

*Approved (4-18-24)*  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, March 21, 2024, at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 P.M.

**MEMBERS PRESENT:**

Donald F. Clark, Vice Chairman (acting Chairman)  
Sumit Sharma, Secretary  
Kieran J. Ahern  
Luigi Coppola Sr., Alternate (sitting)  
Robert Nielsen, Alternate (sitting)

**MEMBERS ABSENT:**

Carolyn A. Yaccarino, Chairman  
Andrew Gorry  
Jonathan Lewin, Alternate

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator  
Laura A. Magaraci, Zoning Enforcement Officer  
Leslie Carney, Land Use Secretary  
Christine Hilton, Land Use Secretary  
Sotonye Otunba-Payne, Stenographer  
Attorney Jennifer Coppola, Town Counsel

Mr. Clark, Acting Chairman, opened the meeting at 7:30 PM and introduced the members of the Board and Town staff. 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.

**PUBLIC HEARINGS:**

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

1. #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.

Attorney Lee presented the variance request to allow the existing pool house and shed to remain. Attorney Lee also stated that this request is after-the-fact and that they are asking for permission

to allow the structures to remain and be located on the property line. Mr. John Acanfora, the property owner, spoke further regarding the application.

Attorney Jennifer Coppola, Town Counsel, spoke regarding the variance request.

Attorney Lee entered exhibits as follows:

- Exhibit A – Google Map
- Exhibit B - Google Map
- Exhibit C - Google Map

Mr. Clark asked for public comment.

There was no public comment. The public hearing was continued to the 18 April 2024 meeting.

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

- 2. #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.

Larry Webster, representing the applicant, presented the variance application requesting a front yard setback variance to allow the construction of a new gas station that will require a canopy over the gas pumps.

Jason Davis, Architect with QA &M explained further the variance to construct a completely newly configured building on the property. The old building will be demolished. The shape of the lot presented issues with the site development.

Mr. Clark asked for public comment.

- 1. Roger Rossi – First Fuel – stated that he is all for cleaning up the abandoned site. He expressed safety concerns regarding the canopy variance in relation to his own gas station and awning location.

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

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

- 3. #24-04 Application of Robert N. Papa, Applicant, 22 Middletown Avenue Associates, LLC, Owner, relative to 22 Middletown Avenue, (Map 3, Lot 57), per Section 8.10.3.1, requesting a variance of 338’ for the required distance between a location for a liquor permit and a church, to permit 162’ where 500’ is required. IL-30 Zoning District

Mr. Robert Papa presented the request for a variance to allow a liquor permit within 500 feet of a church for Nick’s Char Pit to stay competitive with the current times and evolve the business. He is a 3<sup>rd</sup> generation owner.

Mr. Clark asked for public comment.

There being none, the public hearing was closed.

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

- 4. #24-05 Application of Ferraro’s Foodland of New Haven, Inc., Applicant, North Haven Holdings LP, Owner, relative to 100 Universal Drive North, (Map 16, Lot 2), per Section 5.1.2, requesting a front yard setback variance of 28’ to permit a front yard setback of 47’ where 75’ is required and requesting a side yard setback variance of 5’ to permit a side yard setback of 20’ where 25’ is required. IL-80 Zoning District

Attorney Timothy J. Lee presented the front and side yard variance applications to enable the permitting of some outdoor freezer units for food storage. Presently several trips a day are currently necessary to an offsite warehouse to retrieve more food items. This was necessary due to the town taking the plaza driveway as a town road.

Mr. Clark asked for public comment.

There being no comment, the public hearing was closed.

Mr. Sharma read the call for the fifth Public Hearing.

- 5. #24-06 Application of Edward St. George, Applicant & Owner, relative to 100 Rimmon Road, (Map 63, Lot 36), per Section 2.1.1.9, requesting a side yard setback variance of 16’ to permit a side yard setback of 9’ where 25’ is required. R-40 Zoning District.

Mr. Edward St. George presented his side yard variance request to construct a barn on his property that has been granted farm status by the Assessor’s office. The topography of the property causes the placement of the barn to be pushed back into the setback.

Mr. Clark asked for public comment.

- 1. Marc Genovese, 236 Kings Highway – spoke highly in favor.
- 2. Joan Clinton, 50 & 140 Rimmon Road – spoke in strong support and felt it would be an asset to the neighborhood.

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

**DELIBERATION SESSION:**

**PUBLIC HEARINGS:**

- 1. #23-24 Application of Timothy J. Lee, Esq., Applicant, One West View Road, LLC, Owner, relative to 1 West View Road.

Mr. Coppola moved to continue the application to the April 17, 2024, meeting; Mr. Nielsen seconded the motion. The board voted as follows:

Clark – aye Sharma – aye Ahern – aye Coppola – aye Nielsen - aye

The application was continued to the April 17, 2024, meeting.

- 2. #24-03 Application of Sami Jamal, Applicant, Triple R Developers, LLC, Owner, relative to 102 Middletown Avenue.

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

Clark – aye Sharma – aye Ahern – aye Coppola – aye Nielsen - aye

In approving the application, the Board stated the following:

- 1. The hardship is public safety.
- 2. There will be no change in the historic use of this property.

- 3. #24-04 Application of Robert N. Papa, Applicant, 22 Middletown Avenue Associates, LLC, Owner, relative to 22 Middletown Avenue.

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

Clark – aye Sharma – aye Ahern – aye Coppola – aye Nielsen - aye

In approving the application, the Board stated the following:

- 1. The hardship is the lack of proper approvals for a church located within 500’ of the property.

- 4. #24-05 Application of Ferraro’s Foodland of New Haven, Inc., Applicant, North Haven Holdings LP, Owner, relative to 100 Universal Drive North.

Mr. Sharma moved to approve the application; Mr. Ahern seconded the motion. The board voted as follows:

Clark – aye Sharma – aye Ahern – aye Coppola – aye Nielsen - aye

In approving the application, the Board stated the following:

1. The hardship is the town’s taking ownership of the road increasing the required setbacks.
5. #24-06 Application of Edward St. George, Applicant & Owner, relative to 100 Rimmon Road.

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

Clark – aye Sharma – aye Ahern – aye Coppola – aye Nielsen - aye

In approving the application, the Board stated the following:

1. The hardship is the topography of the property.
2. The request is reasonable.

**OTHER:** None

**ENFORCEMENT ACTIONS:**

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

**CORRESPONDENCE:** None

**MINUTES:**

- 15 February 2024

Mr. Ahern moved to approve the amended minutes for the 15 February 2024 meeting. Mr. Coppola seconded the motion. The Board voted as follows:

Clark – aye Sharma – aye Ahern – aye Coppola – aye Nielsen - aye

**ADJOURN:**

There being no further business, Mr. Ahern moved to adjourn; Mr. Coppola seconded the motion; the board unanimously approved the motion. The meeting was adjourned at 9:32 P.M.