

ZONING BOARD OF APPEALS
TOWN OF BRANFORD
BRANFORD, CONNECTICUT 06405

MINUTES

The Branford Zoning Board of Appeals met Tuesday February 21, 2023, at 7:00 p.m. Via remote technology to conduct Public Hearings on the following applications:

Commissioners Present: Chairman Jim Sette, David Laska, Lenny Tamsin, Don Schilder, Barry Beletsky, Rich Falcigno, Brad Crerar
Commissioners Absent: Bud Beccia

Staff Present: Evan Breining (Moderator), Jane Ellis (ZEO) Michelle Martin (clerk), Attorney William Anisokovich

Chairman Sette reviewed the public hearing procedure.

Old Business:

32 Watrous Avenue-Notice of Appeal of ZEO decision dated September 20, 2022 stating that the home located at 32 Watrous Avenue is a legal non-conforming two family home.

John Rusatsky briefly reviewed the background of this appeal. He stated that a neighbor disagreed with his opinion that 32 Watrous Avenue is a legal 2 family home and he stated his reasons why. He based this on the town field cards and an affidavit from the previous owner as well as the house itself, noting there are 2 electric meters on the house. You don't have to use the second unit of the house, there is no time limit.

Attorney Keith Ainsworth represented Linda Reed (36 Watrous Ave) who submitted the appeal of the Zoning Officers decision.

He noted there are many indicators of the abandonment of the two family use. He displayed documents on the screen and said the owner said it was a single family home. He then displayed Linda Reed's information that she submitted.

Alden Reed spoke and reviewed his affidavit that was submitted for the file. He grew up at 36 Watrous Avenue and his recollection was that this has never been a two family home.

Attorney Ainsworth displayed a photo and asked him what it was. He replied that it was 32 Watrous Avenue and the first floor was unfinished, plywood floors.

Linda Reed then spoke and reviewed her affidavit stating she has lived in her house for 39 years and the entire time she has lived there 32 Watrous has been a single family home. She had previously spoken to the town planner, as well as the assessor and the assessor card stated it was a single family home. She also reviewed the 2008 zoning board of appeals file and it stated the home was a single family. She spoke of the electric meters and mailboxes and city directories.

Attorney Ainsworth displayed the various city directories and he reviewed them.

Linda Reed noted that parking is very difficult since the road is narrow.

PUBLIC INPUT:

1. Joe Grandel- 35 Watrous ave- He wanted to verify that it wasn't a two family home. He is concerned about parking. There is too many cars on the street now. He is concerned for his niece, she has a serious illness and emergency vehicles need to get down the road.
2. Justin Fox- 37 School St- He has relatives on Watrous Avenue. He agrees that this is a serious traffic issue and it's a safety issue. Emergency vehicles sometimes have problems getting down the street. He is concerned about that.
3. Gerald- 20 West Point Road- He gave a brief historical record of the house. He felt it was a two family house.

4. Lynn Clements- 19 School St. – She is a 25 year resident- She agrees with the ZEO decision. She said for 25 years it's always been a 2 family home. She noted another neighbor, Robin Tierney submitted a letter stating that she was offered a rental in the house since it was a two family. It's always had 2 electric meters. There are other multi families in the neighborhood. She is concerned that if 32 is considered a single family, since the first floor wasn't finished. Would this set a precedent?
5. Kathy Williams -19 School St. - she is a 15 year resident and always understood 32 Watrous to be a two family. She is in favor of the ZEO decision. She understands having a family member with a disability. She has not seen a problem with emergency vehicles coming thru. She said Nick Fisher is a responsible landlord and takes good care of his properties.
6. Mr. Fox told Evan Breining that he wanted to clarify he is against the ZEO decision.
7. Peter Daross- 28 Watrous Ave- He is in favor of Nick Fishers app. He drives fire vehicles and he has never had an issue driving one down Watrous Avenue.
8. Ginny Grandel- 35 Watrous Ave- She is opposed. The street is too crowded. Too many cars and sometimes you can't get thru, the street is too narrow. If this is a two family, this will add 2 more cars. She thought it was always a single family home.

Attorney Ainsworth will rebut after the attorney for 32 Watrous speaks.

Attorney James Perito spoke next stating that Nick Fischer (owner of 32 Watrous Ave.) was also with him. He said Mr. Fischer purchased the property about a year ago and it was his understanding that this was a pre-existing nonconforming two family home. And the prior owner never abandoned that use. They agree with the Zoning Officers decision and he gave his reasons why. He displayed older assessor cards and pointed out they said 2 family.

Nick Fischer spoke next saying he purchased the home in May 2022 and met with the prior owner in his apartment upstairs and noted the first floor needed to be remodeled. The prior owner's intention was to renovate the first floor and rent it out.

Nick stated that his intention is to keep it as a two family. He also noted that he has the ability to put in off street parking. He grew up in the neighborhood and is a good neighbor.

Attorney Perito made a few comments and Attorney Ainsworth gave some rebuttal remarks.

Linda Reed spoke briefly saying in 2008 when the application was filed and she saw it and there was no mention in that that it wasn't a single family home. She checked with town officials who told her it was a single family home.

The Zoning board asked a few questions and John Rusatsky replied.

Chairman Jim Sette closed the Public Hearing and made a motion to uphold the ZEO decision dated September 20, 2022.

David Laska seconded the motion which passed unanimously.

New Business:

23/2-1. Vincent Federico (Applicant) Jennifer Federico (Owner) 18-19 Etzel Road (D10-06-09 R3)

Var. Sec. 6.2.E (9) Vertical Expansion of a structure within 25' of a critical resource.

Var. Sec. 8.1.C.3 To allow the reconstruction of a non-conforming structure without eliminating the nonconformity (critical resource setback = 6.8 ±)

Var. Sec. 3.4.A.6 Side setback 6.8 ft. where 15 ft. is required to allow the deconstruction of the existing nonconforming house and the construction of a new 4 bedroom home. A coastal site plan was also submitted.

Brad Crerar recused himself from this application.

Jim Pretti (Crisuolo Engineering) represented the applicant. He displayed the site plan and explained the proposal is to build a new house on each parcel. The variance is to expand the nonconformity of the height. He also noted the deck and the seawall had already gotten prior approval and that they are consistent with the coastal area management act.

PUBLIC INPUT;

1. Tracy Everson- 23 Mill Creek Road-(RTM Representative & member of the Coastal Vulnerability Ad Hoc Committee) Their concern is that new construction is going up in a flood zone. Building there is risky.
2. Vincent Federico- He said his neighbor Nancy is on the call with him. She said she is in favor of this project since they are making the houses more compliant.

Chairman Sette closed the public hearing and made a motion to approve the variances and the Coastal site Plan.

Richard Falcigno seconded the motion which Passed unanimously.

23/2-2. Richard Callahan (Applicant & Owner) 33 Sunrise Cove Camp (C11-02-01 R2)
Var. Sec 6.2.E (9) Vertical Expansion of a structure within 25' of a critical resource
Var. Sec. 3.4.A.7 Vertical expansion of the existing rear setback non-conformity (1.4 ±)

J. Pretti (Criscuolo engineering) represented the applicant and displayed a site plan. This application is for the vertical expansion of the cottage. They are adding dormers to it.

PUBLIC INPUT:

1. Bob Caldarella- 9 Sunrise Cove- (President of the Sunrise Cove Association)
The Board is in favor of this application.

Chairman Sette closed the public hearing and made a motion to approve the variances to be consistent with the documents and the site plan on file.

Leonard Tamsin seconded the motion which passed unanimously.

Other Business:

490 East Main Street, DMV Certificate of Location Approval for a preexisting car dealership.

Evan Breining explained that the applicant was required to submit a site plan along with the DMV k- 7 form that he previously submitted. The ZEO will review the site plan to make sure it's compliant as well as inspect the site.

Chairman Sette made a motion to approve the DMV Location of Approval.
Don Schilder seconded the motion which passed unanimously.

Approval of January 2023 minutes

Chairman Sette approved the January 2023 meeting minutes as written.
Dave Laska seconded the motion which passed unanimously.

The meeting adjourned at 9:30 pm

James Sette-(Chairman)