

APPROVED 3-17-22
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

A meeting of the Zoning Board of Appeals was held on Thursday, December 16, 2021 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #1 at 6:30 PM.

MEMBERS PRESENT:

Donald F. Clark, Vice Chairman
Carolyn A. Yaccarino, Chairman
Joseph P. Villano, Secretary
A.J. Wambolt
Andy Gorry
Kenneth Quick, Alternate, sitting for #21-19
Luigi Coppola Sr., Alternate
Robert Nielsen, Alternate

MEMBERS ABSENT:

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Laura A. Magaraci, Zoning Enforcement Officer
Pam Miller, Clerk
William Ryan, Town Attorney
Jeffrey Donofrio, Town Counsel

OTHERS PRESENT:

Sotonye Otunba-Payne, Stenographer

AGENDA:

Ms. Yaccarino, Chairman, opened the meeting at 6:32 PM. Then, Mr. Freda, First Selectman, presiding over the organizing of the Board asked for a nomination for the office of Chairman of the Zoning Board of Appeals. Mr. Clark nominated Ms. Yaccarino; Mr. Quick seconded the nomination. There were no further nominations; all were in favor. Ms. Yaccarino was elected Chairman. For the office of Vice Chairman, Mr. Gorry nominated Mr. Clark; Ms. Yaccarino seconded the nomination. There were no further nominations; all were in favor. Mr. Clark was elected Vice Chairman. Then, Mr. Quick nominated Mr. Villano for the office of Secretary; Mr. Clark seconded the motion. There were no further nominations; all were in favor. Mr. Villano was elected Secretary. Mr. Freda then congratulated all of the elected members and thanked them for their commitment to the Board.

Then Ms. Yaccarino, Chairman, opened the regular meeting at 6:53 PM and introduced the members of the Board and Town staff. She 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.

PUBLIC HEARING:

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

1. #21-19 Continuation of the Application of John A. Parese, Applicant, Todd and Tricia Ricci, Owners, relative to 27 Fallon Drive, (Map 68, Lot 66) appealing the Cease and Desist Order of the Zoning Enforcement Officer, dated September 3, 2021. R-20 Zoning District.

Attorney John Parese, with Parrett Porto Parese & Colwell in Hamden, presented the application to appeal the Cease & Desist Order issued by the Zoning Enforcement Officer. He stated that the order demanded that his clients remove a steel storage container from the property. Attorney Parese gave an overview of the appeal and stated that the container is not being used for his client's business. He discussed the town's zoning regulations and asked the Board to approve the appeal.

Laura A. Magaraci, Zoning Enforcement Officer, explained the Cease and Desist Order. She discussed the definition of accessory structures and stated that the container is not permitted per the Zoning Regulations.

Jeffrey Donofrio, Town Counsel, spoke regarding selective enforcement and the definition of accessory structures customarily permitted in a residential zone.

Mr. Parese gave additional comments regarding approved structures in residential zones.

Ms. Yaccarino asked for public comment.

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

Mr. Villano read the call for the last Public Hearing:

2. #21-21 Application of Michael & Michelle Wolf, Applicants & Owners, relative to 1 Victor Road, (Map 67, Lot 172) per Section 2.1.1.9, requesting a front yard setback variance of 4' to permit a front yard setback of 46' where 50' is required R-20 Zoning District.

Applicants and owners, Michael and Michelle Wolf presented their variance application to permit the addition of a 10' x 20' front porch.

The Board asked questions and Mr. and Mrs. Wolf responded.

Ms. Yaccarino asked for public comment.
There being no public comment, the Public Hearing was closed.

DELIBERATION SESSION:

PUBLIC HEARINGS:

1. #21-19 Continuation of the Application of John A. Parese, Applicant, Todd and Tricia Ricci, Owners, relative to 27 Fallon Drive.

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

Yaccarino – aye Clark – aye Villano – aye Gorry – aye Quick – aye

In denying the application, the Board stated the following:

1. The storage container is not considered an accessory building or a structure.
2. #21-21 Application of Michael & Michelle Wolf, Applicants & Owners, relative to 1 Victor Road.

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

Yaccarino – aye Clark – aye Villano – aye Wambolt – aye Gorry – aye

In approving the application, the Board stated the following:

1. The request is reasonable.
2. It would not negatively impact the neighborhood.
3. This will help resolve a public safety issue in getting the porch farther from Clintonville Road.

OTHER: None

ENFORCEMENT ACTIONS: ZEO Update

Zoning Enforcement Officer, Laura Magaraci briefly updated the Commission on the Enforcement Actions.

CORRESPONDENCE: None

MINUTES:

- 18 November 2021

Mr. Wambolt moved to approve the 18 November 2021 meeting minutes; Mr. Clark seconded the motion. The Board voted as follows:

Clark – aye Wambolt – aye Gorry – aye Quick – aye Coppola – aye

ADJOURN:

There being no further business, Mr. Quick moved to adjourn; Mr. Coppola seconded the motion; the board unanimously approved the motion. The meeting was adjourned at 7:17 pm.