

**APPROVED 4-19-12**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, March 15, 2012 at the Mildred A. Wakeley Community & Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Donald F. Clark, Secretary  
Joseph A. Cappucci  
Joseph P. Villano  
Mary Jane Mulligan, Alternate  
William D. O'Hare, Alternate, sitting for Caren M. Genovese

**MEMBERS ABSENT:**

Caren M. Genovese, Vice Chairman  
Jacob M. Piekarski, Alternate

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator  
Arthur Hausman, Zoning Enforcement Officer  
Jennifer Coppola, Town Attorney

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer  
Sandi Lion, Clerk

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:30 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. Then, 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 application #12-07, 111 Fitch Street, is postponed to the April 19, 2012 meeting.

**PUBLIC HEARINGS:**

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

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.

Attorney John Parese, applicant, presented the application to appeal the Cease and Desist Order of the Zoning Enforcement Officer for the expansion of non-conforming uses beyond the premises on which they are allowed.

This is a violation of Section 2.1.1, Uses Permitted in a Residence R District. Attorney Parese stated that this business consists of an automobile repair shop, a gas station and auto sales. He also stated that this is a non-conforming, pre-existing use with approvals in the 1940's and 1950's and is considered a permitted use. He then distributed Exhibits A through P to the Board and discussed the prior approvals of this business. He also submitted a letter dated March 15, 2012, from neighbor Barbara Marcati, 2 Maple Avenue, in support of this business, Exhibit Q. Attorney Parese asked that this appeal be sustained allowing the owner to continue to use this property in its current state. Attorney Jennifer Coppola, Town Attorney, also spoke with the Board regarding this matter.

Mr. Hausman, Zoning Enforcement Officer, stated that there are approximately 15 to 20 non-working vehicles being stored on a portion of the property known as the trolley land which is not zoned for storage of vehicles; therefore, this is a non-permitted use. There is also a tractor trailer being stored on the south side of the building which is also a non-permitted use. The Board asked questions and Attorney Parese and Attorney Coppola responded. Then, Attorney Coppola submitted to the Commission regulations dated December 21, 1979, Exhibit 1. Attorney Parese responded to Attorney Coppola's comments. Then Attorney Coppola submitted Section 8.3 of the Planning & Zoning Regulations, Exhibit 2. Mr. Lance Soderlund, owner, also responded to the Board's questions.

Mr. Hannon asked for public comment.

Public comment:

1. John Lambert, 25 Trumbull Place, stated that Mr. Hausman acted upon his complaint regarding this property. He submitted and reviewed with the Commission a map of the property, Exhibit 3. He then explained the history of this property and why he feels this non-conforming use on this residential property should not be permitted. He submitted a packet that responds to the claims made in the appeal, Exhibit 4, and a Town of North Haven Zoning Ordinance dated May 26, 1938, Exhibit 5. He also submitted a Zoning Ordinance dated September 30, 1947, Exhibit 6 and additional documents pertaining to this matter, Exhibit 7.

Attorney Parese responded to Mr. Lambert's comments.

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

The Board elected to hear application #12-06, 18 Janet Drive, next due to the anticipated longevity of application #12-05, 480 Valley Service Road.

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

3. #12-06 Application of Heike Severine, Owner and Applicant, relative to 18 Janet Drive, (Map 42, Lot 96), per Section 2.1.1.6, requesting a variance to permit the outdoor parking of one vehicle exceeding three quarter ton capacity on a lot in a residential zoning district. R-20 Zoning District.

Ms. Heike Severine, owner and applicant, presented the application for a variance to permit the outdoor parking of one vehicle exceeding three quarter ton capacity on a residential zoning lot. She explained to the Board that this truck has been parked on her property for five years and the neighbors support her.

Mr. Clark explained to the applicant that even though her neighbors are not in opposition to the truck being parked on her property, a vehicle exceeding three quarter ton capacity is not allowed in a residential zone as per the Planning & Zoning Regulations. The Board asked questions and Ms. Severine and Mr. Benedetto, owner, responded.

Mr. Hannon asked for public comment. There being no further questions, the Public Hearing was closed.

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

2. #12-05 Application of Robert Neubig, Owner and Applicant, relative to 480 Valley Service Road, (Map 85, Lot 1), appealing the Cease and Desist Order of the Zoning Enforcement Officer, dated January 3, 2012. IL-80 Zoning District.

Mr. Robert Neubig, owner and applicant, presented the application to appeal a Cease and Desist Order of the Zoning Enforcement Officer. The Cease and Desist Order, sent on January 3, 2012, was for violation of Section 10.1 of the Planning and Zoning Regulations for failing to meet conditions of the site plan approval requirement. Mr. Hausman, Zoning Enforcement Officer, stated that fill and woodchips were brought to 480 Valley Service Road. This material was processed and then removed from the site to another location. Mr. Hausman explained that there is no approval for depositing fill and that the Planning and Zoning bond required for this project still needs to be posted. The Board asked questions and Mr. Neubig responded. Attorney Jennifer Coppola submitted a copy of a violation letter issued on January 19, 2012 from the State of Connecticut DEEP regarding the current violation on this site.

Mr. Fredricksen, Land Use Administrator, further discussed approvals and violations pertaining to this site. He stated that there is no approval, at this time, to bring material to this site such as fill or mulch. The Board asked a few more questions and Mr. Neubig responded.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

4. #12-07 Application of Michael J. Ajello, Esquire, Applicant, John & Lisa Liquori, Owners, relative to 111 Fitch Street, (Map 17, Lot 76), per Section 2.1.1.6, requesting a variance to allow an accessory building to be used for dwelling purposes. R-20 Zoning District.

This application is postponed to the April 19, 2012 meeting.

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

5. #12-08 Application of Mad Mat Properties, LLC, Owner and Applicant, relative to 73 Defco Park Road, (Map 95, Lot 25), per Section 5.1.2, requesting a rear yard variance of 10' to allow a rear yard setback of 65' where 75' is required. IL-80 Zoning District.

Mr. John Paul Garcia, P.E. presented the application requesting a rear yard setback of 65' where 75' is required for a 150' x 50' addition for storage. The Board asked questions and Mr. Garcia responded.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

### **DELIBERATION SESSION:**

#### **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.

Mr. Clark moved to close the Public Hearing and continue deliberations to the April 19, 2012 meeting; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Cappucci – aye Villano – aye O'Hare – aye

2. #12-05 Application of Robert Neubig, Owner and Applicant, relative to 480 Valley Service Road.

Mr. O'Hare moved to uphold the decision of the Zoning Enforcement Officer; Mr. Clark seconded the motion. The Commission voted as follows:

Hannon - aye Clark – aye Cappucci – aye Villano – aye O'Hare – aye

The Cease and Desist Order was upheld.

3. #12-06 Application of Heike Severine, Owner and Applicant, relative to 18 Janet Drive.

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

Hannon - nay Clark – nay Cappucci – nay Villano – nay O'Hare – nay

In denying the application, the Board stated the following:

1. The outdoor parking of commercial vehicles of this size is not permitted in residential zones.
2. There was no hardship found.

5. #12-08 Application of Mad Mat Properties, LLC, Owner and Applicant, relative to 73 Defco Park Road.

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

Hannon – aye Clark – aye Cappucci – aye Villano – aye O’Hare – aye

In approving the application, the Board stated the following:

1. The variance is limited to the work of this proposal only.
2. The request is reasonable.

**OTHER:** None

**CEASE AND DESIST ORDERS:**

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

2122 Hartford Turnpike – renting violation. A Cease & Desist Order was sent on February 29, 2012.

**CORRESPONDENCE:** None

**MINUTES:**

January 19, 2012

Mr. Hannon moved to approve the minutes of the January 19, 2012 meeting; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Villano – aye O’Hare – aye

February 16, 2012

Mr. Clark moved to approve the minutes of the February 16, 2012 meeting; Mr. Villano seconded the motion. The Board voted as follows:

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

**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 10:25 PM.