

**APPROVED 2-21-13  
TOWN OF NORTH HAVEN, CONNECTICUT  
MINUTES OF THE  
ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, January 17, 2013 at the Mildred A. Wakeley Community and Recreation Center 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  
William D. O'Hare, Alternate

**MEMBERS ABSENT:**

Jacob M. Piekarski, Alternate

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator  
Arthur M. Hausman, Zoning Enforcement Officer

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer  
Sandra 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.

**PUBLIC HEARINGS:**

1. #12-26 Application of Carmen C. Alvarado, Owner and Applicant, relative to 5 Ridgewood Avenue, (Map 25, Lot 63), 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.

Attorney Marjorie Shansky presented the application to permit a 6' high fence in a front yard where 3' is permitted. Attorney Shansky then submitted photographs of the fence and the property, Exhibits A and B. She stated that the fence provides a buffer from Whitney Avenue. The Board asked questions and Attorney Shansky and Mr. Fredricksen responded.

Mr. Hannon asked for public comment.

1. Adam Goldstein, 6 Short Hill Road, stated that he lives behind the applicant and is in opposition to the application. He also applied for a similar fence height variance and was denied.

He stated that the applicant, Mr. Alvarado, was in opposition to his application and feels that he should also have to abide by the regulations. He then submitted the following to the Board; a letter dated August 17, 2010 from Mr. Alvarado, Exhibit 1, a letter from himself in opposition to this application, Exhibit 2, and a photograph of Mr. Alvarado's fence, Exhibit 3.

Attorney Shansky responded to the public comment.

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

2. #13-01 Application of Jonathan Bodwell, Town Engineer, Applicant, Town of North Haven, Owner, relative to 366 Washington Avenue, (Map 85, Lot 31), per Section 4.4.2, requesting a front yard variance of 5' to permit a front yard setback of 45' where 50' is required. CB-40 Zoning District.

Mr. Jonathan Bodwell, Town Engineer, presented the variance request for a front yard setback of 45' where 50' is required to permit a canopy with an overhang over the proposed, new fire station's entryway. The Board asked questions and Mr. Bodwell and Mr. Fredricksen responded.

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

3. #13-02 Application of Jonathan Bodwell, Town Engineer, Applicant, Town of North Haven, Owner, relative to 1331 & 1333 Ridge Road, (Map 34, Lots 12 & 13), per Section 2.1.1.9, requesting a front yard variance of 6' to permit a front yard setback of 44' where 50' is required. R-20 Zoning District.

Mrs. Genovese recused herself from this application and Mr. O'Hare sat.

Mr. Jonathan Bodwell, Town Engineer, presented the variance request for a front yard setback back of 44' where 50' is required to permit a canopy with an overhang over the proposed, new fire station's entryway. The Board asked questions and Mr. Bodwell responded.

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

4. #13-03 Application of Douglas C. & Marybeth W. Fernandez, Owners and Applicants, relative to 11 Bunker Hill Road, (Map 86, Lot 102), per Section 2.1.1.9, requesting a side yard variance of 7' to permit a side yard setback of 18' where 25 is required. R-40 Zoning District.

Marybeth and Douglas Fernandez, owners and applicants, presented the application to permit an attached garage (14' x 22') to an existing garage. The Board asked questions and Mr. and Mrs. Fernandez responded.

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

**DELIBERATION SESSION:**

**PUBLIC HEARINGS:**

1. #12-26 Application of Carmen C. Alvarado, Owner and Applicant, relative to 5 Ridgewood Avenue.

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

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

The application was denied.

In denying the application, the Board stated the following:

1. No hardship was found.
  2. The applicant must comply with the zoning regulations for a fence.
2. #13-01 Application of Jonathan Bodwell, Town Engineer, Applicant, Town of North Haven, Owner, relative to 366 Washington Avenue.

Mr. Clark moved to approve the application; Mr. Villano seconded the motion. The Commission 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 entry canopy only.
  2. The hardship is the site topography in the rear and the sewer easement to the north.
3. #13-02 Application of Jonathan Bodwell, Town Engineer, Applicant, Town of North Haven, Owner, relative to 1331 & 1333 Ridge Road.

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

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

The application was approved.

In approving the application, the Board stated the following:

1. The variance reduces the existing non-conformity.
2. The variance is limited to the entry canopy only.
3. The hardship is that the elementary school driveway limits construction to the north.

4. #13-03 Application of Douglas C. & Marybeth W. Fernandez, Owners and Applicants, relative to 11 Bunker Hill Road.

Mr. Cappucci moved to approve the application; Mrs. Genovese seconded the motion. The Commission 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.
2. The variance is limited to this proposed addition only.
3. The hardship is the location of the chimney and the air conditioning units in the rear of the property that restrict where the addition can be built.

**OTHER:** None

**CEASE AND DESIST ORDERS:** None

**CORRESPONDENCE:** None

**MINUTES:**

December 20, 2012

Mrs. Genovese moved to approve the minutes of the December 20, 2012 meeting; Mr. Cappucci seconded the motion. The Board voted as follows:

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

**ADJOURN:**

There being no further business, Mr. Cappucci moved to adjourn; Mrs. Genovese seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:19 PM.