

TOWN OF EAST HAVEN, CT
ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
April 18, 2019 - 7:00 P.M. – EAST HAVEN SENIOR CENTER

The East Haven Zoning Board of Appeals Commission held its' Regular meeting at 7:00 pm on **Thursday, April 18, 2019** at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

MEMBERS PRESENT: ROBERT FALCIGNO – CHAIRMAN
 JOE PORTO – VICE CHAIRMAN
 MICHAEL SMITH
 DONALD THOMAS
 JOSEPH PORTO
 DONALD THOMAS
 DAVID GERSZ

ALTERNATES PRESENT:
 VINCENT LETTIERI

STAFF PRESENT: ALFRED ZULLO – ATTORNEY
 CHRISTOPHER SOTO –ZONING ENFORCEMENT OFFICER
 TEMPLE SMITH – CLERK

Chairman Falcigno called meeting to order at 7:00 p.m. Roll Call. A quorum was established.

Joe Porto made a motion to approve the Minutes from previous meeting Michael Smith seconds. Roll Call Vote. All in Favor. Motion Carried.

Chairman Robert Falcigno asks for a moment of silence for the passing of a long time member, former Fire Chief and former Fire Marshall in East Haven, Mr. George Hennessey.

Robert Falcigno makes a motion to appoint Joe Porto as Vice Chairman. Donald Thomas seconds. All in Favor. Motion Carried.

Chairman Falcigno also asks for a motion to appoint a Chairman. David Gersz makes a motion to nominate Bob Falcigno as Chairman. Joe Porto seconds. All in Favor. Motion Carried.

Chairman Falcigno also stated that David Gersz has moved up into the seat of a member and not an alternate member.

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APPEAL HEARING # 19-01

256 Thompson Street: Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)

Appellant: Vincent Consiglio

Attorney Alfred Zullo reads the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record – 19-01 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was

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based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed,

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and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was properly executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
 Joe Porto – Yes
 Donald Thomas – Yes
 Michael Smith – Yes
 David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-02

266 Thompson Street: Appeal of Action of Z.E.O. (zoning permit: 2 family home in a DRA-1)
 Appellant: Vincent Consiglio

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for– 19-02 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

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Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map is correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis you are saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

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Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

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Roll Call Vote:

Bob Falcigno – Yes
Joe Porto – Yes
Donald Thomas – Yes
Michael Smith – Yes
David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-03

276 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in a DRA-1)
Appellant: Vincent Consiglio

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-03 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

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Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis you are saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

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Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
 Donald Thomas – Yes
 Michael Smith – Yes
 David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-04

288 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in a DRA-1)
 Appellant: Michael McGill

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-04 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

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Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

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Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

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Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

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Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
Donald Thomas – Yes
Michael Smith – Yes
David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-05

288 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Vincent Consiglio

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-05 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality.

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Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

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Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes

Donald Thomas – Yes

Michael Smith – Yes

David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

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MINUTES – REGULAR MEETING
April 18, 2019 - 7:00 P.M. – EAST HAVEN SENIOR CENTER

APPEAL HEARING # 19-06

300 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Vincent Consiglio

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-06– See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is

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what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed,

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and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
 Donald Thomas – Yes
 Michael Smith – Yes
 David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-07

300 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
 Appellant: Michael McGill

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-07 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or

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retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

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Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the

Revisions were Ok'd again 18 years later we are going to say it is wrong after twice it's been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

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Roll Call Vote:

Bob Falcigno – Yes
Donald Thomas – Yes
Michael Smith – Yes
David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-08

300 Thompson Street: Appeal of Action of Z.E.O. (zoning permit: 2 family home in DRA-1)
Appellant: Jennifer Iovanne

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for– 19-08 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

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Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was

based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

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Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was properly executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
Donald Thomas – Yes
Michael Smith – Yes
David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-09

310 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Michael McGill

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Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for– 19-09 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

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Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

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Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes

Donald Thomas – Yes

Michael Smith – Yes

David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-10

310 Thompson Street: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Jennifer Iovanne

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for– 19-10 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

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David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

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Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was properly executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
Donald Thomas – Yes
Michael Smith – Yes
David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

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APPEAL HEARING # 19-11

37 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Nicholas Torello

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-11 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the

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street which would allow him to build 2 family houses but whether the map is correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if you're saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his word and only builds single family houses up against the road there then he is a man of his word. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were

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updated, the public notification was properly executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
 Donald Thomas – Yes
 Michael Smith – Yes
 David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-12

37 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
 Appellant: Altagracia Bonilla

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-12 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

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Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street

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and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
Donald Thomas – Yes
Michael Smith – Yes
David Gersz – No

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Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-14

71 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
Appellant: Altagracia Bonilla

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for – 19-14 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or

Retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that is should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

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Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

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Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was properly executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
 Donald Thomas – Yes
 Michael Smith – Yes
 David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

APPEAL HEARING # 19-15

71 Foxon Hill Road: Appeal of Action of Z.E.O (zoning permit: 2 family home in DRA-1)
 Appellant: Nicholas Torello

Atty Zullo submits the following Legal Staff Report for 266 Thompson Street, East Haven CT 06512 into the record for– 19-15 – See Attached Evidence “A”

Attorney Zullo states to the board to please discuss openly and on the record your reasons for the appeal before any motion is made and that the motion should have reasons attached to it.

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Bob Falcigno asks Attorney Zullo the parameter to the two family homes that are to be built and if in fact the board moves in that applicants favor are they going to be sold individually or retained by the condo association. Atty. Zullo states he does not believe that is the case but does not have the knowledge on that at this time.

Chris Soto states it is irrelevant as to how he issued the permits. Our regulations state that we do not discriminate as to how they use their residence. We are only concerned as to if there is enough land where the dwelling is established or appropriate use of the zone.

Michael Smith states that he does not think that who owns it or who lives there has relevance on what is being built there the issue is what is being built there not who is living there.

Donald has no questions at this time.

David Gersz states that he looked at the East Haven Zoning regulation and on page 23-5 it states R4 Zone designed to encompass and protect single family residential building of high quality. They designated Foxon for those kinds of buildings and it says in the Zoning Regulations that the building we are talking about should be put in center where there are businesses.

Bob Falcigno states that I understand it as they were trying to protect the integrity of the R4 zone by constructing single family homes along the road frontage so that the condo in the back would be ok for the zone. So now if the map shows the entire portion was DRA1 zone up to the street I think it is incorrect because again even the former chairman that sat on this commission told me that it should be single family houses when it is done. Christopher issued a permit based on the fact that it is a DRA1 zone- I think it was an error.

Michael Smith states if DRA1 is zoned all the way to the street and someone wants to build something there, can I go build my condos off the street and still build single family homes on a DRA1 zone to protect the neighborhood? Bob Falcigno states yes what Christopher did was based on the what the map said that the entire portion was changed DRA1 zone right up to the street which would allow him to build 2 family houses but whether the map I correct or not is what we have to decide the people are appealing saying the map is incorrect and that it should be single family houses in the front and not a DRA1 zone where he could build two family houses.

Attorney Zullo states the issue before you is whether the map is right or wrong.

Michael Smith asks what basis are you saying the map is wrong just because there is not going to be single family houses are built on the structure for integrity.

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Bob Falcigno states no we are saying that if the map is incorrect because it is zoned DRA1 into the street because it is the action of the commission it has single family houses to retain the integrity of the R41 zone on the parameter so that if you hold up the appeal for the people he can still build the condos and can build two family house but cannot build single family houses.

Michael Smiths so if your saying that back in 1998 that there was an error on there and after they had their meeting and they did all the revisions on the map and Mr. Mingone said any errors will become permanent as of November 16, 1998 so if it was zoned wrong A1 to the street at that point it becomes permanent whether the man is going to build one family houses on the street and keep his word and put the multi families in the back that is another story. But it is a matter whether it is wrong or right at that meeting it was confirmed and then in 2001 where all the revisions were ok'd again 18 years later we are going to say it is wrong after twice its been ok and approved and public meetings.

Bob Falcigno states that is what we are here to decide but it took all this time to get map recorded.

Michael Smith states you don't know if the map was brought up there or not. You have to go with the facts that you have and the facts were that in 1998 any errors are now permanent. And as of 2001 it's still permanent.

Bob Falcigno states so you are telling me he has the right to build two family houses on the outer edge.

Michael Smith states yes if he has the nerve to do it then he does if he keeps his work and only builds single family houses up against the road there then he is a man of his work. But what are you going to do but go by what were in the minutes of the meeting.

Donald Thomas states that this drives him bananas and he does not like that this came out this way but he believes all the proper processes were followed the minutes were submitted and filed, and everything was done properly; actions, decisions all filed. I believe the zoning regs were updated, the public notification was property executed. The statute does not require the map to be filed. I believe that the assessors' card is reference only when it comes to zoning and it should only be used as such. As much as I do not want a two family house built on a DRA1 I believe that everything was filed properly and we are stuck with what we have. I would hope that the builder would take into account that the residents would really like single family homes and look like R4 but I do not believe we can force him to do so.

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Bob Falcigno states this is such a tough call but it is 21 years later. We really do not have much of a choice but to uphold an appeal.

Donald Thomas makes the motion to deny the appeal 19-01. Michael Smith seconds the motion.

Roll Call Vote:

Bob Falcigno – Yes
 Donald Thomas – Yes
 Michael Smith – Yes
 David Gersz – No

Appeal Denied. Majority Favor. Motion Carried.

19-16

APPLICANT: Mark Celentano; Property Concerned: 509 Laurel Street, Zone LI-3, Map 330, Block 4218, Lot 011 – *Remove remainder of storm damaged roof; replace with pitched roof.*

VARIANCE: Sched B; Line 8: Rear yard setback 25' required; 1' proposed.

Applicant did not show again. Donald Thomas motions to deny the appeal. David Gersz seconds. Roll Call Vote. All in Favor. Motion Carried.

19-17

APPLICANT: GNHWPCA; Property Concerned: 24 Farview Road, Zone R-1, Map 020, Block 0109, Lot 020 – *Relocate pump station stairs to run east to west vs north to south as previously approved.*

VARIANCE: Sched B; Line 7: Street line setback 25' required; 4' requested.

Bob Falcigno states he has to step down as he is on the board of directors. Vincent Lettieri is in replacement.

Tom Sgroi- Engineer Director for GNWPCA states that to stay out of the coastal jurisdiction line the DEEP came in and said we had to move away from the high tide line and change the orientation of the stairs. When we did that we did not think we would have an issue. Chris came and said we had a violation so that is why I am here to make sure everything proper and correct.

None Opposed
 None for the Applicant

Joe Porto makes a motion to approve. Donald Thomas seconds. Roll Call Vote. All in Favor. Motion Carried.

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19-20

APPLICANT: Kurt C. and Katie C. Burkard; Property Concerned: 51 Cosey Beach Ave, Zone R-1, Map 030, Block 0219, Lot 030 – *Demolish 20' 4"x22' 4" garage; replace with 20x20 prefab garage.*

VARIANCE: Sched B; Line 8: Rear property setback 20' required; 1.5' requested. Sched B; Line 9: Side yard setback 10' required; 1.6 requested. Sched B; Line 11: Maximum lot coverage allowed 25%; requesting 35%.

Ronald Hurlburt – Land Surveying LLC – representing Kurt and Katie Burkard stated that the variance is to replace old garage for a newer garage and reducing size which reduces the coverage as well. Ronald Hurlburt shows the board pictures. Kurt Burkard's garage is also in a flood zone so he cannot even use it right now and has 2 children and needs the space. Signatures of neighbors are submitted into the record as Evidence B. Chris Soto states that we allow for 4 feet from the rear and 4 feet from the side are these setbacks possible? Ronald Hurlburt states that if we do that we would have no back yard and it's the only area for the children to play. Chris Soto states that we allow reduced set-back for accessory structures and suggests if we bring it up 4 feet from the property line is that a move that can happen. Chris states if you can do 4 feet from the rear and 4 feet from the side you won't require a variance. Chris states if we could bring it up 4 feet from the rear that is the require variance for the rear set-back we would not need request a variance for line 8 and line 9 could probably read a reduction from 4 feet to 1 and ½ feet and the lot coverage is a 1 ½ percent reduction. Ronald states that the rear variance we could probably live with but side variance is the home area to the back yard which is already only 20 feet wide and the property is so narrow and that because of the swing and position of the house if we could go to 2 it is the only area for the children to play?

None Opposed

None in Favor

Bob asks Chirs if he has all the green card. Chris states yes.

Chris Soto states that the variance stands at line 8 the reduction to the rear set-back from 4 feet to 1 1/2 feet and from 4 feet to 1.6 feet instead of 10 feet.

Bob Falcigno closes public hearing.

Donald Thomas motions to approve. Joe Porto seconds. Roll Call Vote. All in favor. Motion Carried

19-21

APPLICANT: GNHWPCA; Property Concerned: 175 Beach Avenue, Zone R-3, Map 020, Block 0201, Lot 001 – *The pump station is 10.8 inches closer to the property line than originally anticipated or approved.*

VARIANCE: Sched B; Line 8: Rear property line setback 30' required; 2.6' requested.

Bob Falcigno steps down as he is on the Regional Water Authority board.

Vincent Lettieri comes on the board.

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Tom states he was doing auger piles which we thought would be less intrusive we thought we were ok and when we picked up the survey we shifted 10 inches. The only thing I can recall off the original survey we went off something must have went off at the original station.

None in Favor of the applicant
 None Opposed of the Applicant

Donald Thomas makes a motion to approve the variance. Joe Porto seconds. Roll Call vote. All in Favor. Motion Carried.

19-22

APPLICANT: 1 Source Solution, LLC; Property Affected: 509 Laurel Street, Zone LI-3, Map 330, Block 4218, Lot 011, – *Certificate of Approval for Location*.

Chris Soto states that the address is incorrect and should read 519 Laurel Street.

None in Favor of the Applicant

None Opposed

Donald Thomas makes a motion to approve the certification for approval. Joe Porto seconds. Roll Call Vote. Motion Carried.

19-23

APPLICANT: Hot Road Motorsports, LLC; Property Affected: 22 Hemingway Avenue, Zone CA-2, Map 160, Block 1815, Lot 001, – *Certificate of Approval for Location*.

Atty. Mingone for the applicant – he states that he has all green cards for this location.

Chris Soto states that this location has already reviewed this application and given the approval so this is just administrative to look at this application.

None in Favor
 None Opposed

Donald Thomas makes a motion to approve. Joe Porto seconds. All in Favor. Motion Carried.

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19-24

APPLICANT: Edal Industries, Inc.; Property Concerned: 51 Commerce Street, Zone Li-2, Map 060, Block 0510, Lot 002 – *Remove and replace two existing HVAC units.*

VARIANCE: Sched B; Line 9: Side property line setback 20' required; 11' requested.

Chris Soto states that he spoke with the applicant and in industrial zones and set-backs for mechanical units do not matter unless it is breaching the buffer zone and it is not. Therefore this is withdrawn.

Respectfully Submitted,

Temple Smith
ZBA Clerk