



TOWN OF NORTH BRANFORD

TOWN HALL 909 FOXON ROAD NORTH BRANFORD, CONNECTICUT 06471-1290
Building Department (203) 484-6008 Engineering Department (203) 484-6009
Planning & Zoning (203) 484-6010 Department Fax (203) 484-6018

MINUTES ZONING BOARD OF APPEALS October 20, 2025

1. CALL TO ORDER

Chairman Kenning called the meeting to order at 7:00 p.m.

2. ROLL CALL

Melinda Fonda, Regular Member
Ed Boughton, Regular Member
John Doody, Regular Member
Peter Deyo, Alternate Member
Thomas Katon, Vice Chairman
Steve Kenning, Regular Member

Member Fonda read the legal notice into the record.

3. PLEDGE OF ALLEGIANCE

4. MINUTES – Meeting of July 21, 2025 and September 15, 2025

Member Fonda moved, seconded by Member Boughton to approve July 21, 2025 minutes. The motion was carried unanimously.

Member Fonda moved, seconded by Member Boughton to approve September 15, 2025 minutes. The motion was carried unanimously.

Member Boughton moved, seconded by Member Fonda to hear Item B first and then we will hear Item A. The motion was carried unanimously.

5. PUBLIC HEARING AND POSSIBLE ACTION ON PUBLIC HEARING ITEMS

B. Appl. #2025-7, 3 Lakeview Drive – requesting a variance of Section 24, Schedule B, Line 7.1 to reduce the front property line setback to 14' where 50' is required, for placement of a 11' x 13' greenhouse. Owner/Applicant: Cynthia & Kenneth Szombathy

Chairman Kenning reviewed the application stating that the hardship is that 50 feet from the street would put the greenhouse in the fishpond. It cannot be put in the backyard because of the pool and the tree coverage. The lot is a corner lot. The 50 feet from street severely limits possible locations for the greenhouse.

Chairman Kenning stated that the notification requirement has been met.

Applicant Cindy Szombathy stated that we are interested in putting a greenhouse on the lot. There is no room on the lot to put this outside of the 50-foot setback.

Chairman Kenning stated that you are putting this in the northeast portion of your lot.

Member Fonda asked if your front door faces Hickory Lane.

Applicant Szombathy stated no.

Member Boughton asked how long have you lived there.

Applicant Szombathy stated all of her life, but she bought the house from her parents in 1991.

Chairman Kenning stated that it appears the corner of your house is actually closer to the road. It appears the corner of the greenhouse will be farther away than the house itself.

Chairman Kenning stated that greenhouses need sunlight. Is there not anywhere else on the property that this could fit.

Applicant Szombathy stated that the rest of the property has trees on both sides and a greenhouse would not get any sunlight.

Chairman Kenning asked if anyone would like to speak in favor of the application.

Chairman Kenning asked if anyone would like to speak against this application.

Chairman Kenning closed the public hearing at 7:16 p.m.

POSSIBLE ACTION

Member Boughton stated that he would love to find a statutory hardship for this. By law we need to find a physical issue with the property. It's just me, but I don't see an issue with a statutory hardship.

Member Doody asked if shade was not a hardship?

Member Boughton stated that this is just my opinion.

Member Deyo stated there are two things that give it a hardship, one it is an undersized lot and two it pre-dates zoning.

Member Fonda asked what the zoning variance was for in 1998.

Applicant Szombathy responded that it was to build a garage.

Chairman Kenning stated that what Ed stated is true, we do have to find a hardship, but hardship comes in many different ways. In my mind, the hardship is, that other parts of the property is too shaded for a greenhouse.

Member Fonda stated that my concern is that this is going to be in the front yard.

Applicant Szombathy stated it is not just the pool in the back. Behind the garage is all stonework. From the edge of the garage to the edge of the pool is a stonework patio.

Chairman Kenning stated that personally I see both Ed and Peters point very well. I am leaning towards approving this.

Member Doody stated that a corner lot is hard to deal with because you have 50 feet from both street lines.

Member Deyo asked where the well is located?

Applicant Szombathy responded that the well is approximately 24 feet away from the proposed greenhouse.

Member Fonda asked if East Shore Health director had any concerns with the well.

Zoning Enforcement Officer Perkins stated that they do not have an issue with it as it is not a permanent structure.

Member Fonda stated that it is the layout of the house that is making it concerning.

Vice Chairman Katon moved, seconded by Member Doody to approve application #2025-7, 3 Lakeview Drive requesting a variance of Section 24, Schedule B, Line 7.1 due to the property pre-dates zoning and that it is a corner lot. The motion passed unanimously.

A. **Appl. #2025-6, 630 Forest Road** – Appeal of Zoning Enforcement Officers (ZEO) cease and desist order of July 11, 2025 regarding commercial uses at property. Owner: Mary Ferraro Family Trust/Applicant: Timothy J. Lee, Esq.

Chairman Kenning reviewed the extent of the appeal stating that the applicant wants to appeal the order because the property has historically been used for commercial purposes and those uses may predate zoning and may be included within variances granted in 1994.

Applicant Attorney Timothy Lee, who is representing the owner of the Mary Ferraro Family Trust, stated that before I get started, I just want to state that we are not asking for a variance, we are here to appeal the decision of the zoning enforcement officer of July 2025. We are asking the zoning board of appeals to overturn the commercial uses which pre-date the enactment of zoning regulations. By way of background, my clients

purchased the property in 1972, 1973. My clients property continued the refuse business. While that was in use, Empire Paving, Palma Landscaping, Extreme Paving, Mario's Trucking, CNS, Jim's Stumping grinding all stored vehicles on this property. The property has been continuously used for commercial property since the 1960's. The Town of North Branford has recognized the commercial use. In 1994 the client had asked for a variance, one for a 2-bay garage and one for a 3-bay garage that was approved by your predecessors. When ZBA approved the new building in 1994, the purpose was to house vehicles and equipment used in the business. Those two structures had been continued to be used since 1994.

Applicant Lee asked Jay Juliano of Extreme Paving to state what he does on the property.

Jay Juliano of Extreme Paving stated that I just park my trucks on the property. We start at about 6:30 am and return back about 3:30-4:00. I have been parking my vehicles for at least 8 years.

Applicant Lee submitted for the record the previous approvals from the Town of North Branford of the property. Although the names may have changed for these businesses, there has been commercial businesses since 1994. As a side there was Humberto's trucking, which prompted complaints to the Town, at which time, my client evicted them. Jims Stump Grinding, CNS and Extreme Paving all use the property in the consistent historical use. It is the law that the only way a property owner can lose a non-conforming use, is if they abandon the property. The second point is, even though some of the names may have changed, the use of the non-conformity has not changed.

Member Boughton asked where the complaint came in from.

Zoning Enforcement Officer Perkins stated that back in 1994 when the expansion of the building states that there is a commercial business that the owner is part of the recycling business for the Town. What is before us now is, it is a different business that stores equipment.

Chairman Kenning stated that the business activity cannot be expanded upon per the minutes from 1994.

Applicant Lee stated that if you read the minutes from 1994, they were not hauling trash or storing trash. They would bring their trucks in and store them. The operations of Ferraro's Carting was significantly more substantial then what is being done today. Extreme is doing it at regular business hours, versus Ferraro's doing it in the middle of the night.

Member Fonda read an excerpt from the 1994 minutes stating "that recyclables are switched from one truck to the other. Member Migliore stated that he does not have a problem with storing trucks." It does not say garbage trucks.

Member Boughton stated that was there citizen complaints?

Zoning Enforcement Office Perkins stated that he had received a number of complaints from neighbors regarding noise. So I investigated, and there was paving and transportation with other trucks. Noise was the primary issue.

Vice Chairman Katon asked if it has subsided since Humberto's has left the premise.

Zoning Enforcement Officer Perkins stated that there was also scrapping that was part of the complaint.

Mr. Juliano stated that we have two trailers that work for Sym's. Nothing ever comes to the yard. The purpose of this to store vehicles.

Applicant Lee submitted for the record the application that was submitted in 1994.

Chairman Kenning stated that to straighten it out in my mind is one or more residents came to the town to complain about the noise at this site. With the ZEO investigation, the uses were not what was allowed from what was approved in 1994.

Member Deyo asked if the property was ever vacant at any time?

Applicant Lee responded no.

Chairman Kenning asked if anyone would like to speak in favor of the cease and desist order?

Dave Iocoolo, 662 Forest Road, stated that it is a residential neighborhood. There were no problems for years. I can show you where they were dumping on the property. I have asked them to not use the Jbrakes. I heard someone filed a complaint, so then I got on board. The rest of the neighborhood is afraid to talk. Ferraro's got a little greedy, and wanted more money. We all should be allowed to bring trucks to our property. The scrap truck leaves at 6:20. The beeping and the banging is heard all day, every day. It has been going on for over 20 years. We went to the Town and nothing ever gets done. I don't think the people downstream is aware of what was in there water. I just don't want the noise.

Christopher Sullivan, 3 Arbor Lane, stated that he is basically right across the street. I was one of the people that went down to zoning. The times are earlier than 6:20. It can start as early as 2:30 or 3:00 in the morning. The trucks are starting up, the beeping and backing up. In particular, a Sunday night into Monday that sounds like a 50 pound kettlebell going into a dumpster. I have to sleep with my windows shut. I lose sleep and it has become a quality-of-life issue for my household.

Jennifer Sullivan, 3 Arbor Lane, stated that when we moved in, in 2009, we knew it was going to be loud because of Forest Road, but the noise and the banging that starts 2:00-3:00 in the morning. There are more trucks than there used to be. Why does it have to be so early on a Sunday and Monday. Early September I was working out in my yard I needed to have my phone up to 100% because it was so noisy across the street. Even

with the cease-and-desist order, the noise continued. How do we know that someone like Humberto's does not come back. I am also worried about the environmental impact.

Esther Kopylec, 662 Forest Road, stated that the noise is running at all different times. They start the trucks up at 3:30-4:00 in the morning and let the trucks run for 30 minutes. I hear it, I see it. I have it on video. We want it to stop. Our property values are not too good if we want to sell our house.

Chairman Kenning read into the record a letter from Esther Kopylec regarding the variance from 1994, the Ferraro business history, violations from past years and a summary of no evidence of hardship except to rent resident property for commercial gain, along with 9/15/25.

Victor Pietrandrea, 123 Beech Street stated that I invest a lot of money into this Town. I bring a lot of business into this town. We have a non-conforming pre-existing. This is a business that has been there since the 70's. I want to know if I want to invest more money into this Town that the same thing will not happen to me. If it is pre-existing, non-conforming, why are we here?

Chairman Kenning asked if anyone would like to speak in favor of the use at this property.

Bill Salg, 739 Forest Road, stated that before the Ferraro's owned it, there were trucks on it. Auggie Munsommier sold gravel, he had 2 10 wheelers, with cable loaders.

Northford supplied so much gravel for 91 and 95 and Auggie had a big part of that. As far as the neighbors should have thought about buying a house by this property. You have three acres that people are complaining about. This was all done way before zoning and it was always used for commercial from before Ferraro's to after Ferraro's. Get the tax dollars for the use.

Christopher Sullivan of 3 Arbor Lane stated that there has been an increase in noise from 2009. The noise in the past year has been unacceptable.

Esther Kopylec stated I have been here since 1982. When there were three trucks, there was no issues. Then the neighbors had rats because of the garbage that was being dumped. The past few years has gotten really bad.

Applicant Lee stated that the issue is not why it was moved to residential, but the evidence shows that the use has been this way since the 60's. Focus on what the uses is. My client has since realized Humberto's was an issue, they took care of getting them off of the property. As far as any noise in the wintertime, Mr. Juliano's business will be shutting down from around Christmas to April. We have a right to continue the pre-existing commercial use.

Christopher Sullivan asked how do we know there will not be the continued overnight noise.

Carmel Castelvestro, sister to Mary Ferraro, stated that I have been here since before 1965. These people that have complaints never came to the family regarding any of this.

William Salg stated that a lot of the noise is coming from Forest Road, especially with the rumble strips.

Jay Juliano stated that Bozzuto's comes in the middle of the night to empty the dumpsters, that could be the loud noises you hear.

Chairman Kenning closed the public hearing at 8:40 p.m.

POSSIBLE ACTION

Member Fonda stated that I was on this property when I was on the IWWA nearly 15 years ago. It appears that nothing has changed since that time.

Member Boughton stated that the issue here is, this is a noise issue. The land is being used as it has been used since the beginning and according to the minutes from 1994. Changing the name of the company, the fact of the matter is, it doesn't make the other variance null and void. I happen to agree that the use hasn't changed. I do not see Cease and Desisting this business is the right step to take.

Member Fonda asked if there are separate rules for noise ordinances.

Zoning Enforcement Officer Perkins stated that there are commercial and residential noise ordinances.

Member Boughton stated this is not the correct way to resolve the issue.

Member Katon stated that the pre-existing uses have been in use. Maybe something can be done with the noise.

Chairman Kenning stated that I agree. We have had other applicants before us regarding a noise coming out of the business. Maybe don't let John's Refuse come in the middle of the night. If we can get a commitment from the owners of the business and Ferraro's.

Member Fonda stated that because there is a pre-existing use, we have to ask them to be kind to their neighbors to keep the noise decibel proper for the neighborhood.

Member Doody stated that maybe they can put a line of arborvitae, that would be the neighborly thing to do.

Member Deyo stated that the issue is a noise issue, not the legal non-conforming entity.

Chairman Kenning stated that I have a commercial business near me and I have talked to the neighbors and they have made an adjustment.

Member Fonda asked the applicant to see if they can possibly put some arborvitae up or accommodate the businesses with their start time.

Chairman Kenning stated that it seems that Humbertos trucking was the biggest culprits and I hope the biggest offender has helped the neighbors. I would hope if it has been better, maybe the neighbors can talk to you and if it gets worse, you can work something out.

Member Fonda moved, seconded by Member Boughton to grant the appeal at 630 Forest Road. The motion was carried unanimously.

6. OTHER BUSINESS - None

7. ADJOURNMENT

Chairman Kenning moved, seconded by Member Katon to adjourn the meeting at 9:02 p.m. The motion was carried unanimously.

Respectfully submitted,

Denise Prather
Recording Secretary

Respectfully submitted,

Steven Kenning
Chairman