

Branford Zoning Board of Appeals  
Town of Branford  
Branford, Connecticut 06405

**MINUTES**

The Branford Zoning Board of Appeals met on Tuesday August 16, 2022 at 7:00 p.m. via remote technology to conduct Public Hearings. Chairman Sette called the Zoom meeting to order at 7pm with Asst. Town Planner Evan Breining acting as moderator.  
Commissioners Present: Chairman Jim Sette, Lenny Tamsin, Brad Crerar, Barry Beletsky, David Laska  
Commissioners Absent: Bud Beccia, Rich Falcigno, Donald Schilder

Chairman Sette reviewed the procedure for the meeting explaining that the applicant will make their presentation then he will ask if anyone is opposed to the application. If so, the applicant can then respond to their comments. Then, he will close the public hearing portion of the meeting. Then the commission will discuss it and decide whether to approve it or not.

If the application is approved the applicant will receive a decision letter which will need to be filed on the land records before a building permit can be applied for.

Asst. Town Planner Evan Breining noted that the application for 45 Pine Orchard Road will not be heard at the meeting. The applicant did not mail his notices out on time. This item will be tabled to the September meeting.

New Business:

22/8-1. Edward J. Coury and Carmen Coury (Applicants & Owners) 102 Limewood Ave. (F10-13-21 R-2) Var. Sec. 8.1.C.1 –To allow a nonconforming structure to be enlarged. Var. Sec. 3.4.A-Line 6: Side setback from 10 ft. to 3.5 ft. (west side) and 8 ft. (East side). Var. Sec. 3.4.A.Line 10: Lot coverage increase from 0.30 to 0.33 where 0.25 is allowed. To allow construction of a spiral staircase and an addition to the existing roof deck.

Chairman Sette reviewed the application and Jim Pretti (Criscuolo Engineering) represented the applicant and highlighted the site plan. He explained the proposal is to add a spiral staircase and add to the existing roof deck. The commissioners asked a few questions.

PUBLIC INPUT: No one spoke in favor or against the application.

Chairman Sette closed the public hearing.

Jim Sette made a motion to grant the variances to be consistent with the site plan and documentation on file.

Brad Crerar seconded the motion which passed unanimously.

22/8-2. Mark Richter (Applicant & Owner) 1 Thimble Islands Rd. (J8/01/15 R3) Var. Sec.3.4.A Line 6: Side setback from 15 ft. to 5 ft. for an in ground swimming pool.

Mark Richter (applicant) spoke and said he was requesting a variance for the side setback for an in ground pool. Evan Breining displayed the site plan. The commissioners asked a few questions.

PUBLIC INPUT: No one spoke in favor or against the application.

Chairman Sette closed the public hearing.

Jim Sette made a motion to grant the variances to be consistent with the site plan and documentation on file.

Dave Laska seconded the motion which passed unanimously.

22/8-3. Gobinda Shrestha c/o Shrestha P. Management LLC-(Applicant &Owner) 230 East Main St.(F6/1/8 BL) Var. Sec 4.4B Line 10: Impervious surface area ratio-.60 increase to .70 (existing) Var. Sec.6.5D.2 Line 10,13: Parking 28 required,22 provided. To change the bottom floor to a restaurant and convenience store.

Gobinda Shrestha (applicant) explained the application proposes to change the bottom floor of the building to a restaurant and a convenience store. The commissioners asked a few questions.

PUBLIC INPUT: No one spoke in favor or against the application.

Chairman Sette closed the public hearing.

Jim Sette made a motion to grant the variances to be consistent with the site plan and documentation on file.

Barry Beletsky seconded the motion which passed unanimously.

22/8-4. Pasquale and Barbara Ruocco (Owners) Anthony Thompson (Applicant) 45 Pine Orchard Rd. (F8-1-2R3) Var. Sec. 3.4.A Line 10: Lot coverage relief from .25% to 35%. Var. Sec. 3.4.A Line 2: Lot area per unit from 15,000 sq. ft. to 5,116 sq. ft. to allow for additions to the home.

This item was not heard at this meeting since the abutters letters were not sent out in time.

22/8-5 Judith Fisher (Owner & Applicant) 25 West Point Rd. (J9-12-2 R3) Var. Sec.6.2.E. (4) Waiver of additional narrow streets front setback. Var. Sec 3.4.A.Line5: Front setback from 30 ft. to 25.7 ft. Var. Sec. 3.4.A. Line 6: Side set back from 15 ft. to 10 ft. to allow for the replacement and enlargement of an existing deck.

Jim Fox (agent for applicant) spoke and noted he was the contractor for this project. He said it is a replacement and enlargement of the existing deck. Evan Breining displayed the site plan which was reviewed.

PUBLIC INPUT:

1. Dan Bullard-(neighbor) - He spoke in favor of the application.

Chairman Sette closed the public hearing.

Jim Sette made a motion to grant the variances to be consistent with the site plan and documentation on file.

22/8-6 The Longships II Trust c/o Kathleen Cravero Kristofferson (Owner) Rebecca Ellsley (Applicant) 26 First Avenue (G9-20-7 R3) Var. Sec.3.4.A Line 10: Lot Coverage Var.Sec.3.4.A Line 7:Rear setback from 32.25 ft. to 28.3 ft. to allow for a garage with deck above and connection to house.

Rebecca Ellsley (representing the applicant) reviewed the application and noted that the hardship was that this is a nonconforming lot. She explained the owners are older and they want to be able to park in the garage and go directly into the house. This project is adding an attached single bay garage with a deck above the garage. She noted that they are trying to be respectful of the neighbors. Evan Breining displayed the site plan which was reviewed.

Chairman Sette said the board does not regulate views or wind issues in regard to the neighbors. The commissioners discussed this briefly. Rebecca Ellsley asked if rain barrels are allowed and the answer was yes.

PUBLIC INPUT: No one spoke in favor or against the application.

Jim Sette made a motion to grant the variances to be consistent with the site plan and documentation on file.

Lenny Tamsin seconded the motion which passed unanimously.

The commission then took a five minute break.

Old Business:

22/7 – 2. 4 Three Elms Road LLC, Owner/ Applicant. 4 Three Elms Road, (J9-9-12 R-2) Var. Sec. 3.4.A – Line 5: Front setback from 23.5 ft. to 5.5. ft. (existing); Line 8: Height from 35 ft. to 44 ft. and Waivers of Sec. 6.2.E (4) – Narrow Streets and Sec. 8.1.C. - 1 & 3 to allow renovation of existing apartment building.

Evan Breining noted this application is continued from the prior month.

Attorney Jeff Beatty who is representing the applicants reviewed the variances that are being requested in order to renovate the building. He noted the hardship is that this building predates zoning. He said the building was once a hotel, then became apartments. The current owners purchased the building in 2021 and the proposed design is for 2 dwelling units and a deck and cupola to let natural light in.

Tony Bulduc (Engineer for the applicant) listed the variances they are requesting and then highlighted the plan. He also said a Coastal Area Management Application (CAM) was submitted at the same time as this application.

Attorney Jeff Beatty noted that an affidavit was submitted to the PZ office stating in 1979 this building had 7 apartments and 11 bedrooms.

Chairman Jim Sette noted that the current plan for 2 dwelling units appears to be decreasing the nonconformity.

Greg Nucci (Point One Architects) displayed the floor plan, He stated the cupola has no floor area, it is allowing light into the building. Greg then displayed 3 dimensional drawings of the front and back of the building. He noted they aren't increasing the nonconformity. He noted also that FEMA is driving the height of the building and the open lattice at the bottom for flood water. He also said that the Stony Creek Architectural Review Board approved this design.

The commissioners asked a few questions and discussed the cupola.

PUBLIC INPUT:

1. Attorney Beatty noted that a neighbor (Peter Kuster) was in favor of this application.
2. Jacie Lowe-She is opposed to this application.
3. Dan Bullard- He asked if the proposed deck was larger than the previous deck. He is concerned about the cupola.
4. Tracie Lowe- 3 Three Elms Rd.- She has watched the process of this building over time. The prior owner was not a good neighbor. She said the building looks larger than the photo that is being displayed. She noted that this project has become bigger and bigger. The neighbors fear it will become an Air b&b. She also said the new owners have done nothing to keep this property up. She is opposed to this project.
5. Attorney Marjorie Shansky-(Attorney for the neighbors next door, Karen Dahl and Barbara

Chessler) She asked what the total number of bedrooms is proposed? She noted that she could not locate the letter from DEEP regarding this project. She noted that the cupola is too large and the proposed deck is adding volume to the structure. She noted that this should not qualify for a variance. This structure does not have to get bigger. Also, the Stony Creek Review Board should have no bearing on this board. They are opposed to this project.

6. Joseph Schiffer-19 Buena Vista- He said there is no reason to create a precedent with this cupola. Its' without merit. The deck expansion is also not needed. He is opposed. Too much light will be spilling out to the neighbors.
7. Hannah Purdy-Architect at 20 School St. – She said the references to the old hotel do not apply. She agrees with the prior comments. She reminded the board – they need to have a hardship. There is no hardships to support these variances.
8. Barbara Chessler-8 Three Elms Rd-She said she has been dealing with this property for 7 years now. She is opposed to the proposed cupola. It will create light pollution that she doesn't need. And- the cupola is making the building larger. She also noted that there will be two garages, not only the one shown on the drawing. She is opposed to the garages. She is also concerned about drainage.
9. Joseph Schiffer- He asked, since this is a multi-family, isn't there landscape requirements that they need to follow?

Tony Bolduc replied to some of Marjorie Shansky's comments.

E. Breining said he would look into that. Perhaps John Cunningham (Landscape Architect) can offer some information since he had worked on the prior approvals for this property.

John Cunningham then reviewed the Landscape plan.

The commissioners discussed this briefly and asked some questions.

10. Sam Morris -214 Thimble Island Rd- He thought with all the revisions they had to be Fema compliant and then someone spoke of the house being raised 14 feet. He asked for clarification on that.

Attorney Jeff Beatty repeated again that the hardship is the location of the building (its non conforming).

The Commission had a brief discussion. Chairman Sette said they are not expanding the footprint of the building.

They discussed the decks and displayed a plan showing the deck changes.

Attorney Marjorie Shansky noted that there has been new evidence. She also stated that the placement of the building is not a hardship and there is no reduction in nonconformity associated with this application and there is no hardship.

Chairman Jim Sette closed the public hearing.

Jim Sette made a motion to grant the variances.

David Laska seconded the motion.

The board was going to vote separately on each variance but then decided not to.

The commission deliberated on the application and the consensus of the commission was for denial of

the application.

Chairman Sette then withdrew his motion.

The board took a new vote and all 5 of the voting commissioners voted for denial of the variances without prejudice.

Jim Sette made a motion to approve the Coastal Area Management application.  
Barry Beletsky seconded the motion which passed unanimously.

Action to approve the Minutes of July 19, 2022

Brad Crerar made a motion to approve the meeting minutes as written.  
Barry Beletsky seconded the motion which passed unanimously.

James Sette  
Chairman