

ZONING BOARD OF APPEALS
Town of Branford
BRANFORD, CT. 06405

Minutes

The Branford Zoning Board of Appeals met on Tuesday March 15, 2022 via remote technology as authorized by [Executive Orders 7B and 7I](#) to conduct Public Hearings. Chairman James Sette called the Zoom meeting to order at 7 pm with ZEO Dylan Willette acting as Moderator and members Brad Crerar, Donald Schilder, Leonard Tamsin, Barry Beletsky and Richard Falcigno in attendance. Absent were David Laska and Bud Beccia.

On the advice of Town Council William Anascovich a motion was made by Brad Crerar, second by Jim Sette to place to place #22/1 -3: 29-31 Sagamore Cove Road, on this Agenda, in order to reconsider the decision made in February to deny the requested variances and the Board agreed to it unanimously.

At the time the decision should have included the words “denied without prejudice” in order for the application to be given the right to be revised and resubmitted, so a motion was made by Brad Crerar, second by Jim Sette for the decision to read “Deny without prejudice” and with Don Schilder voting no, Jim Sette, yes, Brad Crerar, yes and Leonard Tamsin, yes and Barry Beletsky abstaining because he wasn't present at the initial hearing, the Notice of Decision will be revised and reissued.

22/3 – 1. Ron Cervero and Marie Cervero, 44 Flat Rock Road: Represented by Atty. John Parisi, who requested that the requirement to submit plans showing Architectural and Elevation plans be waived inasmuch as the A-2 Survery shows where the planned structure will be built. Those detailed plans must be submitted to the Planning and Zoning Commercial for Special Exceptions if the variance is approved, so Brad Crerar made a motion, seconded by Jim Sette to Waive the requirement and the Board was in agreement. Atty. Parisi then explained that the house was built in 1950 and the applicants have lived there since 2010. The basement is a crawl space not suitable for storage and the applicants currently have no garage. The existing 20 year old shed is over burdened and in poor condition, so to replace it the proposed two car garage would be slightly larger, located on the same slab foundation but reducing the side and rear line nonconformity. It would be build on slab with some additional support for a second half story to be used as storage space accessed by interior stairs. There is a well, pool and patio on the odd shaped lot with a lot of ledge, which creates a hardship as to location of any structure. Atty. Parisi explained that this garage is in character with the neighborhood and consistent with Town plans of development and also cited case law concerning reduction of nonconforming as being a reason to find the application in favor. John Crouthamel, nearest neighbor who shares their ROW driveway and has seen the plans spoke in favor and there were no objections, so James Sette made the motion to grant the variance, with a second by Brad Crerar. Donald Schilder, Leonard Tamsin and Bary Beletsky were in agreement and the variance was granted 5/0.

Dylan Willette then informed the Board that he had gotten an email from the applicant, 22/3 – 4. Brenda S. Novak, 31-33 Russell Street, who requested to be heard in April due to not getting notices out early enough to meet requirements for this meeting. James Sette made the motion, second by Brad Crerar to put it on the Agenda for April 29, 2022.

22/3 – 2. Island Destinations, LLC/c/o John Petrofsky, 218 Thimble Islands Road: James Pretti, Criscuolo Engineering represented the applicant and explained that the building shown on the site plan already exists on an undersized lot and is currently a one bedroom apartment with a bathroom and laundry room which is used by the applicant who wishes to construct an 24x62 ft, 1,124 sf one bedroom 2nd floor addition which will be FEMA compliant. Mr. Petrofsky, owns a primary residence on an island and presently stays over night on occasion if arriving late at night or during bad weather. Members of the Board questioned the plans for the existing bathroom/laundry facilities and was assured they would be removed if not FEMA compliant.

Opposition: John Bysiewicz, 2 Buena Vista Road whose property abuts at the rear was concerned that runoff from the septic system would end on his property worried that there would be more than one bedroom overbearing the present septic system and Samuel Morris 214 Thimble Islands Road whose house is closest to the building was concerned about the peaked roof design and obstruction of views. Also, Ellen Cave of Story Creek was concerned that the septic system leached into ground water combining with wetlands and felt the building showed disrespect for zoning regulations.

Rebuttal: Jim Pretti showed that the yard of this building is lower than those adjacent so runoff wouldn't affect their property and the septic system was to be upgraded if the variance was approved. He also stated that one bedroom already exists with the present attic space at mostly 7 ft. high ceilings and all finished living space would be relocated to the 2nd floor to make the building FEMA compliant. On the motion by James Sette, second by Brad Crerar, the variance was approved on additional votes by Leonard Tamsin, Donald Schilder, and Richard Falcigno.

22/3 – 3. Robert and Elena McLean, 26 Old New England Road: David Nafis, Civil Engineer, representing the applicant explained that this property in question had gotten approval for a plan that did not meet the requirements of Inland Wetlands because the 1,325 sf house would be too close to the septic system, but with much of the area wetlands, in order to get the septic system approved, it pushed the house into the setbacks required in a R-5 zone. He showed maps where the wetland are located over much of the area and there is virtually nowhere on the property to place a house that would not require a variance. Jim Sette made the motion with second by Richard Falcigno with Leonard Tamsin, Brad Crerar and Donald Schilder in agreement and variances were granted 5/0.

Other Business

21/11 – 1. Joseph Lepre, 15-19 Church Street, had previously been heard on the application for a change of Zone from Business to Residential and were also approved needed variances. He had returned to this Board now seeking ZBA referral to the Planning and Zoning Commission for consideration of a Special Exemption. If that is approved he will be back to ZBA for additional variances.

On the motion by Brad Crerar the Minutes of February 15, 2022 were approved unanimously and the meeting adjourned at 8:30 pm.

Respectfully submitted,

Mary Leigh Bianchi
Clerk