

APPROVED ON 2/18/2021

TOWN OF EAST HAVEN ZONING BOARD OF APPEALS MINUTES OF SPECIAL MEETING HELD ON JANUARY 7, 2021 VIA CONFERENCE CALL

Chairman Robert Falcigno called the Special Meeting to order at 7:02 p.m.

I. Roll Call

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

Robert Falcigno - Present
David Gersz - Present
Karen Martin - Present
Joseph Ginnetti - Present
Judy Mison - Present
Vincent Lettieri (alternate) - Present

The following was also in attendance:
Jennifer Coppola - Town Attorney

II. Administrative Actions

1. Accept/Approve Minutes from the December 17, 2020 Special Meeting.

Attorney Coppola stated that the meeting minutes had not been finalized. Mr. Falcigno stated it would be ready for the January 21, 2021 regular meeting.

Attorney Coppola indicated that the applicant for Item No. 4 advised her that she was on call and may need to step away from her computer. The matter may need to be passed, but she will inform the Board.

III. Public Hearings

2. **APPEAL #20-12:** Appellants: Pat Rowland and Lisa Kwesell; Property Concerned: 188 Beach Avenue (Issuance of Zoning Permit).

Mr. Falcigno stated that it was his understanding from Attorney Coppola that this matter had been resolved.

Attorney Coppola said it had not been resolved. She spoke with Attorney Lambert on January 7, 2021 regarding this matter. This matter will be

continued until the next regularly scheduled meeting. By agreement, they will use a portion of the period that is afforded to the parties by Governor Lamont's Executive Order 7I with regard to the deadline for the completion of the public hearing.

Mr. Gersz moved to continue this Appeal #20-12 until the January 21, 2021 meeting. Said motion was seconded by Ms. Martin.

Robert Falcigno - Yes.
David Gersz - Yes.
Karen Martin - Yes.
Joseph Ginnetti - Yes.
Judy Mison - Yes.

The motion passed unanimously.

3. **APPEAL #20-13:** Appellants: Kevin Katynski and Stephanie Parlato;
Property Concerned: 16 Batt Lane (*Zoning Violation*).

Attorney Coppola stated for the record that there are two new seated members coming out of the Town Council meeting on Tuesday, January 5, 2021. They are Mr. Joseph Ginnetti and Ms. Judy Mison. She had spoken with Mr. Ginnetti who requested not to sit at this evening's meeting as a regular member because he had not had an opportunity to review all of the meeting materials. Mr. Lettieri would be seated in Mr. Ginnetti's place.

Mr. Falcigno indicated that there was a lot of interruption. Attorney Coppola implored all participants to mute themselves unless speaking.

Mr. Kevin White, representing Mr. Katynski and Ms. Parlato, stated that Item No. 9 on the agenda for tonight is an application to rectify the incident that took place over the summer. He did not know if the Board could vote on Item No. 9, Application #20-23-V, which would make this line item moot.

Attorney Coppola stated that when a situation like this arises, there is a statutory requirement that the Board decide on the appeal first. Unfortunately, this cannot be taken out of order. As indicated by Mr. White, the nature of the violation is that there is porch and overhang that had been constructed without the proper permits and approvals. Upon receiving the notice of violation, the affected property owners did submit an application for a variance which is Agenda Item No. 9. The issue is whether the issuance of the notice of zoning violation was appropriate at the time. If you agree that it was, then the Board is upholding the issuance of the notice of violation; if you do not agree that the issuance of the notice of violation was appropriate at the time, then the Board is reversing that decision in which case four members have to vote to reverse said decision.

Ms. Martin moved to uphold the Zoning Enforcement Officer's decision to issue a zoning violation at that time. Said motion was seconded by Ms. Mison.

Robert Falcigno - Yes.
Karen Martin - Yes.
Judy Mison - Yes.
Joseph Lettieri - Yes.
David Gersz - Yes.

The motion passed unanimously.

4. **APPLICATION #20-16-V:** Patricia Rivas, Owner and Applicant: Property Concerned: 34 Pennsylvania Avenue. Zone R-1, Map 190, Block 2115, Lot 007 - *Proposed installation of 15x24-foot above-ground pool.* **VARIANCE:** Schedule B; Line: 11: Maximum lot coverage 29.62% requested where 25% allowed.

Ms. Rivas stated that on July 29, 2020 she applied for a permit to install an above-ground swimming pool and was denied due to the lot coverage in an R-1 zone. She is applying for a variance due to her lot size and nonconforming size compared to other lot sizes. The R-1 zone has less lot area than the other zones have. If you add up the size of her lot, it is less than 1,700 square feet. She is 10 feet from the property line of all three of her neighbors. However, if she installs her pool closer to the property line of her neighbors, it would exceed the lot coverage of her lot. She will need a variance for not being within the required property line of 10 feet and exceeding lot coverage as well. Her neighbors have no objections to her installing a pool. She has the space.

Attorney Coppola replied to Mr. Falcigno's inquiry regarding notification to neighbors that Ms. Rivas did notify all her neighbors. The notice Ms. Rivas provided was legally sufficient. Attorney Coppola did confirm that with Zoning staff.

Mr. Gersz moved to approve Application #20-16-V. Said motion was seconded by Mr. Lettieri.

Robert Falcigno - Yes.
David Gersz - Yes.
Karen Martin - Yes.
Judy Mison - Yes.
Joseph Lettieri - Yes.

The motion passed unanimously.

5. **APPLICATON #20-17-V:** FC Russo Family, LLC, Owner; Nicholas Mingione, Esq., Applicant: Property Concerned: 139 Main Street. Zone RA-1, Map 210, block 2418, Lot 003 - *Proposed rebuilding of pre-existing, non-conforming two-family dwelling.* **VARIANCE:** Schedule B; Line: 1: Minimum lot area: 10,420 square feet requested where 20,000 square feet required. Schedule B; Line 3: Minimum dimension of square on the lot 40 square feet required where 100 square feet required. Schedule B; Line: 4: Minimum lot frontage: 45.5 feet requested where 100 feet required. Schedule B; Line 7: Minimum setback from the street line: 13 feet requested where 25 feet required. Schedule B; Line 9: Minimum setback from the side property line: 12.4 feet requested where 15 feet required (west side); 7.8 feet requested where 15 feet required (east side).

Attorney Nicholas Mingione stated that from an administrative standpoint, mailings had been returned from the original application date. They have been filed with the Town. The sign had been posted. A picture of the sign being posted was provided to Town staff as well as Attorney Coppola. With the continuances and the special meeting, he did an additional signage postage. He took a picture of that and provided that as well.

The application is to rebuild a pre-existing, nonconforming two-family dwelling. He provided the necessary documentation and also historical Google Earth pictures going back to 2006 which was the clearest picture he could obtain from Google Earth. In 2006, the exact structure they want to build already existed on the property. The house was built in 1919. He provided another picture from 2010 showing the existence of the two-family structure on the lot. He also showed another picture from 2012 which was the last year the structure was still there before it was a casualty of fire. He also has a picture from 2013 which showed that the building was removed due to this casualty.

Under the law, one has the ability to rebuild a nonconformity if it was lost due to casualty so long as there was no intention to abandon. This has been a property owned by the same family in one way or another whether through entities or in their individual names. There have never been an intent to abandon the property. It was just that they did not rebuild since 2013. They just were not ready to build on it.

He hoped that the sheer number of variances does not scare anybody on the commission. This is the exact same structure that was there in the exact same location. It is the exact same size. The number of variances indicate the need to make this compliant. As the Board will see from the pictures, the map and the assessor's card that he provided, the three immediate lots behind the Walgreens and before the condominium are all extremely small lots. They are all non-compliant. They are all nonconforming. The requests being made are the very minimal requests that they can make on this in order to have a

habitable home but also to meet the minimum dwelling-per-unit requirement of the zone. It ended up being the exact minimum. So, they could not go larger or smaller. They had gotten it to the bare number of variances that they could request for the bare minimum size of the house that they can seek.

Attorney Coppola stated that for the benefit of the public listening, if there are any concerns out there, the Zoning Regulations requirement in terms of casualty could be found at § 44.10 which states that: *“If any nonconforming building or other structure or any building or structure containing a nonconforming use shall be destroyed by fire or other casualty to an extend (typo) of more than ... 80 ... percent of its assessed valuation on the last completed tax assessment list for said building or other structure of the Town of East Haven, such building or other structure shall not be reconstructed or repaired and such use shall not be redeemed unless the building, structure and use are made to conform in all respects.”*

Attorney Coppola stated that Attorney Mingione spoke about abandonment, but he needs to make clear what he is arguing with respect to Mr. Falcigno’s response to the fact that what is being proposed will not meet the requirement of this regulation.

Attorney Mingione stated that the only way to bring it into conformity is to seek the zoning requests. Again, they are trying to get it back to exactly where it was. There is still the semblance of a foundation here. So, the percentage would be an argument. In order to get it into conformity, the best they can do is request these variances. They are asking for the minimum number of variances to make it compliant in all other aspects such as the minimum dwelling unit size.

Ms. Mison asked if they intend to build on the current foundation as it exists. Attorney Mingione stated that they are building in that exact same footprint as that foundation. They do wish to remove that foundation to put in a basement area.

Mr. Falcigno stated that what Ms. Mison was asking was whether there was an existing footing or foundation that still exists on the preexisting building. Attorney Mingione replied that there was. There is something there but it is not in the greatest condition. It is overgrown. The owners do not want to rely on the structural integrity of the foundation. They plan to build upon the exact same footprint, but they intend to remove the foundation and start afresh.

Mr. Gersz asked if there was a fake basement in the past that was backfilled. Attorney Mingione said he did not know the answer to this question. From the appearance of the foundation, it did not look like there was a basement. Mr. Gersz asked if that was built on a slab. Attorney Mingione replied, yes.

Mr. Gersz asked if they would put the same size house that was there. Attorney Mingione replied that it would be the exact same size house. Mr. Gersz asked about the square footage of the house. Attorney Mingione replied that it would be about 1800 square feet, 900 square feet per dwelling unit.

Ms. Mison asked if it was a two-family dwelling previously. Attorney Mingione replied by saying yes, it was.

Mr. Falcigno stated that he thought the regulations say if you have a pre-existing, nonconforming use, regardless of whether it is single family or commercial, in the event of a catastrophic incident such as a fire, you have two years during which to reconstruct it or lose the nonconforming use.

Attorney Coppola replied by saying that Mr. Falcigno was correct. This is in § 44.5. It is the "Discontinuance" section concerning nonconformity. It states, *"No nonconforming use of building or other structures which shall have been discontinued with intent to abandon said use for a continuous period of one ... year shall thereafter be resumed, or replaced by any other nonconforming use; no nonconforming use of buildings or structures which shall have been discontinued for a continuous period of two ... years shall thereafter be resumed or replaced by any other nonconforming use."*

Mr. Falcigno said as far as a pre-existing, nonconforming use, being that the lot is 40 x 100, he has that opportunity. However, he does not have the opportunity to enlarge it from a single-family house to a two-family house. The applicant has a right as a pre-existing, nonconforming lot to continue and get the necessary variances to put in a single-family house, but it doesn't revert to what was originally there.

Attorney Mingione replied that he believed that the RA-1 zone allows two-family homes.

Mr. Falcigno said it is not 30 or 40 units. It is a single, two-family house within the jurisdiction of being in the middle of other dwelling units there. In addition, it would be considered spot zoning.

Attorney Mingione stated he disagreed. Their nonconformity with regards to this is the size of the lot, not the usage. He is maintaining the use being a residential inside a residential. He does not have a nonconforming use. He does not think the discontinuance regulation applies with regards to this property.

Mr. Gersz asked if the original structure that burned down was a one- or two-family dwelling. Attorney Mingione replied that it was a two-family dwelling. Mr. Gersz asked if both dwellings had separate entrances. Attorney

Mingione said yes. Mr. Gersz asked if the houses on each side are single or two-family dwellings. Attorney Mingione replied by saying that they were both one-family dwellings.

Mr. Gersz stated that it seemed like the variances are extreme. Attorney Mingione stated that these are the minimal number of variances to get the exact same thing. He would have to ask for the variances to get the footprint in the area to get the minimum square footage. Mr. Gersz asked whether if they were to build a one-family dwelling, there would be a need for the variances being sought. Attorney Mingione stated, yes, he would still request every single one of the variances being sought now.

Mr. Gersz moved to approve Application #20-17-V to build a two-family home on the exact footprint that was there before the fire with no variations. Said motion was seconded by Ms. Martin.

Robert Falcigno - No.
David Gersz - Yes.
Karen Martin - Yes.
Judy Mison - Yes.
Vincent Lettieri - Yes.

The motion carries.

6. **APPLICATION #20-20-V:** Robert Scalesse, Owner and Applicant; Property Concerned: 19 Thompson Avenue. Zone R-1, Map 150, Block 1609, Lot 007 - *Proposed construction of 15 x 20 attached garage.* **Variance:** Schedule B; Line 9: Minimum setback from side property line: 4 feet requested where 10 feet required.

Attorney Coppola stated that at the December meeting Mr. Scalesse was on with his daughter, Ms. Christine Ciocca.

This matter was passed.

7. **APPLICATION #20-21-V:** Equity Based Real Estate, LLC, Owner and Applicant; Property Concerned: 71 Henry Street. Zone R-1, Map 070, Block 0517, Lot 014 - *Proposed installation of air conditioning unit.* **Variance:** Schedule B; Line 9: Minimum setback from side property line: 1 foot requested where 10 feet required.

Mr. Jeffrey Villano stated that they got letters from the neighbors on each. They sent letters in. Their letters were included in the package that was given to the Town. They did all the necessary paperwork. The issues is that the lots in the R-1 zone on Henry Street are only 25 feet wide. The existing air

conditioning unit was in place. When they upgraded everything, they found out about the setback. They had to file the variance to be compliant.

Mr. Gersz stated from the letters they received it seemed like the neighbors are happy with the request. Ms. Martin agreed that all seem happy with what is being requested.

Mr. Gersz moved to approve Application #20-21-V for the variance requested. Said motion was seconded by Ms. Martin.

Robert Falcigno - Yes.

David Gersz - Yes.

Karen Martin - Yes.

Judy Mison - Yes.

Joseph Lettieri - Yes.

The motion passed unanimously.

8. **APPLICATION #20-22-V:** Abelardo Ramirez, Owner and Applicant; Property Concerned: 2 Summit Avenue. Zone R-2, Map 130, Block 1518, Lot 008 - *Proposed construction of 13 x 17 kitchen addition.* **Variance:** Schedule B; Line 7: Minimum setback from the street line: 4 feet requested where 25 feet required.

Mr. Falcigno called Mr. Ramirez who was logged on, but there was no response. The matter was passed.

9. **APPLICATION #20-23-V:** Kevin Katynski and Stephanie Parlato, Owners and Applicants; Property Concerned: 16 Batt Lane. Zone R-4, Map 540, Block 6626, Lot 005 - *Proposed construction of 22 x 8 front porch and 8-foot 7-inch overhang.* **Variance:** Schedule B; Line 7: Minimum setback from the street line: 36 feet requested where 40 feet required.

Mr. Kevin White stated that during a construction in the summertime, a porch was added during the construction process and when they went to get the Certificate of Occupancy, they discovered that the overhang on the porch was over by four feet. All paperwork to the neighbors was sent. The neighbors called the authorities indicating their support of this application.

Mr. Gersz moved to approve Application #20-23-V to give them the variance needed. Said motion was seconded by Mr. Lettieri.

Robert Falcigno - Yes.

David Gersz - Yes.

Karen Martin - Yes.

Judy Mison - Yes.

Joseph Lettieri - Yes.

The motion passed unanimously.

10. **APPLICATION #20-24-V:** Ethan Kistler, Owner and Applicant; Property Concerned: 140 South End Road. Zone R-3, Map 010, Block 0305, Lot 011 - *Request to legalize pre-existing 8 x 10 1/2-foot shed and 29-foot 6-inch x 8-foot porch.* **Variance:** Schedule B; Line 7: Minimum setback from the street line: 19 feet requested where 25 feet required. § 25.4.10 Accessory buildings in an R-3 Zone; accessory buildings must be 10 feet from the property line, requesting 9 feet.

Mr. Kistler stated the shed in the backyard pre-existed when they purchased the house back in 2014. The porch was built in the beginning of the pandemic. While the porch was being built, they tried to find the property line. All the information they found says the property line is out to the street. They have just recently sold the house. When the house went up on the market, it was discovered that they had to be within the setback line and that they had gone over and that was when they applied for a variance. The shed was found to be problematic and this also necessitated filing the necessary paperwork to be in compliance.

Mr. Falcigno asked who constructed the deck and the shed. Mr. Kistler replied that it was a contractor from Impact Services. He could not recall the individual's name offhand. Mr. Falcigno asked if they took out any permits for this. Mr. Kistler replied, apparently not.

Mr. Kistler called the Town in attempts to ascertain the limits. They found that it was the street on South End Road. It was not until after that they found out that it was supposed to be from the setback line, that is where the trouble started. He tried calling the Town several times before construction to find out exactly where they could come out. However, because it was the beginning of the pandemic, no one was ever in the office. He left several messages and no one ever returned his calls. All the paperwork they saw and the stuff he found online said that it was out to the street. So, they thought they were well within the range of where they could build.

Mr. Gersz stated that they took a chance. He asked if a surveyor was involved. Mr. Kistler stated a surveyor was not involved. Mr. Gersz stated that as far as he was concerned, Mr. Kistler took a chance and lost on it. Mr. Gersz stated that he was very surprised that the person who built this did it without any permits. Now, he is seeking approval for something that should not have been done. This will come down on Mr. Kistler as the owner of the property.

Mrs. Jennifer Hill stated that she and her husband own the property presently. They reside at the property now. Mr. Gersz asked if this was built before Mr. and Mrs. Hill bought the property. Mrs. Hill replied, yes. Mr. Gersz asked whether at the time the porch was being built Mr. and Mrs. Hill owned the property. Ms. Hill replied by saying they did not own it then.

Mr. Falcigno stated that they inherited the violation. Mrs. Hill said they inherited the violation. She said she spoke to someone at the Town, when this meeting was going on the agenda for December and then got continued to January 2021 meeting, who said that it is usually not a problem. She understands that Mr. Kistler put in the paperwork after the fact. However, he did apply for the permit after the fact. The person who built this deck who was supposed to get the permit did not do so.

Mr. Gersz asked its counsel if this was a legal issue between the former owner of the house and the current owner of the house. Attorney Coppola declined to opine on that as it was between the two parties. Mrs. Hill chimed in that that was all being handled. Ms. Hill stated that they are interested parties and want the porch to stay. They want the shed obviously to stay as well.

Attorney Coppola stated that Mr. and Mrs. Hill are the current owners of the property. They closed on the property in December. She pointed out to the Board that this is the first step to them legalizing it. Mrs. Hill had made the representation that there obviously was an attempt to get a permit to legalize. They would need a zoning signoff for the building permit to issue. They intend to pursue the building permit and to get everything in place, but they need the variance in order to get zoning signoff on that building permit. The ZEO or Deputy ZEO will not issue the zoning approval for the building permit unless the Board grants the variance.

Mr. Gersz asked if this was posted in the neighborhood. Mr. Kistler said yes.

Attorney Coppola said she could represent to the Board that the staff did review the notifications and there is no issue with the notifications.

Mr. Falcigno said if someone put a deck up and created a building such as this situation, normally there is a fine for \$500 for each violation. He does not think that the present owners are liable for this. They can't just go around having people putting stuff up without getting any permits. There are no excuses. For just about anything you do today, a permit is required. The current owners of the house have inherited the violation that now exists. To satisfy the Town itself, an initial fine of \$250 for each violation should be placed on the property after which he would recommend that the variance be approved.

Attorney Coppola stated that the scope of the Board's authority in terms of the fining aspect of it was not something that should concern this Board because it is a zoning enforcement issue. The zoning enforcement officer is the agent of the Planning and Zoning Commission. The focus of the Board should be the hardship and determining whether or not they believe it is legally sufficient. There are two different issues. It has been represented that the shed was pre-existing by both property owners that are on the call, Mr. Kistler and Mr. and Mrs. Hill. The porch is a different issue. The Board can vote separately on these variances. The Board is the first stop to them getting the permit and getting the approval that they need.

Mr. Gersz stated that he agreed with Mr. Falcigno regarding the fine. The Board may not have the authority to do it but he wished someone would. People are taking advantage of the pandemic and building stuff.

Mr. Gersz moved to approve the variance for the shed for Application #20-24-V. Said motion was seconded by Ms. Martin.

Robert Falcigno - Yes.

David Gersz - Yes.

Karen Martin - Yes.

Judy Mison - Yes.

Joseph Lettieri - Yes.

The motion passed unanimously.

Mr. Gersz motioned not to accept/to deny Application #20-24-V for the porch. Said motion was seconded by Mr. Lettieri.

Robert Falcigno - Yes.

David Gersz - Yes.

Karen Martin - No, not in favor of denying the variance for the porch.

Judy Mison - No, voting against the motion to deny the variance.

Joseph Lettieri - Yes, voting in favor to deny the variance.

Attorney Coppola informed the current and former owners of the property that in order to vary a zoning regulation there needs to be a consensus of four members of the Board. There is a 3-2 vote on the motion to deny. So, the variance request with regard to the porch had been denied.

RECALL - NO. 6: APPLICATION #20-20-V: Robert Scalesse, Owner and Applicant; Property Concerned: 19 Thompson Avenue. Zone R-1, Map 150, Block 1609, Lot 007 - *Proposed construction of 15 x 20 attached garage.* **Variance:** Schedule B; Line 9: Minimum setback from side property line: 4 feet requested where 10 feet required.

Mr. Scalesse said he will be 84 years in about three or four weeks and his wife is 84 years old. Before he kicks the bucket, he would like the pleasure of driving to the garage and closing the door without slipping on the driveway or getting wet.

Mr. Gersz asked whether when looking at his home, the garage would be on the right-hand side. Mr. Scalesse said yes. Mr. Gersz asked whether the setback being sought has anything to do with the airport property. Mr. Scalesse said yes. To give a give background, Mr. Scalesse added that after 9/11/2001 the airport folks came to his house because they got some money from the federal government. They asked where he would like the fence to his property, whether on the borderline of his property or 25 feet over where the fence was then. The person gave him the 25 feet verbally, but nothing was done legally on it. He has been on the property for 20 years now.

Mr. Gersz asked if this could become an issue with all that's going on with expansion of the airport. Mr. Scalesse said no, it would not. Mr. Gersz asked the Board's counsel for her opinion on this after Mr. Scalesse's response.

Attorney Coppola said she could not hear as a train had just gone by. Mr. Gersz said the variance Mr. Scalesse was seeking concerns the airport fence and the airport to the right side of his property when looking at it.

Mr. Scalesse repeated the deal he had with the authorities from the airport. Ms. Kristin Ciocca, his daughter, said the variance being sought is on the actual property line that's registered with the town. The 25 feet was never changed. The point is it does not affect the airport at all.

Mr. Gersz asked if the airport is aware of what they are going to do. He asked if it was posted. Ms. Ciocca said it was posted and certified letters were sent. Mr. Gersz asked if the airport authority was notified. Ms. Ciocca said yes, and that there were approximately six different properties that were affected within the airport property.

Attorney Coppola stated that in looking at the certificate of mailings, the City of New Haven, Tweed-New Haven Municipal Airport, United States Airforce, Connecticut Pilot Association, FAA received notification.

Mr. Falcigno stated that the concern was the agreement was verbal between Mr. Scalesse and the airport. The biggest concern is that if the variance is granted and he is allowed to build the garage that in the event the airport comes back and puts a claim in, that's on Mr. Scalesse. He did not think the town or the Board would be responsible for anything that transpires thereafter. Attorney Coppola stated that in her opinion, no.

Mr. Gersz stated that Mr. Scalesse indicated that he had a verbal agreement with the federal government. There was nothing in writing.

Ms. Ciocca stated that the requested variance is within the original property line and had nothing to do with the fence. Her father should not have brought it up.

Mr. Gersz motioned to approve the variance requested for Application #20-20-V. Said motion was seconded by Ms. Martin.

Robert Falcigno - Yes.

David Gersz - Yes.

Karen Martin - Yes.

Judy Mison - Yes.

Joseph Lettieri - Yes.

The motion passed unanimously.

11. **RECALL - NO. 8: APPLICATION #20-22-V:** Abelardo Ramirez, Owner and Applicant; Property Concerned: 2 Summit Avenue. Zone R-2, Map 130, Block 1518, Lot 008 - *Proposed construction of 13 x 17 kitchen addition.*
Variance: Schedule B; Line 7: Minimum setback from the street line: 4 feet requested where 25 feet required.

Mr. Ramirez stated that he was trying to extend his kitchen because it is kind of small. He has plenty of backyard. He sent letters to his neighbors who have no problems with his plan. He has like a 60-foot lawn in the backyard. The planned 13 x17 kitchen addition would be right in the middle of his backyard.

Mr. Gersz commented that the variance that was being sought from the street line which is only four feet versus 25 feet is quite a variance. He asked what Mr. Ramirez could do to change this in order to lessen the extreme difference. Mr. Ramirez stated that his house was on the corner. It would not be in anyone's way.

Mr. Gersz asked if the addition would interfere with any planned sidewalk in the future. Mr. Ramirez said he has sidewalk on the right side of his property, by his fence is a sidewalk and then the street. When they make the addition to the sidewalk is 21 so the sidewalk to the street could be the four feet, but that is not his property. That is the town's property.

Mr. Gersz asked how Mr. Falcigno felt in light of what he just heard Mr. Ramirez say regarding town property. Mr. Falcigno replied that he had an automatic hardship based on the fact Mr. Ramirez has a corner property

because he has two front yards and two side yards. Mr. Gersz asked if Mr. Falcigno was okay with four feet instead of the 25 feet. Mr. Falcigno replied by saying yes, and that he had the automatic hardship.

Ms. Martin said there are two front yards and two sides yards. She asked if Ozone Road was on one side. Mr. Ramirez said yes. She asked if that was where Mr. Ramirez would be building close to. Mr. Ramirez said yes. Ms. Martin asked if Mr. Ramirez was coming within four feet of the sidewalk or four feet of the road. Mr. Ramirez said it is all sidewalk around Summit and Ozone. Mr. Falcigno said he would be in four feet from the base of the sidewalk.

Mr. Gersz motioned to approve the variances requested per Application #20-22-V. Said motion was seconded by Ms. Martin.

Robert Falcigno - Yes.
David Gersz - Yes.
Karen Martin - Yes.
Judy Mison - Yes.
Joseph Lettieri - Yes.

The motion passed unanimously.

IV. Adjournment

Mr. Gersz motioned to adjourn. Ms. Martin seconded the motion. Hearing no objection, the Board adjourned at 8:37 p.m.

Respectfully Submitted,

Sotonye Otunba-Payne