

APPROVED 9/18/08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Zoning Board of Appeals meeting held on Thursday, August 21, 2008 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Theresa Ranciato-Viele, Vice Chairman
Donald Clark, Secretary
Caren M. Genovese
Joseph Cappucci
Mary Jane Mulligan, Alternate
Cheryl Juniewicz, Alternate

MEMBERS ABSENT:

Robert E. Martin, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Arthur Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:30 PM. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon 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. Mr. Hannon stated that applications #08-30, 117 Washington Avenue and #08-41, 81 Old Broadway West will not be heard at this meeting.

1. #08-30 Application of Anthony E. Parent, Esq., Applicant, Luciani Realty Partnership, Owner, relative to 99 and 117 Washington Avenue, (Map 73, Lots 9 & 5), Appeal of a decision of the Zoning Enforcement Officer. CA-20/IL-30 Zoning Districts.

This application was withdrawn by the applicant.

Mrs. Genovese moved to hear application #08-40 last; Mrs. Ranciato-Viele seconded the motion. All were in favor.

3. #08-41 Application of Vincent Cervoni, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West, (Map 66, Lot 16), Appeal of a Cease & Desist Order of the Zoning Enforcement Officer. IL-30 Zoning District.

This application is postponed to the September 18, 2008 meeting.

Mr. Clark read the call for the next agenda item.

4. #08-44 Application of Jennifer and George Giering, Owners and Applicants, relative to 74 Mowry Street, (Map 41, Lot 152), per Section 2.1.1.9, requesting a variance of 15' to permit a 10' rear yard setback where 25' is required. R-12 Zoning District.

Mr. George Giering, owner, presented the application to add a two car garage to the rear of the house. The existing garage will be demolished. The Board asked a few questions and Mr. Giering responded.

Mr. Hannon asked for public comment.

- 1) Mr. Pasquale Marino, 80 Mowry Street, neighbor, spoke in favor of this application.
- 2) Mr. Robert Conte, neighbor, spoke in favor of this application.

Mr. Hannon read two letters, presented by the applicant, into the record.

- 1) Mr. & Mrs. Robert Johnson, 66 Mowry Street, spoke in favor of the application, (Exhibit A).
- 2) Mr. Martin Garcia, 63 Mowry Street, spoke in favor of the application, (Exhibit B).

Being no further public comment, the public hearing was closed.

Mr. Clark read the call for the next agenda item.

5. #08-45 Application of Jitendra Patel, Applicant, and George Imperato, Owner, relative to 130 Middletown Avenue, (Map 7, Lot 2), per Section 4.4.2, requesting a variance of 12' to permit a front yard setback of 38' where 50' is required, and requesting a variance of 12' to permit a side yard setback of 3' where 15' is required. CB-20 Zoning District.

Attorney Bernard Pellegrino, Jr. presented the application for the relocation of the Montowese Package Store to 130 Middletown Avenue. This site is currently vacant and will be redeveloped. Landscape Architect, Mark Papa, explained why the variances are needed. The Board stated that they would like the proposed canopy to be a requirement of approval. Mr. Fredricksen stated that the canopy would probably become a requirement of the Building Department.

Being no further public comment, the public hearing was closed.

Mr. Clark read the call for the next agenda item.

6. #08-46 Application of Richard Maiocco, Owner and Applicant relative to 59 Lancelot Drive, (Map 88, Lot 58), per Section 2.1.1.9, requesting a variance of 14' to permit a side yard setback of 11' where 25' is required. R-40 Zoning District.

Mr. Richard Maiocco, owner, presented the application for a one story addition. The Reserve area for the septic system prevents them from building elsewhere. The Board asked a few questions and Mr. Maiocco responded.

Being no public comment, the public hearing was closed.

2. #08-40 Application of Marcellus A. Edwards, III, Owner and Applicant, relative to 33 Orient Lane, (Map 22, Lot 100), per Section 2.1.1.9, requesting a variance of 23' to permit a 27' front yard setback where 50' is required. R-20 Zoning District.

Mr. Marcellus Edwards, III, owner, presented the application for a single story addition. The applicant is proposing to convert the garage into living space. The Board asked a few questions and Mr. Edwards responded.

Mr. Hannon asked for public comment.

Being no public comment, the public hearing was closed.

BREAK: None

DELIBERATION SESSION:

4. #08-44 Application of Jennifer and George Giering, Owners and Applicants, relative to 74 Mowry Street.

Mrs. Genovese moved to approve the application; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele - aye Clark - aye Genovese – aye Cappucci - aye

In approving the application, the Board stated the following:

1. The request is reasonable.
 2. The proposed garage is consistent with the neighborhood.
5. #08-45 Application of Jitendra Patel, Applicant, and George Imperato, Owner, relative to 130 Middletown Avenue.

Mrs. Ranciato-Viele moved to approve the application; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele - aye Clark - aye Cappucci- aye Genovese – aye

In approving the application, the Board stated the following:

1. The variances are limited to the two covered handicapped ramps depicted in the proposed plan.
 2. The request is reasonable and the hardship is the need to conform with ADA requirements.
6. #08-46 Application of Richard Maiocco, Owner and Applicant relative to 59 Lancelot Drive.

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

Hannon – aye Ranciato-Viele - aye Clark - aye Cappucci- aye Genovese – aye

In approving the application, the Board stated the following:

1. The hardship is the location of the reserve area for the septic system.
2. #08-40 Application of Marcellus A. Edwards, III, Owner and Applicant, relative to 33 Orient Lane.

Mrs. Ranciato-Viele moved to approve the application; Mrs. Genovese seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele - aye Clark - aye Cappucci- aye Genovese – aye

In approving the application, the Board stated the following:

1. The variance is limited to the Rock Road front yard only and also to the work of this proposed addition only.
2. The hardship is having two front yards.

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer, addressed the following Cease & Desist Orders with the Board.

500 Quinnipiac Avenue, Alan Hall, owner

- Commercial motor vehicles in a residential zone

315 Washington Avenue, Classic Car Wash

- Sign violation

493 Washington Avenue, Xtreme Kitchen

-Sign violation

323 Washington Avenue, Sprint

- Sign violation

Mr. Hausman also stated that 19 Country Way has submitted a modified plan for the proposed garage addition and is moving towards compliance.

CORRESPONDENCE: Conn. Federation of Planning And Zoning Agencies
Quarterly Newsletter, Summer 2008

Mr. Fredricksen stated for the record that application #08-30, 117 Washington Avenue, was withdrawn by the applicant.

MINUTES:

June 19, 2008

Mr. Cappucci moved to approve the minutes of June 19, 2008; Mr. Clark seconded the motion; the Board members voted as follows:

Hannon – aye Ranciato-Viele – aye Clark - aye Genovese – aye Cappucci - aye

July 17, 2008

Mrs. Genovese moved to approve the minutes of June 19, 2008; Mr. Cappucci seconded the motion; the Board members voted as follows:

Hannon – aye Ranciato-Viele - aye Genovese – aye Cappucci – aye

OTHER: None

ADJOURN:

There being no further business, Mrs. Genovese moved to adjourn; Mr. Cappucci seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:32 PM.

**TOWN OF NORTH HAVEN
ZONING BOARD OF APPEALS
NOTICE OF DECISION**

Please take notice that the following decisions were rendered by the North Haven Zoning Board of Appeals on Thursday, August 21, 2008, at the North Haven Memorial Library 17 Elm Street, in the Community Room at 7:30 PM.

1. #08-30 Withdrawn, by the applicant, the application of Anthony E. Parent, Esq., Applicant, Luciani Realty Partnership, Owner, relative to 99 and 117 Washington Avenue, (Map 73, Lots 9 & 5), Appeal of a decision of the Zoning Enforcement Officer. CA-20/IL-30 Zoning Districts.
2. #08-40 Approved the application of Marcellus A. Edwards, III, Owner and Applicant, relative to 33 Orient Lane, (Map 22, Lot 100), per Section 2.1.1.9, requesting a variance of 23' to permit a 27' front yard setback where 50' is required. R-20 Zoning District. Subject to conditions.
3. #08-41 Postponed to the September 18, 2008 meeting the application of Vincent Cervoni, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West, (Map 66, Lot 16), Appeal of a Cease & Desist Order of the Zoning Enforcement Officer. IL-30 Zoning District.
4. #08-44 Approved the application of Jennifer and George Giering, Owners and Applicants, relative to 74 Mowry Street, (Map 41, Lot 152), per Section 2.1.1.9, requesting a variance of 15' to permit a 10' rear yard setback where 15' is required. R-12 Zoning District.
5. #08-45 Approved the application of Jitendra Patel, Applicant, and George Imperato, Owner, relative to 130 Middletown Avenue, (Map 7, Lot 2), per Section 4.4.2, requesting a variance of 12' to permit a front yard setback of 38' where 50' is required, and requesting a variance of 12' to permit a side yard setback of 3' where 15' is required. CB-20 Zoning District. Subject to conditions.
6. #08-46 Approved the application of Richard Maiocco, Owner and Applicant relative to 59 Lancelot Drive, (Map 88, Lot 58), per Section 2.1.1.9, requesting a variance of 14' to permit a side yard setback of 11' where 25' is required. R-40 Zoning District.

Donald F. Clark, Secretary

TO BE PUBLISHED IN THE NORTH HAVEN CITIZEN ON THE FOLLOWING
DATE:

FRIDAY, August 29, 2008

Please forward bill and affidavit to the Zoning Board of Appeals Commission, Town Hall, 18 Church Street, North Haven, CT 06473.