

Zoning Board of Appeals
Town of Branford
Branford, Connecticut 06405

Minutes

The February 16, 2021 meeting was held by remote technology as authorized by Executive Orders 7B and 7L, and the following decisions were made:

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

21/2 – 1. Town of Branford, (Water Pollution Control Facility): Jennifer Acquino, Assistant Town Engineer was accompanied by Operational Engineer Kevin Devlin describing the application as a housing for a new generator to be located on the Block Island road side. Due to the flood zone, it will be above grade and will fit in front of the adjoining garage which houses the utilities necessary for operation, such as electrical services. There currently is a 40 year old generation inside the garage, however due to age and with increasing demand, a new one is required. There was no opposition so on the motion by Jim Sette, second by Brad Crerar to approve, they were joined by Barry Beletsky, Don Schilder and David Laska voting the **variance was granted, 5/0.**

21/2 – 2. Anthony J and Linda Milici, 58 Seaview Avenue: A J Milici explained his application as a need to locate a 24 Watt generator on the property line close to the proposed generator of neighbor (Marcia K. Johnson). The base for the generator will be higher than the wall, but will be contiguous with the wall on the property resulting in side setback basically on the property line where the neighbor's generator will also be installed if both are approved. Marcia Johnson was in favor of the application and there was no apposition, so on the motion by Jim Sette, seconded by David Laska, with Barry Beletsky, Brad Crerar, Peter Berdon in agreement, the **variance was granted 5/0.**

21/2 – 3. Marcia K. Johnson, Trustee and Carol L. Raye, Trustee, Owners/ Marcia K. Johnson Applicant, 66 Seaview Avenue: Ms. Johnson reported that basically this is the same application as the Milici's with slight differences in measurements. The hardship on each being the necessity to place the generators close to the Gasline and Electrical connected to the house and out of sight of the neighbors. On the motion by Jim Sette, seconded by Brad Crerar, with Don Schilder, David Laska and Peter Berdon voting yes to approve, the **variance was granted 5/0.**

21/2 – 4. Edward M. Carroll, II, Owner/Kenneth Rock, Agent/Anderson Engineering & Surveying Associates, Applicant, 18 Sunrise Cove Camp: Todd Anderson explained that this is the 5th or 6th cottage that has been before the Board for approval to upgrade making it FEMA compliant. It calls for the demolition of the existing cottage and construction of a two story structure, with utilities to be stored in the attic.

Peter Berdon questioned the need for relief from nonconforming variance since is is just swapping out of a unit. It was explained that there are some 35 cottages located on the nonconforming 5.5 acre parcel, which was described as a co-op where each cottage is

individually owned, however built on land owned by the Association which has granted their permission for the project. It was previously seen by the Inland Wetlands commission and if variances are granted must go to Planning and Zoning for approval.

On the motion by James Sette, seconded by Barry Beletsky with Peter Berdon, Brad Crerar and David Laska voting to approve the once the Board was assured that all protections would be in place. Motion to approve was made by Jim Sette, second by Barry Beletsky, with Peter Berdon, Brad Crerar and David Laska voting to **grant the requested variances 5/0**.

21/2 – 5. David and Lauren Loomis, 14 Fitzgerald Lane: James Pretti, Crisculo Engineering explained that this was originally Lot 4, which was intended to be an interior lot in the original subdivision. Located on a cul de sac, the house is angled on the property facing the road with wetlands within 100 ft. on the abutting lot whereas the back of property is wooded. Once completed the addition will match the opposite side of the house. The hardship is being considered to be an interior lot with only 35 ft. frontage on the road, required setbacks would be 50 ft. and because it is irregularly shaped those setbacks leaves it is impossible to place a L shaped addition anywhere without a variance.. There was no opposition and a letter of support is in the file. Jim Sette made the motion, seconded by Peter Berdon, to approve and with Don Schilder, Brad Crerar and David Laska in agreement, **the variance was granted 5/0**.

21/2 – 6: William Storandt & Brian Forsyth, Owners/ Fred Gargano, Applicant, 211 Harbor Street: The builder Fred Gargano made the presentation, describing that the driveway used to enter the garage is difficult to maneuver due to a stone wall and removing the garage and replacing it with a slightly larger 528 SF, would also allow for an additional bedroom and bath on a second floor addition. In answer to the question by the Board he stated that the garage would be 22 ft. wide, to park 2 cars and 25 ft. high, whereas the house is 35 ft. high. On the motion by Jim Sette, second by David Laska, with Donald Schilder, Peter Berdon and Brad Crerar also voting, the **variances were granted 5/0** .

21/2 – 7. Robin L. Uzzo, 2 Hemingway Street: Represented by Atty. Marjorie Shansky who described the property as being part of the old First Ecclesiastical Society property so the house dates back to 1922. It is an undersized lot, not meeting the R-3 standards, therefore are utilizing R-1. The proposed second story addition will be within the footprint of the house and not affect abutting property owners. Although a bit larger by adding the garden shed at the midsection to the garage, the demolition and reconstruction of the existing garage, will still reduce the existing nonconformity though not eliminating it.

Because Chairman Jim Sette had been noticed as an interested party, he continued chairing the hearing, but did not vote. As a neighbor he did speak in favor of the application and there were also two letters in support which are in the file. Peter Berdon made the motion to approve, seconded by Donald Schilder and with Brad Crerar, Barry Beletsky and David Laska in agreement the **variances were granted 5/0** .

21/2 – 8. The Queach Corporation, attn. Vincent S. Giordano, Jr., 460 East Main Street: Mr. Giordano explained that there is a need to protect vehicles used in the business with coverage, which he described would be mounted on cement pillars close to a concrete storm water trench that would be used to collect storm water. The cement trench would be constructed with a base of gravel and engineered to allow clean rain water to be drained off into the nearby river. Due to easements on the property, the vehicles would remain in the area where they are presently stored.

This is an odd shaped property and they have gained Inland Wetlands approval. Also, the Town Engineer sees no problem with the plan. Jim Sette made the motion seconded by Peter Berdon, and Brad Crerar, David Laska and Barry Beletsky agreed, therefore the **requested variances were granted, 5/0.**

Other Business

21/2 – 9. 544 West Main Street, Arian Prevalla/Auto Deal LLC (Applicant.), Application for Used Car Dealership Location (DMV-K-7): Mr. Prevalla was represented by Atty. Benjamin Connor who questioned the MVD need for ZBA location approval since the use on this property had been addressed in 1976 when a variance was approved for use as a auto dealership which has remained unchanged. He felt that the Motor Vehicle Dept. limited the question only to location.

Peter Berdon explained that when this same property was heard recently it was denied because there were concerns and site plan was necessary. Atty. Connor and Peter Berdon argued case law concerning whether or not ZBA approval is even necessary, with Peter contending that the ZBA has broad discretion as to whether this property was suitable at present for a used car lot. There have been changes in the area since 1967 in regards to traffic patterns, traffic lights and also there is a question as to whether the use was abandoned over the years when it was not in use as a used car lot. Peter also mentioned that there were a number of violations on this property in the past and also noted that the original variance Decision Notice stipulated it was limited to 'one large and three small' vehicles.

Barry Beletsky agreed with Peter that the Board had broad discretion when considering the location of an auto dealership and felt that changing circumstances should be addressed.

Jim Sette had made the motion to approve the dealership location, second by David Laska, so when it went to a vote **yes would approve** and **no would be to deny** the application. The vote then was Brad Crerar, no; Peter Berdon, no; Don Schilder, yes; David Laska, no and Jim Sette, no; so the **application was denied, 4/1.**

21/2 – 10. Appeal of ZEO Cease and Desist Order dated December 4, 2020, 165 SBR, LLC, 265 Short Beach Road: Atty Thomas Crosby representing Brian Baker, declared the history of the property was varied. It was originally a Wise Potato Chip distribution center, then a playground equipment company and a 2006 variance was granted to allow residential living combined with business, which is currently a motorcycle repair and refurbishing business. In response to neighborhood complaints of an extremely high number of trucks transporting chemicals to and from the property, as well as fear of a health hazard by storing such on the property, Zoning Enforcement Officer Daniel Brennan went out and found some 40 trucks owned by Mosquito Squad parked in the lot attached to the building therefore had issued a Cease and Desist citation to remove the trucks and storage area as a violation of the 2006 variance which had been granted for change of use to residential with commercial use. During discussion, the Board was assured that the Mosquito Squad operation and trucks would be removed shortly, although a definite date couldn't be stated due to the winter season and expected storms. With the ZEO being willing to withdraw the Cease and Desist Order once the removal process has been completed, the Board agreed to table a decision until the March 16, 2021 ZBA meeting. If the removal is complete and the complaint is withdrawn, the question is moot, if not the ZBA would support the Zoning Enforcement Officer's Cease and Desist Order.

Action on January 19, 2021 Minutes: Jim asked if the members had read last month's Minutes and was assured they had, so it was approved 5/0.

Respectfully submitted,

Mary Leigh Bianchi, Clerk