

**APPROVED 7-16-15**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, June 18, 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  
Jacob M. Piekarski, Alternate, sitting for Joel I. Rudikoff

**MEMBERS ABSENT:**

Joel I. Rudikoff  
William D. O'Hare, Alternate  
Robert A. Lockery, Alternate

**TOWN PERSONNEL:**

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

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:31 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 applications #15-03, 59 Potter Road, and #15-12, 89 Pond Hill Road, will not be heard tonight.

**PUBLIC HEARINGS:**

1. #15-03      Application of Dennis and Wanda Tondalo, Applicants and Owners, relative to 59 Potter Road, (Map 30, Lot 103) appealing the Cease and Desist Order of the Zoning Enforcement Officer, dated March 16, 2015. R-40 Zoning District.

This application has been postponed to the July 16, 2015 meeting.

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

2. #15-04 Application of Barry Steinberg, PE, Applicant, N.H. Medical, LLC, Owner, relative to 52 Washington Avenue, (Map 67, Lot 39) per section 8.3.3.1, requesting an approval to enlarge an existing, non-conforming building. CB-20 Zoning District.

Mr. Barry Steinberg, P.E. of Steinberg Associates, presented the application to enlarge an existing, non-conforming building. The applicant is requesting roof extensions for a pedestrian walkway and over a bilco door. He submitted photographs of the roof extensions as Exhibit A. The Board asked questions and Mr. Steinberg 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. #15-07 Application of Jennifer Stevens, Applicant, Gerald Raccio, Owner relative to 2075 Whitney Avenue, (Map 41, Lot 296) per sections 2.1.1.7 and 8.8.2.1, requesting sign variances to permit a free standing sign where only attached signs are permitted and a sign size variance to permit 2 square feet where 1 square foot is permitted and a sign content variance to permit the telephone number of the occupant where no telephone number is permitted and to permit a double sided sign where only single sided signs are permitted. R-12 Zoning District.

Attorney John Parese of Paret, Porto, Parese & Colwell, presented the application to permit a free standing two-sided sign where only attached signs are permitted and to permit 2 square feet where 1 square foot is permitted and also to permit a sign content variance to permit the telephone number of the occupant where no telephone number is permitted. He stated that the hardship is the change in the regulations and that it is necessary to have a two-sided lighted sign for traffic safety and being a home business there is more of a need to advertise.

Attorney Parese stated that the signs conform with the area which is commercial. He submitted photographs of signs in the area, Exhibit A through N. Then he submitted sign sizes of the proposed signs as Exhibits O and P. Mr. Clark read a letter from a neighbor at 2061 Whitney Avenue in favor of the signs. The Board asked questions and Attorney Parese responded. Jennifer Stevens, applicant, stated that the hours of her business will be from 11:00 a.m. to 9:00 p.m. Mr. Clark read a letter from Frederick Kozak of 128 Bayard Avenue in opposition to the application.

Mr. Hannon asked for public comment.

Public comment:

1. Nancy Lyon, 37 Hartley Street, has concerns about additional signage in a residential area and feels that the business owner will not comply with the regulations.
2. Lynn Lanzaro, owner of Lynn's Hair Salon, and a 24 year resident of North Haven is opposed to a phone number on the sign and a 2 square feet sign. She stated that she is opposed to the application.
3. Mark Loeffler, 94 Hartley Street, has concerns with having additional lighted signs in the area.
4. Susan Brady, 94 Hartley Street, asked if clients have to make appointments in advance or can they walk-in? She also has concerns with losing the character of a residential neighborhood.

Attorney Parese and Jennifer Stevens addressed the public comment.

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

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

4. #15-08      Application of Henry and Victoria Hine, Applicants and Owners, relative to 3 Philip Place, (Map 66, Lot 19) per Section 8.3.5, requesting a variance to permit the reconstruction of a building with a non-conforming use and per Section 8.3.1.3 requesting an approval to extend or expand a non-conforming use, and per Section 8.3.3.1, requesting an approval to enlarge an existing, non-conforming building. IL-30 Zoning District.

Henry and Victoria Hine, applicants and owners, and Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the application to permit the reconstruction of a building, after a fire, with a non-conforming use and requesting an approval to enlarge a non-conforming building. He stated that the third floor ceiling and roof pitch only will be expanded. The hardship is the setbacks of an IL-30 zone that would not permit commercial construction; therefore, only a residential building could be constructed in the current zone. Then Attorney Pellegrino submitted six letters from neighbors in support of the application as Exhibits A – F. The Board asked questions and Attorney Pellegrino responded.

Mr. Hannon asked for public comment.

Public Comment:

1. Michelle Mase, 2 Phillips Place, spoke in favor of the application.
2. Andrew Guckian, 85 Old Broadway, spoke in favor of the application.

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

Mr. Clark read the call for the fourth and fifth Public Hearings.

The Commission elected to hear applications #15-09 and #15-11 together.

5. #15-09        Application of Marie and Clifford Williams, Applicants and Owners, relative to 46 Marlen Drive, (Map 58, Lot 31) per Section 2.1.1.9, requesting a side yard variance of 18.1 feet to permit a side yard of 1.5 feet where 19.6 feet is required and requesting an aggregate side yard variance of 18.1 feet to permit an aggregate sideyard of 11.9 feet where is 30 feet is required. R-20 Zoning District.
  
6. #15-11        Application of John and Jodie Wilcox, Applicants and Owners, relative to 48 Marlen Drive, (Map 58, Lot 30), per section 9.1.3.1, requesting a variance of 8 feet to permit a rear lot access strip of 17 feet where 25 feet is required. R-20 Zoning District.

Attorney Bernard Pellegrino, Jr. of the Pellegrino Law Firm, presented the application for 46 Marlen Drive to permit a side yard of 1.5 feet where 19.6 feet is required and requesting an aggregate side yard of 11.9 feet where 30 feet is required and then he presented the application for 48 Marlen Drive to permit a rear lot access strip of 17 feet where 25 feet is required. He stated that he would like to amend the lot line of 48 Marlen Drive in order to bring the property closer to conformity. The Board asked questions and Attorney Pellegrino responded.

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

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

7. #15-10        Application of John Keaney, Applicant and Owner, relative to 5 Sonne Drive, (Map 50, Lot 2) per Section 2.1.1.9, requesting a rear yard Variance of 20' to permit a rear yard setback of 5 feet where 25 feet is required and per Section 8.6.1.1, requesting a rear yard setback for a swimming pool variance of 5 feet to permit a rear yard for a swimming pool of 5 feet where 10 feet is required. R-20 Zoning District.

Mr. John Keaney, applicant and owner, presented the application to permit a rear yard setback of 5 feet where 25 feet is required and requesting a swimming pool setback variance of 5 feet where 10 feet is required. The pool size is 15' x 30'. Mr. Clark read a letter signed by Mr. Amarone residing at 9 Sonne Drive in favor of the application as Exhibit A. The Board asked questions and Mr. Keaney responded.

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

8. #15-12 Application of Marc Spring, Applicant and Owner, relative to 89 Pond Hill Road, (Map 81, Lot 91), per section 2.1.1.9, requesting a rear yard variance of 4.5 feet to permit a rear yard setback of 20.5 feet where 25 feet is required and per Section 8.6.1.1 requesting a rear yard setback for a swimming pool variance of 7' to permit a rear yard setback for a swimming pool of 3' where 10' is required. R-40 Zoning District.

This application has been postponed to the July 16, 2015 meeting.

**DELIBERATION SESSION:**

**PUBLIC HEARINGS:**

2. #15-04 Application of Barry Steinberg, PE, Applicant, N.H. Medical, LLC, Owner, relative to 52 Washington Avenue.

Mr. Clark moved to approve the application for the purpose of discussion; Mr. Villano seconded the motion. The Commission 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 approval is limited to the plans submitted for the roof over the bilco door and the roof over the north side sidewalk.
2. The building predates zoning
3. The application was approved for the safety and well-being of the employees.

3. #15-07 Application of Jennifer Stevens, Applicant, Gerald Raccio, Owner relative to 2075 Whitney Avenue.

Mr. Villano 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 Villano – nay Piekarski – nay

The application was denied.

In denying the application, the Board stated the following:

1. No hardship was found.

4. #15-08 Application of Henry and Victoria Hine, Applicants and Owners, relative to 3 Philip Place.

Mr. Clark moved to approve the application; Mrs. Genovese seconded the motion. The Commission 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 variances bring the building closer to conformity with the regulations.

5. #15-09 Application of Marie and Clifford Williams, Applicants and Owners, relative to 46 Marlen Drive.

Mr. Clark moved to approve the application for the purpose of discussion; Mr. Piekarski seconded the motion. The Commission 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 brings the property closer to conformity.

6. #15-11 Application of John and Jodie Wilcox, Applicants and Owners, relative to 48 Marlen Drive.

Mrs. Genovese moved to approve the application with the condition that the variance is limited to the 17' access strip as presented on the plans; Mr. Clark seconded the motion. The Commission 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 brings the property closer to conformity.
2. The variance is limited to the 25' length of the access strip shown on the plan submitted.
2. The request is reasonable.

7. #15-10 Application of John Keaney, Applicant and Owner, relative to 5 Sonne Drive.

Mrs. Genovese moved to approve the application for the purpose of discussion; Mr. Villano seconded the motion. The Commission 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 hardship is the drainage easement in the rear of the property which limits where the pool could be located.
2. The request is reasonable.

**CORRESPONDENCE:** None

**MINUTES:**

May 21, 2015

Mr. Clark moved to approve the May 21, 2015 minutes; Mr. Piekarski seconded the motion. The Board voted as follows:

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

**ADJOURN:**

There being no further business, Mrs. Genovese moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:15 PM.