

APPROVED 9/23/2021

**TOWN OF EAST HAVEN
ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
ON JULY 15, 2021**

**HELD IN PERSON AT THE EAST HAVEN SENIOR CENTER, 91 TAYLOR AVENUE
AND VIA ZOOM VIDEOCONFERENCE AND CONFERENCE CALL**

Chairwoman Karen Martin called the regular meeting to order at 7:10 p.m.

Ms. Martin indicated that all relevant materials for tonight's meeting had been posted on the website. She introduced the members of the Board and staff.

The Pledge of Allegiance.

I. Roll call

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

David Gersz - Present

John Wobensmith - Present

Joseph Ginnetti (via videoconference) - Present

Karen Martin - Present

Judy Mison - Present

Kevin Coyle - Alternate - Present

There was a quorum.

The following were also in attendance:

Joe Budrow – Planning and Zoning Administrator and Zoning Enforcement Officer.

Tina Hedley - Videographer and Zoom host.

Sotonye Otunba-Payne – Clerk.

Jennifer Coppola - Counsel to the Board.

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

Mr. Budrow indicated that at five o'clock the previous day, after hours, an e-mail came in to the Land Use Department requesting that Item 6, Application No. 21-18, be tabled until the August meeting. Item 7, Application No. 21-19 was also requested to be tabled until August.

6. **Application No. 21-18 on behalf of Attorney Nick Minigione for Ralph Mauro, 8 Morgan Terrace.** An appeal of a Notice of Violation directed as a zoning violation of 8 Morgan Terrace.

Ms. Mison motioned to table the opening of the public hearing on Application No. 21-18 until August, 2021 ZBA meeting. Mr. Wobensmith seconded.

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

Motion passed.

7. **Application No. 21-19 on behalf of Attorney Nick Mingione for John Miessau, 5 Pequot Street.** An appeal of a decision by the Zoning Enforcement Officer to deny a zoning permit that proposed a new house on a lot that was nonconforming to Sections 25.2, 25.4, 25.4.3, 25.4.10.2, 25.5, 25.6 and 44.11.3 of the Zoning Regulations.

Ms. Mison motioned to table the opening of the public hearing on Application No. 21-19 until August, 2021 ZBA meeting. Mr. Wobensmith seconded.

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

Motion passed unanimously.

Ms. Martin made some preliminary remarks. She gave some instructions to the public.

II. Review and Action on Prior Meeting Minutes

1. Accept/Approve of Minutes from the June 17, 2021 Regular Meeting

Attorney Coppola indicated that Mr. Wobensmith contacted her indicating there were a couple of errors in the minutes where Ms. Martin was referred to as “Mr. Martin” on pages 2 and 9. Mr. Wobensmith questioned whether or not the order of the comments was accurate.

Mr. Wobensmith indicated the comments he had referred to were on page 2.

Attorney Coppola said the question was whether the comments were out of order. Attorney Coppola indicated she believed the comments were out of order in the recording itself. Ms. Otunba-Payne transcribed it as it was recorded.

Attorney Coppola pointed out to Ms. Otunba-Payne where the section being question was. Attorney Coppola then said that the comment that was thought to be out of order was in reality out of order.

Mr. Gersz motioned to accept the Minutes of the June 17, 2021 Regular Meeting with the stated corrections. Said motion was seconded by Mr. Wobensmith. Motion passed unanimously.

Ms. Martin asked Mr. Budrow if all the required notifications had been met. Mr. Budrow answered that they had.

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. Olmos indicated he had appeared before the Board last month.

Ms. Martin indicated that the Board still had the same questions they did the previous month.

Mr. Olmos indicated presently there is a concrete slab. He was told he could do 6 x 6.

Ms. Martin indicated they were concerned about driving underneath the structure. She wondered what would happen if someone hit one of the posts. They wondered if it would withstand a car. They need assurances that it is really going to be safe.

Mr. Gersz stated that all they need is a detailed drawing showing the way it is going to be done. They need the dimensions. This cannot be approved the way it is now.

Mr. Olmos indicated that it was his understanding that they were going to discuss this.

Mr. Gersz stated he had indicated to Mr. Olmos from the beginning that he wanted a very detailed drawing. This is better than the previous one. However, it did not have everything.

Mr. Wobensmith indicated to Mr. Olmos that he needed a full set of schematics showing back size, distances from the property line, etc.

Mr. Budrow stated that Mr. Olmos answered the call to give a sketch that architecturally would show the neighborhood and would show the Board what the house would look like if approved for this addition. He's requesting a distance from the street line tonight. So, he's requesting 15 feet from the street line, not for an approval for the design of the house. He would have to conform to the Building Code within the dimensions that he's asking for.

Ms. Martin asked, who does that approving?

Ms. Budrow said he was talking about Mr. James Bassett, the Building Official. So, if the ZBA likes the scope of the addition as is being seen from Center Street. He did not know how much further the ZBA can make Mr. Olmos add to the application with regards to conforming to the Building Code before he gets a building permit.

Mr. Gersz said after this is done, it would fall on the Building Official, and nothing on the ZBA.

Mr. Budrow indicated that all the ZBA was concerned about was the location and character of the neighborhood by the look of the sketch he submitted.

Ms. Martin indicated that all the Board was concerned about was the footprint of the home and the addition.

Mr. Olmos was asked some more questions. He would be staying within his property line.

Ms. Martin asked for public comments for or against the application. There were no responses.

Attorney Coppola asked for public comments from those participating via Zoom. Ms. Hedley indicated there were only two people on the telephone conference.

Mr. Wobensmith motioned to conclude the public hearing. Mr. Ginnetti seconded.

Ms. Martin - Yes.

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

Motion passed unanimously.

Ms. Martin indicated to Mr. Olmos that their decision would occur at the end of the public hearings.

2. **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 this matter. Ms. Hedley called for Mr. Verderame on the videoconference. There was no response.

Ms. Martin indicated this matter would be passed.

Attorney Coppola indicated the application was on the agenda last month and it was continued because there was no presentation. She would make an attempt to contact Mr. Verderame via the number on the application while the Board moved on to the next matter.

The matter was passed.

3. **Application No. 21-15 on behalf of Robert Coolidge for Patricia Massey, 238 Cosey Beach Avenue.** Assessor's Map 030, Block 0114, Lot 008, R-1 District, requesting variances to Sections 25.4 and 25.4.3 of the East Haven Zoning Regulations to construct a new house to FEMA standards to an approximate height of 38' 9". Also, to a point 5 feet from the east side property line where 28 feet is required, and to a point 8 feet from the west side property line where 28 feet is required, and to a point 15 feet from the rear property line where 38 feet is required.

Mr. Robert Coolidge introduced himself as the architect for the project. This is a new construction. The house on the site was destroyed as a result of a hurricane. They are going to build a house which would be in the velocity zone with requirements. The house has to be built to those standards. Meeting those standards makes for an unusual house. This is the reason they are requesting variances. It's a nonconforming lot. They are trying to build a house that would meet today's needs for energy efficiency. They are designing for the capability of solar.

Mr. Coolidge went through his sketches which were to scale and was asked questions.

Ms. Martin asked how off off the original footprint of the previous house would he say this is. Mr. Coolidge said it would be slightly inside of the footprint.

Ms. Mison asked about the distances between houses. Mr. Coolidge indicated that it was a little closer than five feet.

Ms. Martin asked if Mr. Coolidge was saying that the stairs on this house would be next to the neighbor's stairs. Mr. Coolidge said they would.

Ms. Martin asked how much room there was between the two. Mr. Coolidge said it looks like it would be less than five feet.

Ms. Martin asked if it was unusual in this neighborhood that there would be less than five feet between staircases. Mr. Coolidge said he did not know.

Patricia Massey of Woodbridge, the owner of the property, introduced herself.

Ms. Martin asked if Ms. Massey purchased the home after the house was destroyed. Ms. Massey replied by saying she bought the house in 2008.

Mr. Wobensmith wanted to know what the distances would be between the windows on the east side of the house toward the windows on the neighbor's property to the east. There must be a setback of 45 feet from window to window in order to allow for privacy.

Mr. Coolidge indicated that there was only one window on the side ...

Mr. Budrow indicated that there are regulations regarding distances between windows.

Mr. Wobensmith read the regulations regarding windows. Mr. Coolidge indicated that it was 19 feet wall to wall.

Ms. Martin asked if Mr. Coolidge had considered moving the stairs a little more to the east instead.

Mr. Coolidge indicated that he considered it and debated over it.

Ms. Martin indicated she meant a little more to the west.

Mr. Coolidge indicated he debated about what the Board would rather see.

Ms. Martin called for public comments on the application.

Sally Cameron, 240 Cosey Beach Avenue, commented that she did not know the applicant at all. They've owned their home for approximately 30 years. In regard to the question about fill on the property, she had not seen anything change. There has never, to her knowledge, been fill or anything brought in other than what you are seeing. It's always been maintained nicely. There's never been a fill situation that she is aware of.

Ms. Martin called for public comments against the application.

Attorney Ken Nicoll, on behalf of the Auerbachs, asked if there is a right of way on their property. He asked if they were going up to the right of way or if they considered the right of way. This is one of the main questions he has. He sees the right of way on the Auerbachs' property, but he cannot see it on the subject property. He does not know the answer. What the Auerbachs are looking for is a little bit more space. They recognize that these are difficult lots to build on. They recognize that the property was damaged due to storms. However, they are looking for a reasonable distance between them and their neighbor. They do not want to go on their stairs and confront their neighbors on their own stairs. There is no reason to be that close.

His clients recognize there are issues with height. They also understand that the height may block some of the neighbors' views, but that may not necessarily impact them. They recognize the height may be an issue for the neighbors behind.

Ms. Martin asked Mr. Auerbach whether when looking at the water he is on the left or the right. Mr. Auerbach indicated that when looking at the water, they are on the left of the subject property, to the east of it.

Attorney Nicoll introduced a picture on an iPad that depicts the right of way of the subject property to the right. He showed the picture to the Board. They could be submitted.

Attorney Coppola indicated that the picture would need to be submitted.

Mr. Budrow commented that it was not uncommon for any given property on the shoreline to have right of ways for properties that are off the water for pedestrian traffic or to be able to work with utilities. So, it could just be that the Auerbachs' property has a right of way for laborers to get to the beach. Whereas Ms. Massey's property does not have one. But it is requested by all surveyors to check the property deeds and to put all easements, etc. regarding these rights.

Attorney Nicoll said okay. The drawing shows what appears to be the right of way and also shows some height issue that was discussed before.

Mr. Ken Davis of 234 Cosey Breach stated that they are on the east side of the subject property. In terms of the contour of the land, he was there on the day they brought in dump fill. He had a picture of what the house looked like before they brought the fill in.

Attorney Nicoll indicated that this was a picture of the old house.

Mr. Davis indicated that it was a picture of house that was on the existing lot. It's not there anymore. You can see the height of the ground. From the street, it almost changes three feet. By the time it gets past my house, it just keeps continually going up. In which case, when the tide comes in, there would be an issue.

Mr. Gersz asked how long ago the fill was brought in? Mr. Davis indicated that it was after the second storm, they renovated the house. And when they renovated the house before the second storm and that's when that stuff was brought in.

Attorney Coppola indicated that the picture would have to be submitted.

Attorney Nicolls wanted Mr. Coolidge to repeat the setbacks because when you read their application and even when you listen to the explanation, it's very confusing. It would be easier if someone were to say it's three feet from this side and five feet from that because all the different variations he's heard are confusing. He is not 100 percent certain what it is.

Ms. Martin said according to the agenda it says it's eight feet from the west side of the property line where 28 feet is required and 15 feet to the rear property line where 38 feet is required. The most important one is five feet from the east side property line where 28 feet is required.

Attorney Nicolls said so they are within five feet of the Auerbachs' front. So, the Auerbachs would certainly prefer that to be more like 15 feet or 10, if possible. Any reasonable accommodation would be acceptable. They are not opposed to folks being able to build on their property. They just are hoping they can be good neighbors with each other.

Mr. Hillel Auerbach stated that he and his wife live at 236 Cosey Beach Avenue which is immediately to the east of the subject property. Mr. Auerbach went on to give a brief history of the properties. His property and the subject property had homes that were twins constructed in 1885. They existed and they were satisfied with the separation of the two houses. His

wife's family acquired the property in 1943 and has owned it continuously since. They were quite satisfied with the separation of the two houses.

The Storm Irene destroyed their house. They rebuilt on the same footprint just in time for Hurricane Sandy to come. Hurricane Sandy did not affect their property at all. However, the house on the subject property was destroyed by Hurricane Sandy.

Ms. Martin asked if that was the original house built.

Mr. Auerbach replied that it was the 1885 house. It had been acquired to his knowledge by an investment group which included Mrs. Massey's husband. They had improved the cottage to some extent with the intent of selling it. When they could not sell it within a certain amount of time, apparently Mr. Massey died and the property was acquired by a trust of which Mrs. Massey was the principal beneficiary. And the property is now in her name. It was transferred from the trust to her. To his knowledge, Mrs. Massey has never been in residence on the subject property ever. She visited but never became a resident.

If Mrs. Massey were to construct in the footprint of the 1885 house, they would be very satisfied with that as well. He did not know if it was ascertainable what the footprint was because, as he said, the house has been gone since 2014.

They are concerned about this request for a variance to put a structure within five feet of the east property line because the east property line is their property. He did not hear very well the presentation made by the architect regarding these things. So, he does not know exactly what he had to say about it. And he certainly has not seen these pictures. To him, building within five feet of the property line is too close.

He just learned tonight that there is some sort of rule about window to window being 25 feet. And the proponent here admitted that he's at least six feet short of that. He would like to see Mrs. Massey get a reasonable variance here. He appreciated that if the property is 28 feet from the east and 28 feet from the west, she cannot build anything because the property is only 40 feet. On the other hand, they were very happy with the footprint of the old house. If she would like to build in that footprint, they would support the appropriate variance regardless of the height. The height does not affect them particularly. Although, he was of the understanding that there was somebody else here that might have objection to it.

The height does not concern them. It's the closeness to the east side boundary. He does not know if the people on the west got notice of this variance application. He did not believe they were present this evening. Mr.

Davis who spoke a few minutes ago did not receive written notice of this hearing.

So, that is not entirely unusual. He could conclude by saying, again, five feet is too close.

Ms. Martin asked Mr. Auerbach if the house that was rebuilt is in the exact same footprint of the original house. Mr. Auerbach replied by saying, essentially, yes. The high tide had moved so they had to move back. But the back of the property, they got squeezed between them and the Davises. But the width of it is, to his knowledge, the same east and west side lines.

Ms. Martin asked if the location is the same. Mr. Auerbach replied that the location is the same. They also got a height variance because he wanted to be able to stand upright in the new attic. The Board granted that at that time.

Mr. Gersz asked for the height of Mr. Auerbach's house. Mr. Auerbach said he did not recall exactly but thought it was 37 feet or 38 feet, something like that. It's a two-story house. He could stand upright. He used to be six feet tall. Now, he's only five feet ten inches tall.

Mr. Gersz asked how far away the two old homes were from each other. Mr. Auerbach replied that he did not know exactly. Mr. Gersz asked him to guess. Mr. Auerbach said he would say roughly 25, 20 feet at least.

Mr. Gersz said 20 to 25 feet at least. Mr. Auerbach said yes. Mr. Auerbach indicated that his house had the right of way for the Davises property as was mentioned by the zoning people. The property has a right of way to allow the rear property people to access the water. And the Davises have that right of way that's on our property. So, their property was at least five feet of the boundary. He used to park his sailboat alongside the right of way so there was at least another 10 or 12 feet between the houses.

Mr. Gersz asked Mr. Auerbach whether when he built the new home whether he went closer to the property line. Mr. Auerbach replied that he did not know if they we moved closer to the property line. At least he does not remember. He does not recall if there were side line variances as well.

Ms. Martin indicated that was why she was asking if the house on the property today is in the original footprint of the first house.

Mr. Gersz indicated that there are questions that they are asking that they do not have answers to. He indicated that Mr. Coolidge was vague about what he was presenting to the Board. He would like to see where the old house was.

Mr. Auerbach indicated that he had some pictures of the two houses.

Mr. Gersz indicated he would like to see them.

Mr. Auerbach stated that he had formal appraisals done in 1971 and 1995 incident to real estate tax appeals. These were submitted. Each appraiser quite properly attached pictures.

Mr. Budrow indicated that if he submitted these, it would be part of the record. Mr. Auerbach indicated he could submit them. He no longer needs them. They show pictures of their house, but they also in some do show pictures of both houses.

Mr. Auerbach was asked questions about the pictures.

Attorney Coppola indicated that they could make a copy of the pictures shown and return his original copy to him.

Attorney Coppola indicated that Ms. Martin was referring to the 1971 photograph. Mr. Auerbach confirmed this was from 1971 when asked.

Ms. Martin asked if those records were available. She asked Mr. Auerbach when this was. Mr. Auerbach said 2012.

Ms. Martin asked again if those records were available as to what was done in 2012. Mr. Budrow replied that they were.

Mr. Ginnetti said the only question that he had was that he's assuming that when Mr. Auerbach rebuilt his house that he had to meet all the FEMA requirements that were in place at that time as well.

Mr. Auerbach said the FEMA requirement was that it be built up 131/2 feet and their new foundation goes down to bedrock and has pillars that lift up the new house to comply.

Mr. Ginnetti asked about the staircase that exists on the current plan for the subject property. He asked how Mr. Auerbach handled the access to the first level with their staircase to get there.

Mr. Auerbach indicated he was unsure if he heard the question. However, he would answer what he thought the question was. They have a staircase on the west side of their house from the ground level to 131/2 feet up to the first step of the house. And that staircase is of a standard width. It comes up and meets decking along the west side of their house. He would say that the decking is perhaps five feet wide and is suspended over the ground. There's nothing underneath it. He asked if it was responsive to Mr. Ginnetti's question.

Mr. Ginnetti said yes. And the distances to your staircase as well because that is one of the issues that he was seeing with the application.

Ms. Martin asked what Mr. Ginnetti's question was.

Mr. Ginnetti asked if Mr. Auerbach had to get a variance for the closeness of his staircase to the property line of his neighbor. Mr. Auerbach replied that it may have been part of the variance. They came before this Board for a variance at the time of the construction. It's entirely possible that permission to put that staircase where they put it was part of the variance application at that time. He is not just sure of the details. He knows that the boundary line that's in the picture that was in the iPad that they saw runs right up against their staircase.

Mr. Ginnetti thanked Mr. Auerbach for his very succinct responses. He said, God bless you for being an 84-year-old man who can think like that on his feet. Mr. Auerbach said thank you.

Ms. Martin asked if they knew the exact measurement of wall to wall of the house, of this house to the subject property.

Mr. Coolidge indicated that the survey and the engineering were done by Criscuolo Engineering. Jim Pretti did the civil engineering on it. He's presenting in Branford tonight and he could not be here. They are better answering to their drawings. Wall to wall it stands off as 17 feet.

Attorney Nicolls, for the Auerbachs, indicated that it was four feet from the right of way and then five feet. So, it's really nine feet from the edge.

Mr. Ken Davis indicated that if the Board looked at the picture that he submitted, the Board would see a house that abuts his yard which from the property line could be 15, 20 feet which was acceptable. Five? He does not want to reach out his window and shake hands with his neighbor.

Mr. Eddy Trotta, 237 Cosey Beach Avenue, stated that he resides right across the street from the subject property. He indicated that he thought the property is long and that if they have a problem getting square footage out of the house, he thought they can get it going length-ways. He does not see why they have to take up all the room going across the property going within five feet. He thought they should follow what the existing building was. They should follow the footprint of what was originally there.

Ms. Diane Higgins, 242 Cosey Beach Avenue, stated that she resides right across the street from the subject property. She is Eddy Trotta's neighbor to the right. Her house burned in 1999 and she had to follow every single guideline. She could not have her stairs on the side. It wasn't even next to

the house. It was next to the property line. She had to build an under garage, stairs inside, a certain height. She just does not see how the rules, you know, apply for one and not the other. Five feet on the east and west is going to ruin their view completely. The height had to be 36 about 20 years ago. This will take their view away completely but this does not matter now.

Mr. Gersz indicated to all that the variance request had not been granted yet.

Attorney Coppola indicated that some folks on the videoconference were using the chat for conversations. She had not given instruction regarding that. However, the Board cannot see the chat. They are not supposed to be using the chat to comment. When the Chair calls for comments in favor or in opposition, that is the moment in time to speak. The Board needs to pay attention to what's going on in the meeting. The chat will not be included in the record because the Board cannot see the chat.

Mr. Budrow indicated that he wanted to inform Ms. Massey that she does have the right to request that the public hearing remain open until August if she does not feel like she would get an approval.

Attorney Coppola indicated that the applicant could request to keep the hearing open and the Board can determine to keep the hearing open. She was glad that Mr. Budrow brought it up. There are other folks who may want to comment. They had received some information tonight in the form of photographs that Mr. Ginnetti who is a regular member of your Board has not seen. She was going to recommend that the public hearing be kept open.

There was mention of a variance application that had been made and granted. If Mr. Auerbach would like to see some things on that application, that is something certainly that they can pull for him. Yet, another reason to keep the public hearing open.

Ms. Martin called for public comments for or against. Ms. Hedley has no one on the videoconference. Attorney Coppola called for public comments from those participating via Zoom. For the individual trying to submit his or her comments via the chat feature on Zoom, she indicated the person could comment now.

Ms. Martin suggested that the Board not close this public hearing and continue it for next meeting because she would like to see their old records from 2012. She would like Mr. Ginnetti to get a look at all the images of things that were submitted.

Mr. Ginnetti motioned to follow Ms. Martin's recommendation to keep the public hearing open. 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.

4. **Application No. 21-16 on behalf of Gerald Paprocki for Jean D'Albero, 577 Laurel Street.** Assessor's Map 330, Block 4318, Lot 003, R-2 District requesting variances to Sections 25.2, 25.4 (Schedule B, Line 9) and 25.5 of the East Haven Zoning Regulations to construct a new house on a lot that is smaller than the minimum lot size required for an R-2 zone. Also, to a point 9 feet from both side property lines where 20 feet is required. Also, to allow a proposed lot coverage to be 27.6% where 25% is the maximum lot coverage allowed.

Mr. Gerald Paprocki, 54 Dominican Road, Stamford, Connecticut.
The law created for adoption would place a burden on the property.

Ms. Martin asked what he would like to build.

Mr. Paprocki indicated that he would like to build a single-family raised ranch that would look basically like the other houses on the road.

Ms. Martin asked if the measurements were accurate that were on the GIS map. Mr. Paprocki replied that it was.

Ms. Martin indicated that when looking at the lot, it looked a lot smaller than proposed lot.

Ms. Martin said what he has is 6,250 square feet. Mr. Paprocki replied, yes.

Mr. Gersz stated that Mr. Paprocki was requesting two variances here. Mr. Paprocki said, yes.

Mr. Gersz indicated that he was confused by the zone restrictions Mr. Paprocki spoke about. He asked Mr. Paprocki how long ago that was. Mr. Paprocki said that it was in the early 1900s.

Mr. Gersz indicated that there were houses built around there in the 1970s. Mr. Paprocki indicated that he was not familiar with East Haven that much. He was not sure of the year.

Mr. Gersz stated that it was not that long ago. It does not go back to the 1900s. Mr. Paprocki apologized.

Ms. Martin asked about the actual measurements of the house. Mr. Paprocki said 32 by 50.

Ms. Martin asked if the lot size was 40 by 125. Mr. Paprocki replied, yes.

Mr. Wobensmith stated that there was a quite a lot of rock in there. This would require some blasting to put the foundation in. Mr. Paprocki indicated that he would not be blasting.

Ms. Martin asked whether when digging the foundation, they would have to get past the rock. Mr. Paprocki replied that it was loose rock. They would drill into it when they get to solid rock

Ms. Martin called for comments.

Mr. Jeff Feldenzo, 581 Borrow Street, stated that his house was built in 1955. They have an issue with their house. When the house was built, it was built 10 feet from the property line. If this house is built, it would be 10 feet from their kitchen which has a door that they use. So, there's 10 feet on that side of the house.

That would be 10 feet plus the 9 feet they are giving which is 19 feet. And there is talk of 25 feet. They are supposed to be 25 with sound reasonable for Cosey Beach. When the house was built in 1955, they did not have rules back then about spaces on each side. It stated 25 feet on the side. He would like this to be taken into consideration. They built first. They did not contemplate a house being built on a side lot.

Mr. Gersz asked if he had heard about the lot not being buildable.

Mr. Feldenzo said yes. In 2006 Mr. D'Albero applied for the same two lots and he was denied. There was a judgment. They were against it back then and are still against it now. He indicated that the property ought to be measured. The subject property is very small compared to his property

Mr. Gersz asked if Mr. Budrow had the document. Mr. Budrow indicated he did not know about this.

Mr. Donald Outlew, 589 Laurel Street, stated that he had pictures of the rocks that have to be drilled.

Ms. Martin indicated that the pictures have to be submitted.

Mr. Outlew wondered if there was a way to e-mail the pictures. Ms. Martin replied that it was fine to e-mail the pictures.

Mr. Budrow instructed Mr. Outlew on how to e-mail the pictures.

Mr. Outlew indicated he was present for 585 Laurel Street application.

Ms. Martin indicated that there were two different properties on the agenda.

Mr. Bob Falcigno, 29 William Street, indicated he wanted to make it clear that he was not present to speak in opposition or in favor of the application. He was present to give a summary of the information he has on this particular property. Mr. Feldenzo was right when he said there was a petition in 2006. He was a member of the Zoning Board of Appeals. He was instrumental in denying this. It was denied because the gentleman that proposed the variance could not produce the deed for the property. He said the deed was forthcoming. Mr. Falcigno then asked the applicant at the time how he could request a variance and not have a deed to show ownership of the property. He had spoken to the two young D'Alberos present. He knew their father.

Mr. D'Albero had called him before purchasing this property. What he didn't know was that the owner of the property, Mr. Harold Labell, had liens on them. He advised Mr. D'Albero not to purchase the property because he could not clear the title. Mr. Labell had sold the property 10 times to 10 different people. He also purchased a property from Mr. Labell. Mr. Falcigno went on to tell the story of how he located Mr. Labell who had fled the state and how he got his own deed signed. This was in 1961.

Mr. Falcigno indicated that he felt for the D'Alberos. However, when you look at it, it does not look like a deed because the land description is on a separate schedule. It's not even notarized.

Mr. Falcigno opined that if the Board decided to grant a variance, it would be a disservice to the D'Alberos, not to talk of the guy building it. How would he transfer this? He has no idea. The land description is separate. It is not notarized and does not have a seal on it.

Mr. Falcigno indicated that his comments on this lot also pertain to the next application regarding 585 Laurel Street because the lots are identical.

Ms. Martin indicated they would consider his comments for both lots.

Mr. Robert Teotosio, 984 Horseshoe Road, Guilford, stated that his only question to the Board is: Is your role whether a property can be conveyed or not conveyed?

Mr. Gersz indicated he did not hear Mr. Teotosio's question.

Mr. Robert Teotosio asked, is your role as a Board to determine what can be conveyed or not conveyed?

Mr. Gersz replied that they had not been made aware of the issue in 2006, The ZEO was just finding out about this tonight. He would have to see that to make a decision.

Attorney Coppola said the capacity of the applicant to make the application is a separate issue from the typical analysis of the variance issues, yes.

Ms. Martin asked if what Attorney Coppola was saying was that if they cannot prove the property belongs to somebody then they cannot decide a variance on it.

Attorney Coppola replied that was not what she said. She stated that Mr. Falcigno had presented a very interesting issue. It is a very odd history indeed.

Mr. Falcigno stated that it was a very interesting case. Prior to 1960 the town hired many, many attorneys to do the town investigations. Mr. Falcigno went on to speak about Mr. Harold Labell and how he got liens on these properties. However, there is no deed.

Mr. Fred D'Albero, 1866 Hartford Turnpike, North Haven, stated that 2006 was mentioned. At the time the properties, as Mr. Falcigno had mentioned, were extremely convoluted and it was a much larger group of properties. Without going through 10 years of litigation, the short story is, in September of 2018 the Superior Court ruled that his dad, who is deceased, was the sole owner of these two properties. He was given ownership and title. That was affirmed last month in Probate when they assigned my mom to be able to complete the sale to Mr. Paprocki.

Ms. Martin asked if all these documents were available.

Mr. D'Albero indicated that his lawyers would provide the documents. He also added that a lot of Mr. Falcigno's information, as Mr. Falcigno admitted, were at least 15 years old. To the best of his knowledge, he is not part of their dealings with this and has never been. The benchmark is September, 2018. The documents that his attorneys will provide will allay any concerns regarding the validity of ownership of the properties. They would instruct their attorney accordingly.

Ms. Martin stated she was going to suggest that these two matters be continued.

Mr. D'Albero stated that his comments also applied to the next application regarding 585 Laurel Street.

Mr. Wobensmith moved to continue the public hearing until the August, 2021 ZBA meeting. Said motion was seconded by Mr. Gersz.

Ms. Martin - Yes.

Ms. Mison - Yes

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

Motion passed unanimously.

5. **Application No. 21-17 on behalf of Gerald Paprocki for Jean D'Albero, 585 Laurel Street.** Assessor's Map 330, Block 4318, Lot 005, R-2 District requesting variances to Sections 25.2, 25.4 (Schedule B, Line 9) and 25.5 of the East Haven Zoning Regulations to construct a new house on a lot that is smaller than the minimum lot size required for an R-2 zone. Also, to a point 9 feet from both side property lines where 20 feet is required. Also, to allow a proposed lot coverage to be 29.2% where 25% is the maximum lot coverage allowed.

Mr. Paprocki indicated that he didn't know anything about these title issues. Today is the first time he had heard about this.

Ms. Martin told Mr. Paprocki to bring accurate measurements.

Mr. Paprocki indicated that he had professional documents to show measurements.

Mr. Gersz had said previously that if he did not build a raised ranch, he would have to build a colonial. Mr. Paprocki said yes. Mr. Gersz said Mr. Paprocki would get more space rather than a raised ranch. He asked Mr. Paprocki to give it some thought. Mr. Paprocki indicated it costs more money. Mr. Gersz commented that it was awfully tight

Mr. Wobensmith said he would still have to take into consideration the lot coverage.

Ms. Martin called for comments.

Mr. Donald Outlew, 589 Laurel Street, indicated he submitted the pictures.

His property has rocks.

Mr. Gersz said it's ledge rock.

Mr. Outlew said the house would have to be very tiny since there are regulations regarding distance from his window. He knows his property line and his neighbor's property line makes the lot smaller. There's not enough room to put up a house. If there is blasting, it may impact his foundation.

Ms. Martin asked for pictures of the property. Mr. Budrow indicated he would take pictures.

Mr. Paul D'Albero, 20 Wood Avenue, Northford, stated that in the late 1990s he built a house right around the corner at 292 Greenwich Street. It is three properties away diagonally. When doing the excavating, they did not have to blast and rocks broke apart with a shovel.

Mr. Gersz asked if was ledge rock. Mr. D'Albero said no.

Mr. Wobensmith said if it broke apart easily was it shell or granite. Mr. D'Albero said it was not granite. Mr. Wobensmith said if it broke easily, it must be shell.

Mr. Jeff Feldenzo, 581 Laurel Street, stated that, as he had said in the previous application, their bedroom window is within three to four feet of this property line for this property. They are at fault for buying this property. They should have built west to east instead of north to south. It was not allowed back then. It is only going to be 12 feet of distance between their bedroom window and the proposed house.

Ms. Martin said the long way of the house goes with the street. The proposal is the long side on the street.

Mr. Paprocki said he had the same issue in West Haven and it was approved. He just got his permit. He could put the same there but there would be an issue with the side yard.

Mr. Donald Outlew indicated he just bought his house three years ago. He bought it because no one was on that side. Now, they want to build on the lot. He wondered how long he and his neighbor would have to deal with the noise.

Mr. Gersz motioned to continue the public hearing to the August, 2021 ZBA meeting. Said motion was seconded by Mr. Wobensmith.

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

Motion passed unanimously.

Attorney Coppola indicated that Item No. 2 had to be recalled.

- 2 **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. Hedley called the matter on the Zoom videoconference and conference call.

Ms. Budrow indicated that a woman was present previously. He added that the official date of receipt per state statute, Section 8-7d. is June 17, 2021. The ZBA has 65 days to schedule the public hearing. The Board need not open it tonight.

Attorney Coppola indicated it was not 65 to schedule but 65 days to open. The Board presently has an applicant who has not showed up twice. The Board can deny it without prejudice or continue it as Mr. Budrow had indicated.

Ms. Martin suggested that this be continued one more time.

Attorney Coppola indicated that she wanted the record to reflect that she called the telephone number on the application. She left a message and her call back number at about 7:30 p.m.

Mr. Wobensmith motioned to continue this matter one more time to the August, 2021 ZBA meeting. Said motion was seconded by Mr. Gersz.

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

Motion passed unanimously.

IV. Deliberation Session

1. Discussion and possible decision on **Application No. 21-06 on behalf of Eilen Olmos, 141 Highland Avenue.**

Mr. Mison motioned to approve based on Section 51.8.4.2. of the Zoning Regulations that the use shall “... not impair the essential existing character of the area and will not conflict with the general purpose and intent of these regulations.” Said motion was seconded by Mr. Wobensmith.

Ms. Martin - Yes.

Ms. Mison - Yes.

Mr. Gersz - Yes.

Mr. Ginnetti - Yes.

Mr. Wobensmith - Yes.

The motion passed unanimously.

V. Adjournment

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

The Board adjourned the meeting at 9:40 p. m.

Respectfully Submitted,

Sotonye Otunba-Payne