

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

Meeting of the Zoning Board of Appeals held on Thursday, September 16, 2010 at the Mildred A. Wakeley Community & Recreation Center, 7 Linsley Street, in Room #2 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
Mary Jane Mulligan, Alternate
Cheryl A. 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, Chairman, opened the meeting at 7:32 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. He 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. Hannon stated that application #09-15, 48 Giles Road, is postponed to the October 21, 2010 meeting.

A-2 SURVEY WAIVERS:

1. #A2W-10-08 Application of David Cronin, Applicant and Owner, relative to 38 Park Road, (Map 85, Lot 86), seeking a waiver of the A2 survey application requirement.

Mr. David Cronin, owner and applicant, presented the application to waive the A-2 survey requirement to build a front enclosed 7' x 10'-9" entryway. The Board asked questions and Mr. Cronin responded.

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 October 21, 2010 meeting.

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

2. #10-17 Application of Adam Goldstein, Applicant, Ellyn Kaufman, Owner, relative to 6 Short Hill Road, (Map 25, Lot 52), 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-12 Zoning District.

Mr. Adam Goldstein, applicant, presented the application to permit a 6' high fence in a front yard where 3' is permitted. He stated that the fence serves as a buffer from Whitney Avenue traffic. Mr. Clark then read into the record, a letter from Mr. Goldstein's neighbor, Carmen Alvarado of 5 Ridgewood Avenue, dated August 17, 2010. Mr. Goldstein submitted pictures and an article regarding permits to the Board. The Board asked questions and Mr. Goldstein responded.

Mr. Hannon asked for public comment.

Public comment:

1. Ellyn Kaufman, owner of 6 Short Hill Road, stated that she replaced an existing 4' high with a 6' high fence.

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

3. #10-16 Application of Alan Friedlander, Owner and Applicant, relative to 10 Vista Road, (Map 50, Lot 187), 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. Alan Friedlander, owner, presented the application to permit a fence height of 6' where only 3' fence height is allowed. Ms. Linda Olsen, owner, stated that the fence provides a buffer from Dixwell Avenue traffic. The Board asked questions and Mr. Friedlander responded.

Mr. Hannon asked for public comment.

Public comment:

1. John North, 15 Vista Road, spoke in favor of the application.

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

4. #10-18 Application of Wade Miller, Owner and Applicant, relative to 486 Skiff Street, (Map 33, Lot 50), per Section 8.13.2.2.3, requesting a variance of 554 square feet to permit a 1080 square feet detached garage where 526 square feet is permitted. R-12 Zoning District.

Mr. Wade Miller, owner and applicant, presented the application to permit a 1080 square feet detached, one story garage where only 526 square feet is permitted. The Board asked questions and Mr. Miller responded.

Mr. Hannon asked for public comment:

Public comment:

1. Dave Woyciesjes, 23 Lynn Terrace, asked about the time frame to build and is concerned with encroaching on wildlife and with cutting of trees. He read a letter from Barbara King, 5 Lynn Terrace, in opposition to this application.
2. Bernard Possidente, 15 Lynn Terrace, spoke in opposition. He feels the structure is excessive and is concerned with the possibility of having a commercial business.
3. Lucille Lamberti, 19 Lynn Terrace, spoke in opposition. She feels the variance request is excessive for an R-12 zoning district and is concerned with cutting of trees.

Mr. Clark read a letter from Mark Pinto of 9 Lynn Terrace in opposition to this application. Mr. Pinto feels this structure is excessive and is concerned with the possibility of having a commercial business.

Mrs. Genovese asked to keep the Public Hearing open to allow additional information to be received.

Mr. Miller responded to the public comment.

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

DELIBERATION SESSION:

A-2 SURVEY WAIVERS:

1. #A2W-10-08 Application of David Cronin, Applicant and Owner, relative to 38 Park Road.

Mrs. Genovese moved to waive the A-2 survey requirement; Mr. Cappucci seconded the motion. The Commission voted as follows:

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

PUBLIC HEARINGS:

2. #10-17 Application of Adam Goldstein, Applicant, Ellyn Kaufman, Owner, relative to 6 Short Hill Road.

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

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

In denying the application the Board stated the following:

1. No hardship was found.
2. In accordance with the Planning & Zoning regulations of the Town of North Haven, the applicant is required to maintain a maximum fence height of 3’.

3. #10-16 Application of Alan Friedlander, Owner and Applicant, relative to 10 Vista Road.

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

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

In approving the application the Board stated the following:

1. The variance was approved for the health, safety and well being of the residents.

4. #10-18 Application of Wade Miller, Owner and Applicant, relative to 486 Skiff Street.

Mrs. Genovese moved to approve the application for a one story structure, as proposed on the drawings dated 8-11-10, with no commercial business and no cutting of mature trees; Mr. Villano seconded the motion. The Commission voted as follows:

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

In denying the application the Board stated the following:

1. No hardship was found.
2. The size of the proposed structure is excessive.

OTHER: None

CEASE AND DESIST ORDERS:

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

528 Washington Avenue – construction in a commercial zone without an approved site plan.

-A Cease & Desist Order was sent to Mr. Liuzzi on August 27, 2010.

1199 Mount Carmel Avenue – renting violation

-A Cease & Desist Order was sent to Ms. Menchetti on September 9, 2010.

3014 Ridge Road – renting violation

-A Cease & Desist Order was sent to Ms. Dawson on September 2, 2010.

546 Skiff Street – renting violation.

-A Notice of Violation was sent on September 14, 2010.

MINUTES:

July 15, 2010

Mr. Cappucci moved to approve the minutes of the July 15, 2010 meeting; Ms. Juniewicz seconded the motion; the Board members voted as follows:

Hannon – aye Cappucci - aye Villano – aye Juniewicz - aye

August 19, 2010

Mr. Clark moved to approve the minutes of the August 19, 2010 meeting; Mrs. Genovese seconded the motion; the Board members voted as follows:

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

CORRESPONDENCE: None

ADJOURN:

There being no further business, Mr. Cappucci moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:12 PM.