

APPROVED 12/17/09
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Meeting of the Zoning Board of Appeals held on Thursday, November 19, 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
Joseph A. Cappucci
Cheryl A. Juniewicz, Alternate
Mary Jane Mulligan, 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, Chairman, called the meeting to order at 7:30 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.

PUBLIC HEARINGS:

Mr. Clark read the call for the first Public Hearing.

1. #09-10 Application of Robert E. Fournier, Jr., Owner and Applicant, relative to 49 Frost Drive, (Map 29, Lot 81), per Section 2.1.1.9, requesting a side yard variance of 8'; to allow a 2' side yard setback where 10' is required and requesting an aggregate side yard variance of 3' to allow an aggregate side yard of 27' where 30' is required. R-20 Zoning District.

Mr. Robert Fournier Jr., owner, presented the application for an existing addition attached to his garage. The location of his pool prevented the addition from being constructed behind the garage.

Mr. Clark read the applicant's notification letter containing signatures from neighbors in favor of this application. The Board asked questions and Mr. Fournier responded.

Mr. Hannon asked for public comment.

There being no public comments, the Public Hearing was closed.

Mr. Clark read the call for the second Public Hearing.

2. #09-12 Application of Scott Blake, Owner and Applicant, relative to 5 Vista Road, (Map 57, Lot 10), per Section 8.6.2.1, requesting a fence height variance of 3' to permit a 6' high fence in a front yard where 3' is permitted. R-20 Zoning District.

Mr. Scott Blake, owner, presented the application to permit a 6' high fence in the front yard where 3' is permitted. He stated that the fence was installed on his property three years ago and exceeds the zoning regulation height of 3 feet. The issue is with the height of the fence, not the location. Mr. Blake stated that the fence serves as a buffer from the Merritt Parkway exit ramp. It blocks headlights and provides privacy. The Board asked questions and Mr. Blake responded. Mr. Clark read a letter from a neighbor in favor of the application.

There being no public comments, the Public Hearing was closed.

Mr. Clark read the call for the third Public Hearing.

3. #09-13 Application of Christopher & Renee Gash, Owners and Applicants, relative to 27 Bayard Avenue, (Map 41, Lot 229), per Section 2.1.1.9, requesting a front yard variance of 4' to allow a 21' front yard setback where 25' is required, requesting a side yard variance of 5' to allow a 5' side yard setback where 10' is required (south side), requesting a side yard variance of 5' to allow a 10' side yard setback where 15' is required (east side), and requesting an aggregate side yard variance of 13' to allow an aggregate side yard of 12' where 25' is required. R-12 Zoning District.

Christopher and Renee Gash presented the application to build a two car detached garage. The Board asked questions and Mr. Gash responded. Mr. Clark read a letter from their neighbors in favor of the application.

Mr. Hannon asked for public comment.

There being no public comments, the Public Hearing was closed.

Mr. Clark read the call for the fourth Public Hearing.

4. #09-14 Application of 302 Maple Avenue Associates, LLC, Owner and Applicant, relative to 302 Maple Avenue, (Map 37, Lot 101), per Section 5.1.2, requesting a side yard variance of 16.5' to allow an 8.5' side yard setback where 25' is required, requesting a rear yard variance of 9', to allow a rear yard setback of 66' where 75' is required, and per Section 8.3.3.1, requesting approval to enlarge a non-conforming building. IL-80 Zoning District.

Mr. Bob Criscuolo of Criscuolo Engineering presented the application to enlarge a non-conforming building. The front and side setbacks of this building are existing non-conforming. The applicant is proposing to remove 720 square feet of the rear of the existing building and replace it with an 1856 square feet addition. Mr. Criscuolo feels the hardship is that the parcel is non-conforming. Mr. Saleem Khan, owner, stated that approximately five trucks will be stored in the proposed addition. A landscaped buffer is also being proposed. The Board asked questions and Mr. Criscuolo and Mr. Khan responded.

Mr. Hannon asked for public comment.

Public comment:

1. Mike Finioia, 17 Sackett Point Road, is concerned with trucks being transferred from the gas station to the adjoining handivan lot, located 87' from his home, creating a noise issue. He is also concerned with the unsightly storage of vehicles on the handivan site.

Mr. Criscuolo and Mr. Khan addressed Mr. Finioia's concerns.

There being no further comments, the Pubic Hearing was closed.

Mrs. Genovese moved to reopen the Public Hearing; Mr. Clark seconded the motion. All were in favor.

Mr. Clark read a letter dated November 3, 2009 from G & H Equipment & Sales in favor of this application.

There being no further questions, the Public Hearing was closed.

DELIBERATION SESSION:

1. #09-10 Application of Robert E. Fournier, Jr., Owner and Applicant, relative to 49 Frost Drive.

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

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

The Board stated the following reason for the denial.

1. No hardship was found.
2. #09-12 Application of Scott Blake, Owner and Applicant, relative to 5 Vista Road.

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

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

In approving the application, the Board stated the following:

1. The hardship is having two front yards and issues with lights and noise from traffic.
2. The property is on a state road so the fence would be beneficial for traffic and safety concerns.
3. #09-13 Application of Christopher & Renee Gash, Owners and Applicants, relative to 27 Bayard Avenue.

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

Hannon – aye Clark – aye Ranciaio-Viele – nay Cappucci - aye Genovese – aye

In approving the application, the Board stated the following:

1. The property predates zoning.
2. The slope of the lot poses a hardship for construction.

4. #09-14 Application of 302 Maple Avenue Associates, LLC, Owner and Applicant, relative to 302 Maple Avenue.

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

Hannon – nay Clark – nay Ranciaio-Viele – nay Cappucci - nay Genovese – nay

The Board stated the following reasons for the denial:

1. No hardship was found.
2. Being located adjacent to a residential neighborhood, there are concerns with noise and storage of vehicles, which could be made worse by the expansion of this use.

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer discussed current zoning violations with the Board.

19 Country Way - Anthony Acanfora

Mr. Acanfora was given a Cease & Desist Order and this issue is now being handled by the Town Attorney.

MINUTES:

October 15, 2009

Mrs. Genovese moved to approve the minutes of October 15, 2009; Mr. Clark seconded the motion; the Board members voted as follows:

Hannon – aye Clark – aye Genovese - aye Mulligan – aye

CORRESPONDENCE: None

OTHER: None

PUBLIC COMMENT SESSION:

Mr. Robert Fournier, 49 Frost Drive, felt the Board should have required him to submit an A2 survey, when he appeared at last month's meeting, so there would not have been an uncertainty as to where the side yard property line is located. Mr. Fredricksen stated that he would meet with Mr. Fournier to further discuss this issue.

ADJOURN:

There being no further business, Mrs. Ranciato-Viele moved to adjourn; Mr. Cappucci seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:20 PM.