

Zoning Board of Appeals Branford, Connecticut 06405

Minutes

The Branford Zoning Board of Appeals meeting of February 21, 2017 was called to order at 7 pm by Chairman James Sette, with Anthony Beccia, Peter Berdon and David Laska in attendance. Regular member Leonard Tamsin, was absent and Alternate Brad Crerar was seated in his place.

Motion by Jim Sette, second by Bud Beccia, to enter into Executive Session to discuss strategy related to the case of Barbara N. Chesler and Karen E. Dahl v. ALMR, LLC and Branford Zoning Board of Appeals at 7:05pm. Vote unanimous. Present during executive session were: Chairman James Sette, Anthony Beccia, Peter Berdon, David Laska, Brad Crerar, Zoning Enforcement Officer Jennifer Acquino and Attorney Michael Cretella, Brenner, Saltzman & Wallman. Returned to regular session at 7:25. For the record no votes were taken during executive session.

Chairman Jim Sette then called the meeting to order and heard the following applications.

17/2. - 1. Philip and Sandra Fischer, Trustees, 23 School Street: The applicants were granted a variance in August, 2016 to install a stair system to the rear of a three family house, however during work there was an issue concerning building code compliance and the area for egress had to be larger, moving it slightly closer to the street line and other standards also had to be met. During discussion it was decided that had these considerations been known at the time the application was heard they would not have affected the decision to approve the variances, and on the motion by Jim Sette, seconded by Brad Crerar, the new variance was granted with Peter Berdon, David Laska and Bud Beccia in agreement.

17/2 - 2. Douglas and Nancy McGinley, 49 Averill Place: The applicants were represented by Atty. Robert Harrington, who explained that the application was to reconstruct a section of the post and beam barn/garage built around 1925, long before zoning regulations and therefore nonconforming. It would remain some 5 ft. off the property line and 6 exhibits were entered into the record. (1) - Original A2 Survey; (2) -New A2 Survey; (3) - Large photo; (4) - Assessors Map; (5) - Color photos and (6) Abutters letters of support. The applicant wishes to keep the building as close to the original in shape and style and will be 20x25 when completed. The hardship being that a good portion of the building is still standing and the area removed was falling down. On the motion by Jim Sette, second by David Laska, joined by Brad Crerar, Peter Berdon and Bud Beccia, the variance was granted 5/0.

17/2 - 3. School Ground Acres, LLC/Ronald A. DeLucia: During presentation, the Board found it hard to visualize from the old A2 Survey exactly where the original mobile home units were prior to be torn down and where the remaining ones currently are. There are wetlands and slope to be considered as well as an easement through the property. Since some units will be replaced, there was confusion over which ones would be moved and which ones would stay, so rather than to act on the application, the decision was to continue it until March 21, 2017 when a more detailed map could be considered.

17/2 - 4. Susan Conlon, 150 Pawson Road: Bob Criscuolo explained that the variances requested were to simply square off the house on two sides in order to allow to reconfigure the rooms in a small house on a narrow oddly configured nonconforming lot. A second floor porch will also be added, but living space

will only be 415 SF. Peter Berdon recused himself from sitting so the variance was granted 4/0 with Jim Sette, who made the motion, Brad Crerar (second), David Laska and Bud Beccia joined in granting.

17/2 - 5. William Russo (dba Subway)-Applicant, 66 Main Associates, LLC Ted Cwiertniewicz-Owner, 66 North Main Street: The applicant has been in business for some time and recently made the move to a new location requiring a sign and because the previous occupant remained in the building, there is no additional sign space currently. His sign would be atop the others between two pylons with the address bar above it. The Board considered his first choice sign that overlapped the posts and felt it was too large because it didn't fit between the posts. He then displayed a second choice that they considered a better display without looking so large and granted his variance with condition that the subject sign be no longer than 60 inches in width and 24 inches high and fitting within the existing posts. On the motion by Peter Berdon, with Bud Beccia second, the Board approved and granted the variance 5/0.

Other Business

1. Almr LLC/David D'Atri, 4 Three Elm Road, request to modify condition of approval from January 17, 2017 to allow notification to abutting property owner via certificate of mailing. The board determined it cannot modify a condition of approval without proper notice to all abutters via certified mail and proper publication in the paper which has not occurred. Motion by Peter Berdon to deny the request to modify the condition of approval without prejudice, Second by Bud Beccia. Request denied 5/0.

2. The Board discussed the proposed changes to the Zoning Board of Appeals application and application requirements. ZEO Acquino read an email from Attorney Aniskovich outlining suggested modifications to the proposal. The Board made changes per the recommendation of Attorney Aniskovich. Motion by Bud Beccia, seconded by Peter Berdon to adopt the application forms and requirements with an effective date of March 27, 2017. Motion passes 5/0.

In other business: The Minutes of January 17, 2017 were accepted on the motion by David Laska, Second by Jim Sette and the meeting adjourned at 9:15 pm.

Respectfully submitted,

Mary Leigh Bianchi