

**APPROVED 8-18-11**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

Meeting of the Zoning Board of Appeals held on Thursday, July 28, 2011 at the Mildred A. Wakeley Community and 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

**MEMBERS ABSENT:**

Cheryl A. Juniewicz, Alternate  
Walter M. Spader, Jr., 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 Hannon, Chairman, stated that application #11-10, 27 Lawncrest Drive has been withdrawn by the applicant and application #11-18, 180 Sackett Point Road has been postponed to the August 18, 2011 meeting. Then he opened the meeting at 7:31 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.

**PUBLIC HEARINGS:**

1. #11-08      Application of Bernard Pellegrino, Esq., Applicant, Eugene Criscuolo, Owner, relative to 61 State Street, (Map 59, Lot 38), Appeal of a decision of the Zoning Enforcement Officer. IL 30 Zoning District.

Mr. Arthur Hausman, Zoning Enforcement Officer, explained to the Commission that a Cease & Desist Order was served to the applicant because work was being conducted without a permit. Attorney Bernard Pellegrino, Jr. presented the application to appeal the decision made by the Zoning Enforcement Officer to decline zoning approval for a 20' x 12' canopy located in the rear of this property. The Zoning Enforcement Officer determined that a canopy is similar to a roof, which is not permitted, therefore, zoning approval was denied and a building permit could not be obtained.

Attorney Pellegrino stated that there was an awning in existence for nearly eight years and it was never questioned and there are no concerns from neighboring businesses. He explained that the bond for this site was released when there was an existing awning back in 2003. The applicant would like to keep the canopy because it allows customers to remain outside during inclement weather.

Attorney Pellegrino explained to the Commission that the Zoning Regulations do not define a roof and he believes the definition of a roof is different from the definition of a canopy. Mr. Hannon feels that the Planning & Zoning Commission should interpret the definition of a roof. The Commission asked questions and Attorney Pellegrino and Mr. Criscuolo, owner, responded.

Mr. Hannon asked for public comment.

Public comment:

1. Mike Zulawski, 12 Timothy Drive, asked if the applicant has a site plan.

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

2. #11-10 Application of Daniel Proch, Owner and Applicant, relative to 27 Lawncrest Drive, (Map 96, Lot 70), per Section 2.1.1.9, requesting a side yard variance of 15.7' to permit a side yard setback of 4.3' where 20' is required, and an aggregate side yard variance of 15.8' to permit an aggregate side yard of 14.2' where 30' is required. R-20 Zoning District.

This application was withdrawn by the applicant.

3. #11-12 Application of David Frost, Owner and Applicant, relative to 860 Middletown Avenue, (Map 48, Lot 21), per Section 2.1.1.7, seeking a residential sign variance to allow a 5' x 3' free standing sign, where one square foot attached to the dwelling is permitted. R-40 Zoning District.

Mr. David Frost, owner and applicant, presented the application to permit a 5' x 3' free standing illuminated sign, where a one square foot sign, attached to the dwelling is permitted. Mr. Hannon feels the sign is excessive. The Commission asked questions and Mr. Frost responded.

Mr. Hannon asked for public comment.

Public comment:

1. Claudio Arduini, 870 Middletown Avenue, 20 year resident, is not in favor of having a business sign in a residential zone.  
2. Dawn Flanagan, 856 Middletown Avenue, spoke in opposition to the application. She feels the light from the sign will shine into her children's bedroom and that there will be a lack of privacy. She is not in favor of having a business in a residential area.

Mr. Clark read, into the record, a letter dated July 13, 2011 in opposition to the application signed by neighbors residing at 856, 869, 870 and 871 Middletown Avenue.

Mr. Frost addressed the public comment.

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

4. #11-15 Application of John F. Murphy, Applicant, 19 Peck Street, LLC, Owner, relative to 19 Peck Street, (Map 67, Lot 7), per Section 4.3.2, requesting a front yard variance of 14.1' to permit a front yard setback of 35.9' where 50' is required and requesting a side yard variance of 3.9' to permit a side yard setback of 8.1' where 12' is required. CA-20 Zoning District.

Mr. Victor Benni, engineer, presented the application to permit an addition on the north side of the building. He described the site and the proposed modifications. Mr. Benni stated that alternative areas to build the addition were looked at; however, they were not feasible. The Commission asked questions and Mr. Benni responded.

Mr. Hannon asked for public comment.

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

5. #11-16 Application of Gregory R. Macmillen, Owner and Applicant, relative to 31 Meadow View Drive, (Map 14, Lot 12), per Section 2.1.1.9, requesting a side yard variance of 18' to permit a side yard setback of 7' where 25' is required. R-40 Zoning District.

This application was postponed to the August 18, 2011 meeting.

6. #11-17 Application of Sarah Schlosser-Cianflone, Owner and Applicant, relative to 120 Buell Street, (Map 42, Lot 13), per Section 2.1.1.9, requesting a front yard variance of 6.5' to permit a front yard setback of 43.5' where 50' is required. R-20 Zoning District.

Ms. Sarah Schlosser, owner and applicant, presented the application to permit a front yard setback of 43.5' where 50' is required for a portico. She stated the portico serves as protection from inclement weather. The Commission asked questions and Ms. Schlosser responded.

Mr. Hannon asked for public comment.

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

7. #11-18 Application of Terrence T. Heffernan, Owner and Applicant, relative to 180 Sackett Point Road, (Map 36, Lot 11), per Section 2.1.1.3, requesting a use variance to permit a dog grooming establishment in a Residential Zoning District. R-20 Zoning District.

This application is postponed to the August 18, 2011 meeting.

**DELIBERATION SESSION:**

**PUBLIC HEARINGS:**

1. #11-08 Application of Bernard Pellegrino, Esq., Applicant, Eugene Criscuolo, Owner, relative to 61 State Street.

Mrs. Genovese moved to overturn the decision of the Zoning Enforcement Officer; Mr. Villano seconded the motion. The Board voted as follows:

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

In approving the application the Board stated the following:

1. The Commission feels that the canopy that has been installed on the site does not fit the definition of a roof.
3. #11-12 Application of David Frost, Owner and Applicant, relative to 860 Middletown Avenue.

Mr. Villano moved to approve the application for the purpose of discussion; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – nay Genovese – nay Clark – nay Cappucci – nay Villano – nay

In denying the application the Board stated the following:

1. The size of the sign is excessive.
2. Neighbors expressed many concerns.
4. #11-15 Application of John F. Murphy, Applicant, 19 Peck Street, LLC, Owner, relative to 19 Peck Street.

Mr. Clark moved to approve the application for the purpose of discussion; Mrs. Genovese seconded the motion. The Board voted as follows:

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

In approving the application the Board stated the following:

1. The current structure is non-conforming.
2. The hardship is the location of the right-of-way and the utility pole which prevents from building the addition elsewhere on the property.

5. #11-16 Application of Gregory R. Macmillen, Owner and Applicant, relative to 31 Meadow View Drive.

Mr. Cappucci moved to postpone the application to the August 18, 2011 meeting; Mr. Villano seconded the motion. The Board voted as follows:

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

6. #11-17 Application of Sarah Schlosser-Cianflone, Owner and Applicant, relative to 120 Buell Street.

Mr. Villano moved to approve the application for the purpose of discussion; Mr. Cappucci seconded the motion. The Board voted as follows:

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

In approving the application the Board stated the following:

1. The portico is limited to the dimensions of the front porch only.
2. The request is reasonable.
3. The portico conforms with the rest of the neighborhood.

**OTHER:** None

**CEASE AND DESIST ORDERS:**

Mr. Alan Fredricksen, Land Use Administrator outlined current zoning violations with the Board.

346 State Street – Henry’s Restaurant

A portico was being built without proper approvals; however, the owner will be attending the Planning & Zoning meeting on August 1, 2011 in an effort to obtain zoning approval.

**MINUTES:**

June 16, 2011

Mr. Clark moved to approve the minutes of the June 16, 2011 meeting; Mr. Cappucci seconded the motion; the Board members voted as follows:

Hannon – aye Clark – aye Cappucci – aye Villano – aye

**CORRESPONDENCE:** 2012 Meeting Dates

Mrs. Genovese moved to approve the 2012 Meeting Dates; Mr. Clark seconded the motion. All were in favor.

**ADJOURN:**

There being no further business, Mr. Villano moved to adjourn; Mr. Cappucci seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:22 PM.