

Zoning Board of Appeals

Branford, Connecticut 06405

Minutes

The Branford Zoning Board of Appeals meeting of February 20, 2018 was called to order at 7 pm by Acting Chairman Anthony Beccia with Leonard Tamsin, David Laska, Peter Berdon, Brad Crerar, Barry Beletsky and Donald Schilder, sitting in place of James Sette who was absent.

18/1 – 1. Susan Clark and Amy Wishingrad, 25 Brocketts Point Road: The application was heard fully at the previous meeting and more information was sought to clarify the Building Officials statement concerning the variance. Since the original variance was granted due to hardship and the same hardship applies to this variance, it was Granted 5/0 on the motion by Bud Beccia, second by Brad Crerar, joined by Leonard Tamsin, Don Schilder and David Laska to approve.

18/1 – 2. Steven E. Beaulieu and Debra J. Sanford, Owner/B&T Remodeling LLC, Applicant, 15 Jourdan Road: The builder, Brian Francisco represented that due to sewer lines and water lines in several areas on the property there is little room for the requested garage expansion. There are also wetland where the property abuts a marsh, so variances would be required no matter where the garage was placed. An abutting neighbor Linda Holmes was present in support of the application. The applicant requested a waiver of the A-2 survey requirement at the time of application. The ZEO, Jennifer Acquino, explained that prior to the issuance of the Building Permit, an updated A-2 survey would be required to be submitted as well as an As-Built survey. Motion by Peter Berdon to waive the survey requirement, seconded by Bud Beccia, motion carried 5/0 with Don, Lenny & David also voting yes. Motion by Peter Berdon to approve the application with the condition that an As-built A-2 site improvement survey be submitted at the time the foundation is completed prior to framing, seconded by Bud Beccia motion carried 5/0 with Don, Lenny & David also voting to approve.

18/1 – 3. Preston Maynard, 24 Terhune Ave: The owner presented the application and explained that the house was built in 1890 and backs up to the river. There is presently a rather twisted old staircase to the second floor, where he would like to build a 10x12 ft. family room. The present staircase will be replaced by a new one up to code that will give additional egress to the first floor tenant. This is a two family home with a tenant on the first floor and he as the owner on the second. Located in a neighborhood of mixed two and three family homes all family occupied. ZEO explained that the applicant requested a waiver of the survey requirement, also requesting that a new survey not be submitted at the time of permit or CO due to the conformance of the structure with the bulk requirements of the regulations. The Board discussed extensively whether to require the A-2 be updated at the time of the building permit. Motion by Peter Berdon to waive the survey at this point only, second by David with the motion carrying 5/0 with Bud, Lenny & Don in agreement. Motion by Peter Berdon to approve the application subject to the submission of a survey depicting the present improvements on the property and showing the proposed improvements to include the staircase which shall not encroach on the sideline setbacks along with the completion of the zoning computation, second by Bud Beccia. Motion carried 5/0 with Don, Lenny & David in agreement.

New Business

18/2 – 1. Dominic Moliterno, 44 Howard Avenue: The Applicant requested that his application be continued to March 20, 2018, so the public hearing was opened by Bud Beccia, and the Board voted to continue the application to the March 20, 2018 meeting.

18/2 – 2. Peter S. Kusterer, 3 Three Elms Road: The applicant presented documents depicting each of the variances he is requesting to correct items cited in the Cease and Desist Order issued by our ZEO which was upheld by the Board. He explained that the Town had taken a large portion of land bordering his properties to improve two and create another leaving little area for off street parking and creating a hardship for him. The Parking area in question is one of the few in Stony Creek offering off street parking meant to provide to two tenants on his property, as well as marina renters and it is not possible to comply with the town regulations, which he feels are more strict than those of others in more dense areas. The applicant was told by a previous ZEO that he could store up to 8 boats within the setbacks, however she didn't have to authority to allow this without his applying for variances at the time.

The applicant issued the following Exhibits in support of his application: A1- 3 pages of Support Petitions; A2 – 16 pages Copy of application and support material regarding “Section 3.8.B Line 1 Parking Issue”; A3 – 3 pages copy of supplemental application “Section 6.2.E Line 2 boat storage setback issue” with letter by Justine Gillen; A4 – 3 pages copy of supplemental application & backup “Section 6.3.F landscape strip issue”; A5 – 9 pages supplemental application & backup “Section 3.8.B Line 1 dumpster issue.

There was opposition present represented by Barbara Chester, 8 Three Elms Road and she offered statements concerning the dumpster, which she feels is unsightly and a health and safety problem as well as being unsightly.

Sam Morris of 214 Thimble Island Road stated that the headlights of incoming cars to the parking lot illuminate his home located adjacent to the parking lot and directly opposite the driveway entrance. He also took issue with the barn which was approved to store at least 4 personal boats, but will leave others out in the elements stored along the property line. He thought they had a compromise when the applicant was going to do plantings to shield his privacy, but doesn't look like it will. Atty. Timothy Lee, representing Sam Morris stated the same opposition concerning the boat storage and was withdrawing his support of the barn application that he previously supported because of the lack of follow through that was promised.

The opposition submitted the following Exhibits – O1, 2, & 3 photographs of the subject dumpster; O4 – photograph dumpster at Thimble Island Marina; O5 & 6 – photographs Condo Dumpster on Vlock property and O-7 – 8 pages faxed to ZEO from Attorney Timothy Lee including letter & agreement.

Although the applicant Peter S. Kusterer was willing to start his rebuttal, the Board recommended that he take the time and on the motion by Peter Berdon, seconded by Brad Crerar, his rebuttal argument will be continued to March 20, 2018, motion carried 5/0.

18/2 – 3. 348 West Main Street LLC, Owner, Branhaven Motors, Inc.-Applicant, 348 West Main Street: A representative from BL Companies presented the application concerning an unpaved parking area that was permitted under the old regulations prior to 2011, however is not allowed under current regulations and there are several other violations also on the lot which have not been resolved. There was opposition present by residential neighbors Steve DuPre of 5 Jacob Lane concerning lighting that is being directed into his house and Grace O'Donnell from 30 Gilbert Lane concerned about wetlands/marshes and encroachment of the parking area into these sensitive areas. The board did not feel comfortable acting on this application due to the other outstanding violations on the property. On the motion by Peter Berdon, second by Brad Crerar the board voted to continue the application to March 20, 2018.

Continued to March 20, 2018

Minutes of January 15, 2018 Postponed March 20, 2018 with Jim Sette, Bud Beccia, Brad Crerar, David Laska, Leonard Tamsin and Don Childers Peter Berdon

Minutes of February 20, 2028 – Action to be taken Bud Beccia, David Laska, Peter Berdon, Leonard Tamsin, Don Schilder

Adjourned 9:45 p.m.

Respectfully submitted,

Mary Leigh Bianchi