

Minutes
Zoning Board of Appeals
March 15, 2017

The West Haven Zoning Board of Appeals held a Public Hearing and Regular Meeting on Wednesday March 15, 2017 in the Harriet North Room, Second Floor, City Hall, 355 Main Street, West Haven, CT

1. CALL TO ORDER
Chairman Clifford Called the Meeting to Order at 7:15 PM
2. ROLL CALL – Present were Chairman Clifford, Secretary Wise, Member Porto, Member Lepper and Alternate Members DeLeo and Greenberg. Also present were Corporate Counsel Amendola, Zoning Enforcement Officer Conniff, and Assistant City Planner Killeen (arrived 7:40 PM).
3. PLEDGE OF ALLEGENCE
4. MINUTES OF REGULAR MEETING -- Motion was made by Ms. Porto to approve the minutes of the February 15, 2017 meeting, seconded by Mr. Lepper. Motion passed 4-0.

Public Hearing:

1. **19 Cottage Street:** The Applicant is requesting variances to change the use of the porch into living space and add a 14'x12' rear deck. A Southerly side yard variance of 7.1' where 15' is required and 7.9' exist and a front yard variance of 17' where 25' is required and 8' exist. Also a 14'x12' deck side yard variance of 3.5' where 10' is required and 6.5' will exist. In a R3 One-Two-Three Family Residence under Article 2, Section 12.1 and 10.4.2.c, 92 and 90, of the City Of West Haven Zoning Regulations Section 42, Owner/Applicant: Juan Paladines File #104-17 V (Continued from February 15, 2017 meeting)

Secretary Wise read this agenda item into the record. Juan Carlos Paladines, of 36 Locust Street, presented this application, indicating he was looking to upgrade the existing house and to make part of the existing porch as living space and to add a rear deck. Board members asked questions clarifying the dimensions and location of the improvements. Mr. Paladines confirmed he plans to live in the house. Ms. Conniff noted there had previously been complaints about the garage, and the applicant plans to demolish the garage. Mr. Paladines expects he can finish the work in about 3 months. The ZBA members noted that this house had been deteriorated for a long time.

Chairman Clifford asked three times for anyone in favor of this application and three times for anyone opposed to this application. There was no one present to speak in favor or in opposition to this application.

The public hearing on this application was closed.

New:

2. **81 Main Street:** The applicant is seeking side yard variances to build a wrap-around porch to bringing it to its original historical state. An Easterly side yard of 25' where 34' is required and 9' will exist. A westerly side yard of 24' where 34' is required and 10' will exist. In a R4 Multi Family Residence under Article 2, Table 12.1, and section 10.4.2.c, Article 90 and Article 92, of the City Of West Haven Zoning Regulations. Owner/Applicant: Mary Ann Starkes File # 108-17 V

Secretary Wise read this agenda item into the record. He asked the applicant to come forward to present this application. No one came forward. The Board decided to postpone the hearing of this application to later in the meeting in the event the applicant showed up.

3. **47 Railroad Avenue:** A variance request to construct a 4,990 sf. addition, to the west side of the existing building. A Rear yard variance of 29.9' where 50' is required and 20.1 will exist, a side yard variance of 9.6' where 30' is required and 20.4' will exist and building coverage of 14.2% where 35% is allowed and 49.2% will exist. A variance for parking requirements where 13 spaces are present 31 is required and 21 spaces will exist In a LM (Light Manufacturing district), Under Article 2 Section 25 table 25.1, table 62.1, Article 90 and 92, of the City of West Haven Zoning Regulation. Owner: TNT Realty / Applicant: Thomas Capobianco d/b/a/ HAFSCO File # 112-17 V

Secretary Wise read this agenda item into the record.

Attorney Vincent Falcone, whose business is at 334 Main Street, presented this application. He distributed an exhibit to the Board members. He explained the history of HAFSCO, which dates back to the 1980s (and follows a predecessor that was in operation since the 1930s) and serves as a full commercial food service company, including commercial kitchen design, consulting, sales, service and maintenance.

Atty. Falcone explained that HAFSCO has been leasing the property, but they plan to purchase the property if this proposed addition is approved. He provided images from a drone to demonstrate the unusual shape of this property. He explained how the use would operate at this location. He further stated that the Inland Wetlands Commission approved this plan on February 21, 2017. He explained that the unique nature of this business justifies the requested parking variance. The setback variances are required because of the unusual shape of the lot. Engineer Mark Reynolds and applicant Thomas Capobianco were also present.

Chairman Clifford explained that the applicant has agreed to invest over a million dollars in the building and to make site improvements since he would now own the building. Mr. Clifford believes this would be a positive improvement for the City. Mr. Lepper asked about the location of the storage containers. Ms. Conniff read into the record items raised by Building Official Frank Gladwin, who wanted to know the distance to the lot line from the proposed building, and about exterior lighting. Mr. Reynolds noted that all lights would be

fully shielded and mounted on the building. Lighting would be addressed as part of the Site Plan Review with the Planning and Zoning Commission. Attorney Amendola asked verification that the business is growing, and Attorney Falcone said, yes, they were which is the reason for the addition.

Chairman Clifford asked three times for anyone in favor of this application and three times for anyone opposed to this application. There was no one present to speak in favor or in opposition to this application.

The public hearing on this application was closed.

4. **19 Laurel Place:** The applicant is requesting a variance for a 6' high fence in the front yard where 4' is allowed. The fence will start twenty (20) feet of the corners visibility triangle. Also a lot coverage variance of 29.7% where 35% is required and 64.7% will exist. In a R2 (Single Family Detached Residence) Under Article 2 table 11.1, and section 10.4.3 of the City of West Haven Zoning Regulations Owner: Mousan Nesheiwat/ Applicant: Peter Perfetto File # 109-17 V

Secretary Wise read this agenda item into the record.

Consultant Peter Crabtree presented this application. He stated that the original house was constructed in the early 1900s. He explained that the owner wants to build a patio around the edge of the pool, and they want to construct a fence along Hawthorne Street to provide privacy. They are also proposing an expansion of the driveway to reduce the number of cars parking on the street. The applicant is fixing the property up to sell it. The vinyl fence will replace an existing chain link fence, and it will be kept back from the edge of the street so that it does not block site visibility. He stated that the slope of the property will reduce the visual impact of the fence.

The Board members asked for clarification of the location of the proposed parking space and the length of the proposed fence along Hawthorne Street. Ms. Conniff stated that workers had taken down the fence at one corner of the property and had gone in with tractors to do work in the yard. Neighbors had asked if the property would be restored. Mr. Crabtree said the area would be reseeded and planted.

Chairman Clifford asked three times for anyone in favor of this application. No one spoke in favor. He then asked if anyone was opposed to this application.

Ms. Lois Dioro, of 14 Laurel Street, came up to speak, noting that she wasn't necessarily in opposition. She was concerned about sight lines being blocked by the fence. Mr. Wise clarified that the fence will stop about 25 feet from Laurel Place.

Chairman Clifford asked two more times if there was anyone else who would like to speak in opposition to this application. No one came forward. He explained to the applicant's representative that they had the opportunity to rebut any comments made or add any

additional information. Mr. Crabtree stated that there was a for sale sign on the property. He stated it was too large a house to be rented out.

The public hearing on this application was closed.

5. **8 Koury Court:** The applicant is seeking a multiple variances of section 82.3, Degree of Non Compliance, to replace an existing, non-complying single family residential structure with a new single family residential structure that will 1.) Be located within 7.4 feet of the west side lot line, where 7.5 feet is allowed and 7.2 feet exists 2.) Be located within 5.1 feet of the East side lot line where 7.5 feet is allowed and 4.9' exists and 3.) the length of the proposed building will be located within the side yard for 47% of the length of the adjacent boundary line, where 30% is allowed and 43% exists in the R2(Single Family Detached Residence) of the City of West Haven Zoning Regulation. Owner: Elizabeth Vieira. Applicant Yue- Zhong Shu File # 110-17 V and File # 111-17 CAM

Secretary Wise read this agenda item into the record.

Attorney Skip Falcone represented the applicant for this variance request. He explained that the applicant was working on revised plans to respond to concerns raised by Corporate Counsel, staff and the DEEP regarding the boundaries of the property, the location of the Old Kings Highway, and the proximity of the proposed structure to the VE Flood Zone. He asked the Board to grant a continuation of this application to the next meeting to allow them time to complete revisions. The revised plan would pull the house back further from the waterfront.

Motion was made by Chairman Clifford to continue the hearing of this application to the next regular meeting of the ZBA on Wednesday, April 19, 2017 at 7:15 PM in the Harriet North Room, City Hall; seconded by Mr. Lepper. Motion carried on a 4-0 vote.

6. **111 Baker Street:** A variance to rebuild an existing 3 season porch and an additional 2' x 15' Addition. The applicant is asking for a relief of 2.6% for building coverage where 35% is required and 37.6% will exist. In a R2 (single Family Detached Residence) district, under Article 2 Section 11.1, Article 90 and 92 of the City of West Haven Zoning Regulation. Owner/Applicant Harold Bellmore File #113-17 V

Secretary Wise read this agenda item into the record.

Pamela Gardner, of 16 Big Spruce Lane, came forward to present this application. She identified herself as the daughter of the applicant. She described the 3-season porch that is starting to deteriorate. Mr. Wise asked if there was a sign posted on the property. Ms. Gardner did not believe so. Ms. Porto confirmed it was not on the property today. Ms. Gardner stated that she had done the mailing to neighbors, though, and had submitted her proofs of mailing.

Chairman Clifford asked three times for anyone in favor of this application and three times for anyone opposed to this application. There was no one present to speak for or against this application.

The public hearing on this application was closed.

Chairman Clifford made a motion to go into deliberations. Ms. Conniff asked what the ZBA would like to do with the application for 81 Main Street.

7. **81 Main Street:** The applicant is seeking side yard variances to build a wrap-around porch to bringing it to its original historical state. An Easterly side yard of 25' where 34' is required and 9' will exist. A westerly side yard of 24' where 34' is required and 10' will exist. In a R4 Multi Family Residence under Article 2, Table 12.1, and section 10.4.2.c, Article 90 and Article 92, of the City Of West Haven Zoning Regulations. Owner/Applicant: Mary Ann Starkes File # 108-17 V

The Board returned to this item on the agenda and asked if anyone was present. There was still no one at the meeting to present this application, though members noted that a ZBA sign had been posted on this property.

After discussing this matter, motion was made by Mr. Clifford to continue the hearing on this application to the next meeting of the ZBA on Wednesday, April 19, 2017 at 7:15 PM in the Harriet North Room, City Hall, seconded by Mr. Wise. Motion was carried 4-0.

Regular Meeting

Motion was made to go into deliberations and seconded. Motion carried.

Chairman Clifford announced that he would ask each of the alternate members to act on every other application this evening.

The Board then deliberated on the applications as follows:

1. **19 Cottage Street:** The Applicant is requesting variances to change the use of the porch into living space and add a 14'x12' rear deck. A Southerly side yard variance of 7.1' where 15' is required and 7.9' exist and a front yard variance of 17' where 25' is required and 8' exist. Also a 14'x12' deck side yard variance of 3.5' where 10' is required and 6.5' will exist. In a R3 One-Two-Three Family Residence under Article 2, Section 12.1 and 10.4.2.c, 92 and 90, of the City Of West Haven Zoning Regulations Section 42, Owner/Applicant: Juan Paladines File #104-17 V

Motion was made by Ms. Porto to approve File # 104-17 V , noting that it will be an improvement to the neighborhood, and seconded by Mr. Wise. Discussion: this house was deteriorating for many years. This would be an improvement. Motion carried on a 5-0 vote (with Alternate Member Greenberg voting).

2. **47 Railroad Avenue:** A variance request to construct a 4,990 sf. addition, to the west side of the existing building. A Rear yard variance of 29.9' where 50' is required and 20.1 will exist, a side yard variance of 9.6' where 30' is required and 20.4' will exist and building coverage of 14.2% where 35% is allowed and 49.2% will exist. A variance for parking requirements where 13 spaces are present 31 is required and 21 spaces will exist In a LM (Light Manufacturing district), Under Article 2 Section 25 table 25.1, table 62.1, Article 90 and 92, of the City of West Haven Zoning Regulation. Owner: TNT Realty / Applicant: Thomas Capobianco d/b/a/ HAFCO File # 112-17 V

Motion was made by Mr. DeLeo to approve this application, File # 112-17 V, stating that it is a good company and noting that their effort to improve this property and stay at this location was a good thing for West Haven, and seconded by Mr. Lepper. Motion passed on a 5-0 vote (with alternate Member DeLeo voting),

3. **19 Laurel Place:** The applicant is requesting a variance for a 6' high fence in the front yard where 4' is allowed. The fence will start twenty (20) feet of the corners visibility triangle. Also a lot coverage variance of 29.7% where 35% is required and 64.7% will exist. In a R2 (Single Family Detached Residence) Under Article 2 table 11.1, and section 10.4.3 of the City of West Haven Zoning Regulations Owner: Mousan Nesheiwat/ Applicant: Peter Perfetto File # 109-17 V

Motion was made by Ms. Porto to approve this application, File # 109-17 V, and seconded by Mr. Lepper. Mr. Clifford reviewed the application. Mr. Wise stated that the applicants have done some good work here. Motion carried on a 5-0 vote (with Alternate Member Greenberg voting).

8. **111 Baker Street:** A variance to rebuild an existing 3 season porch and an additional 2' x 15' Addition. The applicant is asking for a relief of 2.6% for building coverage where 35% is required and 37.6% will exist. In a R2 (single Family Detached Residence) district, under Article 2 Section 11.1, Article 90 and 92 of the City of West Haven Zoning Regulation. Owner/Applicant Harold Bellmore File #113-17 V

Motion was made by Mr. DeLeo to approve this application, File #113-17 V, and seconded by Ms. Porto. Board members stated the applicant is replacing an existing addition with a new one. Motion was carried 5-0 vote (with alternate Member DeLeo voting).

There being no further business, the meeting was adjourned at 8:15 PM.

John Clifford Chairman