

RECEIVED FOR FILING  
MAR 12 2019  
TOWN CLERK'S OFFICE  
EAST HAVEN, CONN.

Zoning Board of Appeals Agenda  
February 21, 2019  
Page 1 of 3

Stacy Gravano, CTC  
TOWN CLERK

TOWN OF EAST HAVEN, CT  
ZONING BOARD OF APPEALS  
MINUTES – REGULAR MEETING  
February 21, 2019 - 7:00 P.M. – EAST HAVEN SENIOR CENTER

The East Haven Zoning Board of Appeals Commission held its Regular meeting at 7:00 pm on Thursday, February 21, 2019 at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

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

ALTERNATES PRESENT:  
VINCENT LETTIERI  
DAVID GERSZ

STAFF PRESENT: ALFRED ZULLO – ATTORNEY  
CHRISTOPHER SOTO – ZONING ENFORCEMENT OFFICER  
TEMPLE SMITH – CLERK

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

Joe Porto made a motion to approve the Minutes from previous meeting Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried.

Robert Falcigno moved items on the agenda to be heard in the following order:

18-24 to be heard as # 1  
18-38 to be heard as # 2  
18-36 to be heard as # 3  
18-37 to be heard as #4

Michael Smith made the motion to revise the agenda. David Gersz seconded the motion. Roll Call Vote. All in Favor. Motion Carried

**APPEAL HEARING # 18-24**

**1 Barberry Road: Appeal of Cease and Desist/Action of Z.E.O. (excavation/grading of topsoil, sand, and gravel)**

Tabled to next months' meeting – Michael Smith made the motion to table to next month's meeting; Joe Porto seconded, All in Favor - Motion Carried

**Appeals 19-01 – 19-15 – Chris Soto lets the public know and states there may have been a statutory deficiency in letting the public know in notice. Special Meeting to be held on March 14<sup>th</sup>.**

**Michael Smith motion for the Special Meeting March 14<sup>th</sup> Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.**

**18-36**

**APPLICANT:** Brian Prinz; Property Concerned: 60 Brown Road, Zone R-3, Map 110, Block 1125, Lot 004 – *Enclose existing porch to build a stair case to enable interior access to power & water mains.*

**VARIANCE:** § 44.7 –Enlargement of a non-conforming use, Sched B; Line 8: Rear yard 30' required; 20' proposed. Schedule B; Line 9: Side yard setback 20' required; 1.83' proposed.

Atty. Eisenhandler states that in the event of a storm or hurricane he feels that it is a safety issue where he should be able to access all his utilities from the inside if needed verses going outside around the building that is facing the river.

In Favor – None

Opposed – Nikki Whitehead 68 Brown Road – Nikki hands out Evidence 1 which are pieces of photographic information showing that this was not an existing stair case going down. Nikki Whitehead explains each photograph and its stages.

Evidence submission 2 – Evidence of existing stair case on the south side of the property.

Evidence submission 3 – Anthony Verrillo v. Zoning Board of Appeals of the Town of Branford et. Al. and Loren Yong Munore et. Al v. Zoning Board of Appeals of the Town of Branford. This is showing some cases of same set of regulations and choosing to go in depth of variance power just like you have so I thought it would be wise to give you some case law to read.

Atty. Eisenhandler states that this was the longest objection he has ever heard. He looks at this in good faith and we are here to resolve some issues. The application to be clear is to enclose an existing stairwell. None of these complaints that Ms. Whitehead has nothing to do .....None of these issues affect her view – her claim that the deck has been extended not true any expansion has had permits for. Nothing has been done in secret. This a safety issue.

Michael Smith does not understand how this is a safety issue.

Chris Soto states you would need to consider that the lower portion was in fact enlarged, there is an upper deck and a lower deck giving him the impression the lower deck finished. What Ms. Whitehead in the pictures there was concrete added on to that. She was advising the board that when you look at the map there is section that says “Enclosed addition” a porch and a deck – the point was the board needs to consider that the power deck was expanded all the way to the end of the porch.

Nikki Whitehead – just for clarification what I was pointing out the lower deck was extended where it is underneath the upper deck. Look at the survey map.

Chris Soto –TO THE BOARD: patios are structures that need to be counted in setbacks.

Bob Falcigno makes a motion to continue the public hearing to the next meeting. Michael Smith motions to continue the public hearing to the next meeting. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

#### **APPEAL HEARING # 18-37**

##### **1 Ledyard Place: *Appeal of Action of Z.E.O. (zoning permit)***

Atty. Cote – we are 4 feet to high and we need more time for a continuance. We applied for a new cover-it.

Chris Soto – after consulting with my attorney, what I propose we close this today. The violation issue we come back to the table with some type of plan in writing and I run it by the powers to be. While the appeal rights have been extinguished under the zoning. So two separate issues; Notice of Violation, and Appeal of Denial for the Zoning Permit. I cannot issue a permit due to the height of the structure.

None – Approved

None – Opposed

Bob Falcigno closes 18-37 Public Hearing. Michael makes a motion to close the public hearing. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

Bob makes a motion to deny the appeal and uphold the actions of the Zoning Enforcement Officer. Michael Smith makes a motion to deny the appeal and uphold the actions of the Zoning Enforcement Officer. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

**APPEAL HEARING # 18-38**

**60 Brown Road:** *Appeal of Action of Z.E.O. (unpermitted structures)*

Vincent Lettieri motions for the appeal. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried.

Atty. Eisenhandler states that. Mr. Prinz bought the property a year and half ago the lower level faces the water. My client wanted to enclose the outer stair case and got a building permit and all passed. Then he discovered he needed a variance – the town issued a cease and desist so we are here for that. My client and I feel that it is a safety issue as he needs access to his utilities, generator etc.

In Favor – John Maturo – 28 Short Beach Road – I appreciate the fact that Brian moved in and is making improvements. This would not be a real issue other than the fact we have a neighbor that is trying to create issue for the town and the board. Is a matter of fact she has two houses that one is sheading lead paint into the Farm River. The level of her be so unreasonable it just ridiculous. My neighbor and I have put a large amount of money into improving our homes.

In Favor – Donna Richo 67 Charnies Drive - I suggest that you review the permit

Opossed - None

Bob – recommends to uphold the zoning officers' decision. Michael Smith makes a motion to uphold the decision. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carried

**APPEAL HEARING # 19-01**

**256 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)*

*Appellant: Vincent Consiglio*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-02**

**266 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)*

*Appellant: Vincent Consiglio*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-03**

**276 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)*

*Appellant: Vincent Consiglio*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-04**

**288 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)*

**Appellant:** *Michael McGill*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-05**

**288 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Vincent Consiglio*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-06**

**300 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Vincent Consiglio*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-07**

**300 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Michael McGill*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-08**

**300 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Jennifer Iovanne*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-09**

**310 Thompson Street:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Michael McGill*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-10**

**310 Thompson Street:** *Appeal of Action of Z.F.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Jennifer Iovanne*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-11**

**37 Foxon Hill Road:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Nicholas Torello*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-12**

**37 Foxon Hill Road:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Altagarcia Bonilla*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-13**

**17 Foxon Hill Road:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Stephen Roberts*

Tabled Until March 14, 2019 Special Meeting

**APPEAL HEARING # 19-14**

**71 Foxon Hill Road:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

**Appellant:** *Altagarcia Bonilla*

Tabled Until March 14, 2019 Special Meeting


**APPEAL HEARING # 19-15**

**71 Foxon Hill Road:** *Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)*

*Appellant: Nicholas Torello*

Tabled Until March 14, 2019 Special Meeting

Michael Smith makes a motion to adjourn the meeting at 8:30 pm. Joe Porto seconds the motion. All in Favor. Motion Carried.



Respectfully Submitted,

Temple Smith  
ZBA Clerk