

APPROVED ON 7/15/2021

TOWN OF EAST HAVEN ZONING BOARD OF APPEALS MINUTES OF REGULAR MEETING

JUNE 17, 2021

HELD IN PERSON AT THE EAST HAVEN SENIOR CENTER AND VIA VIDEOCONFERENCE AND CONFERENCE CALL

Chairwoman Karen Martin called the regular meeting to order at 7:04 p.m. Ms. Martin introduced the members of the Board and staff. She indicated that this was a hybrid meeting. In addition, Ms. Martin gave some preliminary instructions to those who would be addressing the Board.

The Pledge of Allegiance.

I. Roll Call

Sotonye Otunba-Payne, Clerk, called the roll for the Board as follows:

Karen Martin - Present

Judy Mison - Present

David Gersz - Present

Joseph Ginnetti - Present

John Wobensmith - Present

There was a quorum.

The following were also in attendance:

Jennifer Coppola (via Zoom) - Counsel to the Board.

Joe Budrow - Planning & Zoning Administrator and Zoning Enforcement Officer.

Tina Hedley - Videographer and host via Zoom.

II. Review and Action on Prior Meeting Minutes

1. Accept/Approve of Minutes from the May 20, 2021 Regular Meeting

Mr. Ginnetti moved to accept the Minutes of the May 20, 2021 Regular Meeting. Said motion was seconded by Mr. Wobensmith. Motion passed unanimously.

III. Public Hearings

1. **Application No. 21-06 on behalf of Elien Olmos, 141 Highland Avenue,**
East Haven, Ct, Assessor's Map 490, Block 6122, Lot 018, R-1 District,
requesting variances to Sections 25.4 (Schedule B, Line 7) and 44.7 of the

East Haven Zoning Regulations to allow a 19' x 20' addition to a point 15 feet from the street line where 25 feet is required.

Mr. Elien Olmos indicated he had a front setback issue on the subject property and respectfully requested the Board to allow him to build an addition in the back end of the house. He asked to have an addition of 380 square feet. He was not requesting to be closer to the property line than what the existing building already is. There are a couple of issues on the property. The extra bathroom and bedroom are on the lower level. His request for a variance would not cause any hardship within the community. It would provide a positive impact to the neighborhood.

Mr. Gersz indicated that the plan Mr. Olmos submitted was inadequate. He would like to see a better drawing and a more-detailed drawing before any approvals. Mr. Gersz gave Mr. Olmos some suggestions. Mr. Gersz indicated that, based on the plan submitted, if he were to build this way, it would be problematic.

Mr. Budrow added that the Board has 35 days to keep the hearing open. Often with additions it is very good to have a sketch that is accurate. This way the Board will know how the plan may affect the neighborhood as far as the character. He added that the Board need not get into the construction as Mr. Olmos is not an architect. He agreed with Mr. Gersz's request for an accurate drawing.

Mr. Wobensmith motioned to continue this application to the July meeting. Said motion was seconded by Ms. Mison.

Ms. Martin - Yes.

Ms. Mison - Yes.

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

Motion passed unanimously.

2. **Application No. 21-08 on behalf of Mia Marchitto, 48 Washington Avenue.** Assessor's Map180, Block 2009, Lot 001, R-1 District, requesting variances to Section 25.4 (Schedule B, Line 7) and 44.7 of the East Haven Zoning Regulations to allow for a 15 foot x 32 foot addition to a point 17 feet 1.5 inches from the Landing Place street line where 20 feet is required and to a point 18 feet from the Washington Avenue street line where 25 feet is required.

Ms. Martin asked if there were any changes to the agenda.

Mr. Budrow replied by saying that the only change was the Beach Avenue application as there was a request that this application be tabled. He has a letter to read into the record when they get to the application. It will be resubmitted on June 18, 2021.

Ms. Martin informed anyone present for the 174 Beach Avenue that this application would be continued to the July meeting.

Mr. Budrow indicated that the two neighbors were aware of the continuance.

Ms. Marchitto indicated they would like to do a small addition so they could accommodate their family. When they purchased the home, there were three of them. However, now there is an addition to their family. Ms. Marchitto showed a photograph.

Mr. Budrow indicated that the photograph should be e-mailed to his office for the record.

Mr. Gersz said he had seen their property. It is a beautiful property. He asked about the stairs going beyond the variance.

Ms. Marchitto indicated that their house is the end result of two little houses put together. To open it up would require almost getting rid of the back of the house. They were told it was not worth it.

Mr. Gersz indicated he did not like to give out variances if there are other options.

Mr. Marchitto said the rooms are small. This would require major construction to take those out to make a living room the way their house is set up.

Mr. Troy Roth indicated that it is about the look of the house. It is about building it. The house is nonconforming already. This is how they came up with this addition. They are not asking to come closer to the street that way. This is what would look good. The way it would flow inside was also a big consideration.

Mr. Gersz indicated he had concerns about if and when the Town decides to put sidewalks there which are now five feet wide.

Ms. Marchitto indicated there are other houses that come closer to the street than their house. They also considered the eventuality of the Town deciding to put a sidewalk there so that it is symmetrical with the other houses.

Mr. Wobensmith said in their drawing showing the front door coming out of stairs, he could not see the addition, he could not see the steps coming out there indicating the front door was relocated.

Mr. Gersz asked how many steps they thought would be coming off of there to get to ground.

Mr. Roth replied by saying it should be six. His thought was to go sideways. So, it would not go any more than four feet. He would not go towards the street. They do not have to have a front door. They just want to build this thing.

Mr. Wobensmith said it would just be a matter of relocating the front from where it is in the middle section here (indicated) over to the side where the steps then come out along side of the extension they want to build. Doing this would eliminate that extra four to six feet of encroachment towards the street.

Ms. Marchitto and Mr. Roth indicated they were fine with that.

Mr. Budrow indicated that he had two letters that he wanted read into the record.

Ms. Martin read the following letters into the record: Mr. Wilson Pazmino, 11 Landing Place, East Haven supported the application; Ms. Tina Hedley, 84 Landing Place, East Haven supported of the application.

Ms. Martin called for public comments, both in person and on Zoom, for or against this application. There were none.

Mr. Wobensmith moved to close the public hearing. Said motion was seconded by Mr. Ginnetti.

Ms. Martin - Yes.

Ms. Mison - Yes.

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

Motion passed unanimously.

3. **Application No. 21-09 on behalf of Claudio Encalada, 128 Hemingway Avenue.** Assessor's Map 190, Block 2015, Lot 011, R-1 District, requesting variances to Sections 25.4 (Schedule B, Line 7 and 9) and 44.7 of the East Haven Zoning Regulations to allow a 16 foot x 25 foot second-story addition to a point 3 feet from a side property line where 10 feet is required.

Mr. Claudio Encalada indicated he was requesting to do the addition because they do not have any extra living space for his family. His two daughters were sharing the room and this is the reason why more living space is needed. They are requesting the 12 x 24 feet at the back of the house.

Mr. Gersz asked if Mr. Encalada planned on demolishing the existing addition to make it wider. Mr. Encalada said yes.

Mr. Gersz said it would be on the same line as what is there now for the frame house which is not 10 feet. Mr. Encalada said no.

Ms. Mison indicated she understood he owns a lot of property from where he is extending in the back behind that and that it would not be extending very close to a neighbor's house. Mr. Encalada replied that he was using the same spot where the addition was except that he is making it six feet bigger in the rear. Mr. Encalada indicated he took a permit to do the footings which were rotting as the previous owners had not done the footings. He used to reside in New Haven. He needed more space for his family so he bought this house. He likes East Haven.

Ms. Martin asked about the excavation next to him. She asked if that open space was his property. Mr. Encalada said yes.

Ms. Martin asked if he thought of building on the space. Mr. Encalada indicated he was not building towards the neighbor. He is keeping the same line where it was. Mr. Encalada further said he spoke to his neighbor and apologized for the damage to his driveway and that he would pay to pave his driveway.

Ms. Martin asked if there was a problem with the neighbor's driveway. Mr. Encalada indicated that when they did the excavation, they removed some dirt which made the asphalt cave in. It was a hot day. He said he backfilled. Now, it is a little better. He further added about 16 feet has a little damage but he would pay for the damages.

Mr. Budrow indicated that when he originally met Mr. Encalada, Mr. Encalada asked about what it would take to replace in kind a 12 by 16 bump-out on the house which was one-story high, 12 by 16, 3 feet from the property line. Mr. Budrow indicated that he let Mr. Encalada know that it is allowed by the state statutes that if an owner does not abandon a nonconforming location, and it is stated, you can replace in kind. Mr. Encalada verbally said something to the effect of a larger addition, two story, down the road. He would come to the ZBA. However, he submitted a zoning permit to allow on the stie plan shown in orange to replace in kind. He believes there was a condition stating the statute protected the location.

A few days later the neighbor called wondering why his driveway was collapsing due to a foundation being installed. Mr. Budrow further added that he had to go out to the site and issue a cease and desist. Mr. Encalada was timely in bringing in an up-to-date survey of what he really wanted down the road which is the addition as the Board saw it. In the future he will get better asking for architectural sketches.

Ms. Martin called for public comments, both in person and on Zoom, for or against this application.

Mr. John Dobosz, 132 Hemingway Avenue, indicated that he owned the property next door to Mr. Encalada. He just felt Mr. Encalada should not build within that three foot off of his property line. Mr. Encalada should go that 10 feet over. He dug the foundation on a Friday. He poured the footings on a Saturday. He put the forms in on a Sunday. He poured it Monday morning. Mr. Dobosz then indicated he called the zoning officer to inquire about what was going on with the extension.

Mr. Dobosz further added that Mr. Encalada did all these without permission from the Building Department, the ZBA. He took it upon himself to do this. In the meantime, when he did excavate and it rained, it collapsed part of his driveway. Mr. Encalada did backfill when he called the zoning officer. It kept caving in more and more and he did not want to lose more of his driveway.

Ms. Martin asked if it was fully repaired back to its original state. Mr. Dobosz replied no and that it was just backfilled. Mr. Encalada did approach him saying he would repair the damage.

Mr. Ginnetti asked if it was an asphalt driveway. Mr. Dobosz replied yes, and it was installed approximately four years ago.

Ms. Martin asked even though he is staying within the same line, that it is too close. Mr. Dobosz replied by saying yes. He has another 75 feet on the other side of his house, that he could have built an addition there with no zoning issues.

Ms. Mison asked whether there were any other impediments to his property if it goes straight back other than the driveway issues and Mr. Encalada's willingness to repair or redo the asphalt driveway.

Mr. Dobosz indicated no. It's just as far as the looks. He would prefer it to be bumped out the other way.

Mr. Gersz asked Mr. Encalada if he poured all these footings and foundation. Mr. Encalada said yes. Mr. Gersz asked if he knew he was going to attend

this meeting. Mr. Encalada said yes. Mr. Gersz asked if Mr. Encalada poured those before knowing he was coming before this Board. Mr. Encalada said he did it before.

Ms. Martin said it sounded like he did not know.

Mr. Encalada indicted he poured the concrete before he applied. He pulled a permit to replace where the back porch was. He rented a machine which is costly.

Ms. Martin called for public comments, both in person and on Zoom, for or against this application. There were no responses.

Ms. Mison motioned to close the public hearing on this application. Mr. Wobensmith seconded.

Ms. Martin - Yes.

Ms. Mison - Yes.

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

Motion passed unanimously.

4. **Application No. 21-10 on behalf of Silver Sand, LLC, 67 Minor Road.**

Assessor's Map 010, Block 0306, Lot 009, R-3 District, requesting variances to Sections 25.4 (Schedule B, Line 7 and 9) and 44.7 of the East Haven Zoning Regulations to allow a 7.5 foot x 16 foot expansion of a porch to a point 23 feet from a street line where 25 feet is required, and 12 feet from a side property line where 20 feet is required. Also, to allow the increase of the building height within a side setback area.

Mr. Jeffrey Wilhite, 774 Silver Sands Road, indicated they were improving the property.

Mr. Joseph Kelly said they wanted to demo the porch and rebuild, adding to it within the setback area. They also want to the raise the height of the building.

Mr. Wobensmith asked for the current height.

Mr. Budrow said that based on looking at the photograph on the assessor's card, one can see what the house looks like now. When compared to the architectural submission, the height increase from the current roof peak to the new proposed one is right around 8 feet.

Mr. Wobensmith asked what the total would be. Mr. Budrow said he did not know. However, it would definitely be below 30 feet. It would be right around 28 feet. He would confirm it. If one looked at the site plan with the highlight, that's the area of the house within the side setback that would be extending. This is where the ZBA must determine if it is okay with the expansion within that area of the setbacks. The porch barely encroaches the front setback. His measurement of the height is exactly 28 feet.

Mr. Budrow indicated that when he meet Jeff and Joe, it was after a zoning permit was submitted to make this same proposal. He is scratching his head because what was submitted did not match the assessor's picture. He called them. They came in and they understood what he was saying. He told them the architectural was something that may have been denied in the past and these had to go before the ZBA. They were timely and efficient in getting their submissions in. They were not aware they needed variances before.

Ms. Martin read Mr. Richard Esposito's, 58 Minor Road, letter into the record. He was not for or against the application. He had some concerns about existing blight conditions.

Mr. Wilhite indicated he was a fairly new owner of this property. Mr. Kelly indicated they were trying to clean the place up.

Ms. Mison asked when he became the new owner. Mr. Wilhite indicated he had owned the property for three to four years now. He said it cost him a lot of money to get to where he was.

Mr. Budrow said during the permitting process and the construction he would work with them. They have been very responsive. They will see that this property is not on the blight list.

Mr. Wilhite indicated they would try to do something bigger and better.

Ms. Martin called for public comments, both in person and on Zoom, for or against this application. There were no responses.

Ms. Mison motioned to close the public hearing on this application. Mr. Wobensmith seconded.

Ms. Martin - Yes.

Ms. Mison - Yes.

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

Attorney Coppola said she heard someone from the public wanted to speak. Ms. Stacy Cacace indicated she wanted to speak. Attorney Coppola suggested the Board reopen the public hearing on this application to take in this comment.

Ms. Mison motioned to open the public hearing on this application for this comment. Mr. Wobensmith seconded. Motion passed unanimously.

Ms. Martin apologized.

Ms. Stacy Cacace indicated she lives across the street from some of these properties owned by Jeff and Mr. Burke. Like her neighbor, she is not opposed or in favor of this application. However, she wished to know more of what the plan is for this house. However, she welcomes this. She is happy that he would be cleaning up the property. They have owned the property for a long time. They own a significant piece of property on Minor Road which stretches all the way down to the beach and heads back to Silver Sands Road. The concern is they may be rented. Some of the renters have not been good neighbors. There have had a lot of Police and Health Department presence. The hope is that once this is cleaned up, it stays that way. Jeff has been a half owner of these properties for a long time. There are piles of different things on the property.

Attorney Coppola indicated that Silver Sands, LLC had the property title transferred to them on July 5th, 2011. That is when the quitclaim deed was recorded pursuant to the online assessor's record.

Ms. Martin invited the applicant to respond to these comments. Mr. Wilhite indicated that, first of all, you cannot control renters.

Ms. Martin asked about the blight concerns. Mr. Wilhite indicated it would get cleaned up. It's already in the process.

Ms. Martin indicated they have been owners of the property since 2011. Mr. Wilhite said he did not think it had been that long because they were in court for probably two or three years.

Ms. Martin indicated that the blight issues were not in their purview. The only thing she would say is that there is a new Zoning Enforcement Officer in Town. He is on top of this as much as he could possibly be. She drives around herself and reports a lot of blight that she observes. Going forward, she thinks there are going to be improvements regarding blight concerns.

Mr. Budrow indicated, in addition, the Town would be hiring a deputy zoning official who will have a big focus on the blight complaints.

Ms. Martin asked if these responses allayed Ms. Cacace's concerns.

Ms. Cacace indicated she was concerned about what would happen after the improvements. They had rebuilt the back house and it looked beautiful. However, it is now in a state of dilapidation. They just do not keep up with the upkeep of the house.

Mr. Gersz encouraged the applicant to keep up with the upkeep of the properties and keep the neighbors happy.

Mr. Wobensmith motioned to close the public hearing on this application. Ms. Mison seconded.

Ms. Martin - Yes.

Ms. Mison - Yes.

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

The motion passed unanimously.

5. **Application No. 21-11 on behalf of Anthony Verderame, 59 Charnes Drive.** Assessor's Map 540, Blok 6728, Lot 005, R-4 District, requesting variances to Sections 25.4 (Schedule B, Line 9) and 44.7 of the East Haven Zoning Regulations to allow a 14 foot x 26 foot second-story addition over an existing garage to a point 13.5 feet from a side property line where 25 feet is required.

Ms. Martin called out for the applicant to come forward. In addition, Attorney Coppola did call out for the applicant. Ms. Hedley did type in the chat on Zoom for the applicant. There was no response.

Ms. Gersz motioned to continue the application to the July meeting. Mr. Ginnetti seconded. The motion passed unanimously.

6. **Application No. 21-12 on behalf of Robert Mangino, 174 Beach Avenue.** Assessor's Map 020, Block 0107, Lot 005, , R-3 District, requesting variances to Sections 25.4 (Schedule B, Line 7 and 9) and 44.7 of the East Haven Zoning Regulations to allow a 20 foot x 20 foot garage addition to a point 5 feet 7 inches from the west side property line and feet 10 inches from the street line where 25 feet is required. Also, to allow a 22 foot x 28 foot rear building expansion to a point feet 5 inches from the east side property line and 8 feet 6 inches from the west side property line each where 20 feet is required. Also, to allow a small deck entrance to a point 6 feet 8 inches from the west side property.

Ms. Martin indicated that this application was tabled until the July meeting.

Mr. Budrow added to the record, the letter requesting that this application be tabled by Mr. Robert Mangino, architect for the applicant. Mr. Budrow read the letter into the record.

7. **Application No. 21-13 on behalf of Scott Modena, 19 Michael Street.**
Assessor's Map 450, Block 5619, Lot 008, CB-2 District. An application requesting to locate an automobile repairer and dealership at 19 Michael Street.

Ms. Martin asked if Applications Nos. 21-13 and 21-14 could be heard together. Attorney Coppola replied by saying that they could, however, the decision and comments should be separate as they have different issues.

Mr. Budrow indicated they are related applications. He left the location request to the end because of the nonconforming number of parking spaces needed. The number can be changed to a different number. If the Board is going grant some parking variances, two parking spaces would be required for the repair business and many more for the dealer. Perhaps, it is best to keep them separate.

Mr. Scott Modena, 1 Lisa Lane, East Haven, indicated he used to be on Route 1. Splash Car Wash recently bought the property. He had to scramble to find a place he could to move his business into. Unfortunately, there are not many places open in East Haven. He wants to stay in East Haven. He needs 20 total spaces. They took a couple away as it is a multi-unit building. He had a repair license when was down on Shore Beach Road. When he moved to Route I, he had plenty of room so he moved to get a dealer license. He wants to keep the dealer license. However, they do a lot of private property tows. He gets stuck with cars. They are difficult to get rid of with a repair license. He could just offer them. Like there is no problem with the dealer license. He would do whatever it takes to continue his business.

Mr. Ginnetti asked if the issue he has is for the cars that are towed in. So, it is a logistical problem. Mr. Modena said yes. He could go back to having a repair license if that is what is necessary. This is the best place he could find. It is at a good location. It is also fenced in.

Mr. Budrow said there are 20 spaces on the property. He is unsure of how long Miller Fuels, Inc., has been at the location. There are no approvals in the record indicating what they went in as. He deems them an office/distributor. Regulations require 9 spaces for them. A repairer requires 10 spaces, plus a space for each employee. Without knowing how many

employees, he added three. So, it's 22 spaces for Miller Fuels and the repairer business.

Mr. Modena said with a dealer license, there is a need for spots to show the cars.

Mr. Gersz asked how short he was. Mr. Modena said 10. He did not realize it was that many. Mr. Budrow indicated Mr. Modena is short two. The number of dealership spaces he needs would be added to nonconforming request. Now, the Board needs to ask how many dealer spaces Mr. Modena wants allocated just for display. Mr. Modena said to total to five, he would be shy.

Mr. Gersz asked if he was short by three. Mr. Modena said yes.

Mr. Gersz asked about the number of employees working for him. Mr. Modena replied he has a girl who comes in part time and works two days a week. He has one driver who gets a ride to work as he does not have a car. He has a third driver who works part time. He works at night.

Mr. Wobensmith indicated there would be two employee vehicles on site or possibly three. Mr. Modena says he drives a tow truck. He does not have a car that would be parked there.

Mr. Budrow said Mr. Modena should indicate a definitive number. He asked Mr. Modena for the number spaces he would like to dedicate for displays. Mr. Modena said just three. Mr. Budrow said the official request for a variance is five parking spaces.

Mr. Gersz asked Mr. Modena if all his state licenses depended on the Board's decision. Mr. Modena replied pretty much. It is do or die for him. Mr. Budrow added that Mr. Modena needed a local approval from the ZBA for the location to get his K-7 from the state.

Ms. Mison asked if Mr. Modena could control the number of towed cars brought in to conform to the number of spaces he needs. In other words, she asked if he could control his numbers. Mr. Modena said he absolutely could.

Ms. Martin, for clarity, asked what the number of parking spaces was being requested. Mr. Budrow replied that the Mr. Modena was requesting that the property have 20 spaces where 25 are required.

Ms. Martin called for public comments, both in person and on Zoom, for or against this application. There were no responses.

Mr. Gersz motioned to close the public hearing on this application. Mr. Ginnetti seconded.

Ms. Martin - Yes.

Ms. Mison - Yes.

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

The motion passed unanimously.

8. Application No. 21-14 on behalf of Scott Modena, 19 Michael Street.

Assessor's Map 450, Block 5619, Lot 008, CB-2 District, requesting variances to Sections 42 of the East Haven Zoning Regulations to allow an automobile repair garage and an automotive retail sales facility to not require the required number of off-street parking spaces.

Mr. Budrow advised the Board to center its questions about his business model and if he thought it was appropriate for a property at the location to have such a business model.

Ms. Martin stated that there was another business at the location already. She did not believe it would be a problem. Mr. Gersz and Ms. Mison concurred.

Ms. Martin called for public comments, both in person and on Zoom, for or against this application. There were none.

Attorney Coppola directed the Board to Section 34.6 of the Zoning Regulations regarding motor vehicle service stations, limited repair garages. She read an excerpt into the record. She wanted to ensure all were aware of the additional standards that such use needs to meet.

Mr. Budrow indicated Attorney Coppola had pointed to a regulation he had not seen before. He asked Mr. Modena if he knew the size of the property in square footage. Mr. Budrow indicated he did not add the total square footage of the property. It was at the bottom of the page. He did not have a copy of the field card.

Attorney Coppola read excerpts of 34.6 into the record. Mr. Budrow added that this Section 34 was titled Additional Standards for Certain Special Exceptions and Site Plan approvals. He admitted he did not look at this section because special exceptions and site plans go to the Planning and Zoning Commission. A lot of the regulations Attorney Coppola just read are operational and easy to conform with. There are some distances that are unknown right now that appear to be nonconforming. The property seems to be large enough. Mr. Modena said it is 12,000.

Mr. Budrow said one of the businesses looks to be 12,000. But it looks like the building may be within 25 feet of one of the property lines. So, it appeared that this has to be tabled to amend the variance and get it re-noticed to comply with Section 34 before it goes potentially to the Planning and Zoning Commission. It appears to be too close to the Michael Street property line. It is definitely less than 25 feet.

Mr. Gersz asked if there was a way to do this. Mr. Budrow replied by saying that based on the zoning regulations pointed out, the building is nonconforming locationally for the proposed use.

Mr. Gersz asked if Mr. Modena was in the ballpark of the amount he stated. Mr. Budrow replied a parking stall has to be 9 by 20, much of the parking stalls are within the property line. So, he would agree that Mr. Modena is very close to being four feet short. Mr. Modena needs a variance to allow the building for the proposed business to be 21 feet from the property line where 25 is needed. The nonconformity cannot be left hanging with the application as proposed. This regulation is for motor vehicle repairs.

**Mr. Gersz motioned to continue this application to the July meeting.
Mr. Wobensmith seconded.**

**Ms. Martin - Yes.
Ms. Mison - Yes.
Mr. Gersz - Yes.
Mr. Ginnetti - Yes.
Mr. Wobensmith - Yes.**

The motion passed unanimously.

IV. Deliberation Session

1. Discussion and possible decision on **Application No. 21-12 on behalf of Robert Mangino, 174 Beach Avenue.**

Mr. Gersz motioned to table Application No. 21-12 on behalf of Robert Mangino, 174 Beach Avenue. Said motion was seconded by Mr. Ginnetti,

**Ms. Martin - Yes.
Ms. Mison - Yes.
Mr. Gersz - Yes.
Mr. Ginnetti - Yes.
Mr. Wobensmith - Yes.**

The motion passed unanimously.

2. Discussion and possible decision on **Application No. 21-08 on behalf of Mia Marchitto, 48 Washington Avenue.**

Mr. Gersz indicated he was for granting the variances. However, he would like to have the stairs put on the side of the building. He is willing to vote on this with the stipulation.

Mr. Wobensmith said the applicant should move from the front of the Washington Street side to the Landing Place side, the door and the steps. Ms. Martin indicated she agreed. Mr. Gersz said he liked the idea of the side.

Mr. Gersz motioned to accept Application No. 21-08 on behalf of Mia Marchitto, 48 Washington Avenue with the stipulation that the stairs be done out to Landing Place at least three feet wide, three-foot steps, with a railing down Landing Place. Said motion was seconded by Mr. Wobensmith.

Ms. Martin - Yes, with the stipulation of the stairs of the stairs going towards Landing Place. (Mr. Gersz further expounded, to a landing and then going down -- they would go to a three-foot square landing and then down with the stairs.)

Attorney Coppola mentioned the Board needs to state its collective reasoning for its decision according to Section 51.7 of the Regulations. She read the section it into the record.

Ms. Mison - Yes, based on Section 51.7.3. The variance is necessary to relieve the exceptional difficulty or hardship. It is a minimal variance should they put it on the side as proposed.

Mr. Gersz - Yes on Application No. 21-08 with all the stipulations stated.

Mr. Ginnetti - Yes on Application 21-08 with the stipulations discussed.

Mr. Wobensmith - Yes on Application 21-08 with the stipulations as we previously discussed.

The motion passed unanimously.

3. Discussion and possible decision on **Application No. 21-09 on behalf of Claudio Encalada, 128 Hemingway Avenue**

Ms. Martin indicated there is a neighbor who is upset about the work being done next door that led to the erosion of his driveway. However, the applicant is staying within the same lines of his original house.

Mr. Gersz stated that the applicant poured in foundation knowing he had to come here.

Mr. Gersz motioned to deny Application No. 21-09 because the foundation was poured early, and it caused the problems with the neighbor which was a complaint of what happened to him. If it was not handled the way it was, he was all set to go for him because it is in line with the old building. It is not grandfathered in because he added onto it. It should be 10 feet. And what occurred after is the reason why he was voting no. Said motion was seconded by Mr. Wobensmith.

Ms. Martin - Voted to deny also due to work that was started ahead of time and the damage done to the neighbor's driveway. There is room to move besides that area. He knows now he needs to come here to get a variance before he starts any construction.

Ms. Mison - Voted to deny on 21-09, similarly, just because the work was started in advance and impacted the neighbor's property.

Mr. Gersz - Voted to deny 21-09 because of the statements he made earlier.

Mr. Ginnetti - Vote to deny.

Mr. Wobensmith - Voted to deny Application No. 21-09 based on comments presented by the other Board members. Also, in reference to the repairs that need to be made to the driveway.

The motion passed unanimously.

Ms. Martin informed Mr. Encalada that his application was denied. Mr. Wobensmith told Mr. Encalada to resubmit with a new plan and to make sure he made repairs to the driveway area. Mr. Gersz told Mr. Encalada not to do anything else till he comes to the Board with a new plan.

4. Discussion and possible decision on **Application No. 21-10 on behalf of Silver Sand , LLC, 67 Minor Road.**

Ms. Martin indicated she was impressed with their thoughts and plan to improve the property as it is much needed. We have their words they would keep the property in better condition. All are watching.

Mr. Ginnetti indicated that words are one thing, but actions are much more important than words ever are and behaviors are. They do have quite a bit of building down there. He was not referring to brick and mortar. He was referring to building the confidence of the people that live in that area and the way they view these properties right now.

Mr. Ginnetti motioned to go forward with approval for 21-10 on behalf of Silver Sands, LLC at 67 Minor Road and take into consideration the

comments that were made here. Said motion was seconded by Mr. Gersz.

Ms. Martin - Voted to approve the application due to the fact that they plan to improve the neighborhood by improving the house.

Ms. Mison - Voted in favor of 21-10 based on 51.7.4. What they plan to do, as the Board has been told, is improve the property, keep it improved, and in harmony with what the neighborhood is now and/or should be.

Mr. Gersz - Voted to approve No. 21-10. He hoped it looks as good as it does on the plans and that it is done in a timely manner.

Mr. Ginnetti - Voted to approve 21-10.

Mr. Wobensmith - Voted to approve 21-10.

Motion passed unanimously.

V. Adjournment

Mr. Wobensmith moved to adjourn. Said motion was seconded by Ms. Mison. The motion passed unanimously.

The Board adjourned at 9:03 p. m.

Respectfully Submitted,

Sotonye Otunba-Payne