

ZONING BOARD OF APPEALS  
TOWN OF BRANFORD  
BRANFORD, CONNECTICUT 06405  
**MINUTES**

The Branford Zoning Board of Appeals met Tuesday April 16, 2024 at 7:00 p.m. at the **Branford Fire Headquarters, 45 North Main Street**, Branford, CT.

Commissioners Present: Lenny Tamsin, David Laska, Steve Sullivan,  
Donald Schilder, Richard Falcigno

Commissioners Absent: Jim Sette, Steven Sullivan

Staff Present: Evan Breining (Asst. Town Planner), Jane Ellis (Zoning Enforcement Officer),  
Michelle Martin (Clerk)

The meeting started at 7:01 pm.

David Laska was seated as the Acting Chairman since Jim Sette was absent. He reviewed the meeting procedures and then said that item number 1 for 51 Lanphiers Cove Camp will be heard last.

**Old Business:**

**24/3-5** Steven Ronshagen & Lisa Lapia (Applicants & Owners) (C10-000-000-00005 R3)  
29 Brocketts Point Road

Var. Sec. 3.4.A.9 Requesting floor area ratio of 60% where 50% is required for a new addition.

Both applicants were present. Steven explained they are here for a floor area ratio variance for an addition . His hardship is that it is a small ,corner lot. They tried to address their neighbors' concerns by making several changes to the plans. He displayed drawings for the commission. He noted that they received a variance in December for the lot coverage . There was a discussion, and the commission asked some questions.

**PUBLIC INPUT:**

1. Jim Lapia (Steve's Father-in-Law) said they worked with the neighbor and their house is much larger than this house. He noted they are not asking for any more than anyone else has.
2. Attorney Peter Berdon (represented the neighbors Susan Clark & her partner). He noted his client spoke against the application in December. He briefly reviewed the Main points of her argument. They are opposing this variance request since there is no Hardship. Personal circumstances do not amount to a hardship. He submitted 4 exhibits into the record as 1,2,3 and 4.

The applicant spoke of the neighbors site plan and Atty Berdon objected to it. Dave Laska disallowed the discussion of the neighbors' plan since it is not relevant to this application.

Steve noted that they tried to please the neighbors .He stated that their legal hardship is that the size of their lot does not allow them to do any addition, and that it's a corner lot.

Dave Laska closed the public hearing and made a motion to approve the variance.

Rich Falcigno seconded the motion. The commission then had a brief discussion.

Bob Harrington stated there is no legal hardship that he can think of that would justify the increase from 50% to 60%. He spoke of a prior application and the board granted the variance and it was appealed and went to appellate court and the board was reprimanded. They have to follow the law. There has to be a legal hardship to grant a variance.

The commissioners had a brief discussion and added some comments.

The final vote was: Bob Harrington- no  
Lenny Tamsin- yes  
Dave Laska-- no  
Rich Falcigno- yes  
Don Schilder - yes

The application was DENIED since an application needs 4 affirmative votes to pass.

### **New Business:**

#### **24/4-1** Pamela & Thomas Mautte (Applicants & Owners) (C10-000-007-00008 R2) 51 Lanphiers Cove Camp Road

Var. Sec. 3.4.A.6 1.6 foot side yard setback where a 10 foot side yard setback is required for the demolition of the existing dwelling unit and replacing it with a new dwelling unit.

This will be heard at the end of New Business.

John Gabel- Ct Consulting Engineers, Meriden Ct- He is representing the applicants. He noted that Tony Thompson- designer- is also present. The application is for the demolition of the existing cottage and the building of a new home in the footprint. They are requesting one variance for the side setback. The hardship is that the house is built before zoning (preexisting & non-conforming). There is also a ledge outcropping on the lot. The commissioners discussed this and asked questions.

#### **PUBLIC INPUT:**

1. Trina Learned- 50 Lanphier Cove – This cottage is about 80 years old and has been in the same location, changing that would be a hardship. Also, she sits on the Board of Directors and she is the chair of the building and improvements committee and that committee, along with the board of directors from the Lanphiers Cove Association has approved this application exactly as you see it. The applicant has adhered to their rules and regulations.
2. Tony Thompson- Plans Ahead, Ivy St.-He is the designer of this project. There are strict guidelines in this area . This is an in-kind replacement in the existing location. If they keep this structure where it is , they can put the noncombustible materials closest to the Boundary line. He has designed this to be completely noncombustible within that buffer zone.
3. Nancy Carroll-18 Sunrise Cove-She had 2 letters, one from the president of the Sunrise Cove Association. and one from a resident (Mr. Criscuolo ).They are both opposed. She read them into the record.
4. Ed Fletcher- Cottage 26 Sunrise Cove-He noted how close the cottage is to his property

line. The noise would be lessened if the cottage was moved over .If it's going to be knocked down anyway, it could be repositioned to give a bit of breathing room.

The commission discussed this and asked some questions.

Dave Laska closed the public hearing and made a motion to approve the variances.

Don Schilder seconded the motion which passed unanimously.

**24/4-2** Allen Ciociola (Applicant & Owner) (E12-000-002-00003 R3) 30 Maltby Street.

Var. Sec. 3.4.A.9 Increase of maximum floor area to 0.68 where 0.50 is allowed.  
(0.55 existing)

Var. Sec. 8.1.C.3 To allow an increase of an existing nonconforming structure.

Var Sec. 3.4.A.6 Vertical expansion of a side setback from 10 feet to 9 feet for the construction of a second-floor stair addition and a third-floor room addition within the existing building footprint.

J. Pretti (Criscuolo Engineering) represented the applicant and displayed the site plan.

He explained this application is for a small third floor addition and porch and second floor stair.

This is a small lot and a small house and there is no buildable space except to build up.

Jim then displayed the architectural drawings. The commission asked a few questions.

The commission then discussed :what is the legal hardship.

**PUBLIC INPUT:**

1. Tony Thompson- 19 Ivy Street- he is the designer of this project, noting this is a tiny lot and structure. He spoke of the undersized lot provision. He noted every corner of the structure is outside the building envelope. The only way to find additional space is to build up. There is no basement, only a crawl space.

Dave Laska closed the public hearing and made a motion to grant the variance.

The commission had a discussion and talked of hardship.

The final vote was : Bob Harrington—no Don Schilder---yes

Lenny Tamsin- no

Dave Laska- - no

Rich Falcigno- no

The application was DENIED since an application needs 4 affirmative votes to pass.

**24/4-3** Paul Cassella (Applicant & Owner) (J09-000-010-00011 R2) 11 Three Elm Road.

Var. Sec. 3.4.A.5 Vertical expansion of an existing nonconforming Street setback (13.6 ft).

Var. Sec. 8.1.C.3 To allow an increase of an existing nonconforming structure for the construction of a two-story addition in the eastern portion of the existing home as well as architectural improvements to the front of the home.

J. Pretti (Criscuolo Engineering) represented the applicant and displayed the site plan.

He explained this application is to change the roof line to make a new entry and make it more appealing. He displayed the architectural drawing.

The commission asked some questions.

PUBLIC INPUT:

1. Peter Kusterer- 3 Elm Road- He is the next-door neighbor, and he supports the application.

Dave Laska closed the public hearing and made a motion to approve the variances.  
Rich Falcigno seconded the motion which passed unanimously.

**24/4-4** Eric Golia (Applicant & Owner) (D11-D10-007-00006 R2) 6 River Road

Var. Sec. 6.13.C.1 (1) To allow the existing retaining wall located at the rear area of the property to remain with a maximum height of 3.5 feet.

Var. Sec. 6.13.C.3 To allow the retaining wall to be 1.6 feet away from the property line where 3.5 feet is required (existing wall height).

Var. Sec. 3.4.A.7 To allow the existing deck located at the rear area of the existing dwelling to remain with a rear yard setback of 9.1 feet where 13 feet was allowed.

Var. Sec. 3.4.A.10 To allow a maximum lot coverage of 32.4% where 29.0% was approved to increase the size of the existing stoop located in the front area of the dwelling, and to allow the existing deck located at the rear area of the existing dwelling to remain. Also, to allow a portion of the existing retaining wall located at the rear area of the property to remain.

The applicant and his wife Shelley spoke and explained the variances they were asking for. They removed a deck that encompassed the entire back yard to make sure they met their lot Coverage. In its place, they put a patio in, which no variance was need for. In the process, they were advised to install a bench alongside the wall. Now, that bench is being called a retaining wall. She spoke of the slider and the code pertaining to steps. The deck is actually a landing that its sole purpose is to allow access to exit the back slider. She also explained the front stoop is not lined up with the steps and they would like to extend it. She noted that these changes are minimal. None of her neighbors objected to these.

The commission asked a few questions and discussed the variances.

PUBLIC INPUT: No one spoke.

Dave Laska closed the public hearing and made a motion to approve the variances.  
Don Schilder seconded the motion which passed unanimously.

**Other Business:**

Appeal of a Notice of Violation for 37 Woodside Drive

Jane Ellis (Zoning Enforcement Officer) sent out a letter to 37 Woodside Drive in July because she received a complaint that the property owners of 37 Woodside Drive were keeping animals on the property . She went out to the site and could see from the driveway a fenced pen with goats in it. The letter asked the property owners to call her to discuss it. They sent her a letter from Attorney Weiss stating that these were emotional support goats, and they didn't think they were violating any regulations. There are two goats there on less than an acre of property . She then read the definition of livestock out of the regulations. The other definition that's in the regulations is rabbits and similar smaller animals. She then read the acreage required to keep livestock. She spoke to town counsel, and they advised her to issue a violation notice, which she did in January 2024. She reviewed what was in the letter. Attorney Weiss submitted an appeal of the violation notice and that's why they are here tonight. Their opinion is that goats were small animals, not livestock. Jane asked the planning & zoning commission on April 4, 2024 to give their interpretation.

Attorney Weiss objected to this on the basis that they were not apprised of any legal opinion given by the town , or its counsel. He also said it wasn't noticed as it should have been. And, its

hearsay or an opinion.

Jane Ellis noted that the Town Counsel did not give her an opinion, they just told her she could issue the violation notice.

Attorney Weiss withdrew his objection after hearing that town counsel did not give Jane Ellis their opinion.

Jane Ellis noted that the consensus of the Planning & Zoning commission was that the animals in question were livestock, not small animals. They also noted that perhaps the regulations should be revised to avoid any future confusion.

Bob Harrington noted that the Zoning Board of Appeals is not bound by the Planning & Zoning 's opinion.

Attorney Weiss spoke next saying the property has .71 acres according to the field card.

He submitted the card as exhibit 1. He noted that this parcel is 30, 175 sq feet, which is sufficient under the current regulations to maintain two small livestock animals. He referred to section 3.7.A (3) which stated the sq feet required for a rabbit or similar small animal.

He read other subsections of the regulations that spoke of enclosures. They are not disputing goats are livestock per the definition in the regulations. The distinction is between section 2 and section 3 ,which he read. The question is : is a Nigerian dwarf pigmy goat a small animal or a large animal? He displayed photos of the goats as exhibit 2 .He gave the height and weight of them. They are smaller than most dog breeds or rabbit breeds. He noted that the notice of violation sections were incorrectly cited. The question for the board is, are these goats small animals or not? If so, there is sufficient acreage for them. He also noted they are emotional support animals; they have no intention of breeding them. They are keeping them as pets.

The commission discussed this and asked questions.

#### PUBLIC INPUT:

1. Kathy Zeiken. – 124 South Montowese St.-She is in the condos and her backyard is adjacent to 37 Woodside and she has no problem with the animals. She supports them.
2. Henry Zeigen- 124 South Montowese Street- The animals are very quiet; they never hear noise from them. He supports them.
3. Attorney Tim Herbst- He is representing the abutters Salvatore Corvi (33 Woodside Dr) He referred to the zoning table and read from it. He mentioned the notice of violation letter. He said it's clear that these are not small animals, they are large animals. They agree with the zoning officer's position. He spoke of the letter from Attorney Weiss mentioning the amount of square footage for the goat's pen. He mentioned that the planning & zoning commission agreed with the Zoning Enforcement Officer as well. He said they feel the Zoning Enforcement Officer 's decision should be upheld.

Further discussion ensued.

Attorney Herbst entered photos as ex a . Attorney Weiss exhibits were ex as numbers.

Dave Laska closed the Public Hearing.

Bob Harrington made a motion to deny the appeal and affirm the position of the Zoning Enforcement Officer.

Dave Laska seconded the motion. The other votes were: Bob Harrington—yes  
Dave Laska—yes  
Lenny Tamsin—no  
Rich Falcigno- yes

Don Schilder- yes

**The decision of the Zoning Officer was upheld .**

Approval of March 19, 2024 Minutes - The minutes were approved unanimously.

**The meeting adjourned at 9:36 pm**