

# Zoning Board of Appeals

## Branford, Connecticut 06405

### Minutes

The Branford Zoning Board of Appeals meeting of September 19, 2017 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. Absent: Alternate Barry Beletsky.

#### Old Business:

17/7 – 4. Richard and Elizabeth Addy, 133 Linden Avenue: Attorney Joan Molloy from the firm of Loughlin Fitzgerald for the applicants explained that they wish to cover a deck that extends across the front of the home and wraps around the sides. There is no variance required for the front, however it extends 3 ft. into the side corner where the two meet. She assured that this 3 ft. wide side deck will remain open. A second variance is requested for a new 2 car attached garage to the other side of the house. There is currently a substandard garage under the house, however there is room for only one car and is not high enough for their second, a van. They are requesting a new two bay garage to be attached to the other side of the house but requires a turning radius from the driveway which will be extended.

Atty. Michael Sulzbach, representing abutting neighbors who were present and expressed their concerns that this was expanding a nonconformity on a nonconforming lot and they saw no hardship since there was already a garage under the front of the house when the Addy's bought it three years ago and the owner should have been aware of the nonconformance regulation limitations.

In rebuttal, Atty. Molloy answered that the fact that this was a nonconforming structure on nonconforming lot is exactly the hardship which is the land that does not change regardless of ownership. During discussion the Board felt that the garage could be made a bit smaller and therefore could meet the side line requirements, so Bud Beccia made the motion as read by Peter Berdon as follows, to deny the first request for the reduction of sideline setback (NE side) from 15' to 10' for attached garage and to approve the 2nd, 3rd & 4th requests which provide for the reduction of the sideline setback (SW side) from 15' to 12.11', waiver to allow increase to nonconforming structure and waiver to allow for increase to nonconforming structure on a nonconforming lot for the purpose of constructing the roof over the deck as proposed the deck shall not be enclosed to provide for habitable space. Brad seconded the motion and Leonard, Brad, Donald and Jim voted yes, Bud voted no so the variance was **granted 4/1**.

#### New Business:

17/8 – 1. Danny and Joan Rye, 134 Alps Road: Their builder, Ross Shephard represented that the hardship in placing this 2 car garage with finished second floor above on the nonconforming lot was due to a 6 foot bump-out on the house on driveway side therefore the necessity for pushing the new garage further back on the property. Since there is no other logical place the application was **Granted 5/0** on the motion by Jim Sette, Seconded by Peter Berdon, enjoined by Lenny, David and Don.

17/8 – 2. Joel and Jody Rebhun, 21 Harbor Street: A request was made to hear the application without requiring a new A-2 Survey, however the one that was submitted was not sealed and signed but was part of one done by a surveyor who is now deceased and can't be verified. Since the site is undersize, the request would bring the construction very close to the property line and the area congested, the Board

denied this request feeling that their decisions needed to be based on a new A-2 Survey and considering that one would be required before permits could be issued, the application was **continued to October** to allow time for a new A-2 Survey done.

17/8 – 3. 755 East Main Street, LLC c/o Victor Cassella/ American Polyfilm Inc., c/o Victor Cassella, President, 755 East Main Street: Atty. Jim Perito described this application as a site clean-up action to allow storage of pallets away from the building for safety, yet close enough to be recycled by workers within the facility. Since the building has delivery bays along this side of the structure and large trucks made daily deliveries requiring large turning radius, there is little room anywhere else on the lot for easy storage due to slopes. Bob Criscuolo explained that there is also a swale alongside the area that can't be disturbed. There will be a new 50 x 20 ft. 3 sided storage shed for the pallets which cannot be stored within the building for safety sake and a new 20 x 12 ft. dumpster enclosure, both of which will have easy access. On the motion by Jim Sette, seconded by David Laska, the variance was approved by Leonard Tamsin, Bud Beccia and Peter Berdon and **granted 5//0**.

17/8 – 4. Raffaele and Lucia Aschettino, 101 Sunset Beach Road, Withdrawn prior to meeting.

The Minutes of August 15, 2017 were accepted on the motion by Anthony Beccia, David Laska, Peter Berdon, Leonard Tamsin and Alternates Brad Crerar, Donald Schilder.

Copies of the Annual Report were submitted for information and the Calendar for 2018 was distributed for their consideration where they saw no conflicts as to dates and can be filed with the Town Clerk.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Mary Leigh Bianchi