

**TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
BUILDING BOARD OF APPEALS**

A meeting of the BUILDING BOARD OF APPEALS was held on Friday, February 1, 2013, at 3:00 PM at the North Haven Town Hall, 18 Church Street on the First Floor in Conference Room #3 across from the Town Clerk's Office.

BOARD MEMBERS PRESENT:

Karl C. Veith, Vice Chairman
Philip Kinsella
Peter J. Criscuolo, Jr.
Peter Fuhrmann

TOWN PERSONNEL:

Elio Floriano, Building Official
Lynn Sadosky, P.E., Director of Public Works
Lara Oakes-Andrews, Clerk to the Board

Vice Chairman Karl C. Veith called the Meeting to order at 3:00 p.m. He requested that the Agenda be read into the Record by the Clerk to the Board.

Clerk Lara Oakes-Andrews read the Agenda into the record.

Mr. Veith made a Motion to Amend the Agenda to add an Executive Session with counsel before deliberation if the Board so needed; Mr. Criscuolo seconded the Motion. The Board voted 4-0-0 in favor.

**Karl C. Veith – Aye Philip Kinsella – Aye
Peter J. Criscuolo, Jr. – Aye Peter Fuhrmann – Aye**

PUBLIC HEARING:

- 1. Public Hearing on appeal by the property owner(s) of 81 Old Broadway West, North Haven to the Building Board of Appeals of the Notice of Violation and Order to Abate issued by the Building Official on January 18, 2013.**

Michael J. Ajello, Esq. addressed the Board on behalf of his client, Mr. Louis Giangola, the owner of 81 Old Broadway West ("Property").

Elio Floriano, Building Official, was sworn in by the Stenographer and addressed the Board regarding the conditions observed at the Property that led him to issue the Notice of Violation and Order to Abate.

Jennifer N. Coppola, Esq., counsel to the Board, introduced herself and identified the Exhibits that had been presented to the Board for the Record.

Attorney Ajello addressed the Board to state the issues he had with the Notice of Violation.

Mr. Floriano addressed the Board to explain the Notice of Violation process.

Lynn Sadosky, P.E., Director of Public Works, was sworn in by the Stenographer and addressed the Board. She stated that the Building Office under the Public Works Department has made great efforts to be more pro-active and public friendly to help the general public and contractors alike go through the permitting process more smoothly, and that most people when they receive letters such as the Notice of Violation in issue, come in or call the Building Office to ask questions as to how the violation(s) can be remedied.

Attorney Ajello addressed the Board again and Mr. Giangola commented to the Board.

Mr. Kinsella asked some questions regarding a prior order issued against the Property.

Attorney Ajello addressed the Board and stated that he believed that they could only address the Notice of Violation that was issued on January 18, 2013. Attorney Coppola commented.

Attorney Coppola asked Attorney Ajello and Mr. Giangola who installed the furnace at the Property without a permit.

Attorney Ajello stated that the tenant was supposed to get all the permits.

Mr. Louis Giangola was sworn in by the Stenographer and stated that the tenant was supposed to take out all permits to do the work.

Attorney Coppola questioned Mr. Giangola if the tenant had in fact done all of the work in question.

Mr. Criscuolo asked questions and stated he was concerned with conditions depicted in the photographs submitted.

There was a discussion about Mr. Giangola's ability to enter the Property, how the building was heated, permit procedure, etc.

Mr. Kinsella asked questions.

Mr. Veith called for a motion to go into Executive Session.

Attorney Coppola reminded Mr. Veith that a Public Hearing must be closed.

Mr. Veith asked for further comment and seeing none, closed the Public Hearing.

The Public Hearing was closed at 3:40 p.m.

EXECUTIVE SESSION:

Mr. Veith made a Motion to Convene in Executive Session and to include Jennifer Coppola; Mr. Fuhrmann seconded the Motion.

Attorney Coppola reminded the Board that they should identify the nature of the Executive Session in addition to inviting counsel.

Mr. Criscuolo made a Motion to Convene in Executive Session and to include Attorney Jennifer Coppola to discuss the pending appeal of the Notice of Violation issued against 81 Old Broadway West; Peter Fuhrmann seconded the Motion. The Board voted 4-0-0 in favor.

**Karl C. Veith – Aye Philip Kinsella – Aye
Peter J. Criscuolo, Jr. – Aye Peter Fuhrmann – Aye**

The Board convened in Executive Session at 3:45 p.m.

Mr. Veith made a motion to come out of Executive Session and resume Regular Session; Mr. Criscuolo seconded the motion. The Board voted 4-0-0 in favor.

**Karl C. Veith – Aye Philip Kinsella – Aye
Peter J. Criscuolo, Jr. – Aye Peter Fuhrmann – Aye**

The Board came out of Executive Session at 4:03 p.m.

DELIBERATION:

Mr. Veith made a motion to enter into deliberation; Mr. Criscuolo seconded the motion. The Board voted 4-0-0 in favor.

**Karl C. Veith – Aye Philip Kinsella – Aye
Peter J. Criscuolo, Jr. – Aye Peter Fuhrmann – Aye**

Attorney Coppola instructed the Board that they should not disclose what was discussed in Executive Session.

Mr. Criscuolo stated that he felt the Board should uphold Mr. Floriano's decision to issue the Notice of Violation and referred to the language of the lease, including the provision that the tenant and landlord are both responsible for compliance with all laws, orders, and other public requirements, etc. He also stated that the owner should have attempted to address the building issues.

Mr. Kinsella added comment that the owner should set up a meeting with the Building Official and resolve the issues.

Mr. Criscuolo stated that the owner not the tenant should be noticed and that the notice should not be ignored. He also stated that he did not find the Notice of Violation to be ambiguous.

The Board gave other comments.

Mr. Veith made a motion to deny the appeal and uphold Mr. Floriano's decision to issue the Notice of Violation and Order to Abate; Mr. Criscuolo seconded the motion. The Board voted 4-0-0 in favor.

**Karl C. Veith – Aye Philip Kinsella – Aye
Peter J. Criscuolo, Jr. – Aye Peter Fuhrmann – Aye**

ADJOURNMENT:

There being no further business, Mr. Criscuolo made a Motion to Adjourn the Meeting; Mr. Fuhrmann seconded the Motion. The Board voted 4-0-0 in favor.

**Karl C. Veith – Aye Philip Kinsella – Aye
Peter J. Criscuolo, Jr. – Aye Peter Fuhrmann – Aye**

The Meeting was adjourned at 4:11 p.m.

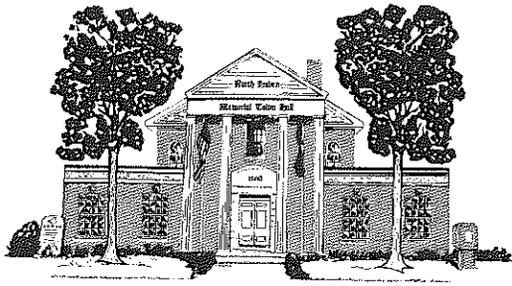
**TOWN OF NORTH HAVEN
BUILDING BOARD OF APPEALS
NOTICE OF MEETING**

TO RESIDENTS AND TAXPAYERS OF THE TOWN OF NORTH HAVEN AND OTHER INTERESTED PARTIES:

Notice is hereby given that the Building Board of Appeals will hold a Meeting on Friday, February 1, 2013 at the North Haven Town Hall, 18 Church Street on the First Floor in Conference Room #3 across from the Town Clerk's Office at 3:00 PM, for the purpose of hearing and deciding an appeal of the Notice of Violation and Order to Abate issued by the Building Official on January 18, 2013 against 81 Old Broadway West, North Haven. The Board will convene a Public Hearing.

ROLLIN M. HICKCOX, CHAIRMAN OF THE TOWN OF NORTH HAVEN BUILDING BOARD OF APPEALS

A COPY OF THIS NOTICE IS ON FILE AT THE TOWN CLERK'S OFFICE.



TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONNECTICUT 06473



REPLY TO:

**Building Office
Building Board of Appeals**

Tel. (203) 239-5321
Fax (203) 234-2130

February 7, 2013

**CERTIFIED MAIL
Return Receipt Requested**

Mr. Louis Giangola
81 Old Broadway West
North Haven, CT 06473

Re: Appeal of Notice of Violation and Order to Abate Issued by Building Official on January 18, 2013 Against 81 Old Broadway West, North Haven

Please be advised that during the deliberation session of the Building Board of Appeals ("Board") Meeting held on Friday, February 1, 2013, the Board voted unanimously (4-0-0) to deny your appeal and uphold the decision of the Building Official to issue a Notice of Violation and Order to Abate against your property located at 81 Old Broadway West, North Haven ("Property") on January 18, 2013.

The Board rejected your claims that the Notice of Violation and Order to Abate is insufficient because it does not identify the permit(s) required and that the Building Official should have issued the Notice of Violation and Order to Abate to a tenant at the Property, among others. In reaching their decision, the Board stated the following:

- (1) Based on the terms of the commercial lease with the named tenant [which was marked as an Exhibit], the tenant and the landlord are both responsible for compliance with all laws, orders, ordinances and other public requirements.
- (2) You, as a longtime commercial property owner are responsible for knowing, knew, or should have known that work which required permits, was commenced at the Property.

Mr. Louis Giangola
February 7, 2013
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Please note that the original copy of this decision letter will be filed with the Building Official following the mailing of a copy of said decision letter to you in compliance with Connecticut General Statutes.

Sincerely,



Karl C. Veith
Vice Chairman
Building Board of Appeals

cc (via certified mail-return receipt requested): Michael J. Ajello, Esquire