

**APPROVED 6-20-13**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, May 16, 2013 at the Mildred A. Wakeley Community and Recreation Center in Room #2 at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman

Donald F. Clark, Secretary

Joseph P. Villano

William D. O'Hare, Alternate, sitting for Joel I. Rudikoff

Jacob M. Piekarski, Alternate, sitting for Caren M. Genovese

Michelle L. Bonora, Alternate

**MEMBERS ABSENT:**

Caren M. Genovese, Vice Chairman

Joel I. Rudikoff

**TOWN PERSONNEL:**

Arthur M. Hausman, Zoning Enforcement Officer

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer

Sandra Lion, Clerk

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:29 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. 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:**

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

1. #13-05 Application of Bhavna Patel, Applicant, Navin Patel, Owner, relative to 11 Revere Road, (Map 81, Lot 40), per Section 2.1.1.9, requesting a front yard variance of 8' to permit a front yard setback of 42' where 50' is required. R-40 Zoning District.

Mrs. Bhavna Patel, owner, presented the application to construct a vestibule. The Board asked questions and Mrs. Patel 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. #13-06 Application of Jason DiGiandomenico, Applicant, James & Brenda Howlett, Owners, relative to 40 Kings Highway, (Map 78, Lot 10), per Section 2.1.1.9, requesting a side yard variance of 6' to permit a side yard setback of 19' where 25' is required. R-40 Zoning District.

Mr. Jason DiGiandomenico of Building Concepts presented the application to permit an addition to the south side of the house. He submitted a brochure of the proposed addition, Exhibit A. The Board asked questions and Mr. DiGiandomenico 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. #13-07 Application of Grace Holdings Hamden, LLC, Applicant, Drazen Properties, LLC, Owner, relative to 79 Washington Avenue, (Map 73, Lot 2), per Section 8.10.3.3, requesting a variance of 1,250 feet to permit a retail package store within 250 feet of another retail package store where 1,500 feet is required, and per Section 8.10.3.1 requesting a variance of 500 feet to permit a retail package store within 0 feet of a school where 500 feet is required. CA-20 Zoning District.

Attorney Bernard Pellegrino, Jr. of the Pellegrino Law Firm presented the application to permit a retail package store within 250 feet of another retail package store where 1,500 feet is required and a variance of 500 feet to be within 500 feet of a school. He explained that his applicant has a liquor license and is looking for a suitable location for his business. The Board asked questions and Attorney Pellegrino responded.

Mr. Hannon asked for public comment.

Public comment:

1. Attorney Lou Wise, representing Sav-Rite Liquors, spoke in opposition to the application. He reviewed the Zoning Regulations with the Commission and stated that he can't find a legal hardship because there is nothing unique regarding this parcel and feels the variances being requested are excessive. He suggested that the applicant try to amend the regulations first.
2. Michael Berke, Realtor, spoke in favor of the application. He stated that he can't identify another suitable location in town for this business.

Attorney Pellegrino responded to the public comment. He stated that this Board granted a variance in this location for Sav-Rite Liquors when they were proposing to move in 2006. Then, Mr. Clark read a letter from Dominic Masselli, Landlord, into the record, Exhibit A.

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

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

4. #13-08 Application of Signs And Wonders, Applicant, Lexmar Realty LLC, Owner, relative to 12 Montowese Avenue, (Map 16, Lot 73), per Section 8.8.7.2, requesting a sign area variance of 54.4 square feet to permit a sign area of 74.4 square feet where a maximum of 20 square feet is permitted. IL-30 Zoning District.

Mr. Dan Rubelmann of Signs and Wonders, representing the Carter Mario Law Firm, presented the application for a variance of 40.2 square feet where a maximum of 20 square feet is permitted for the installation of a 6 x 9 feet sign. Then, he submitted a photograph of the sign, Exhibit A. The Board asked questions and Mr. Rubelmann responded.

Mr. Hannon asked for public comment.

Public comment:

1. Julius Ardito, 25 Eaton Street, asked about sign lighting.
2. Gail Mulcahey, 21 Eaton Street, stated that she is happy with the way the site looks but feels the large sign would be a detriment to the look of this property.

Mr. Rubelmann responded to the public's and Board's comments. Mr. Hannon requested to table this application to next month in order for the Zoning Enforcement Officer to further review modifications.

There being no further public comment. The Public Hearing was closed.

#### **DELIBERATION SESSION:**

1. #13-05 Application of Bhavna Patel, Applicant, Navin Patel, Owner, relative to 11 Revere Road.

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

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

The application was approved.

The Board stated the following:

1. The variance is limited to the work of this proposed vestibule addition only.
2. The request is reasonable.
3. The variance was approved in accordance with the Americans with Disabilities Act.

2. #13-06 Application of Jason DiGiandomenico, Applicant, James & Brenda Howlett, Owners, relative to 40 Kings Highway.

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

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

The application was approved.

The Board stated the following:

1. The request is reasonable.
2. The addition is in conformance with the neighborhood.

3. #13-07 Application of Grace Holdings Hamden, LLC, Applicant, Drazen Properties, LLC, Owner, relative to 79 Washington Avenue.

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

Hannon – nay Clark – nay Villano – nay O’Hare – nay Piekarski – nay

The application was denied.

The Board stated the following reasons for the denial:

1. No legal hardship was found.
2. The regulations can not be used as a hardship.

4. #13-08 Application of Signs And Wonders, Applicant, Lexmar Realty LLC, Owner, relative to 12 Montowese Avenue.

Mr. O’Hare moved to continue the application to the June 20, 2013 meeting; Mr. Clark seconded the motion. The Board voted as follows:

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

The application was continued.

**OTHER:** None

**CEASE AND DESIST ORDERS:**

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

-88 Old Broadway - Non-permitted use and Site Plan approval requirement. A Cease & Desist Order was sent on April 26, 2013.

-630 Washington Avenue – Non-permitted use and Site Plan approval requirement. A Cease & Desist Order was sent on May 2, 2013.

**CORRESPONDENCE:** - None

**MINUTES:**

April 18, 2013

Mr. Clark moved to approve the minutes of the April 18, 2013 meeting; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Clark – aye Villano – aye

**ADJOURN:**

There being no further business, Mr. O’Hare moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:48 PM.