

APPROVED 12-19-19
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

A meeting of the Zoning Board of Appeals was held on Thursday, November 21, 2019 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #1 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Donald F. Clark, Secretary
Joseph P. Villano
A.J. Wambolt
Andy Gorry, Alternate
Quick, Kenneth, Alternate
Carolyn A. Yaccarino, Alternate (sitting for Caren M. Genovese, Vice Chairman)

MEMBERS ABSENT:

Caren M. Genovese, Vice Chairman

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Laura A. Magaraci, Zoning Enforcement Officer
Jennifer Coppola, Town Counsel
Pam Miller, Clerk

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.

A-2 SURVEY WAIVER:

1. #A2W-19-03 Application of Birch Bidwell, Applicant & Owner, relative to 267D Kings Highway, (Map 93, Lot 50), seeking a waiver of the A-2 survey application requirement. R-40 Zoning District.

Mr. Birch Bidwell, applicant, presented the application for an A-2 survey waiver. He stated that he plans to apply for a variance and build a barn on his 3.3 acre property, if approved.

PUBLIC HEARINGS:

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

2. #19-15 Application of Town Fair Tire Center, Applicant, North Haven Four LLC, Owner, relative to 165 Washington Avenue, (Map 73, Lot 20), per Section 8.11.3, requesting to modify a condition of their existing variance of 38' to allow a Certificate of Location for Automotive Services within 462' of a park, where 500' is required, granted on 17 December 2015. Requesting to also permit the replacement of brake pads and rotors. IL-30 Zoning District.

Mr. Bernard Pellegrino presented the application to modify a condition of their variance for their Certificate of Location for 165 Washington Avenue. He stated that the applicant wishes to expand their services at Town Fair Tire to include the replacement of brake pads and rotors for existing customers. Mr. Pellegrino gave a history of the prior approvals and discussed the proposed brake program. He presented photos of the building as Exhibit A and explained that there would not be any adverse environmental impact in approving the application.

Mr. Rubino of Town Fair Tire discussed the brake services offered at other Town Fair Tire locations. He stated that one repair bay would be dedicated to brake work, if approved.

The Commission asked questions and they were answered by Mr. Rubino.

Mr. Hannon asked for public comment.

1. Sally Buemi of 5 Blossom Drive spoke in opposition to the application. She is concerned with the business adding services to their prior approval.

Mr. Pellegrino addressed the public comment.

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

3. #19-17 Application of Vigliotti Construction, Inc., Applicant, Piepers' Farm, LLC, Owner, relative to 343 Clintonville Road, (Map 69, Lot 55), per Section 2.4.1.1(a) requesting a side yard setback variance of 18' to permit a side yard setback of 32' where 50' is required. EH Zoning District.

This application has been postponed to the 19 December 2019 meeting.

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

4. #19-18 Application of James Terray, Applicant & Owner, relative to 75 Bayard Avenue, (Map 41, Lot 223), per Section 8.6.2.1, requesting a fence height variance of 3' to permit a 6' high fence where 3' is required. R-12 Zoning District.

Mr. Terray, applicant, presented the application for a fence height variance. He discussed the lot and gave an overview as to why the variance is requested. Mr. Terray stated that he wishes to enclose a portion of his yard for the safety of his child and pet. He discussed the topography of the property and presented a street view photo of the lot.

The Commission asked questions and Mr. Terray responded.

Mr. Hannon asked for public comment.

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

DELIBERATION SESSION:

A-2 SURVEY WAIVER:

1. #A2W-19-03 Application of Birch Bidwell, Applicant & Owner, relative to 267D Kings Highway.

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

Hannon – aye Clark – aye Villano – aye Wambolt – aye Yaccarino – aye

The A-2 survey waver application was approved.

PUBLIC HEARINGS:

2. #19-15 Application of Town Fair Tire Center, Applicant, North Haven Four LLC, Owner, relative to 165 Washington Avenue.

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

Hannon – nay Clark – nay Villano – nay Wambolt – nay Yaccarino – nay

This application was therefore denied.

In denying the application the Board stated the following:

1. No hardship is found.
2. The original variance stands as is.

4. #19-18 Application of James Terray, Applicant & Owner, relative to 75 Bayard

Avenue, (Map 41, Lot 223), per Section 8.6.2.1, requesting a fence height

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

Hannon – aye Clark – aye Villano – aye Wambolt – aye Yaccarino – aye

In approving the application, the Board stated the following:

1. The hardship is the topography of the property.
2. The lot has two front yards.
3. The approval is for the safety of children and pets.

OTHER: None

ENFORCEMENT ACTIONS:

Zoning Enforcement Officer, Laura Magaraci updated the Commission on the enforcement actions at 59 Old Broadway and 400 Sackett Point Road.

CORRESPONDENCE: None

MINUTES:

- 17 October 2019

Mr. Clark moved to approve the 17 October 2019 meeting minutes; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Villano – aye Wambolt – aye Yaccarino – aye

EXECUTIVE SESSION:

1. Discuss the status of the pending litigation of John Liquori, et al. v. North Haven ZBA, and Lisa Liquori v. North Haven Zoning Board of Appeals, and possible action relating to same.
2. Consider whether to convene in executive session to discuss the status of the pending litigation of John Liquori, et al. v. North Haven ZBA, and Lisa Liquori v. North Haven Zoning Board of Appeals.

Mr. Wambolt recused himself from the Executive Session.

Mr. Villano moved to enter Executive Session at 8:35 PM; Ms. Yaccarino seconded the motion. The Commission invited Jennifer Coppola, Town Counsel, Alan Fredricksen, Land Use

Administrator, and Laura Magaraci, Zoning Enforcement Officer, into Executive Session. The Commission voted as follows:

Hannon – aye Clark – aye Villano – aye Yaccarino – aye Quick - aye

Mr. Villano moved to exit Executive Session at 9:24 PM; Ms. Yaccarino seconded the motion. The Commission voted as follows:

Hannon – aye Clark – aye Villano – aye Yaccarino – aye Quick - aye

ADJOURN:

There being no further business, Mr. Clark moved to adjourn; Ms. Yaccarino seconded the motion; the board unanimously approved the motion. The meeting was adjourned at 9:24 pm.