

Branford Zoning Board of Appeals  
Canoe Brook Senior Center, Cherry Hill Road  
Tuesday, March 20, 2018 at 7:00 p.m.

Minutes

The Branford Zoning Board of Appeals meeting of March 20, 2018 was called to order at 7 pm by Chairman James Sette. Also attending David Laska, Bud Beccia, Leonard Tamsin and Donald Schilder. Peter Berdon arrived on time to sit on Mr. Kusterer' application. Absent Barry Beletsky and Brad Crerar.

Applications were heard out of order as follows:

18/3 – 1. Carolyn C. Mancini-Owner, Carolyn C.,& John O. Mancini, Applicants, 3 Spring Cove Road: While designing the house to keep it as a conforming structure, the applicant had figured in an area for the in ground pool, however because it is a corner lot bordered by two substandard roads with off center lines, and is an irregular shaped lot, the pool would require rear setback variance for the pool. With these hardships considered the motion by Jim Settee, second by David Laska was **approved 5/0** with Bud Beccia, Leonard Tamsin and Donald Schilder agreed.

18/3 – 2. Brian and Nicole Gallagher, 120 Queach Road: The application was presented by their architect Mr. Hernandez as being a small addition located to the side of the house, rather than the back where it might have been considered conforming because it would require removal of two bathrooms, interfering with the septic system and, due to a sloping roof, no clearance for a ceiling on the second floor. With the topography of the land also in consideration the motion was made by Jim Sette, second by Dave Laska, the variance was **granted 5/0**.

18/2 – 3. 348 West Main Street LLC, Owner, Branhaven Motors, Inc.-Applicant, 348 West Main Street: The gravel area under consideration had been used in the past for overflow inventory, however it will now be used to house new inventory and would have been considered as acceptable under the old regulations, however needed a variance under current regulations. On the motion by Jim Sette, second by David Laska the Board accepted that as a hardship however **granted 5/0 with condition that it be kept as a gravel area**. They will also have to appear before Inland Wetlands and Planning and Zoning Commission who might require paving, and if so, will have to come for a new variance.

18/2 – 1. Dominic Moliterno, 44 Howard Avenue: Atty. John Perito who represented that the 21x24 ft. two car garage would be located in the far corner of the property with a roof slanting from 9' to 11.6' in order to utilize the sun on solar panels; also it will not infringe on the view of a neighbor. The hardship is the area reserved as a 20 ft. sewer easement that jogs on the property as well as irregular shape of the lot and topography and rock ledge. He entered The Exhibits included #1- Assessment map showing abutters; #2 – Subdivision Map #3 – Garage layout drawing packet.

Opposition was represented by Atty. John Lambert who claimed his clients Michael Loeb and

his mother, Rhoda Loeb were the original owners of the entire property and were compensated for the large sewer easement and Michael Loeb expressed that the house had a large garage prior to that area being turn into living space with a small area left as a garage and when compensation was accepted it was agreed not to consider it reason for hardship in the future. Entered into the records, two exhibits #1 – Letter from Rhoda Loeb and #2 – Letter from Michael Loeb.

In rebuttal, Atty. Perito said they can't comply not only due to easement, but shape of the lot. On the motion by Jim Sette, second by Bud Beccia joined by Donald Schilder to approve, and David Laska and Leonard Tamsin to **Deny 3/2**.

18/2 – 2. Peter S. Kusterer, 3 Three Elms Road: Continued from February 20, 2018 when questions arose and the Board requested opinions from the Town Attorney and Town Planner concerning the preferred parking and placement of the dumpster. These were addressed in the memorandum dated March 16, 2018 from Harry Smith, Town Planner and with this new information, Peter Berdon suggested that Mr. Kusterer should get together with Bob Criscuolo who has represented him in the past, to meet with the Town Planner before going further in his rebuttal tonight and **continue his application to April 17, 2018**. Mr. Kusterer agreed, however he submitted several exhibits in relation to his problems and they will be found in his file as follows: #1 – Demonstrating Lack of Logic on Dumpster; #2- Current Location of Dumpster; #3 – Petition; #4 – Parking and #5 – Implied Controversy Concerning Parking. Also; the Town Planner's memorandum.

18/3 – 3. Kathryn Laschever, 26 Manor Place, (D11-9-7 Zone R-3) Var. Sec. 3.4.A – Line 5: Front setback from 30 ft. to 26.88 ft. and Line 10: Increase in Lot coverage from 0.25 to 0.29. Also, Waiver of Sec. 8.1.C: Increase in nonconforming structure to construct a 12x22 ft. one car attached garage. **Continued to April 17, 2018**

18/3 - 4. Total Estates, c/o Joshua Onofrio, 119 Cedar Street, (D6-6-1 Zone BL) Appeal of Zoning Enforcement Officer's notice of violation dated February 5, 2018. **Continued to April 17, 2018**.

### **Accepting Minutes**

January 16, 2018 – Accepted 5/0 motion by David Laska, Second by Leonard Tamsin

February 20, 2018 –Accepted 5/0 motion by David Laska, second by Leonard Tamsin

ZBA - Annual Report 2016/2017 Approved unanimously.

Adjournment at 9:45 pm.