

Zoning Board of Appeals
Town of Branford
Branford, Ct. 06405

Minutes

The Branford Zoning Board of Appeals met on Tuesday, September 21, 2021 at the Branford Community House 46 Church Street to hear applications for variances. The meeting was called to order at 7 pm by Chairman James Sette with ZEO Dylan Willette and members David Laska, Peter Berdon, Bud Beccia, Leonard Tamsin and Donald Schilder also attending. Absent were Brad Crerar and Barry Beletsky.

ZEO Dylan Willette explained that due to an error in application 21/9 – 3. ALMR LLC/David D'-Atri, Owner, 4 Three Elm Road, (J9-9-12 R-2) could not be heard, however a Special Meeting is scheduled for October 5, 2021 because the application is scheduled to go before the Planning and Zoning Commission prior to the next ZBA meeting. Chairman Jim Sette, Bud Beccia, Peter Berdon, Leonard Tamsin & David Laska said they would be available to sit for this application at the meeting.

Old Business

21/7 – 1. Moshe Gai, 17 Parker Place: Chairman James Sette announced that he had listened to the tape of the August 17, 2021 meeting and was up to date and qualified to sit on application 21/7 – 1. Moshe Gai, 17 Parker Place which was continued from that date awaiting advice from the Town Attorney concerning ADA regulations as they are applied to Zoning matters. These concerns have not been addressed yet, so the application was again continued to October 19, 2021.

New Business

21/9 – 1 . Lisa Verzella, 38 Knollwood Drive: The applicant provided a site plan showing the location where two sheds had been severely damaged when a neighbor's tree fell on them during a recent storm and she would like to replace them with one new large shed equal to the same dimensions on the original asphalt pads that had been left intact. The new shed would be matching the design of the house. There would be no change in the footprint and the applicant had support from several neighbors who were present, they included Mark Oliver, 87 Knollwood Drive; Sarah Ardito, 34 Knollwood Drive; Michael Discepolo, 14 Indian Woods Road (also letter of support in file); Tim Shields and Maureen Discopolo, 38 Indian Hills Road all confirming they have no objection to the proposal. Jim Sette made the motion with a second by Dave Laska, with Don Schilder, Leonard Tamsin and Peter Berdon in agreement. The variance was granted 5/0, to be consistent with the site plan and the Decision Notice was handed to the applicant at the meeting.

21/9 – 2. John T. Wolfenden, 6 Montgomery Parkway: Represented by Attorney Jennifer Pedevillano who described the property as the smallest parcel on their side of the street. The applicants are replacing four large windows in their second story bedroom and would like to install sliding glass doors leading to a small 8x10 ft. proposed deck with no stairs to the ground. However in looking at the plot plan, Peter Berdon found ample room at the back of the house for a deck to be built with only a variance for coverage required, and it would be adjacent to the same bedroom. Mr. Wolfenden then came forth with photos of the area where the new deck was preferred showing proximity to the side yard and the views they would lose without a deck. When asked for their hardship, he claimed the interior stairway as shown in the photos, was very narrow, to the point where they couldn't get furniture

up and hoped with the removal of the windows and installation of the deck, they could access a hoist for that purpose. The stairs also would become a hazard in case of fire because only one person could use them in an emergency. He submitted several photos (in the file) of the stairway in question and also the exterior on the side where he would like to deck to be built. Peter again addressed the ample area to the rear to build without need for a sideline variance and although the applicant had five of his seven neighbors who had no objection to his plan, he explained that although it was nice, it wasn't a matter of being a popularity contest, it was a matter of meeting the regulations. Jim Sette addressed the difficulty of the Board in making decisions because they were based on hardship. Also, Bud Beccia remarked that the aim of the Appeals Board was to make nonconforming properties less nonconforming and this was not achieving that aim. Jim Sette asked if they continued their application to October, might they have their builder explain a structural reason why the deck could not be placed at the rear acknowledging that it would not fulfill their preferences and would be messier to deal with, however ease and cost is not considered a hardship. Peter also said he would probably find it more favorable if they had a three foot deck that would wrap around to a larger deck to the rear. The Attorney and the applicant were given a brief recess, time to decide which way to go and they came back with the decision to ask for a continuance to October for time to consult with professionals as to the suitability of constructing the deck to the rear. Peter suggested that they bring photos of the rear of the house at that time. Jim Sette made the motion to continue to October 29, 2021 with a second by Peter Berdon and the members were all in agreement.

Old Business (Heard out of order)

21/3 – 5. 21/3 – 5. 256 Meadow Street - (1 Church Street) Appeal of ZEO Cease and Desist Order Atty. Pedevillano was substituting for Atty. James Perito and explained that the litigation was still ongoing concerning the joint properties. She explained that the planting of trees has been completed and some equipment removed as well as the booms have been lowered so a continuation was requested until Attorney Perito can submit plans showing more details as to curb cuts and layout.

Mr. Constanzo was the only opposition present and all his emails were given to the members of the Board and explained he was never in opposition to the original proposal, but wanted to see the Cease and Desist Order applied. He said he was satisfied now that the matter has begun to be addressed and had no problem with giving additional time, but if you followed the timeline it's been going on since April. He said that Atty Perito had been asked to submit a site plan and as of today it was not in Town Hall. He was not opposed to an extension of month or two. Atty Pedevillano said she was not privy to what Jim Perito had promised but was sure he would submit it if he said so. She was hopeful that the litigation concerning the properties will be settled soon. She pointed out that it was no longer referred to as Atlantic Wire, but the new name is Atlantic Wharf.

Jim Sette then made the motion to continue to next month and the members all agreed to leave it open and to continue to October 19, 2021 for a status report.

On the motion by Bud Beccia to accept the Minutes of August 27, 2021 by Bud Beccia, the members were in agreement to accept.

The meeting adjourned at 8 pm.

Respectfully submitted,

Mary Leigh Bianchi
Clerk