

Zoning Board of Appeals
Town of Branford
Branford, Ct. 06405

Minutes

The Branford Zoning Board of Appeals met on Tuesday, October 19, 2021 at the Branford Community House, 46 Church Street to hear two applications for variances. Attending were Chairman James Sette, ZEO Dylan Willette and members Bud Beccia, Brad Crerar, Leonard Tamsin, Barry Beletsky and Donald Schilder. Absent were David Laska and Peter Berdon.

Chairman James Sette called the meeting to order at 7 pm and gave the floor to Atty. James Perito, who was there to present an short update on the application. 21/3 – 5. 256

Meadow Street - (1 Church Street) Appeal of ZEO Cease and Desist Order – Continued from March 16, 2021. Atty. Perito had some exhibits to show that the property use had not changed and also a proposed site plan. He submitted photos showing the current state of the property which has been pretty much cleaned up and also a 1999 fly over photo showing large delivery trucks parked on the property proving the use of the site had not been abandoned.

Mr. Costanza, who has previously been in opposition, was present and although he expressed satisfaction that the site was cleaned up and that some plans have been presented, he still feels that the change of zone was not done properly because there were originally four homes in the area in 1969, after zoning was in place in 1968. The only records ZEO Brennan could find were those requesting it be made into an employee parking lot. So of the photos show trailer trucks on the property in 1999, Atlantic Wire was in the wrong. The site plans submitted at his meeting didn't show curb cuts, etc. and still have not been addressed.

Atty. Perito explained that there is still a suit in court and he has hopes it will be decided soon, but a complete site plan can't be drawn until there is a settlement and closing. The Board accepted the new promised documents and no further action was taken at this time, suggesting that it be continued to next month, but Atty. Perito requested instead requested that the Board instead make a decision in November which was agreed upon.

21/7 – 1. Moshe Gai, 17 Parker Place: Because there were only four members present, the Attorney for the applicant agreed that they would accept four members to votes to grant the proposal. At the original hearing the site plan showed there was ample room for the requested spa to be located elsewhere on the property without the need for the side and rear line setback requests and when Jim Sette made the motion to approve the variances, second by Brad Crerar.

In discussion, Bud Beccia brought up the fact that the goal of the Board was to lessen the nonconformity and with the addition of the sheds already located on the property, that had been breached. Adding the spa defeats the purpose of the Board to reduce the nonconformity. He pointed out again that the spa could be located closer or attached to the back of the dwelling and the only variance that would be needed would be for coverage.

Jim then withdrew his motion and Bud made a new one: Grant for Lot Coverage and to Deny for setbacks emphasizing that the location of the spa must be to the rear of the building where there would be no setbacks required.

Brad Crerar repeated the motion to clarify the split decision and voted to approve the coverage request and deny the setback request, so Jim Sette, Leonard Tamsin and Bud Beccia also voted 4/0 yes to the coverage and 4/0 no to the setbacks.

21/10 – 1. Hamilton Branford LLC, Owner/ FSI Acquisitions LLC Applicant/John W. Knuff, Agent, 81-111 Commercial Parkway: Atty. John Knuff explained that the parcel has been vacant for a number of years and is the only property in Branford zoned for the proposed use as a delivery service (Amazon) which would allow for a 105,000 square foot E-Commerce building, with a large number of delivery van parking spaces; with a covered van queue and loading areas. This is the only area zoned BL for this type of business. Since the building requires to be plumb on grade, the method of determining height of the building which is 37 ft. from average grade leaves the building needing variances as to height once the leveling of the property has been finished. Branford does not give credit for parapet and HAVC instillation, those are added to the height.

He further stated that any drainage problems on the site would be corrected and additional landscaping would be added to soften the appearance of the building which abuts the Branford connector entry ramp to I-95, can be seen from Montoia Apartments and fronts on Route 1.

Barry Beltesky inquired why the 37 foot height was needed and Atty. Knuff responded that it is the standard height for this type of business. Barry then questioned, if the Town specifically zoned this property for this type of business, why would they limit the height to 40 ft. and Atty. Knuff replied he didn't know. Amazon will be hiring about 65 employees working inside, and there will be many more drivers. He assured there will be ample employee parking as well as a huge parking area for a large fleet of delivery trucks and the covered loading dock location leads directly to a separate designated driveway specific for trucks leaving the property. If these variances are approved, the project still must go through the usual Planning and Zoning and Inland Wetland Commission for Approval.

Motion was made to grant by Jim Sette, who pointed out that, although it shouldn't effect the decision, it would be a huge tax benefit for Branford as well as small businesses considering so many van drivers operating in town. His motion was seconded by Bud Beccia with Barry Beletsky, Leonard Tamsin and Brad Crerar in agreement so the variance was granted 5/0.

(Heard out of order)

21/9 – 2. John T. Wolfenden, 6 Montgomery Parkway: The applicant was represented by Atty. James Perito, who submitted a revised site plan showing the proposed deck to be considerably smaller than the original one presented in September. The house was built in 1940 as a single story home and the previous owner was granted a variance to add a second floor, which was represented by Architect Terry, who designed it. However the stairway is very narrow, making it difficult to bring furniture up and would also hamper exiting should there be an emergency. As an alternative at the previous meeting, the Board requested photos of the rear yard where it looked as if the deck could be added without a variance by removing two windows at the rear of the bedroom to give access to the new deck. Their builder Matt Reale, said that the small size of the lot precludes any other place to build that would fulfill their need to access the second floor. There is also a Jacuzzi and patio, that would have to be removed. They submitted notices from five neighbors close to the property who were in support.

The Board felt that by making the changes for a smaller deck they had improved the project lessening the nonconformity and the applicant said they were happier with the new plan, as well.

On the motion to grant by Jim Sette, second by Brad Crerar, with Donald Schilder, Leonard Tamsin and Bud Beccia in agreement the variances were granted 5/0.

21/10 – 2. David Godowski, Owner/ Haresh Nariyani, Applicant, 168 Montowese Street, (Front Building): Atty. Stephan Ketaineck explained that the restaurant, well known as Daebar India, must move from its current location on Main Street to a new location and requires upgrades to the building it is relocating to at 168 Montowese Street and it must be renovated to meet their needs. The increase in height is necessary due to adding a parapet during the replacement and reconfiguration and raising of a section of the roof. Joe Debro explained that it is due to the need for the installation of larger exhaust fans and upgrades to heating and cooling systems, as well as fireproofing because these must meet current building and fire codes. The minor increase in lot coverage from .25 to .258 is necessary for the addition of a walk-in cooler because the current cooler is insufficient for a busy restaurant and also, must be enlarged to become Health Code compliant. This cooler will be accessed from within the restaurant itself, but will protrude at the rear of the building. Time is of the essence and work needs to be completed as soon as possible. The Board was sympathetic to the owner, who suffered losses during the pandemic, yet continued to serve the Community delivering food.

On the motion to grant by Jim Sette, second by Barry Beltesky, with Brad Crerar, Donald Schilder and Leonard Tamsin in agreement and the variances were granted 5/0.

21/9 – 3. ALMR LLC/David D'-Atri, Owner, 4 Three Elms Road: Atty. James Perito explained that the increase in area (height) of this nonconforming structure within the front set back onto an addition that was approved by a previously granted variance and the narrow street setback of 23.5 feet applies to this property. Architect John Matthews showed that the proposed structure features to include a balcony on the western facing side of the building, a gable over that balcony on the roof and a dormer on the eastern facing side of the roof. This property has been before the Board and granted variances previously, however changes in handicap accessibility has required changes in the design and while those were being addressed the Stony Creek Architectural Design Board suggested other changes to the appearance of the building that has a predominant visual impact on the area. In taking those considerations into the design of the building, they addressed a balcony which was eliminated for allowing for accessibility, dormers were included leaving a pleasing appearance.

Five letters in support are on file and speaking in favor were Peter Kusterer, (letter in file), Greg Ames, Chairman of the Stony Creek Architectural Review Board and John Herzan, Historian, all in agreement that the new design is more than acceptable.

On the motion to grant by Jim Sette, second by Don Schilder, members Barry Beletsky, Leonard Tamsin and Brad Crerar were in agreement and the variances granted 5/0.

Other Business:

The Minutes of September 21, 2021 were approved on the motion by Jim Sette of and all the members voted to accept them.

Also, the proposed 2022 Meeting Calendar was accepted will be submitted to the Town Clerk for posting.

The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Mary Leigh Bianchi, Clerk