

ZONING BOARD OF APPEALS
TOWN OF BRANFORD
BRANFORD, CONNECTICUT 06405

MEETING MINUTES
SEPTEMBER 19, 2023

Commissioners Present: Chairman Jim Sette, Bob Harrington, Rich Falcigno, David Laska,
Don Schilder, Lenny Tamsin

Commissioners Absent: Anthony Beccia

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

Chairman Sette reviewed the public hearing procedures and asked if anyone present was in opposition to an application. Many people were present for the Ferry Lane application and a few people were present for the 329 East Main Street application. Chairman Sette noted he is moving the 329 East Main Street application to number 7 on the agenda. He is moving the two items that have opposition to the end so the others will be heard first.

The Branford Zoning Board of Appeals met Tuesday September 19, 2023 at 7:00 p.m. at the Branford Fire Headquarters, 45 North Main Street, Branford, CT to conduct Public Hearings on the following applications:

New Business:

23/9-1 Richard A. Morrison (Applicant & Owner) 31 Hilltop Drive (D02-000-003-00002 R4)

Var. Sec. 3.4.A.6 Side setback to allow 13.9 ft. where 20 ft. is required for a concrete patio with overhanging roof.

Richard Morrison (applicant) spoke and said that Nafis & Young were unable to attend the meeting but submitted a letter for the record. He explained that he has had a water problem for years and it's getting worse. This variance is for a patio with an overhanging roof which would keep the rainfall away from the foundation.

The commission asked a few questions.

PUBLIC INPUT:

A handful of people raised their hands in support of the application. No one was opposed.

Chairman Sette closed the public hearing and made a motion to grant the variance.

Bob Harrington seconded the motion which passed unanimously.

Chairman Sette stated that the variance is to be consistent with the site plan and documentation on file.

23/9-2 Nicole Maldonado (Applicant & Owner) 101 Mill Plain Road (F05-000-002-00020 R5)

Var. Sec. 3.4.A.7 Variance for rear setback where 50 ft. is required and 16 ft. is requested.

Var. 3.4.A.6 Side setback where 25 ft. is required and 14 ft. is requested for a deck and above ground pool.

The applicant (Nicole Maldonado) and her husband were present and explained they have lived there since 2018 and these variances are needed for the installation of a 24 ft. above ground pool. She stated that the way the house is situated on the property makes the pool location limited. They displayed a site plan. They also noted that their neighbors have no issues with this application.

The commission asked a few questions.

PUBLIC INPUT: No one spoke.

Chairman Sette closed the public hearing and made a motion to grant the variances and that they be consistent with the site plan and documentation on file.

Rich Falcigno seconded the motion which passed unanimously.

23/9-3 Nicholas Cairo-Devlin (Applicant & Owner) 2 Oak Hollow Road (F08-000-006-00003 R3)

Var. Sec. 3.4.A.5 Variance for front setback where 30 feet is required and 21 ft. is requested for an enclosure of the front porch and adjacent covered deck extending to the side of enclosure.

Nicholas Cairo-Devlin (applicant) and Mark Young (Waldo Associates) were present.

The applicant noted he has letters of support from his neighbors. He is requesting a variance for the enclosure of the front porch and adjacent deck. He reviewed the site plan for the commission. He stated his hardship was that the home was built several years ago when the front setback was 20 ft. and now the current setback is 40 ft.

The commission asked a few questions.

PUBLIC INPUT: No one spoke.

Chairman Sette closed the public hearing and made a motion to grant the variance and that they be consistent with the site plan and documentation on file.

Don Schilder seconded the motion which passed unanimously.

23/9-4 Sunflower Hospitality LLC c/o Haresh Nariyani (Applicant & Owner) 168 Montowese Street (E07/000/010/008.1 BR)

Var. Sec. 4.3.B.9 Lot coverage .366 requested where .25 is allowed.

Var. Sec. 4.3.B.10 impervious surface area ratio .902 requested where .60 is allowed for a storage shed.

Chairman Sette opened and continued the public hearing until the October 17, 2023 meeting per the applicants' request.

23/9-6 Tara Knight (Applicant & Owner) 279 Linden Avenue (E12-000-003-00022 R3)

Var. Sec.3.4.A.6 To allow the reduction of the existing nonconforming 4.0 ft. side setback to 7.1 ft. where 10 ft. is required.

Var. Sec. 6.2.E.4 To utilize the street setback set forth under section 3.9.C (undersized lots) and negate the narrow streets requirement for the demolition of the existing house and construction of a new FEMA compliant home, and a CAM (Coastal Area Management) application.

Russell Campaigne (CK Architects) represented the applicant and displayed the site plan and reviewed the application. He explained the variances requested and the Coastal Site Plan are for the demolition of the existing home and the construction of a new FEMA compliant home. He noted that the applicants must follow the FEMA rules and that the new home is actually decreasing the non-conformity. He also mentioned that the applicant has received no negative comments from their neighbors.

The commission asked a few questions.

PUBLIC INPUT: No one spoke.

Jim Pretti (Criscuolo Engineering) worked on the Coastal Site plan.

Chairman Sette closed the public hearing and made a motion to grant the variances and that they be consistent with the site plan and documentation on file.

Rich Falcigno seconded the motion which passed unanimously.

Chairman Sette made a motion to approve the Coastal Site plan application.

Bob Harrington seconded the motion which passed unanimously.

Old Business:

23/8-1 Scott & Lisa Santoroski (Applicants) Michael & Nancy Guiliani (Owners) 37 Brainerd Road (B08-000-005-008.1 R1)

Var. Sec. 3.4.A.2 Existing requirement is 6,000 sq. ft. per unit. Lot has 14,960 sq. feet.

Change lot minimum to 4,986 for the construction of a triplex.

The applicants (Scott & Lisa Santoroski) were present and explained that the variances they are requesting are for the construction of a triplex. They displayed and reviewed the site plan.

The commission asked some questions.

PUBLIC INPUT: a woman asked if the units would be for sale or for rent.

Chairman Sette closed the public hearing and made a motion to grant the variances and that they be consistent with the site plan and documentation on file.

Lenny Tamsin seconded the motion which passed unanimously.

23/9-5 The Stop & Shop Supermarket Co LLC (Twiss Realty Co, Inc)-(Applicant & Owner) 329 East Main Street (G05-G06-003-00002 BL)

Var. Sec. 5.4.E.1 Variance of 12 feet, to allow maximum building height of 52 feet (from avg. existing grade) where maximum height of 40 feet is permitted in PDD.

Var. Sec. 4.4.B Variance of 12 feet, to allow maximum building height of 52 feet (from avg. existing grade) where maximum height of 40 feet is permitted in BL zone for the establishment of a PDD to facilitate the construction of a 120 unit multi-family community in two buildings, coffee shop/restaurant pad and the reuse of the existing theatre building for a self-storage facility.

This item was moved to the end of the agenda per the Chairman decision at the start of the meeting.

Attorney Amy Souchuns, John Mancini and Ray Sullivan (Project Architect) were present.

Attorney Souchuns reviewed the application and the variances requested, explaining that they were for the height of the 120 unit mufti family building.

John Mancini - (BL Companies) reviewed the history of the site and displayed the site plan.

Ray Sullivan (Sullivan Architectural Group) spoke next and displayed the architectural drawings. The Commission asked a few questions.

Chairman Jim Sette noted that the Inland Wetland Commission accepted the application and felt there was no significant impact on the wetlands.

PUBLIC INPUT:

1. Don Ayr - 28 Meadow Circle Rd- He has lived in his house for 47 years. He's not opposed to the project but said when Hoyt theatre came in, they reached out to the neighbors. He's hoping he can speak with the developers. He's not happy with a 4 story building, saying in the winter, when the leaves are off the trees, the building will seem as if it's in his backyard.
2. Ray Falkoff- 16 Meadow Circle- He said he has concerns, he originally thought 4 stories was too much for the building but after seeing the plans, he understands why they need 4 stories. He would like the developer to work with the neighbors who are in the direct line sight of the building.
3. Scott Gell- 36 Meadow Circle Rd- His wife noted that the nearest 4 story building is anchor Reef and the first floor of that is for parking. She is opposed to the building having 4 stories. She will be losing privacy. Her husband agreed with her comments.
4. Raffaele Aschettino- 101 Sunset Beach Rd. - He said he is a structural Engineer and he can say that the information that is being presented by the applicant isn't true. You can build a 4 story building with a 40 ft. height. It may be more expensive to build, but it can be done.
5. Susan McKinlay- 16 Windmill Hill Rd- She noted that she is not in direct site line of the building but sees no reason why the applicant has to have 4 stories. She would like the applicant to comply and build it within the 40 ft. requirement.

The applicant responded to some of the public comments. Attorney Amy Souchuns requested this item be continued to the October meeting so she can meet with some of the neighbors to address their concerns.

Chairman Jim Sette announced this item will be continued to the October 17, 2023 zba meeting.

The commission took a 5 minute break at 9 pm.

Commissioner Bob Harrington left the meeting at 9 pm.

23/7-4 Robert Wiedenmann (Applicant & Owner) 2 Ferry Lane & 31 Spring Cove Road (D11-000-001-00009 R3) & (D11-000-001-00010 R3)

Var. Sec. 6.1.C.3 Allow common ownership of distinct parcels.

Var. Sec. 8.1.F.1 (2) 4,000 SF at time of development.

Var. Sec. 8.1.F.1 (4) Allow common ownership of non-conforming parcel adjacent to conforming parcel.

Attorney Amy Souchuns represented the applicant. She reviewed the site plan and the variances requested. She explained that the lots predate zoning and the reason for the application is to adjust the lot lines to create 2 parcels but in a different format. With this revision, Spring Cove Rd will conform to the r2 zoning and 2 Ferry Lane will conform to the r 3 zoning regulations. She noted the hardship is that these lots predate zoning.

PUBLIC INPUT: Attorney Souchuns thought there may be a letter that was submitted that was in favor of this application but after checking the file, there was not.

1. Bob Schroeder - 3o Spring Cove Rd.- He lives across the street and has many objections: traffic increase, congestion, etc. His wife spoke with the neighbors and 11 out of the 12 are opposed to this application. He noted they are used to a very spacious neighborhood and want to keep it that way. They want to protect the neighborhood.
2. David - 41 Wakefield Rd- He has issues for many reasons/ It should not be changed to r2 zone, it's inappropriate. This could start a precedent if approved. He felt there is no hardship.
3. Raffaele Aschettino - 101 Sunset Beach Rd- They noted it looks like they want to reshape the property. He thought the pz commissiion heard lot line revisions. He is opposed.
4. David Engstrom- 7 Ferry Lane- He felt that Attorney Souchuns numbers were incorrect and gave his reasons why. He felt if it was approved, it could set a precedent and it's not fair for the neighborhood. He suggested perhaps the applicant wants to divide the lots then sell them.

Attorney Souchuns responded to some of the concerns noting that a variance doesn't set a precedent. She referred to the zoning regulations for the wording for undersized lots and she showed the 1950 map and referred to the lot lines.

Chairman Jim Sette and the commission had a discussion and asked some questions.

Chairman Sette closed the public hearing and made a motion to grant the variances.

Dave Laska seconded the motion.

The vote was: Jim Sette- Yes

Dave Laska- Yes

Rich Falcigno- No

Lenny Tamsin- No

Don Schilder- No

The application was DENIED.

Other Business:

Approval of the August 15, 2023 minutes

Chairman Jim Sette made a motion to approve the August 15 meeting minutes

Dave Laska seconded the motion which passed unanimously.

**James Sette
(Chairman)**