

Vice Chairman Bradley called the meeting to order at 7:08 p.m.

PRESENT: Ed Boughton, Regular Member
Guy Stone, Regular Member
Mike Tobin, Regular Member
Thomas Katon, Regular Member
Paul Bradley, Vice Chairman

Member Katon read the Legal Notice into the record.

1. PUBLIC HEARING AND POSSIBLE ACTION ON PUBLIC HEARING ITEMS

- A. Application #2005/06-23 266 Reeds Gap Road (Assessor's Map 77, Lot 22-1)
Seeking a variance Section 24.4, Schedule B, Line 7.1, minimum setback from street line to allow 28' street line setback where 50' is required, for a garage and breezeway. Owner/Applicant: Scott C. Raffone

PUBLIC HEARING

Vice Chairman Bradley stated that the hardship is the existing house predates zoning and is set back 27 feet from the street line the propose maintains uniform setback from street line.

Attorney John Esposito representing Mr. Raffone stated that this is a reapplication which has been already approved but the work was not completed in the timeframes. Part of that was because they were attempting to work out a resolution with the adjoining property owner. The hardship is the building itself is already non-conforming. The garage can not be put back further due to the well. The garage can not be put on the other side of the house due to leaching fields and the house is not laid out for the garage to be on that side. Attorney Esposito distributed Exhibit A – East Shore District Health Approval Letter, and Exhibit B – Letter from Department of Public Health.

Vice Chairman Bradley stated that there is no way to configure the garage so that it does not encroach a pond the easement.

Attorney Esposito responded no. The easement area is quite large. The same issues would exist no matter what the size of the easement. The garage/breezeway would not prohibit access to the shed or berm.

Member Katon asked when the easement was granted?

Attorney Esposito responded that it was granted in 1980.

Member Katon asked when the applicant acquired the land? Was it before or after the easement?

Attorney Esposito responded that he acquired it after the easement.

Vice Chairman Bradley asked what the distance will be between the back of the garage and the well house?

Applicant, Scott Raffone responded that if he had to guess, it would be about 15 feet.

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application?

Attorney Bernie Pellegrino of Pellegrino Law Firm representing Northford Glen Condominium Association. We are opposed to this application. Mr. Pellegrino submitted for the record Exhibit C – Copy of Easement and Exhibit D – Colored copy of Map. Attorney Mr. Pellegrino stated that the rights of the easement prohibits any construction within the yellow area and on page three the grantor of the easement which is Mr. Barnett did retain specific rights within the easement area but only the rights to pass and repass by vehicle or by foot over the easement area and to park vehicles on the same. It does not include the right to construct structures that would interfere with our client's right to act at the well house. Now the well house is not your grandmother's well house. I have brought some photos of the well house itself. Exhibit E-K – Pictures of the well house inside and out. Attorney Pellegrino described the well house and the equipment inside. Attorney Pellegrino went on to say that the letter from the health department seems to be back end. We believe the garage would harm the well house due to it being less than 15 feet from the well house. If you look on the map and see the round line, which talks about 150 foot well easement, that easement area prohibits the construction of sanitary sewer system within that area under the state guidelines so there is no contamination into the well. Any and all septic systems had to be located outside of that circumference area which will dovetail onto my next point which there is no septic system which prohibits construction of the garage to be on the other side of the house. He needs to show hardship. He can build the same size garage on its property without infringing upon the front yard side back. I don't believe the septic system is in that area so therefore we believe the garage could be built on the other side so therefore the hardship requirement has not been satisfied. It may not be the preferred area, but the burden that the applicant bears is in light and I think the variance should be denied. This will increase the pre-existing non-conformities. Attorney Pellegrino distributed exhibit L-N – Pictures of the outside of the well house. Attorney Pellegrino went on to say that this would be off of Middletown Avenue by at least 200 feet.

Member Katon asked how his client would access the well house?

Attorney Pellegrino responded that the access is the entire area in yellow. They can drive the vehicles right on the driveway or the lawn.

Member Katon stated that it looks like there is at least thirty feet between the proposed structure and the boundary line.

Attorney Pellegrino responded that there is still some room but the construction of the garage would block direct access to the front door of the well house. You could get there, but you are not going to have much clean access to the well house. There is also reserve for the construction for a second well inlet.

Member Katon asked if Mr. Raffone could park anywhere in the 150 foot arc and change his oil or anti-freeze?

Attorney Pellegrino responded that he could.

Lisa Levine of 246 Reeds Gap Road stated that the well is actually over from the structure of the house

Vice Chairman Bradley asked if anyone would like to speak in favor of the application?

Vice Chairman Bradley stated that we are pretty flexible. We will give each distinguished member of the bar to recap anything that they have to.

Attorney Esposito stated that this is not the forum to decide whether the placement of a structure is in violation of the easement. It allows the owner of the real estate to use the real estate. It does not interfere with the easement. Any activity would be allowed. This is a small piece, but the entire property is 284 feet so it can not be over 200 feet from the road. It looks like the main structure of the septic system from the plan that I have was actually moved outside of the radius, but there is all the lines that connect the septic system to the house is under that area.

Attorney Pellegrino stated that he does not think that there is a hardship. The garage could be built on the other side of the house. The easement issue is relevant certainly to the location of this garage and there are additional factors to having the garage on the other side. You have additional contamination of the well. In the event that it needs access. A legal hardship does not exist and we request it to be denied.

Vice Chairman Bradley asked the applicant what kind of soils he has

Mr. Raffone responded that he does not know.

Vice Chairman Bradley closed the Public Hearing at 7:55.

POSSIBLE ACTION

Member Tobin stated that his initial thought is it can be built on the other side of the house.

Member Katon stated that he thinks the arguments made on both sides make it a close question. I think there is a hardship that is posed at least by the fact that it pre-dates zoning. I view an expansion of a non conformity to be a structure even closer to the street line then the existing structure. The notion of potential interference with the use of the well doesn't strike me that compelling in that you can park a vehicle anywhere you want in that radius, change the oil, change the antifreeze, pullout the engine, do whatever you want and it is not a violation of the easement. The fact that this is going to have impermeable foundation would be an improvement in terms of regulated water supply over and above that which exists already. The problem that I do have is that unfortunately there appears to be a reasonable alternative location for the structure, not the highest of the best or most preferred location for the homeowner unfortunately, because of all that land, I don't think the applicant meets his burden. It really is a difficult call. In the face of objections of the neighboring property, that is were I am coming from.

Member Boughton stated that this is a difficult decision. If you look at item A where it specifies the uses of the easement, I think there a non-permeable floor would have some benefits. I think the fact that it was not mentioned, I don't think an omission gives permission. The variance doesn't speak to the structure issue. The land that has been pointed out by the outline in red is a valid argument.

Vice Chairman Bradley stated that we are charged with the public health, safety and value. Over the long term, it can seep into the land long before we know about it. Fifteen feet is not a lot of lead way for error.

MINUTES – North Branford Zoning Board of Appeals
Regular Meeting of August 21, 2006

VOTE: Member Boughton – Deny
 Member Stone – Deny
 Member Tobin – Deny
 Member Katon – Deny
 Vice Chairman Bradley – Deny

The variance was DENIED by a vote of 5 to 0.

- B. Application #2005/06-27, 53 Augur Road Extension, (Map 46, Lot 8A) Seeking a variance of Section 24.1, Schedule B, Line 8 to allow 15.7% lot coverage where 10% is permitted. Section 24.1, Schedule B, Line 7.2.1 to allow 15' setback of accessory building from rear property line where 20' is permitted, Section 24.1, Schedule B, Line 8.1 requesting 6/5% lot coverage by accessory building where 2" is maximum permitted, Section 44.6 to allow 1,950 square foot accessory structure with 1,000 square feet is maximum permitted for a pole barn. Owner: Gerald S. and Ruth A.

PUBLIC HEARING

Gerald Adinolfi discussed the application with the Board stating that he would like to see if he can get a pole barn approved on the existing lot rather than on the hay fields.

Vice Chairman Bradley stated that it is an agricultural structure to be used for agricultural purposes to help maintain the adjoining hay fields.

Member Stone stated which you own?

Mr. Adinolfi responded that he does own the fields around the house and across the street.

Vice Chairman Bradley stated that if his memory served him that piece was put in with corn for a number of years and had a severe erosion problem. You purchased it, restored it, and reseeded it. It has some what of a nasty slope on it.

Mr. Adinolfi stated that is correct and I would like to keep it off of the hay lots.

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application

Vice Chairman Bradley asked if anyone would like to speak in favor of the application?

Vice Chairman Bradley closed the Public Hearing at 8:09 p.m.

POSSIBLE ACTION

Vice Chairman Bradley stated that we want to preserve agriculture in this town and the only way we are going to do it is by giving them the structures they need. It is a well maintained piece; he has worked hard to bring back a piece that was endanger of turning into a real nightmare. He wants to use it for hay. He has one of the best maintained pieces of property in the Town. He has for a number of years. He has raided his kids well and if it goes to the next generation, it will be well maintained too, I suspect.

MINUTES – North Branford Zoning Board of Appeals
Regular Meeting of August 21, 2006

VOTE: Member Boughton – Approve 61.3
 Member Stone – Approve 61.3
 Member Tobin – Approve 61.3
 Member Katon – Approve 61.3
 Vice Chairman Bradley – Approve 61.3

The variance was GRANTED by a vote of 5 to 0 in favor.

- C. Application #2006/07-1, 20 Circle Drive (Assessor’s Map 12, Lot 15) requesting a variance of Section 24.4.9 to allow a 5’ setback from a sideline where 10’ is required, and a variance of Section 24.1, Schedule B, Line 8 to allow 13% lot coverage where 10% is the maximum allowable for an attached garage. Owner: Raymond and Lorraine Polizzi / Applicant: Raymond Polizzi

PUBLIC HEARING

Applicant, Raymond Polizzi discussed the application with the Board stating that he would like to construct a garage to enhance property and because they get flooded so much that he would like to bring his lawn equipment to higher ground.

Member Katon stated that this pre-dates zoning.

Mr. Polizzi submitted for the record pictures (Exhibit A & B)

Vice Chairman Bradley asked if anyone would like to speak in favor to the application?

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application.

Vice Chairman Bradley closed the Public Hearing at 8:13 p.m.

POSSIBLE ACTION

Member Katon stated that given the existing non conforming use, unusual topography, drainage problems and swale it seems to me it is a minor intrusion to the zoning regulations.

Vice Chairman Bradley stated that there was not opposition.

VOTE: Member Boughton – Approve 61.3
 Member Stone – Approve 61.3
 Member Tobin – Approve 61.3
 Member Katon – Approve 61.3
 Vice Chairman Bradley – Approve 61.3

The variance was GRANTED by a vote of 5 to 0 in favor.

- D. Application #2006/07-2, 69 White Hollow Road (Assessor's map 76, Lot 7) requesting a variance of Section 6.25 to allow only 54% of minimum lot area (43,500 s.f.) to consist of uplands soils (non-wetland) where 75% is required (60,000 s.f.) in an R-80 Zone for a proposed lot (7c). Owner/Applicant: Cynthia M. Lyon

PUBLIC HEARING

Vice Chairman Bradley reviewed the application with the Board stating the hardship is the existing lot substantially exceeds minimum lot area, lot contains significant wetland areas with two isolated upland areas, one abutting White Hollow Road with an existing house and the other area abuts Lanes Pond Road.

Applicant, Mr. Lyon stated that we would like to separate that lot out. We found these maps and decided we didn't need all this land.

Applicant, Cynthia Lyon stated that there is enough land there to build another house.

Member Katon asked if anyone ever talked to you about whether this property been an approved subdivision and whether or not this is going to be a re-subdivision.

Mrs. Lyons stated that we spoke with Kurt Weiss and Carol Zebb and nobody has said anything.

Much discussion took place as to the breaking out of this land.

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application.

Pasquale Delice of 160 Lanes Pond Road stated that he is in opposition. He also had a couple of questions. 6.25 originally called for 43,500 square feet. Why was that 43,500 square feet designated?

Vice Chairman Bradley responded that when they put the zoning regs in, if my memory serves me, they went with a true acre for the R-40 versus the builders acres 40,000. It was primarily designed because you needed potable water, septic system and reserve field. Now one of the issues on this particular piece is it will be served by Town sewers.

Mr. Delice stated that when that property was owned by Irving, applications were made for a variance so that they can build homes. When the sewers were installed on Lanes Pond Road, as you know there are underground springs in that area. We had water in our basement. There are also heavy deposits of lime in that area. My concern primarily is that anytime you fool around with the land in the vicinity; there are problems with the water. In addition when we bought that house thirty years ago, we bought that piece of property with the understanding that know one could build across the street. It was all wetlands there. That is one of the main reasons we bought that house. I don't want a house across the street from me and I don't want water level disturbed.

Maria Delice stated that she echoes her husband's sentiments.

Vice Chairman Bradley asked if anyone would like to speak in favor to the application?

Vice Chairman Bradley asked how long they have owned the property?

Mrs. Lyon's responded seven years.

Vice Chairman Bradley closed the Public Hearing at 8:27 p.m.

POSSIBLE ACTION

Member Boughton stated that his only thought is that he would like to see a new map.

Vice Chairman Bradley stated that he would be happier with a soil scientist report.

Member Tobin

Member Katon stated that this looks like a third cut out. I would like to know from the Town if this has ever been subdivided, which means Planning and Zoning needs to approve this. I could be wrong.

Member Tobin moved, second by Member Stone to table application #2005/06-27 for further insight from the planning staff. The motion was carried unanimously

- E. Application #2006/07-3, 335 Totoket Road (Assessor's map 29, Lot 7) requesting a variance of Section 24.1, Schedule B, Line 7.3 to allow a 2' setback from a sideline where 15' is required for an addition. Owner: Cherry Vincent and Irene McCaul: Applicant: Cherry Vincent

PUBLIC HEARING

Vice Chairman Bradley stated that the hardship is that the house was built in the 1950's prior to zoning, there are significant wetlands on property, limited original position of the house which limits the proposed addition.

Mr. Vincent stated that what we need most is a bigger kitchen and bathroom. To put the addition anywhere else would make us have to remodel the entire house.

Vice Chairman Bradley read into the record a letter dated August 10, 2006 from Ronald Walters of the Regional Water Authority.

Vice Chairman Bradley asked if anyone would like to speak in favor to the application?

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application.

Member Tobin asked if the grade from the front of the house to the pond is significant?

Mr. Vincent responded that it is pretty steep.

Vice Chairman Bradley closed the Public Hearing at 8:39 p.m.

POSSIBLE ACTION

Member Tobin stated that it appears to be a minimal variance to me.

Vice Chairman Bradley stated that the house clearly pre-dates zoning.

- VOTE: Member Boughton – Approve 61.3
Member Stone – Approve 61.3
Member Tobin – Approve 61.3
Member Katon – Approve 61.3
Vice Chairman Bradley – Approve 61.3

The variance was GRANTED by a vote of 5 to 0 in favor.

- F. Application #2006/07-4, 2 Evergreen Drive (Assessor's Map 32, Lot 8) requesting a variance of Section 44.6.1.f to allow a 1200 s.f. detached garage where only a 660 s.f. garage would be allowed based upon 50% of principal residential building footprint, and a variance of Section 24.1, Schedule b, Line 8.1 to allow 2.5% lot coverage by accessory building as a percent of lot area where 2% is allowed. Owner: James and Beverly Carr / Applicant: James Carr.

PUBLIC HEARING

Vice Chairman Bradley reviewed the application with the Board stating that the hardship is the existing house is small, with inadequate storage, existing garage under house is undersized.

Applicant, James Carr stated that he wants a big garage, I have boat and a small farm tractor that mice get into. I want to have something nice to store my items. I had a garage when I was in New Haven, which was pretty small and I don't want to make that mistake again.

Member Katon stated whatever you have outside would be undercover.

Mr. Carr stated that is correct. I would be able to look things up tighter so that I don't have a mice problem.

Vice Chairman Bradley read into the record a letter dated August 10, 2006 from Michael Guaglianone of the Regional Water Authority.

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application.

Edward Hollenbeck of 246 West Pond Road Extension stated that he does not see why he needs a garage that size. It is bigger than most houses in the area.

Vice Chairman Bradley asked if anyone would like to speak in favor to the application?

Member Stone asked the applicant if this is wooded lots?

Mr. Carr responded that there are trees.

Member Katon asked if he could cut down on the size of the garage.

Mr. Carr responded that it is a cover it that is 14 feet by 30 feet now and I have additional items to store.

Vice Chairman Bradley closed the Public Hearing at 8:51 p.m.

POSSIBLE ACTION

Member Katon stated that his thoughts are that it is a substantial improvement to the property than with a cover it on it. The percent that we are asking to allow is small on the coverage issue.

Member Tobin stated that with what people have for vehicles and boats, etc, you should be able to cover it.

Member Boughton stated that given the size of the applicants existing structure this will be an improvement.

Vice Chairman Bradley stated that Mr. Hollenbeck has been there a number of years.

Member Tobin stated that other side of the coin is that he can build a smaller garage and still keep the cover it there. I would rather see a bigger garage.

VOTE: Member Boughton – Approve 61.3
 Member Stone – Approve 61.3
 Member Tobin – Approve 61.3
 Member Katon – Approve 61.3
 Vice Chairman Bradley – Approve 61.3

The variance was GRANTED by a vote of 5 to 0 in favor.

- G. Application #2006/-7-5, 10 Dogwood Road (Assessor's map 40, Lot 2) requesting a variance of Section 24.1, Schedule B, Line 7.2 to allow a 9' setback where 30' is required from rear property line, requesting a variance of Section 24.1, Schedule B, Line 7.3 to allow a 8' setback from a sideline, where 15' is required, requesting a variance of Section 24.1, Schedule B, Line 8 to allow 11.0% of lot coverage by buildings where 10% is allowed for a deck addition and a shed. Owner: David H. and Carolyn C. Vitaletti / Applicant: Carolyn C. Vitaletti.

PUBLIC HEARING

Applicant, Carolyn Vitaletti discussed the application with the Board stating that this is a corner lot and the grass is useless. We spend a lot of time out on the deck. We have limited storage space without a basement or anything.

Vice Chairman Bradley stated that the hardship is that it is an undersized lot located on a corner which makes it hard to conform to regulations.

Vice Chairman Bradley read into the record a letter dated August 10, 2006 from Michael Guaglianone of the Regional Water Authority.

Member Katon asked will the back of the deck be any closer to the fence then the arc of the pool.

Mrs. Vitaletti said the yard goes on an angle and she thinks if we go with the six feet, it may be one foot closer but if we go with five feet, it will be with the arc of the pool.

Mrs. Vitaletti submitted photos of yard (Exhibit A & B)

Vice Chairman Bradley asked if anyone would like to speak in favor to the application?

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application.

Vice Chairman Bradley closed the Public Hearing at 9:02 p.m.

POSSIBLE ACTION

Member Katon stated that it is pre-existing, minimum intrusion and no opposition from the neighbors.

MINUTES – North Branford Zoning Board of Appeals
Regular Meeting of August 21, 2006

VOTE: Member Boughton – Approve 61.3
Member Stone – Approve 61.3
Member Tobin – Approve 61.3
Member Katon – Approve 61.3
Vice Chairman Bradley – Approve 61.3

The variance was GRANTED by a vote of 5 to 0 in favor.

- G. Application #2006/07-6, 126 Village Street (Assessor's Map 53, Lot 24) requesting a variance of Section 24.1, Schedule B, Line 7.3 to allow a 4.5' sideline setback where 15' is required for two sheds. Owner: marc H. Anderson and Bernice L. Anderson / Applicant: Mark H. Anderson.

PUBLIC HEARING

Vice Chairman Bradley reviewed the application with the Board stating that the hardship is desire to remove/replace existing storage shed and construct new potting shed. Narrow lot non-conforming, topography existing building limits shed replacement.

Applicant Marc Anderson discussed the application with the Board stating how his lot is located.

Vice Chairman Bradley asked if anyone would like to speak in favor to the application?

Vice Chairman Bradley asked if anyone would like to speak in opposition to the application.

Vice Chairman Bradley closed the Public Hearing at 9:06 p.m.

POSSIBLE ACTION

Member Tobin stated that the application pre-dates zoning with unique topography.

Vice Chairman Bradley stated that there is no opposition from the neighbors

VOTE: Member Boughton – Approve 61.3
Member Stone – Approve 61.3
Member Tobin – Approve 61.3
Member Katon – Approve 61.3
Vice Chairman Bradley – Approve 61.3

The variance was GRANTED by a vote of 5 to 0 in favor.

MINUTES – Regular Meeting of July 17, 2006

The minutes of July 17, 2006 have been tabled due to a lack of quorum.

MINUTES – North Branford Zoning Board of Appeals
Regular Meeting of August 21, 2006

BILLS AND CORRESPONDENCE: None

ADJOURNMENT

Member Katon moved, seconded by Member Stone to adjourn the meeting at 9:09 p.m.
The motion was carried unanimously.

Respectfully Submitted;

Respectfully Submitted;

Denise Prather
Recording Secretary

Paul Bradley
Vice Chairman