

# Zoning Board of Appeals Branford, Connecticut 06405

## Minutes

The Branford Zoning Board of Appeals meeting of February 19, 2019 was called to order at 7 pm by Acting Chairman David Laska. Also attending were Barry Beletsky Leonard Tamsin, Brad Crerar and Donald Schilder. Absent Peter Berdon, James Sette and Anthony Beccia.

### Old Business:

19/1 – 1. Chris Morley, (Owner)/Stephen Perdo (Applicant), 146 Cedar Street: Mr. Morley stated that his builder started before obtaining permits and it was then they found out that they needed variances, and build was halted. He described the home as built in the 1950's and the front canopy was damaged and the front steps are crumbling. The new porch will be increased from 6 ft. to 10 ft. wide to afford weather related conditions and be much the same as the original. Motion was made by Brad Crerar, second by Barry Beletsky that it be conditioned that porch not be enclosed and all members were in agreement, Variance was so granted 5/0.

### New Business:

19/2 – 1. Russell W. Burgess, Jr and Michele A. Burgess, 40 Thimble Islands Road, Attorney Robert Harrington explained that the garage on the property intended for use needs no other variances as to property lines, lot area or coverage and described the proposed project entails the construction of an accessory structure to be used as an accessory apartment under Sec. 7.4A of the Branford Zoning Regs. The problem is that the main house was built in 1878 and is only 1,837 SF, which means the new apartment cannot fit within the perimeters of the Regulations requiring that an accessory apartment cannot exceed 30% of the main dwelling which would limit it to 550 SF. of living space and is a very small apartment. The architectural designs show a unit with 852 SF, which is still not large, showing a single story building with a small 48 SF second floor. Although a hardship is usually the contour or size, shape of the land, in this case it is reversed. It is the size of the main structure, which is part of the land that creates the hardship by being so small. The proposed apartment is still below the 900 SF limit on size of an accessory structure. The house and garage are located on a very large sized lot, but the age of the house shows it was built long before zoning and long before there was a rule concerning Accessory Apartments, yet the regulations prove there is a need for them. The occupants of the main house must be related to those living in the Accessory Apartment, however you have to list it on the land records that if in the future it ever happens that there is no one related, the unit could only be rented as affordable housing in the Town of Branford. It was also noted that if approved they would still have to go before the Planning and Zoning Commission and the Stony Creek Association. There are letters in support in the file and 14 neighbors were also noticed and there is no opposition present. On the motion to approve by Brad Crerar, seconded by Don Schilder the variance was approved unanimously 5/0.

19/2 – 2. Charles Pepe, Executor Estate of Anthony Pepe, Owner/Danby Gasoline Marketers, Inc. Applicant, 165-195 Main Street, (D8/1/7 BL), Waiver of Sec. 8.1.C – Line 3: Enlargement of nonconformity and Var. Sec. 4.4.B: Front setback from 15 ft. to 6.7 ft. to allow for proposed 24x32 ft. fueling area canopy cover and renovation to partial convenience store. Kevin Curry, the potential buyer of the site represented that there are two buildings on the property, one being a convenience/liquor store and the other being the gas station. They intend to clean the property up and wish to place a canopy off center over the filling area offering protection to the patrons pumping gas, which is the only thing that the variance is needed for. The hardship is that the existing buildings were built in 1940 and Route 1 has been widened several times over the years, so there is nowhere to place anything without blocking the bays which will be removed and converted to store space. The hearing was closed for discussion, however when additional questions concerning signage and height arose, it was reopened to address those issues. While working with the Town Historical Commission concerning signs, they would like to

see monument signs and since there are several signs on the property they will be combined and will be lower to the ground. There is no need for variances for signage nor the renovation to the store. Asked about the size of the canopy it will be 24 ft. wide, 30 ft. long and 14 ft. high to allow for trucks. There has never been a canopy before like others in the area, and it is only the canopy that needs to be addressed for variance. They still must go before Planning and Zoning for Site Plan Review. On the motion by Barry Beletsky that the variance be from 15 ft. to 6.7 ft. for the canopy, seconded by Brad Crear, the variance was granted unanimously, 5/0.

19/2 – 3. Louis M. Maturo, Jr. and Mary Sue Maturo, 108 B Limewood Avenue:

A neighbor had requested that this matter be continued for another month to allow them to be present to ask questions, however the applicant had offered to meet with them several times with no attempt to accept the invitation. Since the application and all materials were available to be seen at Town Hall for the past month; and inasmuch as the applicant had submitted all the paperwork including notices to all abutting neighbors and the same neighbor had requested that there be a time schedule to be finished before summer, the Board felt there had been ample time for anyone in need information to go to Town Hall and see the records. There were many interested parties present, so the applicant requested that they proceed with the hearing and the Board decided to go ahead and hear the application rather than delay it.

Mr. Maturo explained that he and his wife had bought this small cottage and wanted to renovate it. He met with Tony Thompson at Plans Ahead, who designed it and suggested that it being at 10.5 ft. flood level, they might lift it by some 30 in. to be at FEMA compliant. In order to make a bit more room inside, it is their intention of extending it straight out to the back by 3 ft. and they think that because they had to ask for two side yards east and west, the neighbor who requested they delay the hearing might have felt they would be coming closer to his side, however all they are doing is extending along the same property lines already on the cottage, not closer, simply going back on those lines by three feet and that was where the confusion lay. They will actually be no closer on either side than what is already there and once completed they will remain within the height restrictions, even with after lifting the house for FEMA Regulations, by pitching the roof. Members of the Limewood Association were present as well as two neighbors, Mr. Savastano and Ms. Lansburger in support. In order to be finished by June, it was important to know they had the variances so they could arrange their Architect and builder to get thing organized and the Board agreed. During discussion it was decided that since the applicants had fulfilled their obligations, there was no reason to hold off a decision. So on the motion by Leonard Tamsin, seconded by Donald Schilder the variance was granted unanimously, 5/0.

19/2-4. WS Collision & Auto Center, c/o William Snow, Owner, 3 Liesl Lane. DMV Location approval per C.G.S. Mr. Snow is applying for his Dealer License for a car dealership and his Real Estate broker, Michael Barber who represented that he is the purchaser of the property and they will be making any and all improvements that are required as to landscaping and layout. The ZEO, Jaymie Frederick will be in charge of making sure they are compliant. The application was approved unanimously on the motion by Brad Crear, second by Donald Schilder.

Action on Minutes of January 15, 2019 Accepted 5/0 on the motion by Brad Crear second by David Laska.

The meeting adjourned at 8:07 pm.

Respectfully Submitted,

Mary Bianchi  
Clerk