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**Town of East Haven
Zoning Board of Appeals**

Minutes for Regular Meeting
Held on Thursday, November 17, 2022
At 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, Cindy Sparago, Charles Page, and William Carbone (alternate).

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

Meeting began at 7:00pm. Ms. Mison introduced the Board members present. The Pledge of Allegiance was recited. Ms. Mison described the meeting process.

Mr. Budrow stated that Application No. 22-21 was not going to be heard due to a notice error by the applicant.

II. Review and Action on Prior Meeting Minutes

Mr. Budrow said there were no meeting minutes to vote on and that three sets will be available by the December meeting.

III. Public Hearings and Deliberation

- 1a. **Application No. 22-23** – on behalf of Joe and Michelle Luciano, 378 Mansfield Grove Road, East Haven, CT, Assessor's Map 130, Block 1220, Lot 001, R-3 District, requesting variances to Sections 25.1 (Schedule B, Line 9), 25.4 and 44.7 of the East Haven Zoning Regulations to construct an 8' x 15' house addition to a point 13 feet from a side property line where 20 is required.

Mr. Luciano presented the application. He said the addition was for a work area for his daughter, who needs ADA therapy and this part of the house was best suited for this need. He mentioned that a rock wall marks the property boundary. He referred to a handout he submitted for a perspective of the proposed house

addition. He said his neighbor was in favor and that the neighbor's son would be the builder.

Ms. Mison asked for a description of what the handout shows and a clarification of existing room locations. Mr. Luciano said the change to the house was only in the rear and there will be no impact to the neighbor, who would only see the roof line. He said the survey shows that the addition will be 13 feet from the property line.

Ms. Sparago asked if the addition was replacing a deck. He answered affirmatively. She asked if the addition was in line with the end of the house. He answered affirmatively.

The Board had no other questions.

There was no public comment.

MOTION: Mr. Wobensmith made a motion close the public hearing for Application No. 22-23. Ms. Sparago seconded the motion. All were in favor. **Motion carried 5-0.**

- 1b. Discussion and possible decision on **Application No. 8-23** – on behalf of Joe and Michelle Luciano, 378 Mansfield Grove Road.

Mr. Gersz thought the addition was a good design. Mr. Page agreed and said the driveway was wide enough. Mr. Wobensmith also agreed it was a good design and that there was little room in the rear.

Mr. Budrow stated that there were wetlands to the south of the property. He also said that the Town Engineer had not seen the application and did not review the proposal. Mr. Budrow recommended if the Board was potentially in favor of approving the application, they could condition the variance so that a zoning permit could not be submitted prior to the Town Engineer reviewing the application. Ms. Sparago asked if a silt fence was needed. Mr. Budrow said the wetland were over 150 feet away on the opposite side of the house and there was not a need for a silt fence.

MOTION: Mr. Gersz made a motion to approve Application No. 22-23 with the condition recommended by Mr. Budrow. Mr. Wobensmith seconded the motion. All were in favor. **Motion carried 5-0.**

- 2a. **Application No. 22-20** - on behalf of Jeff Wilhite for Silver Sand, LLC., 67 Minor Road, East Haven, CT, Assessor's Map 010, Block 0306, Lot 009, R-3 District, requesting variances to Sections 25.1 (Schedule B, Lines 7 and 9), 25.4, 25.4.4 and 44.7 of the East Haven Zoning Regulations to be able to keep an already-built dormer that is to a point 8 feet from a side property line where 20 feet is required and to a point 22 feet from the street line where 37.5 feet is required.

Mr. Jeff Wilhite presented the application. His friend, Joe Kelly, appeared with him.

Ms. Mison asked whether the application is for something that has already been built.

Mr. Wilhite said that when he was building approved work, he did not think of the needed headroom on the south side. He needed seven feet of headroom.

Mr. Wobensmith recollected that the first approval showed no access to the attic space. Mr. Wilhite said that he did not want that space to be a wasted area. Mr. Gersz asked what the height of a kneewall was to be. The answer was five feet. Mr. Wilhite said that he wanted to put a furnace in the third floor space.

Ms. Sparago stated that the prior variance was granted based on the plans submitted and that he did not return with a new plan. She asked if he wanted heat on the third floor. She wondered why he needed two furnaces and if he was trying to add living space. He answered with general responses on where the furnace would be placed.

Ms. Sparago asked if one furnace could heat the whole house. Mr. Wilhite said it could. Mr. Carbone stated that some houses require different-sized ductwork.

Mr. Wobensmith said that the original plans showed two stories with an attic. Here, two dormers were built and the attic space was now shown as a game room.

Mr. Wilhite repeated that the attic would be wasted space. He said he got permitted to do the dormer on the south side and did not think about needing approval for the north side. He said if he knew he needed a permit for this dormer, he would have followed it up. He said there was originally a wood stove in the house and that he cut out the chimney. A furnace was needed.

Ms. Sparago asked if Mr. Budrow had the original application because she thought the request was vague. Did they ask for two-story house? A three-story? Mr. Budrow answered that the house was a two story already and the request was for a height increase. She said the dormer was close on the setback side.

The Board had no other questions.

There was no comment from the public.

MOTION: Mr. Gersz made a motion to close the public hearing. Mr. Page seconded the motion. All were in favor. **Motion carried 5-0.**

- 2b. Discussion and possible decision on **Application No. 22-20** - on behalf of Jeff Wilhite for Silver Sand, LLC., 67 Minor Road.

Mr. Wobensmith said he had a big problem with the proposal. He asked how the applicant could not know he would need stairs to go up to there. This should have been previous knowledge. He was not in favor.

Ms. Sparago said she was okay with the south dormer since it was approved by mistake by staff, but the north dormer is too close and there is no hardship.

Mr. Page felt the same way. Ms. Mison and Mr. Gersz also agreed.

MOTION: Mr. Wobensmith made a motion to deny Application No. 22-20. He said there is no land-based hardship and that dormer is a hardship on the neighbor. Mr. Page seconded the motion. All were in favor. **Motion carried 5-0.**

- 3a. **Application No. 22-21 - on behalf of Ralph Mauro, 8 Morgan Terrace**, East Haven, CT, Assessor's Map 010, Block 0003, Lot 015, R-3 District, requesting variances to Sections 25.1 (Schedule B, Lines 7, 8, 9, 11 and 12), 25.4, 25.4.3, 25.4.4 and 25.4.10.2 of the East Haven Zoning Regulations to construct a single-family dwelling on a lot where the proposed floor area is 52% where 40% is the maximum allowed, the proposed lot coverage is 30% where 20% is required, and where the house comes to a point 17', 3" from the street line where 50.5' is required, and to a point 6' from the east side property line where 36 feet is required, and to a point 12 feet from the west side property line where 36 feet is required, and to a point 25 feet from the rear property line where 56 feet is required. Also, to allow an existing patio to a point 4 feet from a side property line where 10 feet is required, and 6 feet from the street line where 75 feet is required.

Mr. Budrow said the applicant made an error in his abutter letters. Ms. Sparago wants copies of the original lawsuit. Attorney Coppola confirmed that Ms. Sparago is not asking for litigation documents/pleadings in the case but asking for prior record and the Court's Memorandum of Decision. Typically, a request is for the record of prior proceedings to be incorporated into the record.

Attorney Coppola had a housekeeping matter to address. The agenda states that the next meeting was December 15, 2022 and the approved 2022 ZBA Meeting Schedule had no December meeting scheduled. She asked whether the Board wished to hold a December meeting and for members' availability for December 15th. The Board discussed the matter and agreed to hold a special meeting on December 15th.

IV. Adjournment

Mr. Page made a motion to adjourn the meeting. Mr. Wobensmith seconded the motion. **All were in favor. Motion carried 5-0. The meeting adjourned at 7:50 PM.**

