

APPROVED 10/15/09
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Meeting of the Zoning Board of Appeals held on Thursday, September 17, 2009 at the Mildred A. Wakeley Community & Recreation Center in Room #2 at 7:30 PM.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Joseph A. Cappucci
Robert E. Martin, Alternate

TOWN PERSONNEL:

John Parese, Town Attorney
Alan A. Fredricksen, Land Use Administrator

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon, Chairman, called the meeting to order at 7:32 PM. Mr. Hannon then introduced the members of the Board, the Town staff, the stenographer and clerk. He 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 then stated that application #09-04, 66 South Avenue, is postponed to the October 15, 2009 meeting.

1. #A2W-09-02 Application of Julia Pohoda, Applicant, Rose Piscitelli, Owner, relative to 260 Maple Avenue, (Map 45, Lot 79), seeking a waiver of the A2 survey application requirement.

Mrs. Pohoda presented the application for a waiver of the A2 survey requirement. The applicant stated that the handicapped ramp is located in front of the house and leads to the driveway. The Commission asked a few questions and Mrs. Pohoda responded.

Mr. William Meyers, 259 Maple Avenue, asked if a building permit was pulled before the handicapped ramp was completed. He believes another alternative should have been looked at before the ramp was built.

DELIBERATION SESSION:

1. #A2W-09-02 Application of Julia Pohoda, Applicant, Rose Piscitelli, Owner, relative to 260 Maple Avenue.

Mrs. Genovese moved to waive the A2 survey requirement; Mrs. Mulligan seconded the motion. The Board voted as follows:

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

PUBLIC HEARINGS:

2. #09-04 Application of Unlimited Home Services, LLC, Applicant, Kevin J. Lennon, Sr., Owner, relative to 66 South Avenue, (Map 54, Lot 28), per Section 2.1.1.9, requesting a front yard variance of 10’ to allow a 40’ front yard where 50’ is required. R-20 Zoning District.

This application was postponed to the October 15, 2009 meeting.

Mr. Clark read the call for the Public Hearing.

3. #09-06 This application was postponed to the October 15, 2009 meeting. Application of Julia Pohoda, Applicant, Rose Piscitelli, Owner, relative to 260 Maple Avenue, (Map 45, Lot 79), per Section 2.1.1.9, requesting a front yard variance of 10’ to allow a 40’ front yard where 50’ is required. R-20 Zoning District.

Mrs. Julia Pohoda, applicant, had a handicapped ramp built for her sick, elderly sister. She stated that she had the ramp built before permits were obtained due to health and safety issues. Mrs. Pohoda was concerned with her sister's safety because she was unable to get her sister out of the house by herself. Mr. Hannon suggested to have the ramp removed when there is no longer a need to have it. Mrs. Pohoda stated they would take the ramp down when it's not needed. Mr. John Pohoda, son of the applicant, further expressed the need for the ramp.

Mr. Hannon read a letter from the Fire Chief stating that he is in favor of the ramp because he feels this is an emergency situation. Mr. Fredricksen read a letter from the Town Attorney regarding the Americans with Disabilities Act. Mr. John Parese, Town Attorney, distributed a letter regarding the Americans with Disabilities Act which gives examples of reasonable applications that would fall under this Act.

Mr. Hannon asked for public comment.

Public comments:

1. Mr. Richard Meyer, 259 Maple Avenue, spoke in opposition to the application. He feels the ramp is excessive.

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

DELIBERATION SESSION:

3. #09-06 Application of Julia Pohoda, Applicant, Rose Piscitelli, Owner, relative to 260 Maple Avenue.

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

Mrs. Mulligan moved to amend the motion to restrict the variance to the ramp only; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Hannon – aye Ranciato–Viele – aye Clark – aye Genovese – aye Mulligan – aye

The Board stated the following:

1. The hardship is the Americans with Disabilities Act.

CEASE AND DESIST ORDERS: None

CORRESPONDENCE: Connecticut Federation of Planning and Zoning Newsletter,
Summer 2009

MINUTES:

August 20, 2009

Mrs. Ranciato-Viele moved to approve the minutes of August 20, 2009; Mrs. Mulligan seconded the motion; the Board members voted as follows:

Hannon – aye Ranciato-Viele – aye Mulligan - aye

OTHER: None

PUBLIC COMMENT SESSION: There was no public comment.

ADJOURN:

There being no further business, Mrs. Ranciato-Viele moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:03 PM.