THE OFFICE OF LONG ISLAND SOUND PROGRAMS OF THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO DETERMINE THE PROPOSAL'S CONSISTENCY WITH THE CONNECTICUT COASTAL MANAGEMENT ACT (CCMA).

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Mr. Robert Criscuolo, an engineer, 420 East Main St. Branford, CT and Jennifer Fisher, a surveyor, 48 Alps Road, Branford, CT addressed the Board on behalf of the applicant. The required certified receipts were submitted to the Board. Hardship: The preexisting house was destroyed by Irene. The previous coverage of the destroyed home was 59% and the siting of the house was over both the DEEP jurisdiction line as well as the Mean High Waterline. The construction of the proposed house would increase the setback to the mean high water line by 26.1'. The lot which predates zoning is undersized for the buildable area is reduced because of the proximity of the DEEP jurisdiction line as well as a 10' sanitary sewer easement on the North and a 5' pedestrian easement on the West. The lot sits at a very low elevation compared to the FEMA flood zone requirement forcing the lowest horizontal structure of the house to be at or above elevation 13' (NAVD 1988) which puts the first floor of the structure 10' above the ground level, thus pushing the ridge of the two story structure 37' above grade. Mr. Criscuolo stated the construction would be compliant to FEMA regulations and building codes. The lot coverage reduced from 59% to 46%, lot size 3,092, coverage from 1,824 sq. ft. to 1,422 sq. ft. Mr. Criscuolo submitted for the record a two page document dated January 2012 in support for the Coastal Site Plan. No further comments were made.

NO RECESS CALLED

SEE VOTING

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VOTING:

12-001

WITHDRAWN

12-002

LaMothe-yes with conditions
Thomas-yes with conditions
Redente – yes with conditions
Porto –yes with conditions
Lemons – yes with conditions

GRANTED WITH CONDITIONS –
Two motions were made by Chairman
Lemons height of the building not to
exceed allowable height by Zoning
regulations and drainage will be
drained to the rear of the building;
seconded by Donald Thomas.
Motion carried unanimously.

12-003

Lemons – yes with conditions
to
LaMothe – yes with conditions
Thomas – yes with conditions
Redente – yes with conditions

GRANTED WITH CONDITIONS
Larry LaMothe made a motion to
approve the variance request and
approve the Coastal Site Plan
Review Application; seconded
by Vice Chairman Porto. Motion

Porto – yes with conditions

carried unanimously.

12-004

GRANTED WITH CONDITIONS

Lemons – yes with conditions
and

Larry LaMothe made a motion to
to approve the variance request

LaMothe – yes with conditions
Thomas – yes with conditions
Redente – yes with conditions
Porto – yes with conditions

to approve the Coastal Site Plan
Review Application; seconded by
Vice Chairman Porto. Motion
carried unanimously.

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12-005

GRANTED WITH CONDITIONS

Lemons – yes with conditions
LaMothe – yes with conditions
and

Larry LaMothe made a motion to
to approve the variance request

Thomas – yes with conditions
Redente – yes with conditions
Porto- yes with conditions

to approve the Coastal Site Plan
Review Application; seconded by
Donald Thomas. Motion carried
unanimously.

12-006

GRANTED WITH CONDITIONS

Lemons – yes with conditions
LaMothe
LaMothe – yes with conditions
and to
Thomas – yes with conditions
Review

A motion was made by Larry
to approve the variance request
approve the Coastal Site Plan

Redente – yes with conditions
Porto – yes with conditions

Application; seconded by Anthony
Redente. Motion carried unanimously.

Donald Thomas made a motion to adjourn; seconded by Vice Chairman Porto. Motion carried unanimously.

Chairman Lemons adjourned the meeting at 9:00 P.M.

Respectfully submitted,

Rosalie DePalma
Clerk