

ZONING BOARD OF APPEALS
TOWN OF BRANFORD
BRANFORD, CONNECTICUT 06405

MINUTES

The Branford Zoning Board of Appeals met Tuesday, December 20, 2022, at 7:00 p.m. at the Branford Community House, 46 Church Street, Branford CT to conduct Public Hearings.

Commissioners Present: Jim Sette, Don Schilder, Barry Beletsky, Lenny Tamsin, David Laska, Richard Falcigno (arrived at 7:05 p.m.)

Commissioners Absent: Anthony Beccia

Staff Present: Evan Breining (Asst Town Planner), Jane Ellis (ZEO), John Rusatsky (Interim Zoning Officer), M.Martin (Clerk)

Chairman Sette opened the meeting at 7:00 p.m. and reviewed the public hearing procedures.

New Business:

22/12-1. Patricia Broughal (Applicant) Peter & Patricia Broughal (Owners) 6 Old Pawson Road (E11-03-04 R3) Var. Sec. 7.4.A.7 To allow an accessory apartment to exceed 30% of the gross floor area of the principal dwelling (900 sf).

Var. Sec. 8.1.C.3 To allow the enlargement of a nonconforming structure without eliminating the nonconformity.

Var. Sec. 3.4.A.6 Vertical expansion of the existing side setback non-conformity (2.4’).

Var. Sec. 3.4.A.7 Vertical expansion of the existing rear setback non-conformity (10.9’).

Jim Pretti (Criscuolo Engineering) represented the applicant and reviewed the site plan. The project is the rebuilding of the existing 3 car garage and add an accessory apartment above it. He then reviewed the floor plan and elevations.

The commission asked some questions.

PUBLIC INPUT:

1. Jeanette Anderson read a letter from her parents who reside at 2 Old Pawson Rd.- They are opposed . Her parents are concerned with overcrowding in the area if this gets approved and more people in the neighborhood follow suit. They are concerned they may rent the apartment out as an air b&b. They think the lot is too small for 2 dwellings.

Commissioner Richard Falcigno recused himself since he arrived a few minutes late and didn’t hear the application presentation.

2. Kevin M? – 109 Linden Avenue- He asked if there was anything preventing the applicants from renting this out in the future.
3. Patricia Broughal-She said she understands that there are many other houses in the neighborhood that could also add an accessory apartment but she noted that this was a family decision and that the apartment is being built for family .She thought that something could be put in the deed reflecting that.

Chairman Sette closed the public hearing and made a motion to approve the variances and that they be consistent with the documents and site plan on file.

David Laska seconded the motion which passed 5-0 with one abstention.

Commissioners Don Schilder and Barry Beletsky left the meeting at 7:23 pm.

22/12-2. Jean Wood (Applicant & Owner) 22 Collins Drive (F08-06-35 R3)

Var. Sec. 7.4.A.7 To allow an accessory apartment to exceed 30% of the gross floor area of the principal dwelling or 900 sf (792 sf).

Jim Pretti (Criscuolo Engineering) represented the applicant and reviewed the site plan explaining the application is for an accessory apartment at the end of the house that will expand into the house. He then reviewed the floor plan.

PUBLIC INPUT: No one spoke.

The commission asked a few questions.

Chairman Sette closed the public hearing and made a motion to approve the variances and that they be consistent with the documents and site plan on file.

Brad Crerar seconded the motion which passed unanimously.

22/12-3. Stephen Consolo (Applicant & Owner) 11 Howd Avenue. (J08-08-11 R2)

Var. Sec. 8.1.C.3 To allow the enlargement of a nonconforming structure without eliminating the nonconformity (existing rear setback-19.0').

Var. Sec. 3.4.A.7 Existing rear setback from 20.0' to 7.0 for construction of the new garage.

Jim Pretti (Criscuolo Engineering) represented the applicant explaining the project is for a new garage. He reviewed the site plan noting there is no other place on the lot for the garage. He reviewed the site plan.

The commissioners asked a few questions.

PUBLIC INPUT: No one spoke.

Chairman Sette closed the public hearing and made a motion to approve the variances and that they be consistent with the documents and site plan on file.

Richard Falcigno seconded the motion which passed unanimously.

22/12-4 Edward Esborn (Applicant & Owner) 24 Stannard Avenue (D10-02-17 R3)

Var. Sec. 8.1.C.3 To allow the enlargement of a nonconforming structure without eliminating the nonconformity.

Var. Sec. 7.4.A.7 To allow an accessory apartment to exceed 30% of the gross floor area of the principal dwelling or 900 sf. (891 sf to 35%)

Jim Pretti (Criscuolo Engineering) represented the applicant and reviewed the site plan explaining this is an accessory apartment for family members. It is a 3 car garage rebuild with the apartment above it.

PUBLIC INPUT: No one spoke.

Chairman Sette closed the public hearing and made a motion to approve the variances and that they be consistent with the documents and site plan on file.

Richard Falcigno seconded the motion which passed unanimously.

22/12-5 Richard Hellman & Susan Levy (Applicants & Owners) 230 Pleasant Point Road (J09-13-05 R5)

Var. Sec. 8.1.C.3 To allow a nonconforming building that does not meet the required setbacks to be expanded or enlarged.

Var. Sec. 6.11.C To allow a vertical expansion of the existing nonconforming setback of 12' where 50' is required. Also, a Coastal Site Plan review.

Jim Pretti (Criscuolo Engineering) represented the applicant and reviewed the site plan. The project is a house renovation. There were many unforeseen issues so the applicant needs to demo the existing house and rebuild part of the foundation. They are expanding the nonconforming vertical height. He then showed the architectural drawings. The commission asked a few questions.

PUBLIC INPUT: No one spoke.

Chairman Sette closed the public hearing and made a motion to approve the variances and that they be consistent with the documents and site plan on file.

Brad Crerar seconded the motion which passed unanimously.

Chairman Sette made a motion to approve the Coastal Site Plan.

David Laska seconded the motion which passed unanimously.

Other Business:

490 East Main Street, DMV Certificate of Location Approval for a preexisting car dealership.

Nick Dangelo, Watertown, CT (Owner) was present.

Chairman Jim Sette made a motion to approve the DMV Location Approval for 490 East Main St.

Richard Falcigno seconded the motion which passed unanimously.

32 Watrous Avenue-Notice of Appeal of ZEO decision dated September 20, 2022 stating that the home located at 32 Watrous Avenue is a legal non-conforming two family home.

Chairman Jim Sette explained that John Rusatsky (acting ZEO) made a decision on Sept 20 stating that 32 Watrous Ave was a legal non-conforming two family home. That decision is being appealed.

John Rusatsky spoke first and gave his credentials noting he worked for the town of Stratford for over 30 years. He has dealt with non-conforming issues for many years.

He explained this issue came to light when the current owner of 32 Watrous Avenue applied for a variance which he later withdrew. At that time, Linda Reed asked him if the property was a one family or a two family home. He looked into that and did some research. He then read his memo that he sent to the board which said A question was raised as to the legal status of 32 Watrous Avenue ; is it a one family home or a legal non conforming two family home? Based on his review of the submitted information, it is his determination that the home is a legal non-conforming two family home. The strongest evidence in coming to this conclusion is an affidavit from the previous owner stating he never had any intention of abandoning the two family use. The assessors field card indicate a two family use and the house still has two electrical meters.

He also noted that he went out and looked at the property and said it is on a very tight street and some of the homes may not have driveways and this particular home does not either. He said it is beneficial to have a one family there and if you put 4 additional cars on the street, it is a problem. He reviewed what information he reviewed and how he came to his conclusion. He spoke of the rules that were in place many years ago and how the public act 21.29 changed the rules. They are liberal now.

He said the new owner intends to use this as a two family home and he hopes he will put some off-street parking

there.

He stated from his investigation, it is a two family home.

The commissioners asked a few questions.

Linda Reed- 36 Watrous Avenue- spoke next and said she is immediately adjacent to 32 Watrous Avenue. She was requesting a continuance because to her surprise, she found out that Mr. Fisher's (new owner of 321 Watrous Ave) attorney (James Perito) raised a conflict of interest. Linda Reed had been working with Attorney Tim Lee since the variance application was filed and she said during the variance application there were various communications from the Criscuolo Engineering and Attorney Lee. That variance application was ultimately withdrawn. She was taken by surprise this evening to find out they were raising a conflict of interest to the point where Attorney Lee was going to ask for the continuance so she could get additional representation and they objected to him making that request. So, she respectfully request that the board allow her to find alternative counsel. Attorney Lee can't jeopardize any conflict with the Bar Association. She requested a continuance to the next month's meeting so she has an opportunity to find new legal counsel and start the process again.

Attorney Jim Perito (representing 32 Watrous Ave) spoke and said his client Nick Fisher wasn't aware this appeal had been filed until a few weeks ago. They were not given notice of this. He said he brought up the conflict of interest with Attorney Lee. He noted that his office did the closing on this property. He said they are being held up in terms of the building permit.

Chairman Sette briefly stated his reasons for granting the continuance to the next meeting.

Chairman Sette repeated that this item is continued to the next month meeting on January 17 which will be held via zoom.

Linda Reed noted that it is not a requirement that you have to notify anyone but the chairman of the Zoning Board of Appeals when an appeal is filed.

Approval of 2023 Meeting Schedule

Chairman Jim Sette made a motion to approve the 2023 Meeting Schedule.

David Laska seconded the motion which passed unanimously.

The commission decided to meet via zoom for the January 2023 meeting.

Approval of November 15, 2022 Meeting minutes

Brad Crerar made a motion to approve the November 15 meeting minutes.

Jim Sette seconded the motion which passed unanimously.

The meeting adjourned at 9:20 pm.

Submitted by:

M. Martin
(Clerk)

James Sette-(Chairman)