

Zoning Board of Appeals  
Town of Branford  
Branford, Connecticut 06405

Minutes

The Branford Zoning Board of Appeals June 16, 2020 meeting was called to order at 7 pm by Chairman James Sette. Also attending: Asst. Town Planner Kaitlin Piazza, Members Leonard Tamsin, David Laska, Brad Crerar, Peter Berdon and alternates Donald Schilder, Barry Beletsky and Bud Beccia.

Kaitlin Piazza acting as administrator gave a brief introduction to conducting a meeting using **Zoom** for those who were presentencing or in favor/opposed to any application.

20/2 – 2. Patricia Montagnino, 24 Old New England Road, The application was explained by Attorney Joseph Zullo representing the applicant who is the trustee of the property. He had provided a lengthy supplement, (attached to file), in which he explained the history of the development of the land and the reasons for the need for variance. Although the lot in question is more than an acre, it is encumbered by a large area of wetland soils as well as an easement that has been recently legalized, so that these considerations as well as the contours and shape of the lot diminishes the buildable area. He then went over it step by step and entered the printed history with exhibits into evidence, with corresponding exhibits, making the claim that the presence of wetland soils and the shape of the lot constitute hardships that justify the granting of the requested variances

Peter Berdon questioned if he was claiming the wetlands as a hardship to grant the variance when they weren't considered so under Branford Zoning Regulations and Atty. Zullo said that the Courts had ruled they were in other instances and went further explaining that the Town had approved this nonconforming parcel as part of a subdivision in 1998 with knowledge of the wetlands there,

There being no opposition or support expressed by neighbors, the hearing closed for discussion on the motion by Jim Sette, second by Brad Crerar. In discussion, David Laska felt that the Town in approving this as a building lot was libel for doing so with knowledge of the wetlands and Leonard expressed the same. In general the Board was in agreement with the entire presentation and grateful for the submitted history. They concurred with Atty. Zullo concerning the hardships in the land and voted on the motion to grant by Jim Sette, yes, Brad Crerar, yes; David Laska, yes; Peter Berdon, yes; and Leonard Tamsin, yes. The Variance was granted 5/0.

20/6 – 1. East Main Street Branford LLC., Owner/ Branford River Commons, LLC, Applicant, 392- 404 East Main Street: The applicant was represented by Kenny Harkin of Harkin Eng. who explained that these variances were necessary to allow the teardown of existing restaurant (Su Casa) and to be replaced by entirely new construction of a one story office/medical building.

He requested that Kaitlin hold up the various exhibits for the members so they could see that the project would be less nonconforming. Based on original surveys by Criscuolo Engineering which shows many existing nonconformities in regards as to signage, parking, setbacks, and distance from centerline on Route 1, impervious surface, many of which would be eliminated or lessened.

This project has been in the works for some two years and has met with all the Town Agencies involved. It already has the approval of DOT to eliminate the double entrance driveway which would allow for 51 parking spaces to the rear as well as installing landscaping islands. While there is no way to meet the required setback on Route by shifting the building as far back on the lot as possible, taking into consideration to sloping to the rear, it would cut the required frontage on Route 1. To address the impervious surface problem, they would install two underground detention systems and all erosion control taken as required. In showing the Architectural drawings, the front of the building is some 10 ft. higher than the back and to try to move it back further from Rt. 1, would require huge amounts of fill.

In answer to Peter's question concerning distance in relation to the Criscuolo building next door, there is some 29 ft. to the larger building and it would be almost in line with it. He further explained that even a restaurant couldn't meet the requirements for impervious surface and parking spaces as it stands today, while the new building would allow for extra parking, including Handicap parking and be less nonconforming.

With no opposition or support present the hearing closed with no further discussion due to the fact that it had been proven that all nonconformities had been addressed and would be eliminated and the remaining two would be lessened. So, on the motion by James Sette, second by Leonard Tamsin, the members felt the vote to grant the required variances was 5/0 with David Laska, yes; Brad Crerar, yes; Peter Berdon, yes with Alternates Don Schilder and Barry Beletsky also in agreement.

20/6 – 2. Nicole and John Herget II, 16 White Birch Lane: Nicole Herget explained the application as one to install an above ground pool to the rear of the house which needs variances. The only other location might be to the side adjacent to the garage where there is room to the sideline, however there is an incline on the property which is a handicap. It would also bring it close to a neighbor causing a noise problem.

Peter Berdon also pointed out that there was a regulation concerning location of structures, (in this case a pool), in relation to the primary structure however the slope would serve as a hardship locating it there. In reply to the size of the pool, it had been undecided at the time, so they chose to use the dimensions of the largest one available to determine location in asking for variances and the rear was the best one

There was no opposition expressed and letters of support from all the abutting neighbors which are in the file. On the motion by Jim Sette to grant with Don Schilder to second, the vote was to grant 5/0 with members Peter Berdon, yes; Brad Crerar, yes; Leonard Tamsin; David Laska, yes; Jim Sette, yes; and alternates Don Schilder and Barry Beletsky in agreement.

20/6 – 3. Andrew and Andrea Calandrelli, 9 Fourth Avenue: Andrea Calandrelli introduced their architect Peter Grasso, who would be representing the application and he explained that due to rezoning it makes it impossible to construct new ocean view inspired two story single family dwelling on this small building lot without variances. He explained that the Town had previously considered it a building lot however rezoning has made it impossible to build without variances. Peter asked about current use and was told it was previously a small 1,100 sf cottage. The plan was that the two previous nonconforming buildings were to be removed as well as the ground level deck, which would allow pulling the new structure back away from the road.

Jim Sette then asked if there was anyone in favor and there being none, then asked for opposition to which Todd Lambra at 12 Fourth Avenue, replied that he wasn't sure if he was opposed or not, but was concerned and wanted to know about the plans. (After the Board's discussion leading to their decision when asked again, he said he was satisfied and had no opposition.)

Eva Esposito, 6 Third Avenue was opposed because she felt that a two story 1,772 sf dwelling would be too close to her 900 sf home.

Rebuttal by the applicant:

In answer to Eva Esposito, the new building will be pulled further away from her home and is not much larger than hers and would also be less nonconforming than the current one which is uninhabitable. Leonard Tamsin questioned if the new two story structure wouldn't over burden the property and inquired about the height and it was explained that due to the contours of the property the front would be 34.8 ft. and the back as 27.5 ft. which would allow for a two bay garage under the house since the current garage will be removed. The applicant answered that he didn't feel it would and that care was taken that the new building would not infringe on neighbors vistas.

Dave Laska brought up that the property would be brought into more conformity with the proposed changes and Peter Berdon concurred especially in relation to the street line and Jim Sette took into consideration that the planned structure was pretty consistent with the size of many of the homes in

the area and combined with the removal of two nonconforming buildings and moving the building further from the Esposito home, the new house will be less nonconforming than at present.

It was noted that there was also a small structure on the lot that was described by the applicant as an open shower consisting of a privacy screen with no roof that had not been included in the coverage. He was advised by Peter Berdon that if he was ever to enclose it, it would be subject to obtaining a variance and suggested that it be a condition of the decision.

Jim Sette closed the hearing and at first made a motion to grant the variance, however Peter Berdon reminded the Board that they had previously considered some conditions and on the revised motion by Jim Sette, second by Brad Crerar, the Board voted to grant with conditions that the ground level deck and detached garage are to be removed and the shower cannot be reconstructed without future variances. Leonard Tamsin, David Laska and Peter Berdon joined in the decision, 5/0.

Other Business:

On Jim Sette suggestion that the May 19, 2020 Minutes be accepted the following members Brad Crerar, Donald Schilder, Leonard Tamsin and David Laska voted yes to accept.

Asst. Town Planner Kaitlin Piazza then introduced the new Zoning Enforcement Officer Daniel Brennan who will be sitting for the Town at future ZBA hearings and the Board members graciously welcomed him.

Adjournment 8:15

Respectfully submitted,

Mary Leigh Bianchi  
Clerk