

APPROVED 1-21-16
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

A meeting of the Zoning Board of Appeals was held on Thursday, December 17, 2015 at the North Haven Memorial Library, 17 Elm Street, in the Community Room, at 6:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Caren M. Genovese, Vice Chairman
Donald F. Clark, Secretary
Joseph P. Villano
A. J. Wambolt
William D. O'Hare, Alternate

MEMBERS ABSENT:

Jacob M. Piekarski, 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 6:31 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. Then, Mr. Freda, First Selectman, asked for a nomination for the office of Chairman of the Zoning Board of Appeals. Mr. Villano nominated Mr. Hannon; Mr. Clark seconded the nomination. There were no further nominations; all were in favor. For the office of Vice Chairman, Mr. Clark nominated Mrs. Genovese; Mr. Hannon seconded the nomination. There were no further nominations; all were in favor. Then, Mrs. Genovese nominated Mr. Clark for the office of Secretary; Mr. Villano seconded the motion. There were no further nominations; all were in favor. Mr. Freda then congratulated all of the elected members and thanked them for their commitment to the Board.

Then, Mr. Hannon continued with the regular meeting. 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.

A2-SURVEY WAIVER:

Mr. Clark, Secretary, read the call for the first A2-Survey Waiver.

1. #A2W-15-06 Application of Marian Echevarria, Applicant and Owner, relative to 10 May Street, (Map 52, Lot 55), seeking a waiver of the A-2 survey application requirement. R-20 Zoning District.

The applicant was not present at this meeting.

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

2. #A2W-15-07 Application of William Gambardella, Applicant, Mario Gambardella, Owner, relative to 88 Old Broadway West, (Map 66, Lot 12), seeking a waiver of the A-2 survey application requirement. IL-30 Zoning District.

Attorney William Gambardella, applicant, presented the A2-Survey Waiver application for the replacement of awnings with an overhang that requires a 5' variance. The Board asked questions and Mr. Gambardella responded.

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

3. #A2W-15-08 Application of Gail Marinuzzi, Applicant and Owner, relative to 36 Bailey Road, (Map 53, Lot 118), seeking a waiver of the A-2 survey application requirement. R-20 Zoning District.

Gail Marinuzzi, applicant and owner, presented the A2-Survey Waiver application for enclosing space between the house and the garage. The Board asked questions and Mrs. Marinuzzi responded.

PUBLIC HEARINGS:

1. #15-20 Application of Town Fair Tire Center, Applicant, James and Patricia Clark (Trustee), Owner, relative to 165 Washington Avenue, (Map 73, Lot 20), per Section 8.11.3, requesting a variance of 38' to allow a Certificate of Location for Automotive Services within 462' of a park, where 500' is required. IL-30 Zoning District.

Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the application to allow a Certificate of Location for Automotive Services within 462' of a park where 500' is required. Mr. Dan Rubino of Town Fair Tire gave the history of Town Fair Tire and explained why they are requesting using this location. He stated that they don't conduct work like a service station only the sale and service of tires. The used tires are stored in a cage in the rear of the property then taken off the property and recycled. A limited repairer's license is required because they perform wheel alignments. The existing location is outdated and in order to provide enhanced customer service they need to modernize by moving to a new location that would allow their business to operate more efficiently.

This location, being relatively close to their old location, allows them to keep their current customers. The size of the location is ideal for modernizing their business and will provide ample parking for customers. The Commission asked questions and Attorney Pellegrino responded. He also discussed the resident's concerns. He stated that he will retain eight existing oak trees and add ten maple trees. The Rustic Oak's stone sign will remain with the Tire Fair Tire logo. The six service bays are proposed to be constructed in the rear of the building.

Attorney Bernard Pellegrino, Jr. spoke regarding the variance request. The characteristics of the property for this business and the limited nature of automotive activities being proposed for this site are the hardships. All service activities will be conducted in the rear of the building giving the distance from the park 647 feet. The Board asked questions and Attorney Pellegrino and Mr. Rubino responded.

Mr. Hannon asked for public comment.

Public Comment:

1. Mary White, 67 Summer Lane, stated that she now has no concerns with public health and safety issues, noise, trees and traffic. She requested that a condition stating that they will only provide tire service and alignments be included in the approval letter.
2. Sherman Katz, 40 Sherwood Drive, spoke in favor of the application. He stated that this is the best use for this piece of property. Then, he asked about extensive wheel repairs.
3. Tom White, 67 Summer Lane, was initially against the application but after the presentation, he is in favor of the application and feels this business is appropriate for this site.
4. Marybeth O'Brien, 73 Blakeslee Avenue, has traffic safety concerns with children walking in an already congested area. She is also concerned with pollution and noise. She asked why Town Fair Tire couldn't expand at their current location.
5. Lina Cardozo, 71 Clintonville Road, has concerns with adding another business to an already congested area and creating a precedent for other businesses. She asked why they couldn't expand where they currently exist and feels that they are located too close to the park.
6. Gerri Giordano, 36 Carina Road, is opposed to the location and would like to see Town Fair Tire move further up Washington Avenue.

Neal Mellon, 30 Shady Lane, Monroe, owner of Town Fair Tire, asked the Board to support moving the business to the Rustic Oak location.

Attorney Pellegrino responded to public comment. Then, he submitted a prior approval letter dated February 29, 1984 as Exhibit A and a photograph of the site as Exhibit B. Mr. Mike Barbaro of Tire Fair Tire also responded to the public comment. The hours of operation will be Monday 8:00 a.m. to 7:00 p.m., Tuesday through Friday, 8:00 a.m. to 6:00 p.m., Saturday 8:00 a.m. to 4:00 p.m. and closed on Sundays. There being no further public comment, the Public Hearing was closed.

2. #15-21 Application of Henry Hine, Applicant and Owner, relative to 3 Phillips Place, (Map 66, Lot 19) per Section 5.1.2, requesting a front yard variance of 32' to permit a front yard setback of 43' where 75' is required and per Section 5.1.2, requesting a side yard variance of 16' to permit a side yard setback of 4' where 20' is required. IL-30 Zoning District.

Mr. Henry and Victoria Hine, applicants and owners, presented the application to permit a front yard setback of 43' where 75' is required and requesting a side yard setback of 4' where 20' is required for the construction of a 12' x 16' deck. Then, Mr. Hine submitted a sketch and a drawing of the deck as Exhibits A and B.

Mr. Hannon asked for public comment.

Public Comment:

1. Bernard Pellegrino, 10 Marlborough Road, spoke in favor of the application.

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

DELIBERATION SESSION:

A2-SURVEY WAIVERS:

1. #A2W-15-06 Application of Marian Echevarria, Applicant and Owner, relative to 10 May Street.

Mrs. Genovese moved to postpone the application to the January 21, 2016 meeting; Mr. Clark seconded the motion. The Board voted as follows:

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

2. #A2W-15-07 Application of William Gambardella, Applicant, Mario Gambardella, Owner, relative to 88 Old Broadway West.

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

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

The application was approved.

3. #A2W-15-08 Application of Gail Marinuzzi, Applicant and Owner, relative to 36 Bailey 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 Wambolt – aye

The application was approved.

PUBLIC HEARINGS:

1. #15-20 Application of Town Fair Tire Center, Applicant, James and Patricia Clark (Trustee), Owner, relative to 165 Washington Avenue.

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

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

The application was approved.

In approving the application, the Board stated the following:

1. The variance is limited to the retail sales of tires and accessory uses of changing tires, wheel balancing, and wheel alignments only.
2. The request is minimal.
3. The hardship is the limited nature of the work performed.

2. #15-21 Application of Henry Hine, Applicant and Owner, relative to 3 Phillips Place.

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 Wambolt – aye

The application was approved.

In approving the application, the Board stated the following:

1. The request is minimal.
2. The hardship is that the house and lot are non-conforming and predate the zoning regulations.

OTHER: None

CORRESPONDENCE: None

MINUTES:

November 19, 2015

Mrs. Genovese moved to approve the November 19, 2015 meeting 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, Mrs. Genovese moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:14 PM.