

APPROVED 3-19-15
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 22, 2015 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
Jacob M. Piekarski, Alternate, sitting for Joel I. Rudikoff

MEMBERS ABSENT:

Joel I. Rudikoff
Robert A. Lockery, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Laura Magaraci, Zoning Enforcement Officer
Sandra Lion, Clerk

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer

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 #14-24, 490 Washington Avenue, will not be heard tonight.

A2-SURVEY WAIVER:

Mr. Clark read the call for the A2- Survey Waiver.

1. #A2W-14-04 Application of Julie Cheung, Applicant, Kin Cheung, Owner, relative to 250 Quinnipiac Avenue, (Map 17, Lot 6), seeking a waiver of the A-2 survey application requirement. IL-30 Zoning District.

Mr. Kin Cheung, owner, presented the A-2 survey waiver application to permit a 6' high fence in a front yard where only 3' is allowed. The issue is the height of the fence not the location; therefore, the survey would not be helpful. The Board asked questions and Mr. Cheung responded.

PUBLIC HEARINGS:

1. #14-24 Application of Mena Masry, Applicant, North Haven Realty LLC, Owner, relative to 490 Washington Avenue, (Map 90, Lot 21) appealing the Cease and Desist Order of the Zoning Enforcement Officer, dated October 14, 2014. CB-40 Zoning District.

This application has been postponed to the February 19, 2015 meeting.

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

2. #14-27 Application of BL Companies, Applicant, 162 State Street, LLC, Owner, relative to 160-164 State Street, (Map 51, Lot 14) per Section 8.8.7.2 (3), requesting an aggregate girth for a sign support pier variance of 10' to permit an aggregate girth of 16' where 6' is allowed. CB-40 Zoning District.

Attorney Dennis Ceneviva of the Ceneviva Law Firm presented the application for a sign support pier variance to permit an aggregate sign girth of 16' where only 6' is allowed for the development of Village on State. The Board asked questions and Attorney Ceneviva 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.

3. #14-28 Application of Ernest and Lisa Viola, Applicants and Owners, relative to 13 Brook Lane, (Map 23, Lot 36) per section 2.1.1.9, requesting a front yard variance of 5.1' to permit a front yard setback of 44.9' where 50' is required and requesting a 3' side yard variance to permit a side yard setback of 22' where 25' is required. R-40 Zoning District.

Ernest and Lisa Viola, owners, presented the application to permit a front yard setback of 44.9' where 50' is required and a side yard setback of 22' where 25' is required for a 20' X 30' addition with a covered porch walkway and an 8' x 12' mudroom. Mr. Viola submitted a rendering of the proposed addition, Exhibit A.

Mr. Hannon asked for public comment.

Public comment:

1. James Acabbo, 8 Brook Lane, spoke in favor of the application.
2. Paul Miserendino, 10 Brook Lane, spoke in favor of the application.
3. William Espowood, 23 Arrowhead Road, spoke regarding the topography of the property and stated that he has concerns with erosion.
4. Paul Miserendino, 10 Brook Lane, stated that he has not had any problems with erosion.

Mr. Viola and Mr. Fredricksen addressed the public comment.

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

DELIBERATION SESSION:

A2-SURVEY WAIVER:

1. #A2W-14-04 Application of Julie Cheung, Applicant, Kin Cheung, Owner, relative to 250 Quinnipiac Avenue, (Map 17, Lot 6), seeking a waiver of the A-2 survey application requirement. IL-30 Zoning District.

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 Piekarski – aye

The application was approved.

PUBLIC HEARINGS:

2. #14-27 Application of BL Companies, Applicant, 162 State Street, LLC, Owner, relative to 160-164 State 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 Piekarski – aye

The application was approved.

In approving the application, the Board stated the following:

1. The request is reasonable and the sign conforms to the project being built.

3. #14-28 Application of Ernest and Lisa Viola, Applicants and Owners, relative to 13 Brook Lane.

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

Hannon – aye Genovese – aye Clark – aye Villano – aye Piekarski - aye

The application was approved.

In approving the application, the Board stated the following:

1. The variance is limited to the work of this proposed addition only.
2. The hardship is the brook in the rear yard and the topography of the property.
3. The Commission required that vegetation be reestablished on the sloped areas of the property as quickly as possible in order to limit any possible erosion. Plantings should be selected to be as aesthetically pleasing as possible to the neighbors.

CORRESPONDENCE: CT Federation of Planning & Zoning Agencies, Newsletter

MINUTES:

December 18, 2014

Mr. Villano moved to approve the December 18, 2014 minutes; Mr. Clark seconded the motion. The Board voted as follows:

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

ADJOURN:

There being no further business, Mr. Clark moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:13 PM.