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Town of East Haven
Zoning Board of Appeals
Regular Meeting Minutes – September 15, 2022
East Haven Senior Center, 91 Taylor Avenue

I. Roll Call and Pledge of Allegiance

In attendance: Judy Mison, chair, John Wobensmith, vice-chair, David Gersz and Cindy Sparago.

Also in attendance: Joseph Budrow, Planning and Zoning Administrator/ZEO and Jennifer Coppola, Assistant Town Attorney.

Meeting began at 7:05pm. Ms. Mison introduced the Board members present. The Pledge of Allegiance was recited. She described how the proceedings will go and said speakers have five minutes to make comments and will get another two minutes later on, if needed.

Ms. Mison moved the 21 Wood Terrace application up on the agenda.

II. Review and Action on Prior Meeting Minutes

MOTION: Mr. Wobensmith made a motion to delay the approval of the minutes of June 16, 2022. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

Ms. Mison told the applicants that there were four members of the Board present and that each proposal will require four affirmative votes. One “no” vote results in a denial.

Mr. Budrow said that Attorney Len Fasano asked that his two applications remain at the top of the agenda.

III. Public Hearings and Deliberations

Application No. 22-11 – on behalf of Fasano, Ippolito, Lee and Florentine for **Caroline Road Properties, Inc., 3 Minor Road**, East Haven, CT, Assessor’s Map 010, Block 0206, Lot 002, R-3 District, requesting variances to Sections 4.26.1, 4.26.5, 25.2, 25.3, 25.4, 25.4.3, 25.4.4, 25.10b, Schedule B, Lines 3, 8 and 9 of the East Haven Zoning Regulations to be able to build on a lot where a conforming minimum square, exclusive

of wetlands, cannot fit, and to locate a single-family dwelling to a point 20 feet from a side property line where 48 feet is required, and to a point 48 feet from a rear property line where 58 feet is required, and to a point 10 feet from tidal wetlands where 25 feet is required. Also, to locate a deck to a point 9' 4" from a side property line where 48 feet is required, and to a point 36' 2" from a rear property line where 58 feet is required, and to a point 17 feet from tidal wetlands where 25 feet is required.

Application No. 22-13 - on behalf of Fasano, Ippolito, Lee and Florentine for Caroline Road Properties, Inc., 3 Minor Road, East Haven, CT, Assessor's Map 010, Block 0206, Lot 002, R-3 District, a request to approve an application for a Coastal Area Management Site Plan Review to locate a single-family dwelling within a flood zone and near beaches and tidal wetlands.

Mr. Wobensmith opened the hearings for the 3 Minor Road applications. Attorney Fasano said he was not going to present anything on these applications but wanted to open the hearings. Another attorney will present the proposal at the next meeting. Attorney Coppola stated that the public may still speak tonight on the two applications. Ms. Mison asked if there was anyone in attendance who wanted to speak about the proposal. There were no comments from the public.

Ms. Sparago asked if there was time after October 20th for questions to be answered. Mr. Budrow said that October 20th was the 35th day for the hearing being opened.

Ms. Mison asked that if there were new materials to submit that they be submitted a week and half prior to the next meeting.

Mr. Patrick Rowland said he wants to wait until after the presentation is made to submit items. He said he submitted a video to the Zoning Official. He said he doesn't want to share materials in advance unless on the Board received the items. He didn't want to put all of his cards on the table prior to the applicant's presentation. Attorney Coppola said anything submitted, goes to the Board. She said it is not appropriate to withhold anything from the applicant.

Mr. Rowland said anything can be shared. He requested a monitor to be able to show videos. Attorney Coppola said she can distribute the videos via Dropbox for him.

Ms. Sparago shared concerns about having questions on October 20th and potentially not have answers. Attorney Coppola said it cannot be assumed what will come in. The Board can have a recess to assess the materials. There couldn't be any conversing.

MOTION: Mr. Wobensmith made a motion to continue the public hearings. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

Application No. 22-14 - on behalf of Maggie Fletcher, 8 Hilton Avenue, East Haven, CT, Assessor's Map 110, Block 1124, Lot 005, R-1 District, requesting variances to Sections 25.4 (Schedule B, Line 7) and 44.7 of the East Haven Zoning Regulations to be able to raise the height of a portion of an existing house that is 10.7 feet from the street line to a height of 17 feet, 10 inches, and an open front porch that is 5 feet from the street line to a height of 12 feet, each within the 35' front yard setback area.

Ms. Mison recused herself at this time.

Mr. Wobensmith told Attorney Fasano that there was now only three Board members.

Mr. Wobensmith opened the public hearing for the proposal. Attorney Fasano asked that the hearing be continued as having three members is a problem. Also, they are talking to neighbors.

Mr. Wobensmith asked for public comment. There was no public comment or questions from the Board.

MOTION: Mr. Wobensmith made a motion to continue the public hearing. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

Application No. 22-19 - on behalf of Ronique and Kacey Wright and Thomas Dorett, 21 Wood Terrace, East Haven, CT, Assessor's Map 580, Block 6831, Lot 004, R-4 District, requesting variances to Sections 25.1 (Schedule B, Line 9), 25.4.10.2, 25.4.13.3 and 25.4.13.6 of the East Haven Zoning Regulations to be able to locate a 12' x 23' above-ground pool to a point 8 feet from a side property line where 15 feet is required, 6 feet from the house foundation where 15 feet is required, and to a point 57 feet from a street line where 75 feet is required. Also, to allow a deck to a point 2 feet from a side property line where 25 feet is required.

Ms. Mison rejoined the Board.

Mr. Wright presented. He described his rear yard as sloped and rocky. Looking at a site plan, Ms. Mison asked if the lines around the pool was a fence. The answer was that it is a deck railing. She asked if a shown tree line was the property line. She also asked why he picked this pool size. He answered that it was the smallest available size. Ms. Sparago asked why he didn't go with a round pool. He answered that an oval pool was the most available pool.

Ms. Sparago asked questions about deck size and proximity. Mr. Budrow described the deck dimensions as proposed.

Mr. Wobensmith asked what was beyond the property line. He was told a house.

Mr. Budrow asked Mr. Wright if the rear yard to the east was unsuitable for the proposal. Mr. Wright confirmed that he thought it was unsuitable.

Mr. Wobensmith asked if the pool could be rotated 90 degrees to get away from the property line. Mr. Wright said it was possible but there would be issues exiting the house. He would consider moving it.

Mr. Wright submitted into the record a letter he wrote.

Ms. Rosanne Fabrizio who resides at 27 Wood Terrace spoke. She is very concerned about the pool and the closeness of the deck. She wonders about a fence for the pool. Mr. Budrow told her that the Board is requesting a modified site plan with the deck farther away.

Mr. Stiles who resides at 28 Wood Terrace spoke. He said he never received a Notice but was not opposed to the pool but the Regulations say they must be in the rear yard. A pool would stand out at the side.

Ms. Mison asked Mr. Budrow and Attorney Coppola if the hearing could be continued so the Board could visit the property. Mr. Budrow said that there couldn't be more than two members at a time and that the meetings should be scheduled through the office.

Mr. Gersz asked Mr. Wright if it was more expensive to build the deck and pool in the rear yard. Mr. Wright answered that it was more expensive. Ms. Mison asked him if Board members could visit his property. He answered affirmatively. Ms. Sparago stated that there needs to be a hardship that neighbors might not have.

MOTION: Mr. Wobensmith made a motion to continue the public hearing and requested a modified site plan. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 4-0.**

IV. Adjournment

Mr. Wobensmith made a motion to adjourn the meeting at 7:52pm. Ms. Sparago seconded the motion. **All were in favor. Motion carried 4-0.**