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Town of East Haven
Zoning Board of Appeals
Special Meeting Minutes – April 21, 2022

I. Roll Call and Pledge of Allegiance

Ms. Mison started the meeting at 7:03

In attendance: Judy Mison, Chair, John Wobensmith, Vice-chair, Dave Gersz, Cindy Sparago, Kevin Coyle and Bridgett McCann.

Also in attendance, Joe Budrow, Planning and Zoning Administrator and Town Attorney, Mike Luzzi.

The Pledge of Allegiance was recited.

Ms. Mison shared the procedures of the meeting. She stated that audience members will be given three minutes to speak with regard to being for or against an application. She stated that the Hilton Avenue application will be moved up the agenda as she has to recuse herself.

Mr. Budrow talked about the minutes and that Application No. 21-43 was withdrawn. Also, Application No. 22-02 can't be heard tonight due to a Notice issue.

II. Review and Action on Prior Meeting Minutes

MOTION: Mr. Gersz made a motion to approve the January 20 meeting minutes as amended. Mr. Wobensmith seconded the motion. **All were in favor. Motion carried, 5-0.**

With regard to the March minutes Ms. Sparago wanted it clear that the hearing for Application 22-01 was continued due to the sign not being posted in a timely manner.

MOTION: Mr. Wobensmith made a motion to approve the March 17 meeting minutes as amended. Mr. Gersz seconded the motion. **All were in favor. Motion carried, 5-0.**

III. Public Hearings and Deliberations

Application No. 22-03 – on behalf of Margaret Fletcher, 8 Hilton Avenue.

Ms. Mison recused herself from the table. Ms. McCann was seated for her.

Bill Wrinn described that the current house is not in great shape. He said it was built about 100 years ago. A new roof is required. He said there will be no increase in the footprint. He said this will be their final home. Mr. Wrinn described the changes proposed in the front setback area. A hip roof to be changed to a gable roof.

Questions focused on whether the footprint was being expanded. The answer was ‘no.’ Mr. Gersz and Ms. Sparago asked how much higher the house would be. Mr. Wrinn answered, “Four feet.”

Mr. Budrow read an email from neighbor, Branko Mison. Mr. Mison was in favor.

Ms. Niki Whitehead spoke and wanted to point at Section 44.7 of the Regulations and even though the house footprint is not expanding she reiterated that there is a verticality to the setback area and there is expansion going upward.

Deliberation: The Board discussed the proposal.

MOTION: Ms. Sparago made a motion to approve the application. Mr. Coyle seconded the motion. The Board stated that the house is pre-existing and close to the property line. The proposal was in harmony with the neighborhood and the Variance requested is the minimum necessary. **All were in favor. Motion carried, 5-0.**

Mr. Wobensmith announced that **Application No. 21-43** was withdrawn.

Application No. 22-01 on behalf of S&S Pure Food, LLC., 49 High Street. Ms. Mison rejoined the Board. This proposal was heard in March. Mr. Grewal was not present. No one in the public commented. The Notices were mailed and a yellow sign was up. There was no public comment.

Ms. Sparago asked about a current sign for a law office there. Mr. Budrow stated that two-family homes and business offices are not allowed in the RA-1 District. He stated how he researched the permitting history of the properties in the area. Ms. Sparago asked why the applicant wasn’t sent to the Planning and Zoning Commission for a text amendment to add two-family dwellings to the RA-1 District. She asked Mr. Budrow if the non-conforming uses was going to be addressed by the Planning and Zoning Commission. He answered, “Yes.” Mr. Budrow stated the two findings that the Board needed to agree were met.

MOTION: Mr. Wobensmith made a motion to close the hearing. Ms. Sparago seconded the motion. **All were in favor. Motion carried, 5-0.**

Deliberation: Much of the deliberation took place in March. Ms. Sparago stated that she was in favor of approving the Variance because the nonconformity was going to be addressed by the Commission.

MOTION: Mr. Wobensmith made a motion to approve the application because other uses allowed in the RA-1 District would not fit as well, and the use is in harmony with the area. Mr. Gersz seconded the motion. **All were in favor. Motion carried, 5-0.**

Application 22-02 - on behalf of Majed Albakkour, 36 Pirot Circle. There was a Notice issue with this proposal.

MOTION: Mr. Wobensmith made a motion to continue the opening of this application. Mr. Coyle seconded the motion. **All were in favor. Motion carried, 5-0.**

Ms. Sparago asked for a sketch of the proposal.

Application No. 22-04 – on behalf of James Dowd, 54 Coe Avenue. James Dowd spoke. He submitted color photos of his proposed porch. He stated he is a lifetime resident of Momauguin. He would love a front porch. Ms. Mison stated other homes in area have similar porches. Mr. Dowd agreed. Mr. Wobensmith asked if he would make some adjustments to the plan. He asked if Mr. Dowd would relocate the stairs to come from the driveway. There was discussion regarding the location and size of the staircase. Mr. Dowd wants what he proposed.

Ms. Donna Dowd, the applicant's sister living two houses away, described that sick relatives would find the stair location optimal. She is in favor.

No one else from the public spoke.

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

Deliberation: Ms. Sparago and Mr. Wobensmith thought the proposal was too close to the road. Mr. Gersz was in favor and Mr. Coyle alluded to the sick family members. Ms. Mison didn't see the hardship based on the neighbors are similar. She saw the porch as favorable to the neighborhood.

MOTION: Mr. Gersz made a motion to approve the application. Mr. Coyle seconded the motion. Ms. Mison stated the proposal was in harmony with the neighborhood and was a

minimum variance request. Ms. Sparago felt the house was too close and Mr. Wobensmith felt that there was a public safety issue. **Motion did not carry, 3-2.**

Application No. 22-05 – on behalf of Italo Zuniga, 72 Green Street. Mr. Zuniga's nephew spoke for him. He would like this deck as the neighbors appear to have. His uncle would like to live there for a few years. Mr. Gersz asked why it has to be so big. Mr. Zuniga would like something more elegant than the existing 4' x 4' deck. Ms. Mison confirmed that the neighboring property is commercial. Discussion ensued and it appeared the Board wanted a smaller footprint. Mr. Budrow stated that the applicant could request the Board continue the hearing so that they can decide if they want the same footprint, or a smaller one, like 8' x 24'. The applicant can modify the dimensions tonight. The applicant was asked if they want to make any changes or possibly wait until the next meeting. The applicant stated they were willing to ask for 8' x 24'.

No one from the public spoke. Mr. Zuniga was reminded that the hearing was about close. He asked what dimension they were asking for. He answered that the 8' x 24 is the dimension he'll settle on.

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

Deliberation: Mr. Gersz was in favor due to the current unsafe condition of existing deck. The other members were good with the 8-foot width and that it was in harmony with the neighborhood.

MOTION: Mr. Gersz made a motion to approve the application. Mr. Wobensmith seconded the motion. **All were in favor. Motion carried, 5-0.**

Application No. 22-06 – on behalf of Richard Vizziello, 198 Beach Avenue. Ms. Sparago stated that she paid for a survey of this property and asked if the applicant was okay if she sat for the application. She felt the survey would not affect her ability to sit for the application. Mr. Vizziello was okay with her sitting.

Mr. Vizziello gave a brief history of the house construction and stated a Cease and Desist was issued for activity on the second floor. He stated that he was approved for a one-story home but the plans showed otherwise. He said no one mentioned removing the rooms on the second floor.

There was discussion about the 2020 ZBA approval. Ms. Sparago stated that the chairman, Mr. Falcigno, very deliberately stated that the approval would only be for a house with a single story.

Mr. Budrow distributed some record items from the July, 2020 decision.

Ms. Sparago mentioned that she pulled a page from the website that shows an empty space for the second floor stating it was intended for the second story to be empty. Attorney Luzzi said it will be placed into the record. Mr. Budrow, after getting a closer look at the page Ms. Sparago printed, stated the photo was the submitted floor plan needed by him to be able to rescind a Cease and Desist that was in effect in early 2021. More discussion ensued.

No one in the public spoke in favor. Ms. Mison reminded everyone that there was a 3 minute limit to speak. Mr. Patrick Rowland spoke and reminded the Board that Attorney Mingione stated the second floor was to be an attic, and not a story. He noted that “one story” is on many applications. He reminded the Board that Mr. Falcigno conditioned the approval that it shall be a single-story house. Mr. Rowland said they don’t have to go by pictures.

Ms. Karen Martin spoke as a former member of the Board who voted on the 198 Beach Avenue application. She said she remembers clearly that night and everything Mr. Rowland said is exactly true. Mr. Falcigno made it clear, several times, that the house was to be a single story and Attorney Mingione stated what Mr. Rowland just said, the building was to be one story with an attic. Never to be furnished or finished. Its in the recording and is all there.

Mr. Budrow shared that the Zoning Regulations have a definition for ‘story’ but no definition for ‘attic.’ He said the house now is a single-story house.

MOTION: Ms. Sparago made a motion to continue the hearing to the May meeting. Mr. Gersz seconded the motion. **All were in favor. Motion carried, 5-0**

MOTION: Mr. Gersz made a motion to adjourn the meeting at 8:42pm. Mr. Wobensmith seconded the motion. **All were in favor. Motion carried, 5-0**