

**MEETING MINUTES OF ZONING BOARD OF APPEALS
SEPTEMBER 15, 2021**

The West Haven Zoning Board of Appeals held a Public Hearing and Regular Meeting on Wednesday September 15, 2021 in the Harriet North Room, Second Floor, City Hall, and 355 Main Street, West Haven, CT at 7:15 P.M.

PRESENT: Commissioners Clifford, Wise, Porto, Coscia, Caple, DeLeo, Rivera, Zentarski and Assistant City Planner Conniff.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Coscia made a motion to amend the regular meeting minutes of August 18, 2021, with the correction that Commissioner DeLeo was present, seconded by Commissioner DeLeo and passed. Commissioner Coscia made a motion to approve the regular meeting minutes of August 18, 2021 as amended, seconded by Commissioner DeLeo and passed.

Continuation:

Public Hearing

2 Usher Court: A front yard variance for Usher Court to permit 2' setback where 10' is required in the R2 (Single Family Detached Residential) district to build a 7'x 27' deck. Under Article 2 Section 11, Table 11.1 of the City of West Haven Zoning Regulations. Owner/Applicant Louis & Vanessa Jefferson File #050-21 V

Louis and Vanessa Jefferson, applicants, stated they would like to remove the existing deck which is in disrepair and would like to build and expand a new deck which will be the same width as the house.

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

New

Public Hearing:

855 Orange Avenue: A request for a ruling on Table 39.2 (A) where Dwellings above the ground floor are allowed as of right where Table 39.2 also states that multi-family dwellings are not permitted and table 20.1 (B) & (C) states Dwellings Units are not allowed In the City of West Haven Zoning Regulations. Owner/ Applicant 855 Orange Avenue, LLC File #055-21 V

Commissioner Porto made a motion to continue File #055-21V to October 20, 2021, seconded by Commissioner Caple and passed.

127 Benham Hill Rd: A request to permit a front yard setback of 10' where 30' is required. In the R2 (Single Family Detached Residential) district, under Article 2 Section 11 of the City of West Haven Zoning Regulations. Owner/ Applicant Troy Stuckey File # 056-21 V

Troy Stuckey, applicant, would like to add an addition to the existing house to construct another bedroom and to move the driveway further away from the stop sign. Ms. Conniff read comments from the building official into the record. Mailings were submitted to the file.

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

344 Elm Street: A request to mount solar panels which will be visible from the street to allow for maximum sun exposure. In the VDO (Village District Overlay) under Section 21.5 b VI of the City of West Haven Zoning Regulations. Owner Frederick Shulick/Applicant Vivint Solar File #057-21 V

Frederick Shulick, would like to get approval to install solar panels on his house. Ms. Conniff stated the regulation states if solar panels are visible to the street in the Village District, a variance must be applied for. Commissioner Wise questioned whether the trees will be trimmed. Mailings were submitted to the file.

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

Commissioner Coscia made a motion to go into deliberations, seconded by Member Porto and passed.

Deliberation on Public Hearing Items:

2 Usher Court: File #050-21 V

Commissioner Coscia made a motion to approve File #050-21, seconded by Commissioner Rivera and passed. Roll call was called. File #050-21 approved 5 – 0.

127 Benham Hill Road: File #056-21 V

Commissioner made a motion to approve File #056-21, seconded by Commissioner. Roll call was called. File #056-21 V passed

Commissioner Coscia made a motion to approve File #056-21 with the condition the driveway be removed and replaced, seconded by Commissioner Caple and passed. Roll call was called. File #056-21 approved with condition 5 – 0

855 Orange Avenue: #055-21 V

Continued to October 20, 2021

344 Elm Street: File # 057-21 V

Commissioner Coscia made a motion to approve File #057-21 with the condition that trees be trimmed, seconded by Commissioner Zentarski. Roll call was called. File #057-21 V approved with condition 5 – 0

Staff Reports: Commissioners discussed the discrepancy in the regulations with respect to the application of 855 Orange Ave. One regulation says they can and another one says they can't. Commissioner Clifford stated he always votes for a variance on the land and not a variance for the regulations. Commissioner Coscia requested a legal opinion from Corporation Counsel. Planning and Zoning denied this application based on the following:

1. Does not align with Section 27
2. Does not align with Sections 27.3.1, 27.3.2 and 27.3.3 and or the POCD Allintown/Route 1 section.

Adjournment: 7:53 p.m.

Commissioner Coscia made a motion to adjourn, seconded by Commissioner Wise and passed.