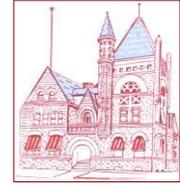




CITY OF WEST HAVEN, CONNECTICUT



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MEETING MINUTES OF ZONING BOARD OF APPEALS NOVEMBER 17, 2021

The West Haven Zoning Board of Appeals held a Public Hearing and Regular Meeting on Wednesday November 17, 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, Rivera, Coscia, Caple, Assistant City Planner Conniff, ZEO Hotchkiss and Corporation Counsel Kravetz. Absent were Commissioners DeLeo and Vecchio

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Porto made a motion to approve the regular meeting minutes of October 20, 2021, seconded by Commissioner Caple and passed

Continuation:

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

Public hearing was closed last week. No information can be taken.

38 Brown Street: A variance to construct a 28' x 60' single family home on a vacant lot that is the same general size as 40% of the area lots where 75% is required, 66.6% of the area frontage where 75% is required and 73.33% lot depth where 75% is required, located in a R3 (One-Two-Three Family Detached Residence) district, under Section 47.2 of the City of West Haven Zoning Regulations. Owner/Applicant Gerald Paprocki. File # 051-21 V

Attorney Vincent Falcigno is representing he applicant. Attorney Falcigno stated this property is unique and has a hardship that is not self-created. He showed the commission a subdivision map of the property dated 1906 and filed in 1938. This property is a distinct piece of property. The zoning regulations in 1933 required 4,000 sq. ft. This property is 4741 sq. ft. making it a legal lot at that time. Attorney Falcigno submitted exhibits showing executrix deeds for this property and adjacent properties, assessor property card and drone photo. To deny this would be to confiscate the property for which is was taxed. The frontage of this property is approximately the same as the adjacent properties. The proposed house will be three bedrooms with garage underneath. Attorney Falcigno stated this property is separate, developable, a vacant lot, never

has been merge by use, taxed as a lot, and under original zoning was a legal buildable lot and a proper in-fill lot and is harmonious with the other lots. The hardship is the passage of time and change of regulation.

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

Regular Meeting:

481- 483 Washington Avenue: 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) district. Under Article 2 Section 21.5 b VI of the City of West Haven Zoning Regulations. Owner Kristina Petrucci / Applicant: Scott LeDuc- File # 060-21 V

Ms. Conniff read a letter into the record from the applicant asking for a withdrawal.

Deliberation on Public Hearing Items:

855 Orange Avenue: File #055-21 V

Commissioner Coscia, made a motion to approve File #055-21 with the condition that the number of residential units be 100 or less. A continuation was approved last month. Commissioner Clifford tried to discuss this with community leaders but he was not successful. This is the first time ZBA is asked to give a variance on a regulation that is contradictory in the zoning regulations. Additionally the commission does not know what is going to be built. Ms. Conniff stated if ZBA approves this application, the hardship needs to be documented as it applies to the property as well as a reason for denial, seconded by Commissioner Wise.

Discussion among committee members:

Coscia - Hardship is Section 39.2 bulk tables say this is “as of right” and conflicting tables would deny use of property that is stated “as of right” in Table 39.2. Developer was under the impression he had the “as of right” to develop.

Roll Call was called

Porto – No

Wise – yes – developer would be denied his right to build based on his initial research of the zoning regulations as stated in our bulk regulations 39.2

Caple – Yes

Coscia – Yes

Clifford – Yes

File #055-21 passed 4 – 1.

38 Brown Street: File # 058-21 V

Commissioner Coscia made a motion to approve File #051-21 V with the following conditions:

Sideyards are to be 6 ft

No more three bedrooms upper level

No sleeping quarters lower level.

No full bath lower level

Seconded by Commissioner Porto

Roll call was called. File #051-21 approved with condition 5 – 0.

Other Business - Approval of the 2022 ZBA calendar – Commissioner Coscia made a motion to approve the 2022 ZBA calendar, seconded by Commissioner Porto and passed.

Staff Reports – Attorney Kravetz gave the commission information on the lawsuit of Cumberland Farms. The ruling was the variance should not have been granted because there was no hardship unique to the property.

Adjournment: 8:35 p.m.

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