

# Branford, Connecticut 06405

## Zoning Board of Appeals

### Minutes

The Branford Zoning Board of Appeals meeting of October 15, 2019 was called to order at 7 pm by Acting Chairman David Laska. Also present were ZEO Jaymie Frederick and members Peter Berdon, Leonard Tamsin, Brad Crerar and Barry Beletsky. Absent: Jim Sette, Bud Beccia and Donald Schilder.

### Old Business

19/9 – 2. JK Partners LLC, 470-478 East Main Street: Prior to the start of this hearing, the two members, Brad Crerar and Barry Beletsky, who had not been at both of the original hearings on this matter testified that they had taken the time and effort to listen to the tapes of those hearings and were certain they had enough information to sit at this time.

Atty. Perito and Engineer George Johanessen returned with more measurements that were requested at the September hearing as to the original mean grade level of the area surrounding the planned hotel before all of the development took place and the Engineer explained that after research he found that there were three found starting in 1892 average grade 30.51; 1954 (when the cabins were first shown) average grade 22.56 and 2008, average grade 25.28, for a proposed grade figured at 28.86. So, pre-development grade won't provide any guidance to the current elevation and height calculation. On advice of the ZEO when they first applied for the variance as to height, they took the precaution of requesting additional height in case the parapet needed to be included. After gaining that information from Planning and Zoning Commission, they were told it was not included and also, in answer to hardship, if the nonconformance was to be substantially diminished, it would be considered a replacement for finding hardship. During the hearing it was brought up that the ceiling height of the rooms would be 10 ft., all buildings on the property were to be demolished and the new hotel would become an upgrade for visiting tourists and businessmen.

The Board during discussion, after taking all of the information into consideration, decided that inasmuch as they had previously not considered accoutrements exempt from being included in height variances requests for the Walsh Intermediate School, to remain consistent they would consider the height including the parapet at 55.01 ft. where the applicant requested 55.5 ft. Peter Berdon made the motion to be conditioned upon this and stipulated that the approved height be to 45.01 to roof deck from average existing grade of 25.82, not to exceed 55.5 ft. to top of parapet wall, Floor area to be 0.56 where 0.40 is allowed and nonconforming to all 100 units be allowed and on Leonard Tamsin's second, the vote was unanimous to grant the variances with the conditions that apply.

### New Business

19/10 – 1. Castle Rock Owners Association (CROA), Owner/Applicant, 52 Castle Rock Street, aka 1-50 Castle Rock, Bill Ryan, 28 Castle Rock represented that to allow removal and replacement of wooden decks for units 12,14,16,18 and 20 which have concrete patio's below

them, wish to extend new decks by two (2) feet for units 16, 18 and 20 for safety reasons, there were no previous records concerning the decks when they were originally built. When asked about stairways, the answer was no, the Association voted against allowing them to be built, and inasmuch as these structures are located on interior lots with no other variances necessary for these particular units, the Board felt since no other units require decks, there will be no other requests. Tim Donahue, President of the Association spoke in favor and there is one letter of support in the file. There was a request for a waiver of the required A-2 Survey and on a motion by Peter Berdon, second by Barry Beletsky, requirement was waived 5/0. On the motion for approval of the decks, Peter Berdon made the motion seconded by Brad Crerar and the variance was granted 5/0

19/10 – 2. Victor Cassella, 14 Third Avenue: The applicant stated that the only change in the building which will be raised slightly but will retain its same footprint, is to increase the height of the roofline by two feet, so that hereafter the substandard doorway can become a regular door with head room. Since there is no other place it can be moved to, this constitutes a hardship. On the motion by Brad Crerar to approve, with David Laska second, the variance was granted unanimously. 5/0.

19/10 – 3. James Primicerio, 80 Bradley Street: Jim Pretti, Criscuolo Engineering represented that the lots were subdivided 19 years ago and the land swap was made specifically to allow for a two family house to be built in compliance with the regulations. There was a delay due to personal problems, but the intention to build was never abandoned, however since then the regulations changed rendering it nonconforming and cannot be built now without variances which has caused a hardship. The subdivision is noted on the land records, which the Board felt proves there was intent to build so they considered the change in regulations to be a valid hardship. On the motion to grant by Peter Berdon, second by Barry Beletsky, the motion was passed and variances granted on a vote of 5/0.

19/10 – 4. The Lisa Fioretti Stockwell Family Trust, Owner/Kelly Stockwell, Trustee, 17 Lanphier Road, public hearing opened and continued to November 19, 2019 at the request of the applicant.

19/10 – 5. Robert Milles, 44 Frank Street (aka Oakridge Road): The applicant explained he has a double lot at the end of a private road where he would like to build a 30x25 ft. 15 ft. high garage. This is a service road set up by Malleable Iron back in the 1950's. The RWA owns an easement on the narrow road, but the applicant actually owns the 20 ft. narrow road and the property line is defiantly outlined. Due to slopes it would be the only place for it. Peter Berdon asked if the garage couldn't be built further away than 6.5 ft., suggesting that the ground is level and if moved back to 15 ft. would still leave plenty of room to park a second car and following discussion, Mr. Milles agreed, so Peter then proposed a motion that it be approved, conditioned that the rear line be to 15 ft. instead of the requested 6.5 ft. On a second by David Laska, the variance was granted unanimously with the condition. 5/0

19/10 – 6. Bonwill Enterprises LLC, Owner/Mike Parillo, Distinguished Homes Inc., Applicant, 58 Rogers Street: Mr. Bonwill stated the request for this variance describing the rear access to be a fire hazard serviced by a noncompliant fire escape. He wished to extend the stairway from

the second floor apartment to the third floor. It would leave more as side yard, though not making it compliant. In offering evidence of the existing 'fire escape' to prove hardship the variance was granted based on the photo (in file) depicting a substandard steep ladder type stairway extending from the third floor to ground level and they agreed that it was a danger that needed to be removed therefore on the motion to approve by Peter Berdon, with a second by Brad Crerar, the variances were granted unanimously, 5/0.

19/10 – 7. Susan Kirby, Owner/Elise A. Hergan, Archetict LLC, Applicant, 35 Mill Creek Road: Ms. Hergan represented that this is a one and a half story house with an attached undersized garage located on a lot that backs up to a creek. The plan would be to bring the garage forward to be in line with the house, moving the house front door to be closer to the garage with an overhang providing protection in bad weather. The present location of the garage is lower than the house and water seepage causes flooding which in winter freezes causing the door to be sealed. The proposed addition would offer headroom and extend over the garage. Many other homes in the area have added second floor rooms. Current floor area is a thousand fifty eight to be extended to fifteen, seventy eight. By bringing the garage forward would allow it to be level with the house eliminating the water and freezing issues. By moving the house door closer to the garage would allow overhand cover for both. Rebuilding on other side of the house would infringe on side line and there is a contour problem to the rear.

Opposition: Margaret Norman, 37 Millcreek Road as an abutting neighbor lives in an identical house and claimed that all the houses in the immediate area had single car garages and that the enlarged two story houses were on larger lots. Her home and the one in question were built so close together they actually shared Halloween decorations. Extending the house she feared would hamper air flow and sunlight to the flowers which were planted by her grandmother along their shared property line and diminish her quality of life.

Mary Norman, living at the same address with her sister, feared enlarging the house would block their view of the creek and shared her objections and also that the runoff from the higher neighbor would worsen the occasional flooding on their lower property.

Rebuttal: Bill Murray, engineer for the Kirby property claimed that moving the garage forward would not make anything worse, and they would take precautions that would alleviate some of the existing water course on the properties. As to the air and sunlight, he showed that where the sun came up and set had no bearing on it, because it had no effect currently and wouldn't change. They had also planned the addition so as not to affect the sightline to the creek. He pointed out it was the curvature of the road that caused their houses to be so close together

Discussion: The request was modest and with no other place the garage could be moved to and the elimination of the water/freezing with assurances from the engineer that the situation would be improved, they felt the effects would be better for all concerned. Also, the street view of the house would be more attractive, so values would more likely be enhanced. On the nonconforming variance to move the existing garage from 6.2 ft. in setback and proposed addition and roof overhang to 4.5 ft., Peter Berdon made the motion to accept conditioned that the front overhang not be enclosed and on a second by Barry Beletsky, the Board voted to grant the variances requested, 5/0.

19/10-8. Wrenchrite, c/o Joel Laub, Member, 998 West Main St. DMV location approval per C.G.S. Sec. 14-54. This involves simply a change in ownership and was approved.

Action on the September 17, 2019 Minutes: David Laska, Leonard Tamsin and Peter Berdon voted to approve.

Other Business: Accepting the 2020 Meeting Calendar – No action taken.

Adjournment: 9:15 p.m.

Respectfully submitted,

Mary Leigh Bianchi, Clerk