

TOWN OF EAST HAVEN, CT  
ZONING BOARD OF APPEALS  
MINUTES – REGULAR MEETING  
June 20, 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, June 20, 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 - ABSENT  
  DAVID GERSZ

ALTERNATES PRESENT:  
  VINCENT LETTIERI - ABSENT

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.

Last months' minutes – Joe Porto makes a motion to approve. Donald Thomas seconds the motion. Roll Call Vote. All in Favor. Motion Carried.

Minutes from May Meeting – Michael makes a motion to accept the minutes. Joe Porto seconds the motion. Roll Call Vote. All in Favor. Motion Carried

Correction made by Bob Falcigno that on this current agenda applicant number 19-27 should be 19-25.

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**19-25**

**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.*

**VARIANCE:** Sched B; Line 7: Street line setback 44’ required; 17’ proposed. Sched B; Line 8: Rear yard setback 49’ required, 25’ requested. Sched B; Line 9: Side line setback 39’ required, 9’ requested. Sched B; Line 11: Maximum lot coverage of 20% maximum, 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.

Atty. Nicolas Mingone on to behalf of Ralph Mauro – asking the board to table the matter to have the official CAM report to present.

Michael Smith makes a motion to table 19-25 with an extension to July 18<sup>th</sup> meeting at the applicants’ request. Joe Porto seconds the motion. All in favor. Motion Carried

**19-29**

**APPLICANT:** Nicholas Mingione; Property Concerned: 254 Cosey Beach Ave, Zone R-1, Map 030, Block 0214, Lot 008 – *Partial enlarging of current existing rear deck. Previous size of deck being a reduction.*

**VARIANCE:** Sched B; Line 8: Rear yard setback 20’ required, 4.6 ft. requested where 4.6 ft. exists.

Atty. Nicolas Mingone on behalf of the applicant of JoAnne DePalma has green cards and affidavits and the he noticed the sign was ripped down so had provided an affidavit on the 7<sup>th</sup> and found it was removed on Monday. Purpose is to enlarge the existing deck on the property. A variance was already granted on this property after hurricane Sandy. We are enlarging the deck but the stairs to do not get any closer to the variance. Reason is prior to hurricane Sandy the owner always had an 11x38 ground deck – ( Pictures given of past deck to the board) this was removed by hurricane Sandy. FEMA and their engineers have now lifted the deck but also made it much smaller – more of designer deck then functional and my client had no say as to the deck and its size.

In Favor – Letter by Massimino the neighbor next door. (handed to Chris Soto)

David Goul - 43 Mill Creek Road, Branford- was a survey done and how did they obtain the property line. Atty. Mingone states that there were pins placed at the time there but not permanent and the survey was submitted. Atty. Mingone states to David that he would be happy to provide a copy of the survey to David.

Michael Smith states that on the existing map and the reason why the variance was granted was because they needed access to that deck. I am trying to figure out a hardship. Atty. Mingone states that case law states when you rebuild and come to FEMA compliance is that you do not need a hardship – an actual East Haven case. The reason we went up is for FEMA compliance not to any particular design.

Opposed. – None

Bob closes public hearing. Michael Smith makes a motion to approve applicant 19-29. Joe Porto seconds. Roll Call Vote. All in Favor. Motion Carries.

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**19-30**

**APPLICANT:** Danielle and David McDermott; Property Concerned: 197 Eddon Drive, Zone R-3, Map 390, Block 5026, Lot 004 – *Reconstruct pool house damaged in fire.*

**VARIANCE:** Sched B; Line 8: Rear yard setback 30’ required, 1’ requested. Sched B; Line 9: Side line setback 20’ required, 1’ requested.

Brian McDermott representing David McDermott as David is out of state – 2480 Whitney Avenue – Unit 1 – Hamden. Brian reads item 7 stating hardship. Chris Soto states that this structure does not actually need to be built they bought it and the previous owners had a pool permit and the current owners had a fire and realized that the pool house did not have a permit so they are trying to legalize the pool house to rebuild it.

In Favor – None

Opposed – None

Michael make a motion to approve applicant 19-30 – Joe Porto seconds the motion. Roll Call Vote – All in Favor. Motion Carried.

Chris Soto states that they did receive an appeal for the Zoning Enforcement Officer it is appeal #19-31

Michael Smith makes a motion to add #19-31 to the agenda. Joe Porto seconds. Roll Call vote. All in Favor. Motion Carried.

Michael Smith makes a motion to set the date for a Public Hearing date of July 18, 2019. Joe Porto seconds the motion. Roll Call vote. All in Favor. Motion Carried.

Michael Smith makes a motion to adjourn the meeting at 7:30 p.m. Joe Porto seconds the motion. All in Favor. Motion Carried.

Respectfully,

Temple Smith  
Clerk