

APPROVED 5-15-14
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 17, 2014 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, Vice Chairman
Donald F. Clark, Secretary
Joseph P. Villano
William D. O'Hare, Alternate, sitting for Joel I. Rudikoff

MEMBERS ABSENT:

Joel I. Rudikoff
Michelle L. Bonora, Alternate
Jacob M. Piekarski, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Hannon, Chairman, opened the meeting at 7:32 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 HEARING:

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

1. #14-04 Application of James Bennitt, Applicant and Owner, relative to 35 Monroe Street, (Map 74, Lot 11) 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.

Mr. James Bennitt, owner, presented the application to permit a vehicle exceeding three quarter ton capacity in a residential zone. Mr. Clark read a letter from neighbors in favor of the application, Exhibits A and B. The Board asked questions and Mr. Bennitt responded.

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

Mr. Clark read the call for second Public Hearing.

2. #14-05 Application of James Marshall and Patricia Jackson-Marshall, Applicants and Owners, relative to 10 Watson Avenue, (Map 46, Lot 131) per Section 2.1.1.9, requesting a front yard variance of 48.5' to permit a front yard setback of 1.5' where 50' is required along the south side of the property (Pequot Avenue) and requesting a front yard variance of 17' to permit a front yard setback of 33' where 50' is required along the west side of the property (Watson Avenue). R-20 Zoning District.

Mr. and Mrs. James Marshall, applicant and owner, and Mr. David Harlan, Architect, presented the variance requests to extend an existing front porch and expand a garage and attach it to the house. Mr. Clark read a letter from their neighbor residing at 11 Watson Avenue in favor of the application, Exhibit A. The Board asked questions and Mr. Harlan and Mr. Marshall responded.

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

Mr. Clark read the call third Public Hearing.

3. #14-06 Application of Cumberland Farms, Inc., Applicant, Sal's Cafe & Vic's Pizza LLC, Owners, relative to 249 State Street, (Map 43, Lot 37) per section 5.1.2, requesting a rear yard variance of 19.5' to permit a rear yard setback of 20.5' where 40' is required. IL-30 Zoning District.

Attorney Joseph Williams representing Cumberland Farms, Inc. and Mr. Patrick O'Leary, P.E. presented the application to permit the development of a convenience store and gas station at 249 State Street. A variance of 19.5' is being requested in the rear of the property to allow for drive through isles. Then he submitted a photograph of the proposed convenience store, Exhibit A. The Board asked questions and Attorney Williams responded. Then, Mr. O'Leary submitted a site plan, Exhibit B, and further discussed the proposed layout of the site. The Commission asked further questions and Mr. O'Leary responded.

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

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

4. #14-07 Application of Suite Developments, LLC, Applicant and Owner, relative to 3 Lincoln Street, (Map 73, Lot 61) per Section 4.4.2, requesting a front yard variance of 0.4' to permit a front yard setback of 49.6' where 50' is required, and requesting a rear yard variance of 3' to permit a rear yard setback of 22' where 25' is required and per Section 8.3.3.1, requesting approval to enlarge an existing non-conforming building. CB-20 Zoning District.

Mr. Jason Teitelbaum of Godfrey Hoffman Associates, LLC presented the application to permit the enlargement of an existing, non-conforming building, the construction of a handicapped ramp, and the enclosure of a bilco door. The Board asked questions and Mr. Teitelbaum responded.

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

DELIBERATION SESSION:

1. #14-04 Application of James Bennitt, Applicant and Owner, relative to 35 Monroe Street.

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

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

The application was denied.

In denying the application, the Board stated the following:

1. No hardship was found.
2. The request does not meet the Planning and Zoning regulations.

2. #14-05 Application of James Marshall and Patricia Jackson-Marshall, Applicants and Owners, relative to 10 Watson Avenue.

Mrs. Genovese moved to approve the application with the following conditions; limit the variance to this proposed work only, with no living space above the garage, the front porch and the covered walkway to the garage are to remain open structures on all sides that don’t abut the house and garage, and the variance is limited to the width of the existing house. Mr. Villano seconded the motion. The Board voted as follows:

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

The application was approved.

In approving the application, the Board stated the following:

1. The property predates zoning.
2. The hardship is having three front yards.
3. The variance request is minimal.

3. #14-06 Application of Cumberland Farms, Inc., Applicant, Sal’s Cafe & Vic’s Pizza LLC, Owners, relative to 249 State Street.

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

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

The application was approved.

In approving the application, the Board stated the following:

1. This approval eliminates the need for earlier variances and brings the property more into conformity.
 2. The project will improve the area.
4. #14-07 Application of Suite Developments, LLC, Applicant and Owner, relative to 3 Lincoln Street.

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

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

The application was approved.

In approving the application, the Board stated the following:

1. The variance request is minimal.
2. The hardship is the Americans with Disabilities Act.

OTHER: None

CORRESPONDENCE: - Cease & Desist Orders – (4-total)

Mr. Fredricksen updated the Board on current zoning violations.

MINUTES:

March 20, 2014

Mr. Clark moved to approve the minutes of the March 20, 2014 meeting; Mr. Villano seconded the motion; the Board members voted as follows:

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

ADJOURN:

There being no further business, Mr. Villano moved to adjourn; Mrs. Genovese seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:38 PM.