

**TOWN OF EAST HAVEN, CT
MINUTES OF A REGULAR MEETING
ZONING BOARD OF APPEALS
MARCH 15, 2012 7:30 P.M. EAST HAVEN SENIOR CENTER**

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

ALTERNATES PRESENT: DONALD THOMAS
MICHAEL ENDERS
RONALD VESTUTI

MEMBERS PRESENT: DAVE ANDERSON -ZEO
JOSEPH ZULLO-ATTORNEY
ROSALIE DEPALMA-CLERK

The meeting was called to order at 7:30 P.M. by Chairman Lemons who then explained the procedure of the Board to the audience. A motion was made by Robert Falcigno to accept the minutes of the previous meeting; seconded by Vice Chairman Porto. Motion carried unanimously.

12-008 APPLICANT & PROPERTY OWNER: JENNIFER DEFRANK, ET AL.; PROPERTY AFFECTED: 258 COSEY BEACH AVENUE; ZONE: R-1; APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY HOME TO THE CURRENT FEMA REQUIREMENTS. THE FORMER HOME WAS DESTROYED BY TROPICAL STORM IRENE. VARIANCES REQUIRED: SCHEDULE "B", GENERAL BULK STANDARDS, LINE #9, MINIMUM SETBACK FROM SIDE PROPERTY LINES, FROM 10 FT. TO 7.9 FT. FOR DECK AND STEPS (EAST SIDE); LINE #11, MAXIMUM LOT COVERAGE AS % OF LOT AREA, FROM 25% TO 37%; LINE #12, MAXIMUM FLOOR AREAS AS % OF LOT AREA, FROM 50% TO 54%; AND WAIVER OF SECTION 25.4.3, ADDITIONAL SETBACKS, FOR BUILDING OVER 30 FT. IN HEIGHT. TOTAL HEIGHT TO BE 40 FT. ADDITIONALLY THE BOARD WILL CONSIDER THE COASTAL SITE PLAN REVIEW (CSPR) APPLICATION AND RELATED COMMENTS PROVIDED BY THE OFFICE OF LONG ISLAND SOUND PROGRAMS OF THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO DETERMINE THE PROPOSAL'S CONSISTENCY WITH THE CONNECTICUT COASTAL MANAGEMENT ACT (CCMA).

Jennifer Fisher, a surveyor, 48 Alps Road, Branford, CT. and Robert Criscuolo, a engineer, 420 East Main Street, Branford, CT. addressed the Board on behalf of the applicant. They were seeking the aforementioned variances. The required certified receipts were submitted to the Board. Hardship: The preexisting home was destroyed by Irene. The previous coverage of the destroyed home was 50%. the floor area was 59% and the citing of the house was over both the DEEP jurisdiction line as well as the Mean High Waterline. The construction of the proposed house would increase the setback to the mean high water line by 11.5' as well as reduce the lot coverage by 13% and reduce the floor area by 5%. The lot which predates zoning is undersized for the jurisdiction line as well as a gas line that runs through the property directly north of the proposed house. The lot sits a a very low elevation compared the FEMA flood zone requirement forcing the lowest horizontal structure of the house to be at or above elevation 13' (NAVD 1988) which puts the first floor of the structure 11.5' above the ground level, thus pushing the ridge of the two story structure to 40' above grade. ZEO Anderson informed the Board the D.E.P. suggested there be snow fencing along the mean high tide waterline. Nancy Mancini, 254 Cosey Beach Avenue, East Haven, CT. had concerns encroachment of the right of way or any obstruction or impact of

right of way, honoring 10 ft. variance on the west side of property , if permanent t markers could be put on property line while under construction , the impact the heavy construction equipment would have on the beach area Mrs. Mancini's concerns on the right of way were addressed by Ms. Fisher. Mr. Criscuolo addressed the issue concerning the request for permanent property line markers. Given the fact that permanent property line markers are not required under the zoning regulations Mr. Criscuolo indicated he would bring the issue to the property owner, Ms. DeFrank's, attention to determine her position with regard to the same. Mr. Criscuolo then indicated that he would advise the adjoining property owners of Ms. DeFrank's response .No further comments were made.

12-009APPLICANT & PROPERTY OWNER; DENNIS SPINO; PROPERTY AFFECTED; 384 COSEY EACH AVENUE; ZONE: R-3; APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY HOME TO THE CURRENT FEMA REQUIREMENTS. THE FORMER HOME WAS DESTROYED BY TROPICAL STORM IRENE. VARIANCES REQUIRED: SCHEDULE "B", GENERAL BULK STANDARDS LINE #8, MINIMUM SETBACK FROM REA PROPERTY LINE, FROM 30 FT. TO 16 FT; LINE #9, MINIMUM SETBACK FROM SIDE PROPERTY LINES, FROM 20 FT. TO 5.5 FEET FOR DECK AND STEPS (WEST SIDE), FROM 30 FT. TO 5 FT. (EAST SIDE); LINE #11,MAXIMUM LOT COVERAGE AS % OF LOT AREA, FROM 20% TO 37%; LINE #12, MAXIMUM FLOOR AREA AS % OF LOT AREA, FROM 40% TO 55%; AND WAIVER OF SECTION 25.4.3, ADDITIONAL SETBACKS, FOR BUILDING OVER 30 FT. IN HEIGHT. TOTAL HEIGHT TO bE 40 FT. ADDITIONALLY THE BOARD WILL CONSIDER THE COASTAL STIE PLAN REVIEW (CSPR) APPLICATION AND REALTED COMMENTS PROVIDED BY THE OFFICE OF LONG ISALND SOUND PROGRAMS OF THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO DETERMINE THE PROPOSAL'S CONSISTENCY WITH THE CONNECTICUT COASTAL MANAGEMENT ACT (CCMA)

Jennifer Fisher, a surveyor, 48 Alps Road, Branford, CT. and Robert A. Criscuolo, a engineer, 420 East Main Street, Branford, CT. addressed the Board on behalf of the applicant. They were seeking the aforementioned variances. The required certified receipts were submitted to the Board. Hardship: The preexisting nonconforming house was destroyed by Irene. The previous coverage of the

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destroyed home was 52%, the floor area was 58% and the citing of the house was over the DEEP jurisdiction line. The construction of the proposed house would reduce the coverage, reduce the floor area and increase the setback to the mean high water line by 13'. The lot, which predates the implementation of zoning, is undersized for the zone and buildable area is reduced because of the proximity of the DEEP jurisdiction. line. The lot sits at a very low elevation compared to the FEMA flood zone requirement forcing the lowest horizontal structure of the hyouse to be at or above elevation 13' (NAVD 1988) which puts the first floor of the structure 11.5' above the ground level, thus pushing the ridge of the two story structure to 40' above grade. ZEO Anderson informed the Board the D.E.P. suggested a snow fence be erected along the mean high tide water line. No further comments were made.

NO RECESS CALLED

SEE VOTING

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VOTING:

12-008

GRANTED-ZBA BOARD GRANTED THE VARIANCE WITH CONDITION- A SNOW FENCE BE ERECTED ALONG THE MEAN HIGH TIDE WATER LINE AND ALSO APPROVED THE COASTAL SITE PLAN AS PRESENTED.

Lemons – yes with condition

Beisler – yes with condition

Redente- yes with condition

Falcigno – yes with condition

Porto – yes with condition

12-009

GRANTED – ZBA BOARD GRANTED THE VARIANCE WITH CONDITION – A SNOW FENCE BE ERECTED ALONG THE MEAN HIGH TIDE WATER LINE AND APPROVED THE COASTAL SITE PLAN AS PRESENTED.

Lemons – yes with condition

Beisler – yes with condition

Falcigno – yes with condition

Redente – yes with condition

Porto – yes with condition

Robert Falcigno made a motion to adjourn; seconded by Vice Chairman Porto. Motion carried unanimously.

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Chairman Lemons adjourned the meeting at 7:55 P.M.

Respectfully submitted,

Rosalie DePalma
Clerk