

Branford, Connecticut 06405

Zoning Board of Appeals

Minutes

The Branford Zoning Board of Appeals meeting of September 17, 2019 was called to order at 7 pm by Chairman James Sette. Also present were ZEO Jaymie Frederick and members Peter Berdon, David Laska, Leonard Tamsin, Bud Beccia and Donald Schilder. Absent: Brad Crerar and Barry Beletsky.

19/9 – 1. Gregory F. Cox and Kimberly A. Cox, 1 Fenway Road (aka 1-5 Fenway Road): Atty. Robert Harrington represented the owners and described the property as being triangular in shape and bordered by narrow roads on two sides. He explained that there was a need to repair a large crack in the front cement stairway, which extended into the ceiling of a small room located beneath it. (Photos in file.) The plan was to remove the existing cement entry and redesign it adding an elongated foyer/mudroom. Bud Beccia pointed out that they had previously been granted a greater front variance to 16 ft. for a garage and since there had to have been a proven hardship and this was set within that setback the same hardships would exist therefore would apply to the new extension and Peter Berdon concurred. The present landscaping would be removed making the improved front entryway visible and a more pleasing cosmetic appearance. Motion to approve made by Jim Sette, second by David Laska with Peter Berdon, Leonard Tamsin and Bud Beccia (who was sitting in place of Brad Crerar) voting in agreement and the variance was granted 5/0.

19/9 – 2. JK Partners LLC, 470-478 East Main Street: Atty. James Perito represented the new owners were planning to remove all the existing buildings and replace them with a new Hampton Inn Hotel that would improve the area. There are currently 6 individual buildings on the property, all dating back to 1972, one of which is a 97 room hotel and three being small cabin style rooms and an office area, another being a small restaurant. This application had been presented previously with greater height requests and the Board were not satisfied with the measurements. In this application, they took it into consideration and lowered the ceilings in rooms from 10 ft. to 9.5 ft. and lowered the height of the parapet after checking with Planning and Zoning if the parapet was considered exempt rather than needing to come back to apply for additional variances. (Letters in file).

Once the new measurement had been taken, balloons were set to show the various heights as visual help for those interested. At a previous hearing the Board had requested measurements from ground to the designated height and his engineer, George Johannesen showed how he measured each point of the building, however Peter Berdon was not completely satisfied, since it was from land that might have been filled and wanted to see what the pre developed elevation was and the Engineer explained that there was no complete record from that time located at Town Hall.

Atty. Perito said that the new building would be more conforming in that they would be removing the separate cabins and making the building more compact, so that setbacks would be further from property lines; parking spaces would be updated to standard for new vehicles, allowing an increase from 122 to 162. Also, the new restaurant building would be more compliant. Where there were 97 room and 3 cabins, there would be 100 rooms in one building. When questioned about hardship, he said case law doesn't need to consider hardship so long as finished is more conforming. He also pointed out that they still needed to go to Planning and Zoning for Site Plan Review. Since Peter and some of the members were still not satisfied with the process of taking measurements as to height, he suggested taking them all from 10 ft. from the building line suggested for the hearing be kept open and continue to next month when new measurement will be made available and Atty. Perito was in agreement.

Motion to continue was made by Jim Sette, second by Peter Berdon, with David Laska, Leonard Tamsin and Donald Schilder (who was sitting in place of Brad Crerar) voting in agreement to continue the matter to October 15, 2019.

19/9 – 3. There were nine residents of Village Green Court who filed the Appeal of ZEO Jaymie Frederick's decision dated August 15, 2019 granting approval for a backyard driveway and the removal of trees on Town property that was issued to David Fuchs whose address is 77 Main Street and whose property extends to Village Green Court where he proposes a wide driveway exiting from the rear of his property.

The spokesman for the group, Robert Velardi of 15 Village Green Court represented that there had been a previous permit submitted two years ago when Mr. Fuchs put in a similar, though smaller driveway which was actually located on part of the Velardi property, however no new permit was requested or approved for this new one.

Upon questioning by Peter Berdon, Mr. Velardi stated that at that time he was unaware of the incursion onto his property until he had a survey done, however when he and his neighbors were notified of the enlargement of the cut which takes up a large part of the cul de sac and removal of the trees, they sought help in preventing it. He admitted he had not taken action on the previous encroachment and Peter pointed out that the time to take appeal of that issue had run out, therefore was not in consideration. Also, as part of the ZEO's decision the old driveway would be abandoned and the new one would not infringe on his property. From viewing the photos of the area in question, where there had previously been trees which have since been cut down, the extra wide driveway could be put in by right once the previous driveway was eliminated and therefor no longer infringing on Mr. Velardi's property.

Chris Garrington at 18 Village Green Court pointed out that since the street ended in a cul de sac, there was nowhere for Town snow plows to deposit snow, except on the Town Property and with a driveway located there and regulations that prevent blocking driveways, it would be impossible for the Town to plow Village Green Court. They also brought up location which is in a flood plain and were afraid it would cause further flooding.

In response and in support of her issuance of the permit, Jaymie explained that up to a 24 ft. driveway was allowed under the regulations and there was no need to submit a new application for a permit because it was all covered under the one from 2017 and he was going to

comply with the removal of the old driveway encroaching on Mr. Velardi's property.

Mr. Fuchs rebuttal was that there had been a fence and driveway there when he brought the property and that the trees in question that were cut down were found to be diseased, as are the others located in the area. The width of the new driveway was necessary because he stored his boat at the rear of his property and also, with teenage daughters, it would make an easier and safer way to exit than to drive directly onto traffic on Main Street. He said he would be willing to make the driveway cut smaller and in describing it to the Board said it would not be paved, using processed stone instead, which would aid in drainage and not cause flooding.

Peter Berdon reminded the Board that they only had to answer the question, did the ZEO make an error in issuing the permit for the driveway and the Board must adhere to the regulations as written.

With all parties willing to meet and discuss the matter in an informal setting and the understanding that although the driveway was allowed at 24 ft. that Mr. Fuchs would be willing to make it smaller and being assured that it would not make flooding worse if made with processed stone and he offered to meet with the residents of Green Village Court to address their concerns about snow removal, etc.

During discussion, the members were in agreement that Jaymie had been correct in issuing the permit therefore upholding her decision and Peter suggested that the hearing be closed, so Bud Beccia moved to deny the appeal of the ZEO's order which was seconded by Jim Sette and voted 5/0.

Minutes of August 20, 2019 were approved on the motion by Bud Beccia and all members were in agreement.

Meeting adjourned at 9:30 pm.

Respectfully submitted,

Mary Leigh Bianchi, Clerk