

APPROVED 3-21-24
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

A meeting of the Zoning Board of Appeals was held on Thursday, February 15, 2024 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 P.M.

MEMBERS PRESENT:

Carolyn A. Yaccarino, Chairman
Donald F. Clark, Vice Chairman
Sumit Sharma, Secretary
Andrew Gorry
Kieran J. Ahern
Luigi Coppola Sr., Alternate, (sitting on #23-23 & #24-01)
Robert Nielsen, Alternate (sitting on #23-23 only)

MEMBERS ABSENT:

Jonathan Lewin, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Laura A. Magaraci, Zoning Enforcement Officer
Leslie Carney, Land Use Secretary
Sotonye Otunba-Payne, Stenographer
Jeffrey Donofrio, Town Attorney

AGENDA:

Ms. Yaccarino, Chairman, opened the meeting at 7:36 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. Application #24-03 and #23-24 were postponed to the March 21, 2024 meeting.

PUBLIC HEARINGS:

1. #23-14 Application of Leonard A. Fasano, Applicant, Paul Cicarella, Owner, relative to 104 Kings Highway, (Map 83, Lot 31), appealing the decision of the Zoning Enforcement Officer, dated August 3, 2023. R-40 Zoning District.

This application has been withdrawn by the applicant.

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

2. #23-23 Application of Cole Biagetti and Cailin Vizzo, Applicants & Owners, relative to 1 Del Avenue, (Map 74, Lot 143), per Section 8.6.2.1, requesting a fence height variance of 3' to permit a 6' high fence where 3' is permitted. R-20 Zoning District.

Ms. Yaccarino, Mr. Gorry, Mr. Sharma, Mr. Coppola and Mr. Nielsen sat on this application.

Mr. Biagetti and Cailin Vizzo, presented the continued application for a fence height variance to allow a 6' fence where a 3' foot fence is allowed. They explained again the need and reasons for a higher fence height being the safety of their two dogs. There is not much of a backyard for the dogs to roam free. They asked the Board to accept a fence height of 4.5' and to not change the location of the fence relative to where it currently is placed.

The Board asked questions and Mr. Biagetti and Ms. Vizzo responded.

Ms. Yaccarino asked for public comment. There being none, the public hearing was closed.

3. #23-24 Application of Timothy J. Lee, Esq., Applicant, One West View Road, LLC, Owner, relative to 1 West View Road, (Map 57, Lot 29), per Section 2.1.1.9, requesting a side yard setback variance of 25' to permit a side yard setback of 0' where 25' is required. R-20 Zoning District.

This application was postponed to the March 21, 2024 meeting.

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

4. #24-01 Application of Paul Cicarella, Jr., Applicant & Owner, relative to 104 Kings Highway, (Map 83, Lot 31), per Section 2.1.1.9, requesting a side yard setback variance of 12.47' to permit a side yard setback of 12.53' where 25' is required. R-40 Zoning District.

Ms. Yaccarino recused on this application, so it was chaired by Mr. Clark.

Mr. Gorry, Mr. Sharma, Mr. Ahern & Mr. Coppola also sat on this application.

Attorney Timothy Lee, presented the setback variance application to allow the addition that is currently in place to remain. There has been an agreement reached between the neighbor and the applicant in reference to the existing location of the addition. However, the pool that is currently installed will have to be removed from the property.

Attorney Lee submitted the following documents:

Exhibit 1A – Assessor's card

Exhibit 1B – Subdivision plan

Exhibit 1C – Photo

Exhibit 1D - Photo

Exhibit 1E – Temporary Certificate of Occupancy

Exhibit 1F – Letter from Andrew Koutroumanis (neighbor)

Ms. Yaccarino asked for public comment. There being none, the public hearing was closed.

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

5. #24-02 Application of McDermott Road, LLC, Applicant & Owner, relative to 100 Quinipiac Avenue, (Map 6, Lot 33), per Section 5.1.2, requesting a front yard setback variance of 8.1' to permit a front yard setback of 66.9' where 75' is required. IL-30 Zoning District.

Attorney Timothy Lee, presented the variance application to allow a front yard setback variance due to the lot being on the corner of McDermott Road and Quinipiac Avenue. The wetland buffer area limits where the new building can be placed. It will be a warehouse that will store things such as construction equipment. This lot has remained vacant since 2010 due to an inability to find a suitable tenant for the property.

Ms. Yaccarino asked for public comment.

1. Roger Rossi – 12 Mikey's Way – spoke in favor.

There being no further public comment, the public hearing was closed.

6. #24-03 Application of Sami Jamal, Applicant, Triple R Developers, LLC, Owner, relative to 102 Middletown Avenue, (Map 6, Lot 19), per Section 4.4.2, requesting a front yard service station roof canopy setback variance of 5' to permit a service station roof canopy setback of 13' where 18' is required. CB-20 Zoning District.

This application was postponed to the March 21, 2024 meeting.

DELIBERATION SESSION:

PUBLIC HEARINGS:

2. #23-23 Application of Cole Biagetti and Cailin Vizzo, Applicants & Owners, relative to 1 Del Avenue.

Mr. Gorry moved to approve the application, but with a 4.5' fence height limit; Ms. Yaccarino seconded the motion. The board voted as follows;

Yaccarino – aye Gorry – aye Sharma – aye Coppola – aye Nielsen – nay

In approving the application, the Board stated the following:

1. This fence height variance is approved for a 4.5' fence height, not the requested 6' fence height.
2. The hardship is that this is a corner lot.
3. This is a safety issue.

4. #24-01 Application of Paul Cicarella, Jr., Applicant & Owner, relative to 104 Kings Highway.

Mr. Lou Coppola moved to approve the application; Mr. Gorry seconded the motion. The board voted as follows;

Clark – aye Gorry – aye Sharma – aye Coppola – aye Ahern - aye

In approving the application, the Board stated the following:

1. This variance is limited to the work of this house addition only.
2. The hardship is the odd shape of this lot.
3. This is a reasonable request.

5. #24-02 Application of McDermott Road, LLC, Applicant & Owner, relative to 100 Quinipiac Avenue.

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

Yaccarino – aye Clark – aye Gorry – aye Sharma – aye Ahern – aye

In approving the application, the Board stated the following:

1. This front yard setback variance is limited to the McDermott Road frontage only.
2. The hardship is that this is a corner lot.
3. This request is reasonable.

OTHER: None

ENFORCEMENT ACTIONS:

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

CORRESPONDENCE: None

MINUTES:

- 18 January 2024

Ms. Yaccarino moved to approve the 18 January 2024 meeting minutes; Mr. Nielsen seconded the motion.

The Board voted as follows:

Yaccarino – aye Sharma – aye Gorry – aye Nielsen - aye Coppola - aye

ADJOURN:

There being no further business, Mr. Clark moved to adjourn; Mr. Nielsen seconded the motion; the board unanimously approved the motion. The meeting was adjourned at 8:30 P.M.