

# Zoning Board of Appeals

Branford, Connecticut 06405

## Minutes

The Branford Zoning Board of Appeals meeting of April 11, 2017 Special Meeting was called to order at 7 pm by Chairman James Sette, with Anthony Beccia, Peter Berdon, David Laska and Alternate Brad Crerar was seated for Leonard Tamsin who recused himself for the first application. Absent: Alternate Barry Beletsky.

17/3 – 2. Town of Branford, Owner/Antinozzi Assoc., Applicant, 185 Damascus Road – The application had been continued to allow time for the applicant to address concerns and answer questions without presenting the entire application. Peter Berdon who had been absent at the presentation at the previous meeting had listened to the tape and read transcripts in preparation for this meeting.

The applicant had arranged for balloons to designate the height of the building as was requested at the original hearing by Mr. Beccia, however due to weather conditions they were replaced with a flag pole, which satisfied the Board. There was only one in opposition, Peter Jackson of Killiam Point, who address the history of the current building which was designed to house some 1,500 students while current enrollment was just over 800. The configuration of the building for open space classrooms would be ample and closed classrooms installed. He figured that 300 foot hallways would be similar in length of a football field according to the new plan and would require more impervious surface for parking.

In rebuttal, it was pointed out that it would require portable classrooms because of the need to completely gut and reconfigure the interior of the school. Many of the original things, such as the elevator would have to be brought up to code being currently too small. The entire projected cost included everything down to the paper necessary for students. The hardship involved working with wetlands and flood plains. The Pool and Gym areas would not be affected and once the new parking areas were configured, there would finally be ample parking and, as for impervious surface, would be about what the structure occupies presently. Several neighbors and interested persons spoke in favor of updating and were supportive of the endeavor. While the Board questioned the appearance of the building, it being located in a residential area should not look like a factory or warehouse, however that doesn't come under the requirements of the ZBA and will be addressed during discussions with Inland Wetlands, Planning and Zoning Commission and other involved Commissions. In voting on the motion by Jim Sette, seconded by Brad Crerar, Peter Berdon and David Laska were in agreement, however Bud Becca voted no, so the requested height variance was approved 4/1.

17/3 – 8. Peter S. Kusterer, 3 Three Elm Road – The appeal of the ZEO notice was heard first, however the granting of the variance would be necessary to fulfill a part of the conditions set by the Board during the hearing of the appeal.

1. Peter S. Kusterer, 3 Three Elm Road-Appeal of Zoning Enforcement Officer's Notice of Violation dated November 30, 2016:

The appeal of the ZEO order was broken down into individual parts, the first being the boat storage. The applicant testified that a decade ago the previous ZEO agreed that the rear corner of the property was a better location than lining them up along the road where they would be in conformance with the regulations, however also in clear view of passersby. The Board pointed out that although it sounded like

a better location, a variance hadn't been requested and was not the ZEO's right to grant permission in lieu of a variance. They advised that he should have addressed his problem at the time by applying for a variance which might have been granted. Mr. Kusterer further noticed that under new regulations, there was a limit to one boat and whereas he collects them, he felt that his eight boat collection should be grandfathered in. On this the Board agreed, however they conditioned that on having them stored within the confines of the property observing the setbacks required. He said it was his intention to store them in the new structure for which he was applying for a variance.

The Board then addressed the parking violation, to which the applicant responded that in 1925 the Town took property to allow for two new streets and in doing so, left the commercial property with no area for parking, therefore he was allowing parking on his other properties in violation of regulations. There is very little parking area in Stoney Creek and the area is a mixed zone with business and residential. The Board advised him to seek a Special Exemption from the Planning and Zoning Commission since residential parking can be modified to alleviate his problem. They agreed however that this portion of the citation by the ZEO was correct.

The final part of the complaint concerned the location of the commercial dumpster which is being used by both his commercial property and his rentals, but is located across the street from the commercial building and located on his residential property and is therefore in violation of current ordinances. Again the Board found that the ZEO was correct and found that it should be moved back to its original location and should be shielded with fencing and/or shrubs.

On the motion by Peter Berdon, seconded by Jim Sette the Board agreed unanimously that the Appeal was denied and the order was upheld with the exception that eight boats be permitted to be stored on site.

The Board then addressed the original variance request concerning the structure at 3 Three Elm Road. The Board found that since there was no actual footage limitation mentioned in the regulation concerning the detached accessory building to show if it was actually larger or smaller than the primary structure and in doing measurements of the building it was found to be smaller than the primary structure. This, and based on the fact that the detached building would have been fine if it was an attached accessory building but found there was a hardship due to the area reserved for future septic requirements so this couldn't be accomplished. All things considered on the motion by Peter Berdon, seconded by Jim Sette, the variance granted with the condition that the use of the structure must be for residents of the property or the property owner only.

On the motion by Jim Settee the meeting adjourned at 9:50 pm.

Respectfully submitted,

Mary Leigh Bianchi

Clerk