

**APPROVED 3-15-12
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, February 16, 2012 at the Mildred A. Wakeley Community & 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
William D. O'Hare, Alternate
Jacob M. Piekarski, 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 7:30 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. She stated that application #11-31, 10 Maple Avenue, is postponed to the March 15, 2012 meeting. Then, she 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. #11-31 Application of North Haven Auto Sales & Service, Inc., c/o John Parese, Owner and Applicant, relative to 10 Maple Avenue, (Map 60, Lot 193), appealing the Cease and Desist Order of the Zoning Enforcement Officer, dated November 28, 2011. R-20 Zoning District.

This application is postponed to the March 15, 2012 meeting.

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

2. #12-02 Application of Paul SanGiovanni, Owner and Applicant, relative to 48 Hansen Farm Road, (Map 70, Lot 105), per Section 2.1.1.9, requesting a side yard variance of 12' to allow a 13' side yard setback where 25' is required. R-40 Zoning District.

Mr. Paul SanGiovanni, applicant and owner, presented the application to expand his existing garage by one bay (14' x 34') to store an antique vehicle. Mr. Clark read a letter from the applicant, with signatures of neighbors in favor of the application, Exhibit A. The Board asked questions and Mr. SanGiovanni responded.

Mrs. Genovese asked for public comment. There being no public comment; the Public Hearing was closed.

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

3. #12-03 Application of Dan Orth, Applicant, Dan & Kathy Orth, Owners, relative to 5 North Hill Road, (Map 39, Lot 20), 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. Dan Orth, owner, presented the application to allow a front yard setback of 40' where 50' is required for a landing and 2' extension of an existing deck. The Board asked questions and Mr. Orth responded.

Mrs. Genovese asked for public comment. There being no public comment; the Public Hearing was closed.

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

4. #12-04 Application of Timothy J. Lee, Applicant, 354 Washington Avenue, LLC, Owner, relative to 344 Washington Avenue, (Map 85, Lot 123), per Section 8.10.3.1, requesting a variance to allow a liquor permit within 300' of a school, where 500' is required. CB-40/R-12 Zoning Districts.

Attorney Timothy Lee, representing the owner, presented the application to allow a liquor permit within 300' of a school, where 500' is required for Leon's Restaurant to be located at 344 Washington Avenue. The restaurant will be open for business seven days a week. The Board asked a few questions and Attorney Lee responded.

Mrs. Genovese asked for public comment. There being no public comment; the Public Hearing was closed.

DELIBERATION SESSION:

PUBLIC HEARINGS:

2. #12-02 Application of Paul SanGiovanni, Owner and Applicant, relative to 48 Hansen Farm Road.

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

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

In approving the application, the Board stated the following:

1. The request is reasonable and the addition conforms with the neighborhood.
 2. The neighbors are in support of the application.
3. #12-03 Application of Dan Orth, Applicant, Dan & Kathy Orth, Owners, relative North Hill Road.

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

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

In approving the application, the Board stated the following:

1. This application is a correction to a previous request.
 2. The landing for the steps is a building code safety requirement.
4. #12-04 Application of Timothy J. Lee, Applicant, 354 Washington Avenue, LLC, Owner, relative to 344 Washington Avenue.

Mr. Clark moved to approve the variance only for the unit previously occupied by Hollywood Video; Mr. Cappucci seconded the motion. The Board voted as follows:

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

In approving the application, the Board stated the following:

1. The variance is limited only to the unit previously occupied by Hollywood Video.
2. The variance is consistent with previous liquor permit distance variances granted by the Zoning Board of Appeals.
3. The 500' separation required from a school will be provided when measured along public access for vehicles or pedestrians.

OTHER: None

CEASE AND DESIST ORDERS:

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

2073 Whitney Avenue – renting violation. A Cease & Desist Order was sent on January 25, 2012.

59 Bailey Road – commercial use in residential zone. A Cease & Desist Order was sent on January 25, 2012.

2122 Hartford Turnpike – renting violation. A Cease & Desist Order was sent on January 25, 2012.

500 Middletown Avenue - failing to meet site plan approval requirements. A Cease & Desist Order was sent on January 20, 2012.

CORRESPONDENCE: Connecticut Federation of Planning & Zoning Agencies,
Quarterly Letter, Fall 2011

MINUTES:

January 19, 2012

Due to the lack of a quorum, the minutes of the January 19, 2012 meeting could not be approved this month.

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 8:05 PM.