

TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING
AUGUST 18, 2016 7:00 P.M. EAST HAVEN SENIOR CENTER

MEMBERS PRESENT: ROBERT FALCIGNO – CHAIRMAN
GEORGE HENNESSEY – VICE CHAIRMAN
DONALD THOMAS
CHARLES LANG
JOSEPH PORTO

ALTERNATES PRESENT: MICHAEL SMITH
VINCENT LETTIERI

STAFF PRESENT: JOE ZULLO – TOWN OF EAST HAVEN ATTORNEY
CHRISTOPHER SOTO – ZONING ENFORCEMENT OFFICER
TEMPLE SMITH – SUB-CLERK

Chairman Falcigno called the meeting to order at 7:00 p.m. Introduces the Zoning Board of Appeals members and alternates to the audience. George Hennessey makes a motion to accept the minutes from the last meeting. Charles Lang seconds the motion. Chairman Falcigno explains to the audience the procedure for the applicants as well as any appeals.

Public Hearing #1: Appeal – Nikki Whitehead – Property Concerned 60 Brown Road: Continued from July 21, 2016 meeting regarding a Letter of Zoning Compliance from former Zoning Enforcement Officer Frank Biancur, Jr.

(Note from Clerk – due to outside legal procedure a copy of the recorded meeting was given to Zoning Enforcement Officer Christopher Soto for transcription for the records of the meeting)

Summary:

Nikki Whitehead states through several notations and handouts that she is appealing the letter written for Zoning of Compliance from former Zoning Officer Frank Biancur, Jr. Nikki Whitehead continues to prove in her appeal with her research and citations that the letter is not valid based on correct zoning regulations for the garage and dock on 60 Brown Road in East Haven.

(Due to lengthy appeal the board decided to hear other applicants so they could leave – with the permission of Mr.)

Donald Thomas makes a motion to table to the end of the meeting. Charles Lang seconds the motion. All in Favor. Motion Carried.

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16-24

APPLICANT & PROPERTY OWNER: Ana M. Amendola; **Property Affected:** 259 Dodge Ave; **Zone R-1, Map 180, Block 2109, Lot 015 – Build a deck onto rear of home.**

VARIANCE: **Section 44.7: Expansion of a non-conformity.**

Michael Liso states that Ana Amendola is looking to add a deck onto the rear of the home there is already a deck on the right hand side so she is looking to enlarge a deck on a non-conforming lot.

Speaking Opposed: Carol Horton states that she lives in the property next to where they want to put a deck and the deck goes over her 6ft fence and she will have no privacy at all.

Chairman Falcigno confirms with Christopher Soto that Ana is asking for a non-confirming use not a side yard variance. Christopher states that is correct. Chairman Falcigno states that all she needs is 10ft. Christopher states that the issue is it is a non-conforming lot or she would have through our office that is why she is here. Chairman Falcigno closes public hearing 16-24.

ROLL CALL VOTE:

FALCIGNO – YES
HENNESSEY – YES
LANG – YES
THOMAS- YES
PORTO – YES

VARIANCE IS APPROVED – ALL IN FAVOR.

16-25

APPLICANT & PROPERTY OWNER: Donald & Deborah Golia; **Property Affected:** 115 Frank Street; **Zone R-1, Map 180, Block 2211, Lot 013 – Installation of pool and deck.**

VARIANCE: **Schedule B. Line 11: Lot Coverage 25% max allowed, 33.98% proposed: Section 25.4.13.6: Pool setback & Location: 10ft. required, proposed 6 ft. side yard, 6ft rear yard, and 5ft from house.**

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Donald Golia states that they would like to put in a 26x15 above ground pool on a small acreage lot in their back yard. Chairman Falcigno asks if they are putting a deck on the pool. Donald states yes an 8x8 deck on the other side of the pool. Chairman Falcigno closes hearing 16-25.

ROLL CALL VOTE:

FALCIGNO – YES
HENNESSEY – YES
LANG – YES
THOMAS- YES
PORTO – YES

VARIANCE IS APPROVED – ALL IN FAVOR

***2nd VARIANCE 25% MAX ALLOWED WILL BE GOING TO 33.9 % LOT COVERAGE – 8X8 DECK**

*not shown on print – computed on lot coverage

16-26

APPLICANT & PROPERTY OWNER: 283 Forbes Properties, LLC; Property Affected 294 Cosey Beach Avenue; Zone R-3, Map 020, Block 0113, Lot 007-Construction of front stairs, correction of lot coverage.

VARIANCE: Schedule B, Line 11: Lot Coverage 20% max allowed, 43.9% existing, 38.9% proposed.

Jean states that there were 2 previous variances granted from the previous owners to build a new house. Jean submitted plans to build a house and did not submit plans to build stairs. Chairman Falcigno states to Christopher that this is just a correction on paperwork correct? Christopher Soto states correct, there were a couple of variance that were brought before the board and approved but they have a final front stairs that need to be put on those are now included in the drawing and brought to us so when they came in for final approval we realized that the lot coverage was not computed correctly on previous forms brought before the board. This would in essence clarify; at no point was there any mis-representation to the board. Chairman Falcigno closes hearing 16-26.

ROLL CALL VOTE:

FALCIGNO – YES
HENNESSEY – YES
LANG – YES
THOMAS- YES
PORTO – YES

VARIANCE IS APPROVED – ALL IN FAVOR

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Re-opening Appeal of Niki Whitehead –

Rebuttal by Wally Erickson 60 Brown Road, East Haven – Wally states that the property is in his wife's name Nancy Erickson. We have 3 issues the garage, the pier connected to the lower deck and the shed.

1. The Pier – Ms. Whitehead complained about the existing pier that was there. We made the effort to reconstruct the pier and get it fully engineered and permitted by the DEP. It's a pier with a ramp to a floating dock. The pier was permitted and built in accordance to the DEP. It became an issue to get it connected to our lower deck. We needed some steps to get to the lower pier. That was in the DEP drawings but never covered with paperwork from the town. I know from experience that if I asked for a 6 ft. connection I would have to get a variance and I would end up in court. It talked to my engineer and asked what can we do so I can use my pier so I would not have to go through variances and permits. He stated you can jump so instead I use 2 planks to walk down so there is not connection from our pier to our deck. So I don't need a permit or variance for planks. I am not asking for a permit to connect my deck to my pier to use my boat.
2. The Shed – I went to Mr. Biancur and asked what do I need to do to build a shed. He said it's so insignificant I can give you a zoning permit you don't need a building permit for a shed. I said Frank I know 2 reasons why I need a variance – one my front yard and it increases my coverage that I am maxed out on. Frank said I will get engineering to sign off on it – it went back and forth and took a few months and we had the permit paid. I do understand it's since been rescinded. I want to know how you can give one and then rescind it. I have never been told I cannot have shed. Let me add the shed is a trailer. If it's a problem I will put an axel on it and call it a trailer all I do is put my lawn mower in it. Maybe that's a way we can solve that problem. It's a 6x10 – 60 sq. ft. I have spent \$50,000 in legal fees because of her.
3. The Garage – I have been held up for 10 years because of problems – had to move it a little bit; I have not finished it yet. All the footprints are in the right place and it's the right size. Chairman Falcigno asks when you ran into problems did you at any time come back here to revise it? Wally states he did George Mingione told him to go for a variance and he did and ended up in court. George Mingione wrote him a violation because he measured the height of the floor to the ridge – from the ridge to the floor and around then average that it's has to measure 15ft. Average height that is what the zoning book said. I don't think the shed is an issue – I will put an axel on, the pier is not a problem there is no permanent connection I don't want a permit for that.

Christopher Soto states that Mr. Erickson does not need to ask for a variance or permit for an 8x6 ramp he has one already. Mr. Erickson states he was not aware of that.

Chairman Falcigno states that the only issue here tonight is the letter of compliance. Mr. Erickson states the only issue with the letter is 8-13A . I want to go on the record that the garage is not finished and

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when it is the height and dimension with be the average height of 15ft, size and location has all been approved and issues in the past have all been resolved. I don't want violations so what is the problem? I just want to go on the record with all of this.

Christopher Soto states that if you look at your timeline; letter of zoning compliance; June 15, 2012 application to legalize a 6x24 garage extension to cure a violation that was secured by ZEO George Mingione. To reduce a set back from 20 to 10 ft. and to build a connecting ramp the 8x6 connecting dock ramp and to allow coverage of 20% existing. Mr. Erickson contends the average of ground height to roof top that would be correct if it was a dwelling. Section 4.6 is cited by Christopher Soto which would apply vs. the average dwelling height. Section 25 town wide standards are also cited as well as Section 25.3.1 is cited. End result from floor to roof not average height. (Timeline is reviewed with ZBA of circumstances) Christopher Soto states there are legal unresolved issues still. Based on my records in my office there is no record of zoning compliance. There is no real proof that Mr. Biancur went out to measure anything for zoning compliance that would have needed an A2 survey to be issued beforehand. Chairman Falcigno closes public hearing – opens up for discussion for the board.

ROLL CALL VOTE:
FALCIGNO – YES
HENNESSEY – YES
LANG – YES
THOMAS- YES
PORTO – YES

APPEAL IS UPHELD – ALL IN FAVOR

Charles Lang made a motion to adjourn at 9:05 p.m. Joe Porto seconds the motion. All in Favor. Motion Carried

Respectfully Submitted,

Temple Smith
Sub-Clerk ZBA