

TOWN OF EAST HAVEN, CT  
MINUTES OF A REGULAR MEETING  
ZONING BOARD OF APPEALS  
AUGUST 16, 2012 7:30 P.M. EAST HAVEN SENIOR CENTER

**MEMBERS PRESENT:** CHARLES LEMONS – CHAIRMAN -ABSENT  
JOSEPH PORTO – VICE CHAIRMAN  
ANTHONY REDENTE  
ROBERT FALCIGNO  
PAUL BEISLER

**ALTERNATES PRESENT:** DONALD THOMAS  
MICHAEL ENDERS  
RONALD VESTUTI-ABSENT

**MEMBERS PRESENT:** FRANK BIANCUR – ZEO  
ALFRED ZULLO - ATTORNEY  
ROSALIE DEPALMA-CLERK

The meeting was called to order at 7:30 P.M. by Vice Chairman Porto who then explained the procedure of the Board to the audience. Vice Chairman Porto seated alternate Donald Thomas to the Board in order to have a quorum. A motion was made by Paul Beisler to accept the minutes of the previous meeting; seconded by Anthony Redente. Motion carried unanimously.

## PUBLIC HEARINGS:

**12-020**      **CONTINUED: (Tabled from July 19<sup>th</sup>, 2012 Meeting)**  
**Owner: Nancy Anderson and Applicant: Wally Erikson, Property**  
**Affected: 60 Brown Street, Map 110, Block 1125, Lot 4, Zone R3:**  
*for the construction of a pedestrian ramp from new boat dock and to*  
*legalize 6' x 24' garage extension.*

**Variance:** Schedule "B" General Bulk Standards, Line # 9 *minimum*  
*setback from side property lines, from 20 ft to 10 ft, and Line #11, Lot*  
*Coverage from 20% to 21.5%*

Attorney Charles Andres 545 Long Wharf Drive, New Haven, CT 06511 addressed Board. He was seeking a variance for the construction of a pedestrian ramp from new boat dock and to legalize a 6' x 24' garage. The required certified receipts were submitted to the Board. Attorney Andres gave a brief background on the property noting variances seeking were setback and coverage in connection with the relocation of the dock. He noted the property was 3.5 acres in a R-3 zone, on a pre-existing non-conforming lot with an irregular shape bordering the Farm River. A prior variance on property was granted in 2003. The dock on property since 1930, and in late 1980's or early 1990's the old dock was removed by prior owners and relocated without DEEP approval. In 2000 present owner was notified to relocate dock to prior location and approved by DEEP. Hardships noted: pre-existing non-conforming lot, unique geographical features of lot, and to avoid disturbance of tidal wetlands. Attorney Andres submitted eight (8) exhibits into the record which are contained in the ZBA file. Vice Chairman Porto established the Town of Branford was notified of this variance and had no issue with the variance. Ms. Niki Whitehead, 9 Hilton Drive, East Haven, CT. 06512 opposed this application. She questioned whether applicant had a legitimate hardship because DEEP only said they would not recommend moving the structure but they did not say they would deny it if the ZBA denied the variance. She also questioned if there was a legitimate hardship on garage since the hardship she felt was fabricated and self created and noted the garage as constructed not only violated ZBA regulations but also the conditions of a previous variance. Ms. Whitehead submitted thirteen (13) exhibits into the record which are contained in the ZBA file. No further comments were made.

**12-024**      **Applicant and Property Owner: William and Carol Traester:**  
**Property Affected: 176 Beach Avenue; Map 020, Block 0107, Lot,**  
**004; Zone R3, Application for construction to add a two story**  
*addition to rear of the property (north side) with a tower on the top of*  
*addition.*

**Variance:** *Section 25, Schedule B, Line 9 reduction of side yard setbacks where 20 ft is required to a setback of 2.13 ft on the west side of the property and 1.78 ft on the east side of the property.*

Mr. William Traester addressed the Board. He was seeking a variance for the construction to add a two story addition to rear of the property (north side) with a tower on the top of the addition. The required certified receipts were submitted to the Board. Mr. Falcigno questioned the existing height of the dwelling, applicant replied 27 or 28 feet and wanted to extend height to 30 to 31 feet. Hardship: Lot is too narrow to comply with setbacks. The Board had an issue with the drawings submitted on this application along with other issues and were in agreement to table this application pending more information. No further comments were made.

**12-025**      **Applicant and Property Owner: James and Joan Healey**  
**(Trustees): Property Affected: 274 Cosey Beach Avenue: Map 20,**  
**Block 113,**  
**Lot 12, Zone R1; Construction of new home, the house was heavily**  
*damaged by Tropical Storm Irene. See attached document item [7]*  
*which is listed as undue hardship.*

**Variance:** *Section 25, Schedule B line 8, reduction of minimum setback to rear property line from 25' to 22' (23 existing). Section 25, Schedule B line 11, Increase in maximum coverage from 25% to 32% (31% existing). Waiver of Section 25.4.3 (Additional setbacks) for building over 30' in height, total height to be 40'. Waiver of Section 44.7 to allow enlargement of the nonconformity.*

Jennifer Fisher, a surveyor, 48 Alps Road, Branford, CT 06405 and Robert Criscuolo, an engineer, 420 East Main Street, Branford, CT 06405 addressed the Board on behalf of the applicant. They were seeking the aforementioned variances. The required certified receipts were submitted to the Board. Hardship:

The pre-existing non-conforming house was heavily damaged by Irene. The existing coverage of the damaged home (including the other structure on the lot) is 31% and the floor area is 30%. The proposal includes lifting of the existing structure and making it parallel with the property lines thus eliminating the need for variances for the side setbacks. The proposed structure has the same coverage as the new structure. There is a small increase in the floor area due to the act that additional living space has been added on the second floor to allow for proper size staircases to access the second floor as well as increasing the bedroom sizes on the second floor. Also, proposed an elevator for the elderly homeowner to be able to access the new elevated structure. They believe that this minimal 4% increase in floor area is reasonable considering they have kept the lot coverage the same and are well within the allowable living space percentage for this zone. There is a gas main that runs through the property and does not allow the relocation of the structure towards the street line. The lot sits at a low elevation compared the FEMA VE 13 Flood zone that the house is in, however due to the proximity of the VE 15 zone, the first floor of the structure is proposed to be at elevation 17 to avoid any future conflict with FEMA requirements. No further comments were made.

**12-026      Applicant and Property Owner: Kathleen Pyne; Property Affected;**  
**6 Demeter Drive; Map 43, Block 5231, Lot 016; Zone R2:**  
*Construction of an attached garage and mudroom to existing house.*

**Variance:** *Section 25, Schedule B, Line 9 Side setback reduction from 15 ft to 7.6 ft in front corner of proposed garage, and 10.1 ft in back corner of the garage where 15 ft is require.*

Kathleen Pyne addressed the Board on her behalf. She was seeking a variance for the construction of an attached garage and mudroom to existing house. The required certified receipts were submitted to the Board. Ms. Pyne submitted a letter into record from neighbor Bradley Smith 47 David Drive in favor of this application. Hardship: The placement of these additions on this side of house make the most sense as the existing driveway and entry into kitchen are on this side and if additions were on other side they would put driveway on curve impeding sight for vehicles and making access and egress to driveway more dangerous. No further comments were made.

**12-027**      **Applicant and Property Owner: Peter and Carol Chometa;**  
**Property Affected: 93 Caroline Road; Map 020, Block 0108, Lot**  
**010: Zone R3** *Removal of existing home and construction of new*  
*FEMA compliant home matching the existing house specifications/*  
*dimensions. The construction of new house will be on the same*  
*location. Also included in this application is the removal and*  
*reconstruction of existing decks and stairs, and the extension of the*  
*steps.*

**Variance:** *Section 25, Schedule B, Line 7 and 25.4.4 for reduction of*  
*minimum setback from the street line (Caroline Rd) from the required*  
*40 ft to 7 ft (new steps) and 15 ft (new home to meet FEMA*  
*elevations) and 15 ft (existing deck to be reconstructed). Section 25,*  
*Schedule B, Line 9, reduction of side yard setback from required 20 ft*  
*to 2 ft (existing southerly deck to be reconstructed), 3 ft (new steps),*  
*and 4 ft (existing northerly deck to be reconstructed) and under same*  
*sections for the reduction of minimum setback from a side property*  
*line (easterly property line) from the required 20 ft to 5 ft (new FEMA*  
*compliant house) and 6 ft (existing outdoor shower to be replaced)*  
*and 10 ft (new steps and wood walkway). Section 44.7 to allow for the*  
*reconstruction and enlargement of existing non conforming*  
*structures. Section 44.11 To allow for the construction, reconstruction*  
*or structural alteration of structures on a parcel of land which fails to*  
*meet the area, shape, or frontage requirements without the structures*  
*conforming to all other requirements of the regulations.*

Attorney John M. Gesmonde, of Gesmonde, Pietrosimone & Sgrignari, 3127  
Whitney Avenue , Hamden, 06518 requested the Board Withdraw this application.

NO RECESS CALLED

SEE VOTING:

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ZBA

VOTING:

12-020

GRANTED – A motion was made b Robert Falcigno to approve walkway variance based on a hardship of unable to locate it in tidal wetlands; seconded by Donald Thomas. Motion carried unanimously. A motion was made by Robert Falcigno to approve garage based on a hardship of 20 ft. from road; seconded by Donald Thomas. Motion carried unanimously.

Porto – yes  
Beisler – yes  
Thomas – yes  
Redente – yes  
Falcigno – yes

12-024

TABLED- A motion was made by Donald Thomas to table this application pending further information seconded by Anthony Redente. Motion carried unanimously.

Porto – yes  
Beisler – yes  
Thomas – yes  
Redente – yes  
Falcigno – yes

12-025

GRANTED- Robert Falcigno made a motion to approve variance request and accept DEEP and Coastal Site Plan; seconded by Donald Thomas. Motion carried unanimously

Porto – yes  
Beisler- yes  
Thoma – yes  
Falicigno – yes  
Redente – yes

PAGE SEVEN

ZBA

12-026

GRANTED

Porto – yes

Beisler – yes

Thomas – yes

Falicigno – yes

Redente – yes

12-027

WITHDRAWN

Vice Chairman Porto made a motion to adjourn; seconded by Mr. Redente.  
Motion carried unanimously.

Vice Chairman Porto adjourned the meeting at 9:30 P.M.

Respectfully submitted,

Rosalie DePalma  
Clerk