

Zoning Board of Appeals
Town of Branford
Branford, Connecticut 06405

Minutes

Chairman James Sette called the March 16, 2021 meeting to order at 7 p.m. Those present were ZEO Daniel Brennan and members David Laska,, Brad Crerar, Peter Berdon, Donald Schilder, Barry Beletsky and Leonard Tamsin. Absent: Anthony Beccia

Continued Business

21/2 – 10. Appeal of ZEO Cease and Desist Order dated December 4, 2020, 165 SBR, LLC, 165 Short Beach Road. Resolved prior to meeting to satisfaction of ZEO.

New Business

21/3 – 1. Conor Daley, 548 – 552 Leetes Island Road: Postponed to April 29, 2021 at the request of the applicant when the required notifications to neighbors were not sent out on time.

21/3 – 3. Jessica Meinsen, 4 Hawthorne Terrace: Ms. Minsen represented her application to allow installation of 24 ft. above ground pool with a deck surround within 10 ft. of the property line. Like many that are set as R-4, the lot fits closer to the requirements for R-3 rendering the 50 ft. requirement a hardship. The property in question is #12 on the tax map, it is served by city water and sewers and is uniform with others in the area.

The following neighbors were on line to support the variance request: Daniel Chahmirian, 6 Hawthorne Terrace; Joseph Anastasio, 33 Riverside Drive and Laura Meisen, 16 Tolle Drive.

However there was a letter of opposition to the request from John and Rosana Rubsam, 35 Riverside Drive who reported that there were trees cut down that would have provided privacy and although there appeared to be provisions installed for fencing, they had no idea what type or where it would be installed. There is also an Water Company Easement on the property and were concerned it could be compromised.

Jennie Shamasna, 37 Riverside Drive, was attending with pretty much the same opposition. They were both abutting at the rear of the property closest to the area for the pool and was concerned about privacy. In rebuttal, Ms. Meinsen explained that although the house is located 90 ft. from the property line, that there are other pools to both side of the home that are in the 50 ft. setback and by allowing the pool to be further back on the property line it provides better use of the yard and allows room for a deck. Closer to the house it also would also limit room for expansion at the rear of the house in the future. During discussion, Peter expressed concern that there was plenty of room it the pool was built closer to the house and there would be no need for a variance therefore no hardship. Taking that into consideration the Board concurred and also that they would like to know more about the plan concerning privacy as well although it was not their purview to require fencing or plantings, but they would be recommended for privacy for all parties. Ms. Shamasna stated that she might not be opposed if she knew what the plan was for the fence.

Jim informed the applicant that it seemed to him that the Board were tending to deny her application if voted immediately, but offered to continue to April 20, 2021 so applicant can meet

with neighbors to discuss and come to an agreement as to type of fence to be installed and she agreed to do so.

Other Business

21/3 – 4. 301 East Main Street, DMV - Certificate of Location Approval for a preexisting Dealership, Pentagon Automotive Group LLC dba Ford of Branford. Change of ownership, to Melvin J. Abreu, all else to remain the same so on the motion of Jim Sette, with a second by Peter Berdon, with Leonard Tamsin, Brad Crerar and David Laska in agreement the Board gave their approval 5/0.

21/3-5. Agent: Attorney James J. Perito for 256 Meadow Street: Appeal of the issuance of a Notice of Violation by the ZEO dated February 9, 2021. (Lenny and Peter off on this matter). Atty. Perito stated that in 1993 Atlantic Wire applied for a Special Exception connected with the Metro Star Project to take down the building at 256 Meadow Street and this was used as a demolition lot. He agreed that the property in question has a long history of neglect, however since it had previously been used as a staging area for construction and receiving good, the use as a Contractors Yard hasn't been abandoned or changed. When Kevin O'Neill purchased this property he had need for a staging area while he prepared for opening his Certo Glass manufacturing business.

However longstanding abutting neighbors on Meadow Street and Wilford Road claim that when Atlantic Wire was located there it had been approved as a parking lot for their employees.. Maureen Durkin, 33 Wilford Avenue explained that there were. As the business dwindled there might have been as few as 4 or 5 because there were fewer employees using the parking lot. Once the building was demolished, there were none. An email attesting to this was sent by Robert Costanzo, 33 Wilford Avenue, The lot, they claim, was never meant to be a staging area or Contractor Yard and the many large transport and box trailers, machinery and an open construction Dumpster in the center of the property and abandoned cars now present at the rear make it look like a junk yard and are detrimental to their neighborhood. They support the ZEO Cease and Desist Order.

In rebuttal, Atty. Perito explained that the Mr. O'Neill owns several properties that he's working on upgrading and the lot is important to utilize to speed up the work. Atlantic Wire received shipments as part of their business, so it's a continuing use that was not abandoned when the previous owner sold the property, who is still in Court concerning the Church Street site directly across the street. He explained that the unregistered autos were to be towed and the property cleaned up in due time, however while work is being done on the adjacent lot, there is nowhere to store anything, so they would like to continue using the property as a Contractor Yard as intended.

In the discussion that followed Jim asked how it would impact the business Atty. Perito responded that it would make it difficult causing a delay and the ZEO explained that there was little proof that the Special Exception had been abandoned, however the type of materials presently on the site was not acceptable, so on motion by Jim Sette to sustain the ZEO Cease and Desist, David Laska recommended it be amended to give them time to clean up the mess since there is no proof that it was not preexisting or expanded and the Board was in agreement to continue the item until April 20, 2021.

21/3-6. Agent: Attorney Robin Bruce Sandler for 72 Sunset Beach Road: Appealing the decision of the ZEO to issue a permit to the property owner of 76 Sunset Beach Road, for installation of a 10 foot fence. The property issuing the appeal at 72 Sunset Beach Road was owned by Colby Thim and Alan Iver Mossberg, Trustees of the Nancy E. Thim recently sold the property and the new owner wasn't aware that a fence was being considered on the neighboring property.

The regulation for a fence limits the height to 8 ft. on the property line and upon looking at the various documents submitted with the request for a building permit for a 10 ft. high 130 long privacy fence, the Building Department was aware of the location being 15 ft. off the property line and found no violation of the regulations, therefore the permit to build was issued.

After hearing from the new owners who were disappointed that there would be a fence that might block their views, the Board explained that views were not germane to the regulations, although it might have made a difference in deciding to purchase the property.

Based on the fact that the request for a permit was investigated by Inland Wetlands, Engineering for Easements and Flood Hazards, the Building Inspector approved the permit and the permit was issued, the Board decided that ZEO was correct and sustained his decision that the owner had the right to erect the 10 ft. portion of the fence, therefore the appeal was denied.

21/3-7. 557-597 West Main Street, DMV - Certificate of Location Approval for a pre-existing Dealership, FRG, LLC dba Freedom Road Harley Davidson. This was the property that was in existence for many years as Bros. Harley Davidson and will continue the previous use of sales or motorcycles with a new owner, Bart Smith and new name, Freedom Road. The Board Approved the requested change on the motion by Jim Sette, seconded by Peter Berdon, with good wishes by the entire Board, Lenny Tamsin, David Laska, Barry Beletsky, Donald Schilder and Brad Crerar.

New Business (The applicants arrived late due to difficulties in getting into the Zoom meeting and so were heard out of order.)

21/3 – 2. Dennis and Christine Karjanis, 168 Laurel Hill Road: Mr. Karjanis presented the site plan to install an in-ground pool on an interior lot however, with 50 ft. setbacks all around it is difficult to find anywhere without requesting variances. The request is to allow placement at 10 ft. from the property line where 50 is required. There is a septic system, leaching fields, a well and solar panels as well as Geothermal wells and slopes on the property, all of which are shown on the professionally done A-2 survey showing the configuration of the large lot.

Jim Sette made the motion, second by Peter Berdon, with Leonard Tamsin, David Laska, Brad Crerar, Barry Beletsky and Donald Schilder all voting in favor of granting the variance 7/0.

Action on the Minutes of February 16, 2021: On the motion by Jim Sette, the members voted to approve the Minutes as recorded.

Meeting adjourned at 8:50 pm.

Respectfully submitted,

Mary Leigh Bianchi,

Clerk