

**CITY OF NEWHAVEN BOARD OF ZONING APPEALS
MINUTES**

**New Haven Board of Zoning Appeals
September 13, 2023 6:30PM
Web-Based Meeting held on Zoom**

Start: 6:42pm. End: 9:05pm

Attendance:

Commissioners: Mildred Melendez (Chair), Michael Martinez, Errol Saunders, Al Paolillo

Absent: Adam Waters

Staff Present: Laura Brown, Donnell T. Hilton, Rod Williams

Meeting recording: Follow this link:

[https://newhavenct.zoom.us/rec/share/VP2xAd0mpSfg28UstJvRR2NwFah8o33iYsdWLI
tctxmllDNDtf9JA10cCtkmlEoV3.7tvGECaP3-2xMcEh](https://newhavenct.zoom.us/rec/share/VP2xAd0mpSfg28UstJvRR2NwFah8o33iYsdWLI
tctxmllDNDtf9JA10cCtkmlEoV3.7tvGECaP3-2xMcEh)

Passcode: M#Mv2@4p

I. Call to Order

II. New Public Hearings

RE: **15 Winchester Avenue.** Variances to permit a rear yard setback of 1ft where 25ft is required and a building wall height of 30ft where 2ft is permitted. Zone: RM-2. Owner: Ozalp Bulent. Applicant: Robert Mangino.

REPORT: **23-48-V**

ACTION: **DENIED WITHOUT PREJUDICE Chair Melendez moved to deny without prejudice, Commissioner Paolillo Second; 4-0 in favor.**

RE: **245 Dwight Street.** Variance to permit residential use in an accessory structure located within the required rear and side yard setbacks. Zone: RM-2. Owner: Nimalak LLC. Applicant: Benjamin Trachten.

REPORT: **23-50-V**

ACTION: **APPROVED:** Attorney Ben Trachten reported that this is not an application under ADU ordinance—variance requested, claiming hardship; lot itself supports 2 dwelling unit, they are trying to figure out where to place it—garage they feel makes most sense; modest variance. Two members of the public spoke in opposition. Director Brown stated that eight items of written testimony had been received, four in opposition and four in favor.

Topics raised in public testimony included:

- Not owner occupied
- Hardship self created
- Contrary to ADU ordinance

Chair Melendez moved to approve; Commissioner Paolillo second; Vote 4-0

RE: **1409 Chapel Street. City Planning Commission Referral.** Variances to permit a front yard of 13 ft where 20 ft is required, a rear yard of 18 ft where 25 ft is required for the construction of an addition to the existing building at 76 Peck Aly onto 80 Peck Aly, and

lastly the addition of two additional residential units where one is permitted, and two nonconforming units are existing (3,500 square feet lot area/per unit). Zone: RM1. Owner: Seventy-Six Peck Alley, LLC. Applicant Jay Juliano.

REPORT: 23-69-S

ACTION: **REFERRED TO CITY PLAN COMMISSION** M. Emdadullah presented. A. Durani's address was in Woodbridge and was not the owner. No members of the public spoke in favor or in opposition. **This item was referred to the City Plan Commission and will be voted on at the next regularly scheduled meeting.**

RE: **76 & 80 Peck Alley.** Variances to permit a front yard of 13 ft where 20 ft is required, a rear yard of 18 ft where 25 ft is required for the construction of an addition to the existing building at 76 Peck Aly onto 80 Peck Aly, and lastly the addition of two additional residential units where one is permitted, and two nonconforming units are existing (3,500 square feet lot area/per unit). Zone: RM1. Owner: Seventy-Six Peck Alley, LLC. Applicant Jay Juliano.

REPORT: 23-71-V

ACTION: **APPROVED:** Attorney Pellegrino presented the application. Of the four units, two exist now and their non-conformities will be removed, while both lots currently non-conforming. Director Brown noted that one letter was received in opposition of this item and the testifier requested that it be read into the record. Director Brown read the letter and topics of testimony included:

- The neighborhood is increasingly crowded and the area is too small for additional units, while not providing additional parking.
- Can't get into their own yard because it is blocked by residents of current 76-80 Peck Alley.

Chair Melendez moved to approve and Saunders second. Vote 4-0 in favor.

RE: **88, 94, 98 Hazel Street.** Variances to permit a lot area of 3,049 square feet where the 4,000 square feet is required, a lot width of 38 ft where 50 ft is required, a lot area per dwelling unit of 1,524.5 square feet where 2,000 square feet is required, a side yard setback of 0 ft and 13 ft where at least 8 ft would be required on one side, and a Special Exception to allow for 4 off-street parking spaces where 8 are required to allow for the creation of 8 dwelling units. Zone: RM2. Owner/Applicant: Neighborhood Housing Services of New Haven. Use Variance to permit refrigerated and bulk storage of food items in a residential zone. Variance to permit a side yard setback of 0ft where 8ft and 10ft is required. Zone: RM-2. Owner: 85 Arch Street LLC. Applicant: Benjamin Trachten.

REPORT: 23-72-V

ACTION: **REFERRED TO CITY PLAN COMMISSION** This item was presented by Attorney Anika Singh Lemar. Other presenters included Jay O'Neil, Elise Limon and Jim Paley. The public hearing was opened and topics raised in public testimony included:

- Sandra Strong of 113 Hazel Street reported that it seemed like applicant was trying to place too many units into small footprint.
- doesn't seem to be enough parking and more would be required.
- parking is a problem during the street sweeping and weather conditions.
- Jeanette Sykes reported that she was exited for the project and continues to support it.
- Attorney Ben Trachten of Woodside Terrace reported that the project is "really smart re-use of three lots, hardship and Special Exception standards are met and encouraged approval.

This item was referred to the City Plan Commission and will be voted on at the next regularly scheduled meeting.

RE: **23 West Street.** Variances to permit a minimum lot area of 3,049 square ft Page 2 of 4 where 5,400 sq ft is required, a minimum lot width of 35 ft where 50 ft is required, a 2-unit dwelling on a lot where a single family would be required. Zone: RM2. Owner: Ben Tisdale. Applicant: Tasha Snipes.

REPORT: **23-74-V**

ACTION: **APPROVED:** Tasha Snipes and Ben Tisdale presented on the application. The public hearing was opened and topics raised in testimony included:

- Testifier in support for the application, thinks it will be great to have another building in that area.
- Leslie Radcliffe: 20 King Place ; testimony as resident and homeowner within one block from the site reports being excited about having housing built on that lot; supports approval of the application; current lot is a repository of refuse and appliances discarded; building multi-family here will better the neighborhood; units are suitable for proposed tenancy; owner will be great landlord.
- Miguel Pittman of 82 Orchard Street also supports and spoke in favor of the project.

Director Brown cited one communication submitted in opposition, in Board of Zoning Appeals member packets.

Chair Melendez moved to approve; second. Vote 4-0 in favor.

RE: **296 Blatchley Avenue. City Planning Commission Referral.** Special Exception to allow for a neighborhood convenience use (deli / grocery store) within a residential zone. Zone: RM2. Owner: 296 Blatchley Avenue, LLC. Applicant: Ariel Diaz.

REPORTS: **23-75-S**

ACTION: **REFERRED TO CITY PLAN COMMISSION**

Ariel Diaz presented the application. Hours will be from Monday thru Saturday 6am-10 pm; Sunday 9 am-6 pm. Garbage can in back for trash. Mr. Diaz noted that he lives on site and will continue to. Manuel Cruz 371 Grand Ave; advocating for Ariel; applicant is open to any recommended changes imposed by CPC.

The public hearing was opened and no members of the public spoke in favor or in opposition of this item.

This item was referred to the City Plan Commission and will be voted on at the next regularly scheduled meeting.

RE: **479 Norton Parkway.** Variance to permit a side yard of 5ft 1in where 8ft is required, and a building height of 26ft 5in where 10ft 2in is required. Zone RS2. Owner/Applicant: Pamela Robertson and Perry Robertson.

REPORT: **23-76-V.**

ACTION: **DENIED.** Pamela Roberson and Perry Robertson as applicants (not on video). Have garage want to convert to ADU; has dilapidated garage, could tear down, but wants to create apartment to help with housing crisis. Two members of the public spoke in opposition of this application. K.M. (Kelly Blanchette) 45 Glenn Rd (not on video), she and husband submitted written comments, but also speaking; feels some info is missing from record: owner wanted to raise bldg. height to 26 feet, will have massage parlor on GF and residence above that on an upper floor—thinks this is not in the spirit of the ADU ordinance; 8 other parcels abut this lot; submission shows neighboring properties and proximity of neighbors; will decrease property values in neighborhood; owners had to cease and desist from demo of garage Rebut by Pamela: ADU going over existing garage;

owner has massage parlor in Durham; wanted to move it to a home office; issue regarding trees they cut down; partially blames zoning; they got permission, but historic building; no privacy issues with next door neighbor; never have used garage as garage; were just thinking of whether to use it or get rid of it; thought they could use office as massage parlor—she got that from Atty Trachten that no massage parlor allowed in Zone.

Questions from Board members:

- i. Adam Waters question: if existing structure demo, what is hardship requiring
 - ii. Errol Saunders question: why build tall and not make a longer building in yard (64' behind bldg.)
 - iii. Laura = 2 letters in opposition submitted
- b. Mildred: close public hearing; do not see hardship, move to deny, Al P. second. **Vote Denied.**

RE: **183-185 Kimberly Avenue.** Variance to permit the construction of six residential dwelling units where a maximum of four are allowed. Zone RM2 . Owner/Applicant: Balmer Gonzalez.
REPORT: **23-77-V**
ACTION: **NO ACTION REQUESTED.**

RE: **294 Foxon Boulevard.** Variance to permit operation 999 feet from another establishment with a package permit where 1,500 feet is required, and operation 430 feet from a school where 500 ft is required. Zone: BA. Owner: 2310 Foxon LLC. Applicant: Faryln Charlot.
REPORT: **23-78-V**
ACTION: **APPROVED** Farlyn Charlot represented for applicant (1050 State St., 315, CONH); also Daniele Capece 441 Chapel St; agent for property 8-10' fences at back of plaza between school and this property. Want to provide artisan wines and craft beers, a different option for people, different from existing liquor store; two lights away from existing liquor store; there was a clarification made to Mildred that the school not on Foxon. It is in the opposite side of street from existing. Errol confirms school is Ross Woodward, rivulet divides, doesn't exit onto Foxon, but as crow flies, they are w/in area; but need to go around block from school to get to site. There were no public speakers. Public hearing closed. Mildred move to approve, Errol second. **Vote: 4-0**

RE: **86 Edwards Street.** Special Exception to permit 0 parking spaces where 1 is required. Zone: RM2. Owner/Applicant: Roy's Treehouse, LLC.
REPORT: **23-79-S**
ACTION: **REFERRED TO CITY PLAN COMMISSION** Attorney Ben Trachten represented for applicant; there is no room on the site for additional parking. **This was a City Plan Commission Referral and is closed public hearing.**

RE: **224 Kimberly Avenue.** Special Exception to permit 0 parking spaces where 1 is required. Zone: RM2. Owner/Applicant: Greenwich Plymouth & Kimberly, LLC.
REPORT: **23-80-S**
ACTION: **REFERRED TO CITY PLAN COMMISSION** Farlyn Charlot represented for applicant (1050 State St., 315, CONH); also Daniele. Attorney Ben Trachten represented for applicant to request one parking space relief for 2-3 family as of right conversion. Staff recommends approval; side yard to side-yard building, no room for parking. **This was a City Plan Commission Referral and is closed public hearing.**

RE: **45 Church Street.** Special Exception to allow for a Bar/Café/Nightclub to operate in 4,992 in a street-level space. Zone: BD-1. Owner/Applicant: 45 Cooper Associates LLC.
REPORT: **23-81-S**
ACTION: **APPROVED.** Farlyn Charlot represented for applicant (1050 State St., 315, CONH); also Daniele. Attorney Ben Trachten represented for applicant to request one parking space

relief for 2-3 family as of right conversion. Staff recommends approval; side yard to side-yard building, no room for parking. **Vote: 4-0 with Coniditions weekend closing 2am and weekday closing at 1am.**

III. . Deliberations.

Referral Reports from City Plan Commission

- RE:** **71 Welton.** Variances to permit a rear yard setback of 5ft where 12.67ft is permitted, a side yard setback of 5ft where 9.5ft is required, and Coastal Site Plan review for the construction of a new maintenance building. Zone: IH. Owner: AJM CT Realty LLC. Applicant: Tom Knapp.
- REPORT:** **23-44-V**
- ACTION:** **APPROVED.** Mildred moves to approve, A Paolillo second. CAM: Mildred move approve, A.P. Second. Vote 4-0.
- RE:** **410 Ferry Street.** Special Exception to allow for a neighborhood convenience use (bakery/café) within a residential zone. Zone: RM-2. Owner: RBM LLC. Applicant: Esquipulos Bakery LLC
- REPORT:** **23-47-S**
- ACTION:** **APPROVED.** Mildred moves to approve, A Paolillo second. Vote: 4-0.
- RE:** **669 Dixwell Avenue.** Special Exception to allow for a neighborhood convenience use (convenience store/bakery) within a residential zone. Zone: RM-2. Owner: Abdessamad Bendki. Applicant: Benjamin Trachten.
- REPORT:** **23-49-S**
- ACTION:** **DENIED.** Errol recounted testimony against this item. City Plan Commission recommended denial. Mildred recounted there were public members that opposed the project but there was no support within the area itself. Chair Meledez move to deny based on testimony and recommendation from CPC. A. Paolillo second. Vote: 2-2.
- V. New Business**
- RE:** Special meeting to be scheduled to vote on rest after Adam Waters gets familiar with viewing video.
- ACTION:** **APPROVED.** Melendez made a motion to adjourn meeting at 9:05am, Al seconded the motion and the motion carried unanimously. Vote: 4-0.