

APPROVED 1/21/10
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Meeting of the Zoning Board of Appeals held on Thursday, December 17, 2009 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Caren M. Genovese, Vice Chairman
Donald F. Clark, Secretary
Joseph A. Cappucci
Joseph P. Villano
Robert E. Martin, Alternate
Mary Jane Mulligan, Alternate
Cheryl A. Juniewicz, Alternate

MEMBERS ABSENT:

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. Freda, First Selectman, opened the meeting at 7:30 PM for the purpose of nominating a Chairman, Vice Chairman, and Secretary at this meeting. For the office of Chairman of the Zoning Board of Appeals Mr. Clark nominated Mr. Hannon to the office of Chairman; Mr. Martin seconded the nomination; all were in favor. For the office of Vice Chairman, Mr. Martin nominated Mr. Clark to the office of Vice Chairman; Mr. Cappucci seconded the nomination. Then, Mr. Clark nominated Mrs. Genovese. Mr. Hannon seconded the nomination. The Board elected Mrs. Genovese to the office of Vice Chairman by a vote of four (4) to one (1). Then for the office of Secretary, Mr. Cappucci nominated Mr. Clark to the office of Secretary; Mrs. Mulligan seconded the motion; all were in favor. Mr. Freda then congratulated and thanked all the members of the Board.

Mr. Hannon, Chairman, 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 stated that applications #09-15, 48 Giles Road, and #09-17, 70 Universal Drive, are postponed to the January 21, 2010 meeting.

PUBLIC HEARINGS:

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

1. #09-11 Application of Alfred M. Marzullo, PE, Applicant, Luciani Realty Limited Partnership, Owner, relative to 117 and 109 Washington Avenue (Map 73, Lots 9 and 5), Appeal of a decision of the Zoning Enforcement Officer. IL30 and CA-20 Zoning Districts.

Mr. Marzullo, engineer, was representing the owner for this application to appeal a decision of the Zoning Enforcement Officer. A letter dated October 28, 2009 was submitted to Mr. Marzullo by the Town Attorney, John Parese, stating that the town does not have jurisdiction to hear this application.

Mrs. Genovese made a motion to close the Public Hearing. Mr. Cappucci seconded the motion. All were in favor.

2. #09-15 Application of Locust Realty Associates, LLC, Owner and Applicant, relative to 48 Giles Avenue, (Map 28, Lot 13), Appeal of a Cease & Desist Order of the Zoning Enforcement Officer. IG-80 Zoning District.

This application is postponed to the January 21, 2010 meeting.

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

3. #09-16 Application of Babu Moore, Owner and Applicant, relative to 272 Maple Avenue (Map 37, Lot 105), per Section 5.1.2, requesting a 17' variance to permit a Service Station Pump Canopy to be 1' from the front property line, where 18' is required. IL-80 Zoning District.

Mr. Ramiz Khoda, consultant, presented the application to permit a service station pump canopy. The Board asked questions and Mr. Khoda responded.

Mr. Hannon asked for public comment.

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

4. #09-17 Application of Arnco Sign Company, Inc., Applicant, Raymour & Flanigan/North Haven Property, LLC, Owner, relative to 70 Universal Drive, (Map 11, Lot 2), per Section 8.8.7.2(3), requesting a sign area variance of 160 square feet to permit a sign area of 200 square feet where 40 square feet is permitted and requesting a sign height variance of 20' to permit a sign height of 40' where 20' is permitted. IL-30 Zoning District.

This application is postponed to the January 21, 2010 meeting.

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

5. #09-18 Application of James McMahon, Applicant, Kerstin Rigi, Owner, relative to 320 Kings Highway, (Map 98, Lot 1), per Section 2.1.1.9, requesting a front yard variance of 10' to allow a 40' front yard setback where 50' is required. R-40 Zoning District.

Mr. E. Paul Lambert of Lambert Engineering presented the application to allow a 40' front yard setback where 50' is required. The applicant is requesting this variance to build an 8' x 37' open deck. The property is non-conforming and predates zoning. The Board asked questions and Mr. Lambert responded

Mr. Hannon asked for public comment.

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

DELIBERATION SESSION:

1. #09-11 Application of Alfred M. Marzullo, PE, Applicant, Luciani Realty Limited Partnership, Owner, relative to 117 and 109 Washington Avenue.

Mrs. Genovese moved to deny the application on the grounds of no jurisdiction; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci - aye Villano – aye

The Board stated the following:

1. This application was denied on the grounds of no jurisdiction.
2. With pending litigation, it is not appropriate for the Board to act at this time.

3. #09-16 Application of Babu Moore, Owner and Applicant, relative to 272 Maple Avenue.

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

Hannon – aye Genovese – aye Clark – aye Cappucci - aye Villano - aye

The Board stated the following:

1. The site will be brought more into conformity.
2. The canopy will improve the health and safety of employees and customers.

5. #09-18 Application of James McMahon, Applicant, Kerstin Rigi, Owner, relative to 320 Kings Highway.

Mrs. Genovese moved to approve the application; Mr. Cappucci seconded the motion.

Mrs. Genovese moved to amend that motion to approve as per the A2 survey; Mr. Cappucci seconded the motion. The Commission voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci - aye Villano - aye

The Board stated the following:

1. The request is reasonable.
2. The house was built in 1840 and predates zoning.
3. The variance is limited to this proposed deck only.

CEASE AND DESIST ORDERS:

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

231 Bassett Road - unkept property.

The appeal period ended December 7, 2009 so this violation has been turned over to the Town Attorney.

MINUTES:

November 19, 2009

Mr. Clark moved to approve the minutes of November 19, 2009; Mrs. Genovese seconded the motion; the Board members voted as follows:

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

CORRESPONDENCE: None

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 7:58 PM.