



CITY OF WEST HAVEN, CONNECTICUT

Zoning Board of Appeals

Planning & Development Department • City Hall • 355 Main Street • 1st Floor
West Haven, Connecticut 06516 Phone 203.937.3580 • Fax 203.937.3742



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John Clifford, Chairman
Ed Wise, Commissioner
James Greenberg, Commissioner
Carol Porto, Commissioner
Aleshia Caple, Commissioner

Chuck Zentarski, Alternate
Rich Deleo, Alternate
open, Alternate
Catherine Conniff, Asst. City Planner
Stephen Hotchkiss, Zoning Enforcement/ Inland Wetlands

MEETING MINUTES OF ZONING BOARD OF APPEALS MAY 21, 2025

The West Haven Zoning Board of Appeals held a Public Hearing and Regular meeting on Wednesday, May 21, 2025, in the Harriet North Room, Second Floor, City Hall, 355 Main Street, West Haven, CT at 6:30 P.M.

PRESENT: Commissioners Clifford, Wise, Carol Porto, Deleo, Zentarski, ZEO Hotchkiss and Assistant City Planner Conniff. Absent were Commissioners Caple and Greenberg.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Deleo made a motion to approve the meeting minutes for the Regular Meeting and Public Hearings of April 16, 2025, seconded by Commissioner Porto and passed.

CONTINUED:

- 1) **102 Mohawk Drive:** A request for a rear yard setback of 4' 6" where 20' is required for a deck and to permit building coverage of 24% where 20% is allowed in a Single Family Detached Residence (R2) district pursuant to Article 2 Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Hector Chacon. File # 018-25 V

Applicant stated this request is for deck that has already been constructed. Therefore, a variance is required. ZEO Hotchkiss stated the deck was built without a permit. The deck extended over the footprint and encroached toward the building line. Building coverage is now increased as well. ZEO Hotchkiss read into the record comments from the Building Official. Mailings were completed.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Greg Kenney, 373 Jones Hill Rd., is opposed because it's too close to his property line because it was built larger than the original deck. He also is having water problems which he never had before.

Applicant rebutted stating he was not aware of zoning regulations and he doesn't know where the water is coming from.

Commissioner Clifford is not sure about the water issue and it needs to be investigated. Commissioner Wise stated that it needs to go back to the original size. Commissioner Porto stated it is too close the neighbor. Commissioner Clifford suggested to the applicant to continue application to find out where the water is coming from and the size of the deck needs to be addressed.

Commissioner Clifford made a motion to continue File #018-25 V, seconded by Commissioner Porto and passed 4 – 1 (Deleo).

- 2) **106 Forest Road:** An application for a lot line adjustment to create a more conforming building lot. Variance requests are to permit a lot size and density of 6,428sf where 16,000sf is required, increased lot frontage from existing 40' to 60' where 80' is required, and to permit building coverage of 25% where 20% is allowed in a Single Family Detached Residence (R2) district pursuant to Article 2 Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Marie C. Henry. File # 022-25 V

Applicant stated this property is currently vacant. This request is to propose single-family homes on each lot. The other lot's address is 98 Forest Rd which is also before the commission tonight. Driveways will come out on Forest Rd. Applicant has owned the property for approximately two months. ZEO read into the record comments from the Fire Marshall and Building Official. Mailings were completed.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Esther Theodore, 82 Forest Rd., would like to develop her land and this decision will impact her decision.

Steve Lahn, 130 Forest Rd., is opposed. He stated #106 is not a vacant lot and is a heavily wooded lot. He has been utilizing that area for parking and to get to his access road. #130, #126 and #106 do not have access to Forest Rd due to high elevation.

Commissioner Deleo made a motion to approve File #022-25 V, seconded by Commissioner Porto. Roll call was called. File #022-25 V approved 5 – 0.

- 3) **98 Forest Road:** An application for a lot line adjustment. Variance requests are to permit a lot size and density of 6,606sf where 16,000sf is required, lot frontage of 60' where 80' is required, and to permit building coverage of 25% where 20% is allowed in a Single Family Detached Residence (R2) district pursuant to Article 2 Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Marie C. Henry. File # 023-25 V

See application for 106 Forest Rd.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.



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See application for #106 Forest Rd.

Commissioner Deleo made a motion to approve File #023-25 V, seconded by Commissioner Porto. Roll call was called. File #023-25 V approved 5 – 0.

PUBLIC HEARING:

- 4) **1 Dartwell Avenue:** A request to permit building coverage of 26.9% where 20% is allowed, a rear yard setback of 20' where 25' is required, and a rear deck setback of 14' where 17' is required for construction of a single family home on a previously approved lot in a One-Two-Three Family Residence (R3) district pursuant to Article 2 Table 12.1 of the City of West Haven Zoning Regulations. Owner/ Applicant: Tetlow Development, LLC. File # 019-25 V

Attorney Vincent Falcone, West Haven, Ct., is representing the applicant. This property was a previously approved building lot and has never changed. It has been taxed as a building lot. The applicant is entitled to this approval because of the change in zoning regulations and it is not self-created. A single family home will be built. Exhibits were submitted to the commission consisting of an inset of a 1900's map showing the lots at that time, zoning regulations, assessor's card, photographs, engineer's report and survey. ZEO Hotchkiss read into the record comments from the Building Official. Mailings were completed.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Janice Agostini, 37 West Prospect St., asked what type of houses will be built.

Commissioner Deleo made a motion to approve File #019-25 V, seconded by Commissioner Porto. Roll call was called. File #019-25 V approved 5 – 0.

- 5) **168 Collis Street:** A request to permit building coverage of 29.3% where 20% is allowed for construction of a single family home on a previously approved lot in a One-Two-Three Family Residence (R3) district pursuant to Article 2 Table 12.1 of the City of West Haven Zoning Regulations. Owner/ Applicant: Tetlow Development, LLC. File # 019-25 V

Attorney Vincent Falcone, West Haven, CT is representing the applicant which is the same applicant for the 1 Dartwell Avenue. This is an original subdivision and exhibits

were submitted showing this lot as #32. This lot has always been a building and an approved lot. There is adequate off street parking for this proposed single family home. Mailings were completed. ZEO Hotchkiss read into the record comments from the City Engineer and Building Official.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Commissioner Wise made a motion to approve File #019-25 V with the condition that it be completed in one year from date of construction, seconded by Commissioner Deleo. Roll call was called. File #019-25 V approved 5 – 0.

- 6) **792 Ocean Avenue:** A request for a Special Use Exception to permit a short-term rental in accordance with the West Haven Zoning Regulations in a Single Family Detached Residential (R2) district. The request is pursuant to Article 1 Section 2.2 and Article 2 Table 39.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Bavaro Beach, LLC. File # 032-25 SUE

Attorney Vincent Amendola is representing the applicant tonight. This application is to operate an Airbnb at this address. He submitted showing additional parking and photos. There are four parking spaces, two parking in the rear, one car in the garage and one car in the driveway. This is a single family dwelling. TJ Theodorsen, Fairfield CT, owner of the property described how he manages his Airbnb located in Milford, CT. He stated he only rents a week at a time and no less. This application is for a max of nine staying and a max of 15 on the property at one time. Tony Marini, Bridgeport, CT explained the egress of the basement, construction and permits obtained. Mailings were completed. ZEO Hotchkiss read into the record comments from the Building Official.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Heather Zito, relator, 707 Main St., Branford CT, in favor stated she sold this home to the owner.

Dr. Steven Perry, 782 Ocean Avenue, in opposition. This is in a suburban neighborhood and not a business district. They have the same size home and there is not nine people staying there.

Charles Liberti, 30 Milton Ave., in opposition. He was asked to give his opinion as a licensed appraiser. He stated this will have a negative effect on the neighborhood.

Mike Lipsett, 788 Ocean Ave., in opposition. The home is too small and is being conducted as a business. There is no hardship shown and purchased with the intent to conduct a business.

Tina Lombardo, 624 Ocean Ave., in opposition. She stated she has an Airbnb next door to her property approved by this board that has encroached on their privacy. Photos were submitted showing how cars park when they have guests at the Airbnb.



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Mary Lipsett, 788 Ocean Ave., in opposition due to strangers always be there.

Sabrina Silverstein, 248 Connecticut Ave., in opposition. She is concerned about noise, traffic and safety.

Dan Lombardo, 624 Ocean Ave., in opposition. This regulation affects the city.

Letters read into the record in opposition:

Toni Limosani, 57 Tyler Ave
Carol Levinson, 24 Baldwin Ave
Nancy Cassella, 17 Baldwin Ave
Denise and John Horan, 9 Baldwin Ave
Rosalie Catalano, 247 Connecticut Ave

Mr. Marini stated the rental will have families with children. The noise will be monitored. He would like a chance to see what happens. TJ stated he monitors all applications. Attorney Vincent Amendola stated the Baldwin St. Airbnb was a different circumstance. There wasn't enough parking and it was on a dead end street. The maximum on this property will be 3 to 4 cars. They are different situations. TJ lives in Fairfield and is close by. This use is allowed in an R-2 zone with the approval of this board. Standards have been met by the Special Use Exception. No fences will be installed and views will not be blocked. Attorney Amendola asked the board to disregard Mr. Liberti's comments regarding negative effect. If he is here as an expert, he would like to ask for a continuance and they will hire his own expert.

Corporation Counsel Taylor stated he doesn't know if he acted as an expert. He is a resident of West Haven and the board's decision is based on evidence.

Commissioner Porto made a motion to approve File #032-25 SUE, seconded by Commissioner Deleo. Commissioner Porto questioned the short term regulations as regards to the commissioners' duty to protect the overall impact on a neighborhood. She would like to see a continuance so corporation counsel can weight in. Commissioner Clifford questions how these regulations are enforced. Commissioner Wise is concerned because this was purchased as a business. This area is not a business area. Because this is a special exception hardship does not apply. Commissioner Deleo stated this application does not benefit the city just the person who owns it. Corporation Counsel Taylor stated the commissioner can postpone the vote to another meeting.

Roll call was called. File #032-25 SUE denied 4 N – 1 (Abstain, Clifford)

- 7) **50 Brook Lane:** A request for a Special Use Exception to permit a short-term rental in accordance with the West Haven Zoning Regulations in a Single Family Detached Residential (R2) district. The request is pursuant to Article 1 Section 2.2 and Article 2 Table 39.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Nataly Tartakovsky. File # 033-25 SUE

Applicant purchased this home three years ago. There are three parking spaces available and three bedrooms. She has already rented through Airbnb and then was informed she needed a permit. Commissioner Wise said the difference is she didn't purchase this home as a business but the same as the previous application. Mailings were completed. ZEO Hotchkiss read into the record from the Building Official.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

James Amendola, 59 Brook Lane, in opposition. It's disruptive to the neighborhood.

James Keappock, 47 Brook Lane, in opposition. This Airbnb has been going on for a while There are only seven homes in this cul de sac exposed to loud noise, loose dogs and strangers.

William Adams, 43 Brook Lane, in opposition

Raymond Long, 51 Brook Lane, in opposition.

Nick Bobko, 35 Brook Lane, in opposition.

Elizabeth Keappock, 47 Brook Lane, read a letter in opposition from an owner on Brook Lane. The rentals are not weekly and only 2-3 days at a time. Garbage is left out.

Applicant stated she would have liked the neighbors to have contacted her about this. She intends to live there when she is retired. Issues such as garbage and snow removal have been addressed.

Commissioner Wise made a motion to approve File #033-25 SUE, seconded by Commissioner Deleo. Commissioner Porto stated it's the same issue as the last application. Commissioner Wise stated he has received complaints from citizens regarding Airbnb rentals because there is no enforcement. Roll call was called. File #033-25 SUE denied 4 N – 1 (Abstain, Clifford).

- 8) **77 California Street:** A request to permit a side yard setback of 10' where 20' is required to convert an existing open porch to living space in the Shoreline Design District (SDD) pursuant to Article 2 Table 36.1 of the West Haven Zoning Regulations. Owner/Applicant: Erik Pacetta-Ullmann. File # 025-25 V

Applicant stated he would like to enclose the existing porch to make a bigger living area. It will be the same dimensions as the home.



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Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Commissioner Wise made a motion to approve File # 026-25 V with the condition that the room is not to be used as a bedroom, seconded by Commissioner Deleo. Roll call was called. File #026-25 approved 5 – 0.

- 9) **11 Danenburg Place:** A request to permit a side yard setback of 5'9" where 15' is required to construct a garage and second level living space addition in a Single Family Detached Residence (R2) district pursuant to Article 2 Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Jason Gregoriades. File # 026-25 V

Applicants stated this is for the construction of a 14 x 24 attached garage with a room above to be used as a master bedroom. Mailings were completed. ZEO Hotchkiss read comments into the record from the Building Official and Fire Marshall.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

A letter was read into the record from 3 Danenburg Place in favor.

Commissioner Deleo made a motion to approve File #026-25 V, seconded by Commissioner Wise. Roll call was called. File #026-25 V approved 5 – 0.

- 10) **350 Ocean Avenue:** A request for maximum building coverage of 32% where 30% is the maximum allowed, a front yard setback of 3'7" on the west property line, and a front yard setback of 28'4" along the east property line where 30' is required to construct a new attached garage and deck in a Single Family Detached Residence (R2) district pursuant to Article 2 Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Angela Malerba. File # 027-25 V

Applicant introduced the architect, Vincent Babak, Guilford, CT, stated this property on a triangular lot. The house is built in 1970 and hasn't changed much since. The proposal is for a second story for a master bedroom and bathroom and a garage on the side of the home which faces Morris. On the second level of the garage she would like to have an open covered balcony. Mailings were completed. ZEO Hotchkiss read into the record comments from the Building Official.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Peter Hall, 54 Morris St., asked about the height of the garage.

Commissioner Deleo made a motion to approve File #027-25 V, seconded by Commissioner Porto. Roll call was called. File #027-25 V approved 5 – 0.

- 11) 43 Chestnut Street:** A request to permit a side yard setback of 9.6' along the west property line to construct an accessory apartment. The applicant seeks to allow for approval of a Special Use Exception for a property that is 45' in width where 50' is required pursuant to Article 2 Table 11.1 and Sections 42 and 91 of the City of West Haven Zoning Regulations. Owner/Applicant: Alex Mota. File # 028-25 V SUE

Applicant stated the proposal is for an in-law apartment for his parents at the rear of the house.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Letter was read into the record from Cary and Glen Kaas, 39 Chestnut St., have no objection.

Commissioner Deleo made a motion to approve File #028-25 V SUE, seconded by Commissioner Wise. Roll call was called. File #028-25 V SUE approved 5 – 0.

- 12) 1 Eagle Place:** A request to permit a fence height of 6' where 4' is the maximum allowed in a front yard in a Single Family Detached Residence (R2) district pursuant to Article 2 Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Mukesh Bhagarattie. File # 029-25 V

Applicant state he is on a corner lot. He would like to install a fence that will be 6 ft. It is a high traffic area. Mailings were completed. ZEO Hotchkiss read into the record comments from the Fire Marshall, Police and Building Official.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Nerine Webb, 132 Pheasant St., questioned where the fence was going to be.

Commissioner Wise made a motion to approve File #029-25 V, seconded by Commissioner Deleo. Roll call was called. File #029-25 V approved 5 – 0.

- 13) 66 Skyline Drive:** A request to permit a side yard setback of 14' where 15' is required and to allow 25% building coverage where 20% is the maximum allowed to construct an addition in a Single Family Detached Residence (R2) district pursuant to Article 2 Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant: Arsenio Bernardo. File # 030-25 V

Applicant stated this request is to construct a 32' x 14' rectangle room. There is a patio already there. It will be built on a slab. The right side of the addition needs 1' and the



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rear is fine. Coverage of 5% is also asked for. ZEO Hotchkiss read into the record comments from the Building Official and Fire Marshal. Mailings were completed.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application.

Commissioner Deleo made a motion to approve File #030-25 V, seconded by Commissioner Porto. Roll call was called. File #030-25 V approved 5 – 0.

Staff Reports - None

Other Business - None

Adjournment: 9:44 P.M.

Commissioner Deleo made a motion to adjourn, seconded by Commissioner Porto and passed.