

Zoning Board of Appeals

Branford, Connecticut 06405

Minutes

The Branford Zoning Board of Appeals meeting of October 16, 2018 was called to order at 7 pm by Chairman James Sette. Also attending were Anthony Beccia, David Laska, Peter Berdon, Leonard Tamsin and Alternates Brad Crerar, Donald Schilder, Barry Beletsky. Hearing on application 18/10 -5 215 Linden Avenue was held last, out of order.

18.8 – 3. Brian and Nicole Gallagher, 120 Queach Road, (F2-1-5 Zone R-5) Var. Sec, 3.4.A – Line 5: Front line setback from 50 ft. to 28 ft. and Waiver Sec 6.2.E (2) narrow street requirement for additional square footage and interior storage for improved functionality, incl. garage. **(Continued to November 20, 2018)**

18/10 – 5. Joseph Tamaro, (unnumbered lot between #233 and #249 East Main Street, (F6-5-12 Zone BR) Var Sec.4.3.B – Line 7: Height from 40 ft. to 42 ft. to allow twelve attached dwelling units with ten (10) at grade parking spaces below the units. Also, Coastal Site Plan Review **(Continued to November 20, 2018)**

18/10 – 1. Todd S. Emanuel, 129 Harbor Street: The Board waived the need for a new A-2 Survey on the motion by Bud Beccia, second by Brad Crerar due to the small size of the variance requested and the availability of the original A-2 survey. The applicant wishes to square off the current deck by taking off the current railing and adding an additional 6 ft. to bring the size to 10x16 ft. which would allow for installation of a hot tub above ground level. The House built in 1952 is located on a corner lot therefore burdened with two street lines and on the motion by Jim Sette, second by David Laska, the variance was **granted 4/1** with Bud Beccia and Leonard Tamsin in agreement, while Peter Berdon voted no.

18/10 – 2. The Legacy Theatre, Inc., 128 Thimble Islands Road: Atty. James Strub presented a plan in keeping with the Operational Details originally drawn up during meetings with all interested parties that would allow the Theatre to be entered from the front to an enlarged lobby, which was achieved by graduating the seating on an incline, allowing the ticket and sales area to be pushed back giving the additional space open for the lobby, therefore keeping the sidewalks clear of groups attending performances and with the exit covered by a small overhang, will allow theatre goers to exit by the side door under a small overhang and utilize a court yard which would keep noise to a minimum while continuing to keep the sidewalk in front of the theatre clear. The need for a lift was explained that it would be for use by the tech operators to access the area directly. The nearest neighbor Phil Brencher had met several times with the people involved and approved their suggestions that are in keeping with the original Operational Details an eliminating crowding outside the theatre. It should be noted that the Floor area as existing should be .42, increased to .50. During discussion Peter Berdon noted the age of the building size of the lot and current permitted use being enhanced with the proposed changes while bringing it up to code and complemented those who had worked so hard to bring the building back to its original appearance with such excellent improvements. On the motion by Peter Berdon, second by David Laska, with Jim Sette, Bud Beccia and Leonard Tamsin in agreement the variance was **granted, 5/0.**

18/10 – 3. David and Diane Debell, Owners/Terry Architecture LLC Applicant. 21 Seaview Avenue: Architect Tony Terry represented that this structure which was built in the 1800's was originally a beach cottage located on a small irregular shaped lot and is being renovated to a year round home which will meet code. Only the south corner infringes on the property line, and the original foundation will be used but since the FEMA regulations require that all mechanicals be raised above ground, in order to do so, the basement ceiling will be raised to 7.4 ft. lifting the structure to be elevated higher than the minimum FEMA requirement. New steps needed will be built at the rear due to the increase in height, however the current sunroom bubble is to be removed decreasing the lot coverage and when finished the house will be consistent with others in the neighborhood. Neighbors present complimented the improvements and the trustee for another, Tim Hanson did also. The CAM meets with all requirements and on the motion by Jim Sette, second by Peter Berdon, with Leonard Tamsin, David Laska and Bud Beccia also voting the variance was **granted 5/0**.

18/10 – 6. Donmar Development Corp., 14, 16, 18 & 20 Lomartra Lane: Atty. Robert Harrington represented the applicant and explained that due to changes in the regulations since the original development was planned the Building Height to calculate the average existing grade based on grading plan approved by the Planning and Zoning Commission has changed. Nothing in the original plan has changed as his engineer Brian Macavoy, explained it to the members of the Board, answering all questions to their satisfaction. If the development that was started had continued to finish, there would be no reason to request a variance, however it is in new ownership and the regulations require different grading calculations. Peter Berdon said that since they were adhering to the original P & Z approvals and are compliant with the original plans, there would be no problem with the project being completed allowing the remainder of the two story Colonial style homes to be constructed matching those already built. One the motion by Jim Sette, Second by Peter Berdon, and with Leonard Tamsin, David Laska and Bud Beccia agreeing, the variance was **granted 5/0**.

18/10 – 7. Richard Marchito and Kimberly Farrand, 100 Limewood Avenue: Atty. Timothy Lee represented the application as being another FEMA renovation requiring lifting of the existing first floor to second floor and needing a 7 ft. setback on a third floor addition with an overhand of two feet to house the oil tank and mechanicals to be compliant with FEMA regulations. There are four (4) letters of support from neighbors in the file and on the motion by Jim Sette, second by Peter Berdon, with David Laska, Bud Beccia and Leonard Tamsin in support, the variance was **granted 5/0**.
(On dismissal of Bud Beccia, Barry Beletsky sat in his place on the next applications.)

18/10 – 8. Omega NCM, LLC & 335 Benhem Navcapman, LLC, Owners/Nicholas Mingione, Esq. Applicant, 7-11 Mill Plain Road: Atty. Nick Mingione represented the application explaining that this is the only property in Branford bearing a hardship of three different zones, residential, office Space and Commercial. It is a large lot with two apartment buildings to the rear, and Office on the corner of Mill Plain and East Main and a three family house located directly on East Main Street. It is this house that the variances are requested, although Peter Berdon during discussion suggested that to make the property more saleable, the variances might be better requested for the Commercial Property since it is already fully occupied and established. He suggested that if the Planning and Zoning Commission felt similar, the Board of Appeals would be willing to consider those variances needed. The original variances requested were **granted 5/0** on the motion by James Sette, second by Peter Berdon with David Laska, Barry Beletsky and Leonard Tamsin.

(Peter Berdon, off Donald Schilder on as his replacement.)

18/10 – 9. Mathew Frechette, Owner/Timothy J. Lee, Applicant, 117 Sunset Beach Road: Atty. Lee represented the application as being a structure located on an undersized lot is to be lifted per FEMA regulations, however the front porch location prevents entry to allow a garage under the house for off street parking which is at a minimum and due to the requirement by UI for access to reading a meter an addition of a small 3x3 ft. deck is necessary. If it is deemed necessary the 3x5 ft. portion of the deck shown as post only may be considered as part of the overall deck. On the motion by James Sette, second by Donald Schilder, with David Laska, Leonard Tamsin and Barry Beletsky voting to grant the variance 5/0.

(James Sette off Brad Crerar named as his replacement and Leonard Tamsin acting as Chairman.)

18/10 – 4. James M. Sette, 215 Linden Avenue: Atty. Robert Harrington described the property as a very small, long odd shaped lot, 35 ft. in width nearest the house, can be described as almost two lots with a severe jog connecting them. The only area available for a 24x26 ft. garage is to the very rear of the property. In order to gain support from the abutting neighbor, whose access to his own garage is over the Sette property an easement will be deeded to the O'Connor property and will be entered onto the Town Records. On the motion by Brad Crerar, seconded by Peter Berdon the variance was granted 5/0 with Leonard Tamsin, David Laska and Barry Beletsky in agreement.

The Minutes of September 18, 1028 were accepted on the motion by Brad Crerar, second by David Laska.

The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Mary Leigh Bianchi