

APPROVED 11-21-19
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

A meeting of the Zoning Board of Appeals was held on Thursday, October 17, 2019 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Caren M. Genovese, Vice Chairman
Donald F. Clark, Secretary
Joseph P. Villano
A.J. Wambolt, (Recused for Application #19-09 only).
Andy Gorry, Alternate (Sitting for AJ Wambolt on Application #19-09 only).
Carolyn Yaccarino, Alternate
Kenneth Quick, Alternate

MEMBERS ABSENT:

None

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Laura A. Magaraci, Zoning Enforcement Officer
Leslie Carney, Clerk
Jennifer Coppola, Town Counsel
Elio Floriano, Building Official

OTHERS PRESENT:

Mary Lee Rydzewski, Court Reporter

AGENDA:

Mr. Hannon, Chairman, opened the meeting at 7:29 PM and introduced the members of the Board, the Town staff, and the Court Reporter. He then explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

Mr. Clark read the call for the A-2 Survey Waiver:

A-2 SURVEY WAIVER:

1. #A2W-19-02 Application of James S. Terray, Applicant & Owner, relative to 75 Bayard Avenue, (Map 41, Lot 223), seeking a waiver of the A-2 survey application requirement. R-12 Zoning District.

Mr. Terray presented the application for the A-2 Survey Waiver. He stated that they are proposing to install a 6' high fence behind his house within the property line. The fence is needed for safety reasons due to a young child and the house is on a corner lot. If the waiver is approved he will apply for a variance to install the fence to be heard at the next meeting.

The board asked questions and they were answered by Mr. Terray.

PUBLIC HEARINGS:

Mr. Clark read the call for the first Public Hearing:

2. #19-09 Application of Lisa Liquori, Applicant & Owner, relative to 111 Fitch Street, (Map 17, Lot 76), per Section 2.1.1.6 requesting a variance to allow an accessory building to be used for dwelling purposes. R-20 Zoning District.

Attorney Pellegrino presented the application requesting the variance to allow an accessory building. He introduced Exhibit A: Property Card, Exhibit B: (3) Pictures and Exhibit C: Email in support from neighbor, David DeMartino of 2 Pleasant Drive. He stated that there are unique circumstances. He believes the regulation is not clear. Interpretation of the regulations led to the variance request.

The board asked questions and they were answered by Attorney Pellegrino.

Attorney Coppola addressed the board. She introduced Exhibit #1: Cohen vs. North Haven ZBA Commission Court Case from July 24, 1996, Exhibit #2: ZBA Public Hearing transcript dated April 19, 2012.

The board asked questions and they were answered by Attorney Coppola.

Mr. Hannon asked for public comment.

1. Pete Hawkins of 5 Pleasant Drive spoke in favor of the application.
2. Lisa Gaudio of 4 Pleasant Drive spoke in favor of the application.
3. Tracy McFarland DiPalma of 108 Fitch Street spoke in favor of the application.
4. Elio Floriano, Town Building Official spoke stating that the proper permits were not issued and final inspections were not performed for an apartment.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the next Public Hearing:

3. #19-14 Application of 444 State Street LLC, Applicant & Owner, relative to 444 State Street, (Map 26, Lot 55), per Section 8.3.3.1 requesting permission to enlarge an existing non-conforming building. CB-40/R-20 Zoning Districts.

Mr. Chuck Fisher from Criscuolo Engineering presented the application to enlarge an existing non-conforming building. He stated that he represents Executive Auto Group. The request is to enlarge their existing building to add 3 service bays and a pass way entrance. The addition will be 40 feet x 50 feet. The building will be no higher than the current 20 feet and will match the existing building line. If the request is approved an application will be presented to the Planning & Zoning Commission for Site Plan approval.

The board asked questions and they were answered by Mr. Fisher.

Mr. Hannon asked for public comment.

1. Bridget Austiguy-Preschiel of 38 Vineyard Road asked questions and they were answered.

There being no further public comment, the Public Hearing was closed.

DELIBERATION SESSION:

A-2 SURVEY WAIVER:

1. #A2W-19-02 Application of James S. Terray, Applicant & Owner, relative to 75 Bayard Avenue.

Mr. Clark moved to approve the application; Mr. Villano seconded the motion. The Board voted as follows;

Hannon – aye Genovese – aye Clark – aye Villano – aye Wambolt – aye

The application was approved.

PUBLIC HEARINGS:

2. #19-09 Application of Lisa Liquori, Applicant & Owner, relative to 111 Fitch Street.

Mrs. Genovese made a motion to discuss the application; Mr. Clark seconded the motion. The Board discussed the application.

Mrs. Genovese made a motion to withdraw her motion to discuss the application; Mr. Clark seconded the motion.

The board voted as follows;

Hannon – aye Genovese – aye Clark – aye Villano – aye Gorry – aye

Mrs. Genovese moved to deny the application; Mr. Clark seconded the motion. The board voted as follows;

Hannon – aye Genovese – aye Clark – aye Villano – aye Gorry – aye

The application was denied.

In denying the application the Board stated the following:

1. There is no hardship.
2. There are (2) two dwellings on (1) lot.

3. #19-14 Application of 444 State Street LLC, Applicant & Owner, relative to 444 State Street.

Mr. Clark moved to approve the application; Mr. Villano seconded the motion. The board voted as follows;

Hannon – aye Genovese – aye Clark – aye Villano – aye Wambolt – aye

In approving the application, the Board stated the following:

1. It is a reasonable request.
2. It will conform with the existing building.

OTHER: None

ENFORCEMENT ACTIONS:

Zoning Enforcement Officer, Laura Magaraci discussed the violation letter recently sent to One West View Road.

CORRESPONDENCE: None

MINUTES:

- 19 September 2019

Mr. Clark moved to approve the 19 September 2019 meeting minutes; Mr. Villano seconded the motion.

The Board voted as follows:

Hannon – aye Clark – aye Villano – aye Wambolt – aye Genovese – aye

ADJOURN:

There being no further business, Mrs. Genovese moved to adjourn; Mr. Villano seconded the motion; the board unanimously approved the motion. The meeting was adjourned at 9:21pm.