

APPROVED 5-17-12
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

A meeting of the Zoning Board of Appeals was held on Thursday, April 19, 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
Caren M. Genovese
Donald F. Clark, Secretary
Joseph A. Cappucci
Joseph P. Villano
Mary Jane Mulligan, Alternate
William D. O'Hare, Alternate
Jacob M. Piekarski, Alternate

MEMBERS ABSENT: None

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 7:30 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 #12-12, 1471 Ridge Road, is postponed to the May 17, 2012 meeting.

PUBLIC HEARINGS:

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

1. #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.

Attorney Michael Ajello, representing the applicant, presented the application to allow an accessory building to be used for dwelling purposes. Then, Mr. Clark read into the record a letter dated February 5, 2002, that was obtained from the Building Department by Mr. Joseph DeMartino. The letter stated that this dwelling would be used for a home office only. The Board asked questions and Attorney Ajello responded.

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

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

2. #12-09 Application of Rajeev Baheti, Owner and Applicant, relative to 1 Pierpont Court, (Map 38, Lot 125), per Section 8.6.2.1, requesting a fence height variance of 2' to permit a 5' high fence in a front yard where 3' is permitted. R-40 Zoning District.

Mr. Rajeev and Suchitre Baheti, owners and applicants, presented the application to permit a fence height of 5', in a front yard, where 3' is permitted. Mrs. Suchitre Baheti submitted pictures of the property, Exhibit C and letters from neighbors residing at 2 Pierpont Court, 5 Pierpont Court and 6 Pierpont Court in favor of the fence, Exhibits A, B and D. The Board asked questions and Mr. Baheti responded.

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

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

3. #12-10 Application of Joseph Sicignano, Jr., Owner and Applicant, relative to 13 Anthony Road, (Map 45, Lot 64), per Section 2.1.1.9, requesting a front yard variance of 3' to allow a 22' front yard setback where 25' is required. R-12 Zoning District.

Mr. Joseph Sicignano, Jr., owner and applicant, presented the application to allow a front yard setback of 22' where 25' is required for a front porch. The Board asked questions and Mr. Sicignano responded.

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

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

4. #12-11 Application of John & Ann Marie Keaney, Owners and Applicants, relative to 5 Sonne Drive, (Map 50, Lot 2), per Section 2.1.1.9, requesting a rear yard variance of 9' to allow a rear yard setback of 16' where 25' is required. R-20 Zoning District.

Mr. John Keaney, owner and applicant, presented the application to allow a rear yard setback of 16' where 25' is required for an addition to the rear of the house. Mr. Keaney read a letter stating that their neighbor, Steve Testa, is in favor of the application, Exhibit A. The Board asked questions and Mr. Keaney responded.

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

5. #12-12 Application of Norman S. Andrews, Applicant, Margery M. Andrews, Owner, relative to 1471 Ridge Road, (Map 50, Lot 112), per Section 2.1.1.9, requesting a side yard variance of 2' to allow a side yard setback of 8' where 10' is required. R-20 Zoning District.

This application is postponed to the May 17, 2012 meeting.

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

6. #12-13 Application of Timothy J. Lee, Esq., Applicant, 354 Washington Avenue, LLC, Owner, relative to 344-354 Washington Avenue (Map 85, Lot 123), per Section 4.4.2, requesting a maximum lot coverage variance of 1.2% to allow a maximum lot coverage of 21.2% where 20% is permitted; and per Section 8.7.8.2(1), requesting a variance of 6' to permit a residential property line setback of 44' where 50' is required. CB-40/R-12 Zoning District.

Attorney Nicholas Mingione, representing the applicant, presented the application for a maximum lot coverage of 21.2% where 20% is permitted and to permit a residential property line setback of 44' where 50' is required for the installation of a 16' x 14' outdoor freezer. No roof is being proposed. The Board asked questions and Attorney Mingione responded.

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

DELIBERATION SESSION:

PUBLIC HEARINGS:

1. #12-07 Application of Michael J. Ajello, Esquire, Applicant, John & Lisa Liquori, Owners, relative to 111 Fitch Street.

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

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

The application was denied.

In denying the application, the Board stated the following:

1. Under the Zoning Regulations, an accessory building is not permitted to be used for dwelling purposes.
2. There was no hardship found.

2. #12-09 Application of Rajeev Baheti, Owner and Applicant, relative to 1 Pierpont Court.

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

The application was approved.

In approving the application, the Board stated the following:

1. The safety and health concerns of the children is the hardship.

3. #12-10 Application of Joseph Sicignano, Jr., Owner and Applicant, relative to 13 Anthony Road.

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

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

The application was approved.

In approving the application, the Board stated the following:

1. The variance is limited to the work of this proposal only.
2. The proposal is in conformance with the neighborhood.

4. #12-11 Application of John & Ann Marie Keaney, Owners and Applicants, relative to 5 Sonne Drive.

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

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

The application was approved.

In approving the application, the Board stated the following:

1. The variance is limited to a one story structure and the work of this proposal only.
2. The request is reasonable and conforms with the neighborhood.

6. #12-13 Application of Timothy J. Lee, Esq., Applicant, 354 Washington Avenue, LLC, Owner, relative to 344-354 Washington Avenue.

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

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

The application was approved.

In approving the application, the Board stated the following:

1. The request is reasonable and there is room for emergency vehicles to pass.

7. #11-31 Application of North Haven Auto Sales & Service, Inc., c/o John Parese, Owner and Applicant, relative to 10 Maple Avenue.

Mr. Cappucci moved to discuss the application, Mr. Villano seconded the motion.

After some discussion, Mr. Cappucci and Mr. Villano withdrew their motion and second and 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.

In upholding the decision of the Zoning Enforcement Officer, the Board stated the following:

1. There is a lack of evidence of any prior approval for any automotive uses or storage uses on the trolley property, and a lack of evidence of any approvals for the storage trailer.

OTHER: None

CEASE AND DESIST ORDERS:

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

201 Maple Avenue – outdoor storage of unsightly materials and junk vehicles. A Cease & Desist Order was sent on March 30, 2012.

CORRESPONDENCE: None

MINUTES:

March 15, 2012

Mr. Cappucci moved to approve the minutes of the March 15, 2012 meeting; Mr. Villano seconded the motion. The Board voted as follows:

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

ADJOURN:

There being no further business, Mr. Hannon moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:32 PM.