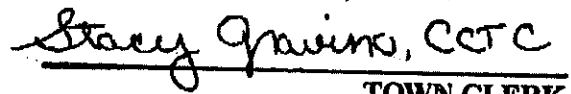


TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
August 15, 2019 - 7:00 P.M. – EAST HAVEN SENIOR CENTER

The East Haven Zoning Board of Appeals Commission held its' Regular meeting at 7:00 pm on **Thursday, August 15, 2019** at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

MEMBERS PRESENT: ROBERT FALCIGNO – CHAIRMAN
JOE PORTO – VICE CHAIRMAN
MICHAEL SMITH
DONALD THOMAS
DAVID GERSZ

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TOWN CLERK

ALTERNATES PRESENT:
VINCENT LETTIERI

STAFF PRESENT: ALFRED ZULLO – ATTORNEY
CHRISTOPHER SOTO - ZONING ENFORCEMENT OFFICER
TEMPLE SMITH – CLERK
SAL BRANCATTI – ECONOMIC DEVELOPMENT DIRECTOR
ATTORNEY BEN GETTINGER

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

Donald Thomas made a motion to approve the minutes for June 20, 2019. Michael Smith seconded the motion. All in Favor. Motion Carried. Donald Thomas made a motion to approve the minutes from July 18, 2019. Michael Smith seconded the motion. All in Favor. Motion Carried.

APPEAL HEARING 19-31

APPELLANT: Nick Mingione; Property Concerned: 198 Beach Avenue; (*Zoning permit*)

Chris Soto, Z.E.O. explains that the board does not have the appeal record before them – it has not come back from the Engineers office as of yet. The public hearing has opened I suggest we keep it open until Sept 19, 2019 and continue.

Atty. Mingione states that we are asking to table as we are waiting on the permit – the problem is that they are at a complete stand still – they filed a permit in June it was in staff file and we are waiting to receive one. I am asking the commission to hear these things to get an answer one way or another. (Evidence 1 of Pictures).

Chris Soto states that he understands the frustration but this board has not standing and will follow up tomorrow and keep public hearing open until September 19, 2019 and continue.

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Michael Smith makes a motion to continue with the public hearing open until September 19, 2019. Donald Thomas seconds the motion. Roll Call Vote. All in Favor. Motion Carried.

19-34

APPLICANT: Ralph Mauro; Property Concerned: 8 Morgan Terrace, Zone R-3, Map 010, Block 0003, Lot 015 – *Construction of new FEMA compliant, 2-bedroom, single family home.*

VARIANCES: Sched B; Line 7: Street line setback 43' required; 17' proposed. Sched B; Line 8: Rear yard setback 48' required, 25' requested. Sched B; Line 9: Side line setback 38' required, 5' Requested; Line 9: Side line setback 38' required, 13' requested. Sched B; Line 11: Maximum lot coverage of 20% allowed, 30% requested. Sched B; Line 12: Maximum floor area ratio 0.40 maximum, 0.52 requested. §25.4.4 Waiver of additional setbacks for narrow streets.

COASTAL AREA MANAGEMENT APPLICATION: Review & Possible approval of Coastal Site Plan.

Atty. Mingione further research was done for the commission – show the commission that the lot is actually 60 feet not 45 due to the 15 feet they cannot build on. Also shows commission how several other homes have a footprint larger than his applicant. Atty. Mingione hands the board a bulk of photos showing all the other homes in the area and its footprint square footage. We are in conformity.

In Favor: None

Opposed: Atty. Shansky – 61 East Grand Avenue, New Haven, represents 12 Morgan Avenue. States that this should be about a hardship - the house is too large and that is not a hardship. – (has visual aide did not give copy to clerk) explains information regarding tide table.

Donald Thomas asks if the CAM – aware of the dune grass.

Chris Soto states it is up to the applicant to let DEEP know. It's up to the board to figure out if it is in the CAM report.

Bob Sands – 501 Thomas Street EH – President of the Land Trust – the Land Trust has 300 acres in town and runs into an issue on rights to public property – Bob asks that there be an contingency added if approved to mark as a right of way.

Atty. Mingione addresses the following:

*Hardship is not necessary – EH case stated Lesa Quessel Vs. EH ZBA

*argument regarding privacy – this person is encroaching 5 feet with a deck they want privacy they should not have built over the line.

*CAM Report applicant's responsibility if there will be an impact. CAM states there will be no impact.

*4411 Language – is your non-compliance regulations – we are asking the board for a variance to comply with non-compliance.

*Mean high tide line – There is NO wiggle room – tides are fluent there is a reason why we use a means tide lines.

*Grass is outside DEEP jurisdictions.

Patrick Rolland – 2 Minor Road EH – brings attention that the Quessel case included a house that was existing and the narrowing of non-conformity and every one of those properties were existing. Look at the Trubeta (?) case not the Quessel case.

Lisa Jennings Lex – 7 Morgan Terrace – wanted to address the mean high tide line – references the survey in 2018 had considered the high tide line and looked at the water line in 2018 – despite the vertical data from 1988. Well before the topography of the coastal line of the storms and changed the ocean front that had come further inland and is not the same as 1988 and is now much closer to the street by 18 feet.

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Stanley Sendegqwiz – 61 South Street – speaks about drainage and water running downhill downhill into the yard.

Carrie Martin – 145 Morgan Avenue – what are they doing to prevent erosion. Fears that flooding will become a larger problem.

Bob Falcigno motions to close the public hearing. Joe Seconds the motion. Roll Call Vote. All in Favor. Motion Carried.

(Yes means Deny)

Roll Call Vote:

Bob Falcigno – Yes to Deny
Joe Porto – Yes to Deny
Donald Thomas – Yes to Deny
Michael Smith – Yes to Deny
David Gersz – Yes to Deny

Motion is to deny the variance. All in Favor. Motion Carried.

APPEAL HEARING 19-35

APPELLANT: Warren Smith; Property Concerned: 859 Foxon Road (Zoning Violation)

Chris Soto states that there will be not action – violation taken care of they are in compliance.

19-36

APPLICANT: Ronald Hurlburt; Property Concerned: 6 John Street, Zone R-2, Map 410, Block 5419, Lot 013 –
Construction of 1 story addition.

VARIANCES: Sched B; Line 7: Street line setback 15’ required; 14’ proposed. Sched B; Line 11: Maximum lot coverage of 25% allowed, 26% requested.

Ronald Hurlburt - hardship property pre-dates the implementation of zoning – the property was created in 1918. The addition would be on the south side and we would be replacing the deck for the addition and it is for the applicants’ mother in law. (Shows evidence of a map)

Michael Smith questions and ensures there will be footings and not building on the deck. Also questions the hardship in saying that why do you need the foot for the hardship – dig it back over where it needs to be and then you do not need a hardship – there are not undue circumstances to take the 1 foot. Let’s keep the buffer on the line.

Ronald Hurlburt – 1 foot doesn’t sound like a lot but in a small house it is a lot.

Chris Soto – states that in our ad there was a clerical error – the application is correct but the agenda and notice in the paper is incorrect. Second thing is that if the addition is reduced by a foot does that reduce the lot coverage request so there are two variances.

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Donald Thomas states he agrees with Mike 100% but this is not an unreasonable request.

Michael Smith makes a motion to deny the application. David Gersz seconds the request.

Yes to Deny – No is Approve.

David Gersz – Yes
Michael Smith – Yes
Joe Porto – No
Bob Falcigno – No
Donald Thomas – No

Motion is Approved for the Application.

Donald Thomas motions to approve the variance. Joe Porto Seconds the motion.

David Gersz – No
Michael Smith – No
Joe Porto – Yes
Bob Falcigno – Yes
Donald Thomas – Yes

Motion is Approved for the Variance.

Michael Smith makes a motion to adjourn the meeting at 8:50 p.m. Donald Thomas seconds the motion. All in Favor.
Motion Carried.

Respectfully Submitted;
Temple Smith
ZBA Clerk