

APPROVED 3/18/10
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Meeting of the Zoning Board of Appeals held on Thursday, February 18, 2010 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Caren M. Genovese, Vice Chairman
Donald F. Clark, Secretary
Joseph A. Cappucci
Joseph P. Villano
Mary Jane Mulligan, Alternate, sitting for Robert F. Hannon

MEMBERS ABSENT:

Robert F. Hannon, Chairman
Robert E. Martin, Alternate
Cheryl A. Juniewicz, 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:

Mrs. Genovese, Acting Chairman, opened the meeting at 7:32 PM introduced the members of the Board, the Town staff, the stenographer and clerk. She then 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. Fredricksen, Land Use Administrator, stated that application #09-15, 48 Giles Avenue, is postponed to the March 18, 2010 meeting. He also asked to add application A2W-10-02, 77 Fitch Street, to the agenda. All were in favor.

PUBLIC HEARINGS:

1. #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 March 18, 2010 meeting.

Mr. Clark read the call for the first public hearing.

2. #10-02 Application of Frederick W. Peters, Jr. Applicant, Frederick and Elizabeth Peters, Owners, relative to 83 Fitch Street, (Map 17, Lot 70), per Section 2.1.1.9, requesting a front yard variance of 36' to permit a front yard setback of 14' where 50' is required. R-20 Zoning District.

Attorney Michael Brandi presented the application to permit a front yard setback of 14' where 50' is required. This lot is non-conforming and the house, built in 1958, predates zoning. The applicant is proposing to add one garage bay to the existing garage and a one story addition to the rear of the house. The Board asked questions and Attorney Brandi responded.

Mrs. Genovese asked for public comment.

Being no comment, the Public Hearing was closed.

3. #10-03 Application of the Town of North Haven, Owner, Ciulla & Donofrio, LLP, Applicant, relative to 222 Maple Avenue/aka 48 Sackett Point Road (Map 45, Lot 89; Map 45, Lot 42; and Map 35, Lot 69;) per Section 2.1.1.9, requesting a side yard variance of 6.5' to permit a side yard setback of 3.5 feet where 10' is required, and per Section 2.1.1.9, requesting a side yard variance of 7' to permit a side yard setback of 3' where 10' is required. R-20 Zoning District.

Attorney Jennifer Coppola with Ciulla and Donofrio presented the application to permit a side yard setback of 3' where 10' is required for permanent netting on the varsity baseball field for protection to neighboring properties. The netting will vary from 20' to 30' in height and start at ground level. The junior varsity baseball field variance request has been withdrawn. The Board asked questions and Attorney Coppola responded.

Mrs. Genovese asked for public comment.

Public comment:

1. James Napolitano, 53 Waterbury Road, spoke in favor of the application.
2. Patricia Buonpane, 22 Valley Brook Lane, asked if the netting that is being proposed for the varsity field is also being proposed for the junior varsity field. She stated that she has concerns with the visual impact of the netting.
3. John Tibor, 23 Valley Brook Lane, is concerned with the visual impact and would like to have input regarding alternatives for the junior varsity field.
4. Michael Setaro, 33 Valley Brook Lane, would like to see an alternative solution instead of the proposed netting.

Mr. Henry Konopacke, 392 Quinnipiac Avenue, questioned the public hearing publication date for this meeting. The Board addressed his concern and Mr. Fredricksen offered to meet with Mr. Konopacke to further discuss this issue.

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

4. #A2W-10-02 Application of Kenneth C. Rando, Owner, All Star Constructions, LLC, Applicant, relative to 77 Fitch Street, (Map 17, Lot 43), seeking a waiver of the A2 survey application requirement.

Mr. Mark Crilly of All Star Construction presented the application to waive the A2 survey application requirement. The applicant is proposing to build a roof over the existing front porch. The Board asked questions and Mr. Crilly responded.

DELIBERATION SESSION:

Mr. Clark moved to go into deliberations; Mr. Cappucci seconded the motion. All were in favor.

2. #10-02 Application of Frederick W. Peters, Jr. Applicant, Frederick and Elizabeth Peters, Owners, relative to 83 Fitch Street.

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

Mrs. Mulligan moved to amend the motion to limit the variance to this proposed application only. The Board voted as follows:

Genovese – aye Clark – aye Cappucci - aye Villano – aye Mulligan – aye

The Board stated the following:

1. The hardship is the two front yard setback requirement and the lot becoming non-conforming when Manor Drive was built.
2. The request is not excessive.

3. #10-03 Application of the Town of North Haven, Owner, Ciulla & Donofrio, LLP, Applicant, relative to 222 Maple Avenue.

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

Genovese – aye Clark – aye Cappucci - aye Villano – aye Mulligan – aye

The Board stated the following:

1. The hardship is the potential physical danger from balls batted or thrown into the adjacent residential lots.
4. A2W-10-02 Application of Kenneth C. Rando, Owner, All Star Constructions, LLC, Applicant, relative to 77 Fitch Street.

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

Genovese – aye Clark – aye Cappucci - aye Villano – aye Mulligan – aye

CEASE AND DESIST ORDERS: None

MINUTES:

January 21, 2010

Mr. Clark moved to approve the minutes of January 21, 2010; Mr. Villano seconded the motion; the Board members voted as follows:

Genovese - aye Clark – aye Cappucci– aye Villano – aye Mulligan - aye

CORRESPONDENCE: None

OTHER: None

ADJOURN:

There being no further business, Mr. Cappucci moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:43 PM.