

**APPROVED 8-15-13  
TOWN OF NORTH HAVEN, CONNECTICUT  
MINUTES OF THE  
ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, July 18, 2013 at the Mildred A. Wakeley Community and Recreation Center in Room #2 at 8:00 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Caren M. Genovese, Vice Chairman  
Donald F. Clark, Secretary  
Joseph P. Villano  
Joel I. Rudikoff  
William D. O'Hare, Alternate  
Jacob M. Piekarski, Alternate  
Michelle L. Bonora, Alternate

**MEMBERS ABSENT:** None

**TOWN PERSONNEL:**

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

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 8:00 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. Mr. Hannon stated that application #13-09, 70 Old Broadway West, has been postponed to the August 15, 2013 meeting.

**PUBLIC HEARINGS:**

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

1. #13-09      Application of William Mezzano, Applicant, BAM Properties, Owner, relative to 70 Old Broadway West, (Map 66, Lot 15), per Section 5.1 requesting a use variance to permit a gymnasium/fitness center in an IL-30 Zoning District.

This application has been postponed to the August 15, 2013 meeting.

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

2. #13-13 Application of Raymond J. Akoury, Applicant, Laura Plouffe-Taylor and Nicholas Merola & James Shea, Owners, relative to 238 Quinipiac Avenue, (Map 17, Lot 4) and 63 Montowese Avenue, (Map 17, Lot 3), per Section 5.1.2, requesting a front yard variance of 25' to permit a front yard setback of 50' where 75' is required, and per Section 8.7.8.1, requesting a continuous strip of landscaped area variance of 14' to permit a continuous strip of 1', where 15' is required. IL-30 Zoning District.

Mr. John Paul Garcia of John Paul Garcia & Associates presented the application to permit a front yard setback of 50' where 75' is required and a continuous strip of landscaping of 1' where 15' is required for the construction of a liquor store with office space on the second floor. The Board asked questions and Mr. Garcia, Mr. Raymond Akoury, applicant, Mr. Arnold Ganz, Architect, responded.

Mr. Hannon asked for public comment.

Public comment:

1. Joseph DiMartino, 10 Papa Lane, has concerns with the lack of parking and littering. He feels the town already has enough liquor stores and the building size proposed is excessive.
2. Surenda Nik, owns a liquor store in the Home Depot Plaza. He is concerned with losing business. He also has traffic concerns and feels this corner is not a suitable location for this business.
3. John Lambert, 25 Trumbull Place, representing Victor Tenedine of Vic's Café distributed a packet stating reasons for denying these variances, Exhibit 1. He suggested a 20' front yard setback instead of a 50'. He stated that a 25% front landscaped area is required per the zoning regulations and has not been proposed. He feels the proposed structure is excessive and has concerns with the lack of parking. He feels this proposal will only increase the non-conformity. He submitted photographs of the Carter Mario site to compare parking, Exhibit 2. He asked the Board to deny this application and turn it over to the Planning & Zoning Commission.
4. Brian Johnson, 242 Maple Avenue, has concerns with increased traffic and the lack of parking. He feels the proposed structure is excessive and this location is not appropriate for this type of business.

Mr. John Paul Garcia addressed the public comment and further questions from the Board. Mr. Alan Fredricksen also addressed questions from the Board.

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

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

3. #I13-14 Application of Karen Lenahan, Applicant, Estate of Robert DeMorro, Owner, relative to 420 Sackett Point Road, (Map 35, Lot 8), per Section 5.2, requesting a use variance to permit a catering business in an IG-80 Zoning District.

Attorney Brian Enright representing Ms. Karen Lenahan, applicant, presented the use variance application to permit a catering business in an IG-80 Zoning District. He stated the business is an off site catering business only and that there will be no seating or eating on site. The Board asked questions and Attorney Enright and Ms. Lenahan, applicant, responded. He submitted a copy of his presentation and business card, Exhibit A

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

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

4. #13-15 Application of North Haven's Favorite Chicken, LLC, Applicant, BCW Realty Associations, LLC, Owner, relative to 173 Washington Avenue, (Map 73, Lot 21), per Section 8.8.7.2 (3), requesting a sign area variance of 40 square feet to permit a sign area of 80 square feet where a maximum of 40 square feet is permitted and a sign height variance of 15' to permit a sign height of 35' where a maximum of 20' is permitted. IL-30 Zoning District.

Attorney Anthony Avallone presented the application to permit a sign area of 80 square feet where a maximum of 40 square feet is permitted and a sign height of 35' where a maximum of 20' is permitted for visibility to I-91. Mr. Rob Freud of Insight Engineering explained the reason for this sign variance and then submitted a packet that pertains to Sign Legibility Rules of Thumb, Exhibit A. The Board asked questions and Attorney Avallone responded. He explained that having a sign attached to the rear of the building will not give visibility to I-91. The Board asked further questions and Mr. Shahzeb Hashmi, owner, responded.

Mr. Hannon asked for public comment.

Public comment:

1. John McKnight, 129 Washington Avenue, owner of McDonalds feels if this application is approved more businesses on Washington Avenue will want signs installed above their roof lines. He feels the proposed sign is excessive and not in conformance with the area. He submitted a photograph of a proposed 20' high, 40 square feet sign, Exhibit 1.

Attorney Avallone addressed the public comment.

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

**BREAK:** 9:19 – 9:24 PM

**DELIBERATION SESSION:**

2. #13-13 Application of Raymond J. Akoury, Applicant, Laura Plouffe-Taylor and Nicholas Merola & James Shea, Owners, relative to 238 Quinniapiac Avenue, (Map 17, Lot 4) and 63 Montowese Avenue.

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

Hannon – aye Genovese – nay Clark – aye Villano – aye Rudikoff – aye

The application was approved.

The Board stated the following:

1. The hardship is having a corner lot with two front yards
2. Approving these variances will bring the two lots further into conformity.
3. The setback request is reasonable.

3. #I13-14 Application of Karen Lenahan, Applicant, Estate of Robert DeMorro, Owner, relative to 420 Sackett Point Road.

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

Hannon – aye Genovese – aye Clark – aye Villano – aye Rudikoff – aye

The application was approved.

The Board stated the following:

1. No indoor tables and chairs or dining, catering business only.
2. The building's previous use was a restaurant.

4. #13-15 Application of North Haven's Favorite Chicken, LLC, Applicant, BCW Realty Associations, LLC, Owner, relative to 173 Washington Avenue.

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

Hannon – nay Genovese – nay Clark – nay Villano – nay Rudikoff – nay

The application was denied.

The Board stated the following:

1. The variance request is excessive.
2. The Board feels this is an economic request not a hardship.

**OTHER:** None

**CEASE AND DESIST ORDERS:**

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

-497 Washington Avenue - Non-permitted sign. A Cease & Desist Order was sent on June 24, 2013.

-630 Washington Avenue – Non-permitted sign. A Cease & Desist Order was sent on July 10, 2013.

-528 Washington Avenue – Non-permitted sign. A Cease & Desist was sent on July 11, 2013.

-15 Del Avenue – Keeping of fowl. A Cease & Desist Order was sent on July 15, 2013.

-15 Kimberly Circle – Vehicles of ¾ ton capacity in a residential zone. A Cease & Desist Order was sent on July 17, 2013.

**CORRESPONDENCE:**

**MINUTES:**

June 20, 2013

Mr. Clark moved to approve the minutes of the June 20, 2013 meeting; Mr. Rudikoff seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Rudikoff – aye

**EXECUTIVE SESSION:**

1. Discuss the status of the pending litigation and proposed settlement in Alvarado v. North Haven Zoning Board of Appeals, and possible action relating to same.
2. Consider whether to convene in executive session to discuss the status of pending litigation and proposed settlement in Alvarado v. North Haven Zoning Board of Appeals.

Attorney Jennifer Coppola suggested that the Board enter into Executive Session to further discuss the above pending litigation.

Mr. Clark moved to enter into Executive Session at 9:52 PM; The Board invited Attorney Jennifer Coppola, Town Counsel, Mr. Alan Fredricksen, Land Use Administrator, and Mr. Arthur Hausman, Zoning Enforcement Officer, into Executive Session; Mrs. Genovese seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Rudikoff – aye

Mrs. Genovese moved to go out of Executive Session at 10:17 PM; Mr. Clark seconded the motion. The Commission voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Rudikoff – aye

**ADJOURN:**

There being no further business, Mr. Rudikoff moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 10:18 PM.