

## BERLIN ZONING BOARD OF APPEALS

**November 24, 2020 7:00 p.m.**

The Berlin Zoning Board of Appeals will meet in person on Tuesday, November 24, 2020 at 7:00 p.m. The Town of Berlin invites you to access and participate in this meeting in person, via Webex video conference or telephone conference call as provided below.

### **Join Webex Meeting:**

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=m01fef16a20e279bacebc2a1dde3396>

**Meeting Number** (access Code) 132 781 9347

**Password:** ZBATu700 (92288700 from phones and video systems)

### **Join by phone**

+1-408-418-9388 United States Toll

Access code: 132 781 9347

**This agenda and all meeting materials related to the agenda items which have been distributed to the Board will be posted on the town's website at: [www.town.berlin.ct.us](http://www.town.berlin.ct.us) and will be available for viewing twenty-four (24) hours prior, during and after the meeting. Members of the public are encouraged to submit materials relevant to the applications no later than 12:00 p.m. on Friday, November 20, 2020, for posting prior to, during and after the meeting.**

Video recordings of the meeting are scheduled to be posted to YouTube after the meeting.

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### **Berlin Zoning Board of Appeals Agenda**

#### **I. Call to Order**

#### **II. Public Hearings:**

**ZBA #2020-11      Map 11-3 Block 132 Lot 19, 288 Beckley Road**  
aka: 286 Beckley Rd and 55 Ledge Drive

POSTPONED

Carrier Enterprises, LLC is appealing the decision of the Zoning Enforcement Officer dated July 7, 2020, to deny a zoning permit for Building Permit Application for new construction of a single-family house. *(postponed at request of applicant)*

**ZBA #2020-12      Map 11-3 Block 132 Lot 19, 288 Beckley Road**  
aka: 286 Beckley Rd and 55 Ledge Drive

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Carrier Enterprises, LLC is appealing the decision of the Zoning Enforcement Officer dated August 19, 2020, to deny a zoning permit for Building Permit Application for new construction of a single-family house. *(postponed at request of applicant)*

**ZBA #2020-18      Map 17-4 Block 147 Lot 3, 1163 Mill Street – East Berlin**

Saleem Khan (owner/principal – Maple Avenue Repair Service LLC) is requesting a Location of Motor Vehicle Uses approval for a Dealer and Repairers License per Berlin Zoning Regulations VI.F.3.b and XI.R at 1163 Mill Street, East Berlin. The property is zoned GC and is owned by 1173 Associates LLC (owner/principal – Fred Campanella).

**1005 Kensington Road, Map 21-1/Block73/Lot 15**

Remand issued by Superior Court in the matter of Liam T. Mitchell, et al. v. Berlin Zoning Board of Appeals concerning the Board's denial of the plaintiffs' appeal of a Cease and Desist Order issued by the Zoning Enforcement Officer for an unauthorized basement apartment in the R-43 zone per Berlin Zoning Regulations §XV.A.1. *(Continued from 10/27/2020)*

**III. Regular Meeting:**

**ZBA #2020-11      Map 11-3 Block 132 Lot 19, 288 Beckley Road**

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**IV. Approval of Minutes:**

October 27, 2020 (Francalangia, Mazzotta, Whiteside, Coppola, Zelek)

**V. Review of ZBA 2021 Schedule**

**VI. Adjournment**

**MEMORANDUM OF STAFF COMMENTS**

**TO:** Zoning Board of Appeals  
**FROM:** Adam Levitus, ZEO  
**DATE:** November 20, 2020  
**RE:** #2020-18 Motor Vehicle Use Approval  
**APPLICANT:** Saleem Khan (owner/principal – Maple Avenue Repair Service LLC)  
**ADDRESS:** 1163 Mill Street – East Berlin  
Map 17-4 Block 147 Lot 3  
**ZONE:** GC

**Proposal and Background**

Saleem Khan (owner/principal – Maple Avenue Repair Service LLC) is requesting a Location of Motor Vehicle Uses approval for a Dealer and Repairers License per Berlin Zoning Regulations VI.F.3.b and XI.R at 1163 Mill Street, East Berlin. The property is zoned GC and is owned by 1173 Associates LLC (owner/principal – Fred Campanella).

**Staff Comments**

The property at 1163 Mill Street in East Berlin is currently used as a used car dealership operating under the name Mill Street Auto. The property is adjacent to and shares parking areas with 1173 Mill Street, which operates under the name Accurate Automotive. Both properties are owned by 1173 Associates LLC (owner/principal – Fred Campanella). The building utilizes one (1) overhead door, with parking on site for sales, staff, and vehicle storage.

The building owner is not changing. The application is to change the business operation at 1163 Mill Street from Mill Street Auto to the Applicant's business (Maple Avenue Repair Service LLC). This requires a new license from the DMV, and therefore a new approval from the ZBA.

In 2008, a Zoning Board of Appeals request for a used car dealer use (new tenant with Mr. Campanella maintaining building ownership) was approved for 9 parking spaces for sale use, 3 spaces for customer/employee parking, and a rear parking/storage area for vehicles recently towed to the lot.

In 2012, a Zoning Board of Appeals request for a motor vehicle use was approved, reverting operation back to Mr. Campanella, maintaining the same use as in the 2008 approval. Conditions of the 2012 approval included that the site plan stay consistent with a 6/5/2012 map by MBA Engineering, have 3 customer spaces, not more than 9 sales parking spaces, and limit motor vehicle storage to 30 shared spaces with Lot #7 (1173 Mill St). The 6/5/2012 map referenced in the approval was found in staff files and has been included in the meeting materials.

No physical modifications to the building, site, or use are being proposed by the applicant. Any new/modified signage or other modifications will need zoning approvals with building permits.

As of the time of this report, staff have not yet received the DMV forms. If the ZBA wishes to proceed with the review and should the ZBA approve this application, those documents will need to be submitted for staff review prior to staff signoff of the DMV application.

**Zoning Requirements:**

**§XI.R. Automotive Services**

*The Town of Berlin Plan of Conservation and Development, Section II, Strategic Outline for Implementation, Strategy 1: Coordinate the Regulatory Structure to Support the Plan, 3) states: Any variance granted by the Zoning Board of Appeals should be consistent with the standards imposed by Connecticut General Statutes in which a hardship exists owing to conditions affecting a specific parcel of land, and the variance which is granted should be consistent with the goals and policies of this plan and the intent of the zoning regulations.*



# Town of Berlin

ZBA # \_\_\_\_\_

## Planning and Zoning Department

240 Kensington Road  
Berlin, Connecticut 06037  
www.town.berlin.ct.us

Town of  
Berlin, CT

OCT 28 2020

Planning & Zoning  
Berlin, CT

### ZONING BOARD OF APPEALS APPLICATION

- ☐ Special Permit ☐ Variance ☐ Appeal of ZEO  
☒ Motor Vehicle Location ☐ Alcohol Uses Location ☐ Other / Determination

Property Owner(s): 1173 ASSOCIATE LLC  
Project Address\*: 1163 Mill St East Berlin CT 06023  
Map: 17-4 Block: 147 Lot: 3 Zone(s): GC Lot Area: 0.54

#### Please select all relevant items below:

- ☒ Supplemental Information Is Required For:  
ZBA Special Permit / Sale of Alcoholic Beverages Location / Motor Vehicle Uses Location  
☐ Inland Wetlands and Water Course Commission review needed  
☐ Planning and Zoning Commission review needed  
☐ Property is within 500 feet of a Municipal Boundary of \_\_\_\_\_  
☐ Previous Zoning Board of Appeals actions on this property:  
Date(s) & Purpose(s): \_\_\_\_\_

#### Applicant Information

Name: Suleem Khan Firm Name: Maple Avenue Repair Service LLC  
Street Address: 302 Maple Ave City: North Haven ST: CT Zip: 06473  
Email: Dispatch@nelcontowing.com Phone: 203-239-3920  
Signature: Suleem Khan Date: 10/26/20

#### Property Owner(s) Information (If Not the Applicant)

Name: 1173 ASSOCIATES LLC Principal: Fred Campanella  
Street Address: 1163 Mill St City: E Berlin ST: CT Zip: 06023  
Email: AccurateAutoCT@aol.com Phone: 860-828-9399

\*Letter of Authorization Required

ZBA action is requested pursuant to Berlin Zoning Regulations Section(s): \_\_\_\_\_

\*Any town official and/or employee who the town deems necessary may enter the property to verify information submitted with this application.

Brief description of the proposal: Property already licensed as a dealer. Business owner retiring / merging and business changing names. Same use  
Property NOT Changing Ownership of

VARIANCE APPLICATIONS: For relief of: \_\_\_\_\_ requirement.

Requested requirement: \_\_\_\_\_

Reason/Description of Hardship (REQUIRED): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### MOTOR VEHICLE USE LOCATION<sup>1</sup>:

The first page of the State DMV application is required to be submitted with this application

	Number of Service Bays	Parking Required	Parking Provided
<input type="checkbox"/> New Car Dealer	_____	_____	_____
<input checked="" type="checkbox"/> Used Car Dealer	<u>1</u>	_____	_____
<input type="checkbox"/> General Repairer	_____	_____	_____
<input type="checkbox"/> Limited Repairer	_____	_____	_____
<input type="checkbox"/> Gasoline Station	_____	_____	_____

#### SALE OF ALCOHOLIC BEVERAGES LOCATION<sup>1</sup>

The first page of the State Liquor Permit application is required to be submitted with this application

Type of State Liquor Permit:

☐ On -Premises Permit: Type \_\_\_\_\_  
☐ Off-Premises: Type \_\_\_\_\_  
☐ Other: Explain \_\_\_\_\_

N/A

To be completed by P&Z staff only:

Fee Paid \$ 380 (Refer to current Fee Schedule)

ZBA # 2020-18 - \_\_\_\_\_

Received by: AOL CLK 130412

Scheduled on ZBA Agenda of:

11/24/20

#### ZONING BOARD OF APPEALS DECISION:

Plan Title & Date: \_\_\_\_\_

Town of Berlin  
Received

OCT 28 2020

Planning & Zoning Department  
Berlin, Connecticut

Letter of Authorization

Property Owner: 1123 ASSOCIATES LLC

Principal: FRED CAMPANELLO (It

Subject Address: 1163 Mill St E. Berlin Ct

Applicant: Maple Avenue Repair Service LLC  
- Saleem Khan

I, FRED CAMPANELLO hereby give consent to Saleem Khan, to  
(Current Owner or Principal) (Applicant)

apply to all relevant Town of Berlin land use Boards and Commissions for

DMV license at the property located at 1163 Mill St Berlin Ct  
(Purpose of Application) (Address &/or Map Lot Block)

Berlin Connecticut.

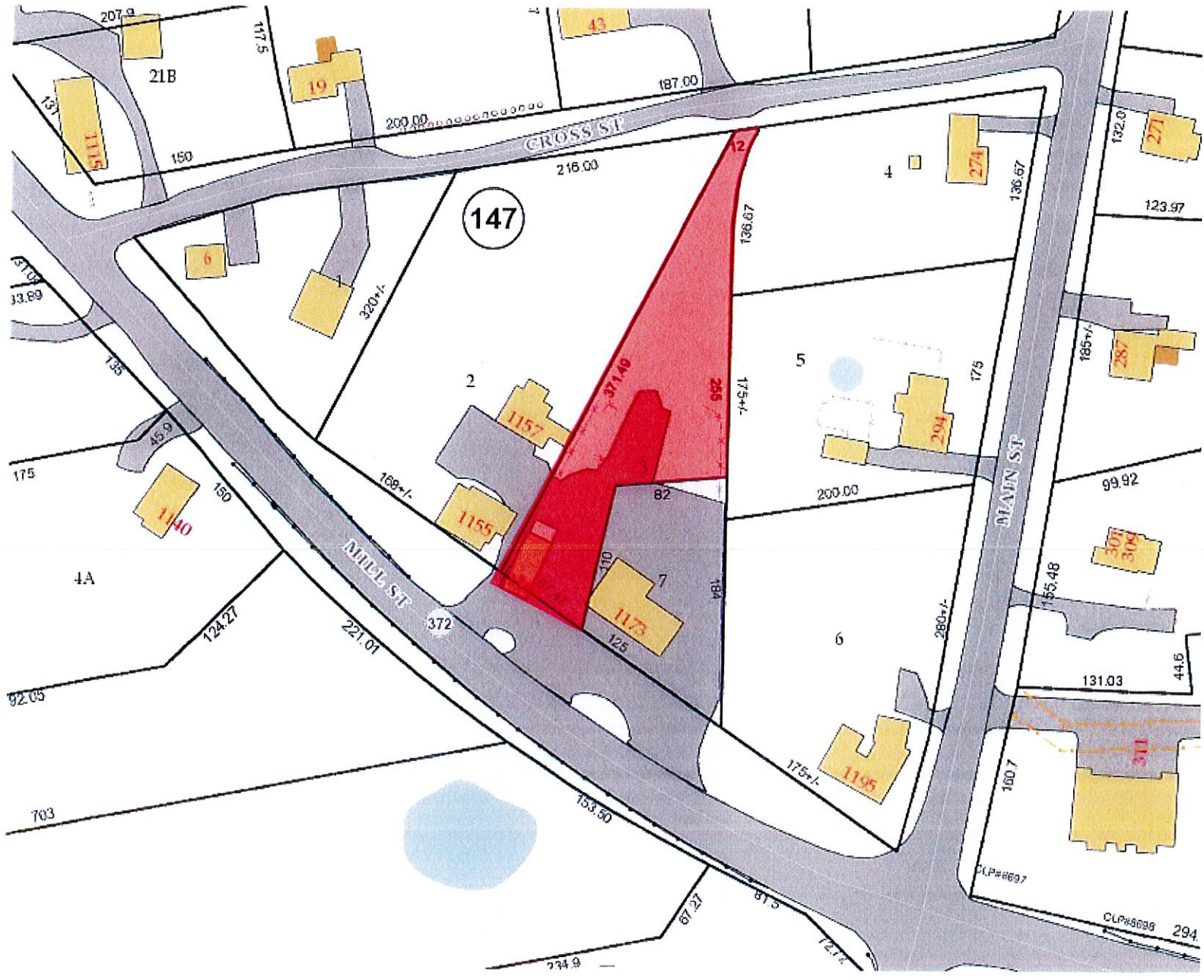
In addition I consent to allow any town official and/or employee that the town deems necessary  
the ability to enter said property to verify any information submitted with corresponding  
application.

Sincerely,

  
Signature

10/26/20  
Date

Town of Berlin  
Received  
OCT 28 2020  
Planning & Zoning Department

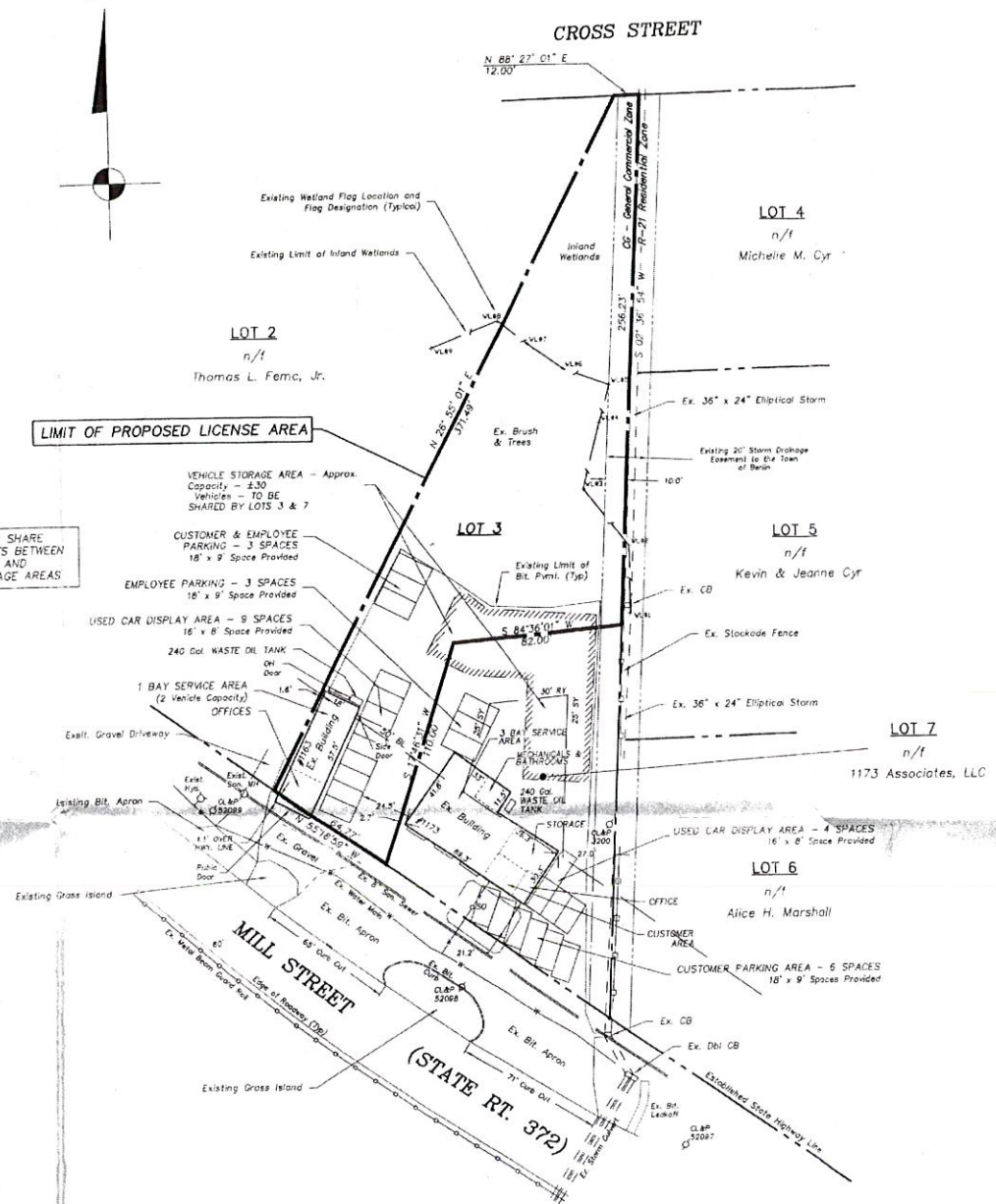


1173 ASSOCIATES LLC		1163 MILL ST		EAST BERLIN CT 06023		VISION		6007 BERLIN, CT	
CURRENT OWNER		TOPO		UTILITIES		STRT/ROAD		LOCATION	
1 Level		1 All Public		1 Paved		3 Rural		3 Rural	
1163 MILL ST		17-4 0147 000003		SUPPLEMENTAL DATA		Section: E dc CB Letter		Assoc Pid#	
GIS ID		17-4-147-3		SALE PRICE		VC		Total	
RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		Q/U V/I		PREVIOUS ASSESSMENTS (HISTORY)	
1173 ASSOCIATES LLC		0576 0644		10-20-2006		U I		Year Code Assessed Year Code Assessed Year Code Assessed	
FARLEY EVERETT +		0507 0032		07-25-2003		U I		2019 2-1 46,900 2018 2-1 46,900 2017 2-1 46,900	
FARLEY EVERETT,,		0164 0000		06-28-1971		U I		2019 2-2 34,400 2018 2-2 34,400 2017 2-2 34,400	
FARLEY EVERETT,,		0164 0181				U I		2019 2-5 2,400 2018 2-5 2,400 2017 2-5 2,400	
Total		0.00						Total 83700 Total 83700 Total 83700	
EXEMPTIONS		OTHER ASSESSMENTS		COMM INT					
Year Code Description		Amount		Number		Amount		Comm Int	
Nbhd		Nbhd Name		Tracing		Batch			
3050									
NEW ROOF + SIDING '07									
OLD PHOTO									
APPROAISED VALUE SUMMARY		Appraised Bldg. Value (Card)		49,200					
Appraised Xf (B) Value (Bldg)		0							
Appraised Ob (B) Value (Bldg)		3,400							
Appraised Land Value (Bldg)		67,000							
Special Land Value		0							
Total Appraised Parcel Value		119,600							
Valuation Method		C							
Total Appraised Parcel Value		119,600							
VISIT / CHANGE HISTORY		Date		Id Type Is Cd		Purpost/Result			
06-06-2017		DS		6		17 Reval Comm Review			
09-16-2011		JFA		00		00 Measur+Listed			
12-27-2007		JL2		1		41 Change - Hearing			
10-15-2007		JL2		15		15 Reval Review			
05-29-2002		JL		00		00 Measur+Listed			
Total Appraised Parcel Value		119,600							
LAND LINE VALUATION SECTION		Unit Price		Unit Price		Unit Price			
B Use Code		Description		Zone		D Front		Dept	
1 3220		Store/Shop		GC		7			
Parcel Total Land Area		0.5400 AC		Parcel Total Land Area		0.5400		Parcel Total Land Area	
Total Card Land Units		0.5400		Total Card Land Units		0.5400		Total Card Land Units	
Total Land Value		67,000		Total Land Value		67,000		Total Land Value	

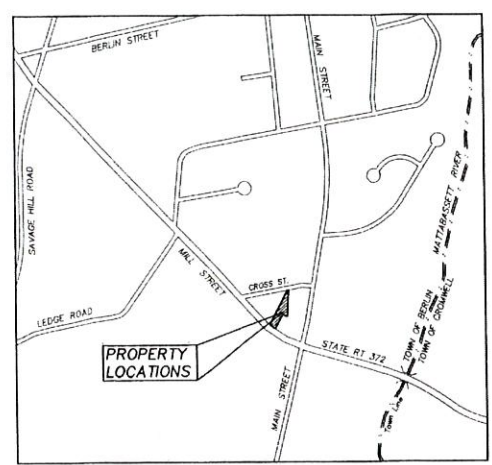




NOTE: PROPERTIES TO SHARE COMMON ACCESS RIGHTS BETWEEN BUILDINGS TO PARKING AND SHARED VEHICLE STORAGE AREAS



SITE USAGE SUMMARY	
<b>LOT 3 / #1163 MILL STREET</b>	
Existing Building / Approximate Floor Area - 1,040 Sq. Ft.	
Proposed 1 Bay Service Area and Used Car Sales	
Parking Provided	
Customer & Employee Parking	3 Spaces
Used Car Display	9 Spaces
Vehicle Storage	30 Spaces (shared w/ Lot 7)
<b>LOT 7 / #1173 MILL STREET - Provided for Informational Purposes Only</b>	
Existing Building / Approximate Floor Area - 2,400 Sq. Ft.	
Existing 3 Bay Service Area and Used Car Sales	
Parking Provided	
Customer Parking	6 Spaces
Employee Parking	3 Spaces
Used Car Display	4 Spaces
Vehicle Storage	30 Spaces (shared w/ Lot 3)



LOCATION MAP  
Scale: 1"=800'

- NOTES:
1. THIS SURVEY (OR MAP) HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTION 20-300b-1 THROUGH 20-300b-20 AND THE "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996. IT IS A PROPERTY/BOUNDARY SURVEY BASED ON A RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2, AND INTENDED TO BE USED AS A PROPERTY / BOUNDARY SURVEY.
  2. HORIZONTAL DATUM REFERS TO THE STATE OF CONNECTICUT COORDINATE GRID SYSTEM, NAD'27.
  3. PROPERTY IS LOCATED IN AN GC - GENERAL COMMERCIAL ZONE.
  4. PROPERTY AREA OF LOT 3 IS 14,401 Sq. Ft., 0.331 Acres.
  5. PROPERTY CORNERS TO BE ESTABLISHED BY IRON PIPES.
  6. LIMITS OF INLAND WETLANDS HAVE BEEN FIELD IDENTIFIED BY A SOIL SCIENTIST FROM SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC., CHESHIRE, CONNECTICUT, AND LOCATED BY FIELD SURVEY, BASED ON A 04/25/2000 SITE INSPECTION.
  7. PROPERTY IS SERVED BY PUBLIC GRAVITY SANITARY SEWER AND PUBLIC WATER.
  8. EXISTING BUILDING DOES NOT CONTAIN ANY INTERNAL FLOOR DRAINS.
  9. NO SPRAY BOOTHS ARE PROPOSED WITHIN THE EXISTING BUILDING. NO GAS PUMPS EXIST OR ARE PROPOSED.
  10. EXISTING BUILDING AND USE PREDATE PRESENT ZONING SETBACKS AND RESTRICTIONS. EXISTING BUILDING IS A NONCONFORMING STRUCTURE.
  11. ALL EXISTING DRIVEWAY, CURB CUTS, AND PARKING AREAS ARE EXISTING. PARKING, VEHICLE DISPLAY AND STORAGE AREAS INDICATED ON THIS PLAN ARE SHOWN TO DEPICT USAGE AREAS BASED ON DMV APPLICATION REQUIREMENTS. NO EXPANSION OF EXISTING PARKING OR STORAGE AREA IS PROPOSED.
  12. EXISTING PROPERTY OWNER OF SUBJECT PROPERTY IS 1173 ASSOCIATES, LLC.
  13. LOT 7 IS PRESENTLY LICENSED FOR USED CAR SALES AND REPAIRS TO ACCURATE AUTOMOTIVE, LLC. SITE LAYOUT DEPICTED ON THIS PLAN FOR SAID LOT IS SHOWN FOR INFORMATIONAL PURPOSES ONLY, AND REFLECTS LAYOUTS SHOWN ON THE ORIGINAL LICENSING PERMIT PLAN.

THIS PLAN IS AN ACCURATE REPRESENTATION OF THE PROPOSED LICENSED AREAS.

For Mill Street Automotive, LLC Date

THIS SITE PLAN OF THIS LOCATION HAS BEEN REVIEWED AND GENERALLY REPRESENTS THE APPROVED LOCATION FOR THE TOWN OF BERLIN

Name Title

Signature Date

On June 26, 2012  
Approved by Town Board of Appeals  
Subject to conditions.  
June 27-12

- MAP REFERENCES
1. MAP SHOWING PROPERTY TO BE PURCHASED BY F.C. & G.E. SCHULTZ FROM ARTHUR R. BUDREAU ON MILL STREET, BERLIN, CONN; SEPT. 3, 1946; SCALE: 1"=20'; MAP CERTIFIED TO BE SUBSTANTIALLY CORRECT BY HERMAN F. KENDRICK, CE
  2. PROPERTY OF EVERETT FARLEY & ALBERT M. DAUPHIN SHOWING STORM DRAINAGE RIGHT OF WAY TO BE ACQUIRED BY THE TOWN OF BERLIN, BERLIN, CONNECTICUT; JULY 1971; SCALE: 1"=40'; MAP PREPARED BY THE ENGINEERING DEPARTMENT, TOWN OF BERLIN.
  3. PROPERTY OF WILLIAM J. McMURRAY SHOWING STORM DRAINAGE RIGHT OF WAY TO BE ACQUIRED BY THE TOWN OF BERLIN, BERLIN, CONNECTICUT; JULY 1971; SCALE: 1"=40'; MAP PREPARED BY THE ENGINEERING DEPARTMENT, TOWN OF BERLIN.

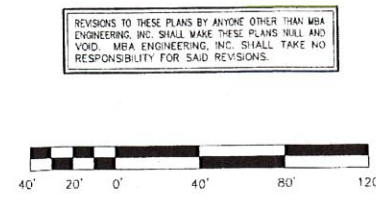
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

*Lewis J. Mirante*  
LEWIS J. MIRANTE, LICENSED LAND SURVEYOR #12058

THIS PLAN SHALL NOT BE CONSIDERED VALID UNLESS THE ORIGINAL SIGNATURE OF THE SURVEYOR APPEARS HEREON, AND AN EMBOSSED SEAL IS AFFIXED OVER AN ORIGINAL SEAL.

NOTICE  
The contractor is hereby reminded that Title 16, Chapter 263 of the Connecticut General Statutes requires notification to utility companies of pending excavation at or near public utilities. The Contractor shall telephone "CALL-BEFORE-YOU-DIG" (1-800-922-4455) at least 48 hours prior to beginning excavation.

These plans have been based, in part, on information supplied by others relating to the location of underground services and/or utilities. MBA Engineering, Inc., cannot verify the accuracy of this information and shall not be held responsible for any omissions and/or locations of said utilities and/or services, including flow lines, which may be incorporated herein as a result. All utilities, including flow lines should be verified prior to any excavation or construction.



PREPARED FOR DMV REPAIRER AND USED CAR DEALER LICENSE

PROPERTY / BOUNDARY SURVEY

SITE PLAN FOR Mill Street Automotive, LLC	JOB NUMBER 2008-056	
	SCALE 1" = 40'	
PROPERTIES KNOWN AS LOT 3 / BLOCK 147 #1163 MILL STREET STATE ROUTE 372 EAST BERLIN, CONNECTICUT	DRAWN BY BNB	
	CHECKED BY LJM / BNB	
	DATE JUNE 5, 2012	
PREPARED BY:  MBA Engineering, Inc. Surveying and Engineering Services Park Place, 1225 Farmington Avenue Berlin, Connecticut 06037 (860) 829-2224 Fax (860) 829-1117		
SHEET 1 OF 1		



# Town of Berlin

## Planning and Zoning Department

240 Kensington Road  
Berlin, Connecticut 06037  
[www.town.berlin.ct.us](http://www.town.berlin.ct.us)

Planning and Zoning Commission  
Zoning Board of Appeals  
Conservation Commission  
Historic District Commission

### PROPOSED Zoning Board of Appeals 2021 MEETING SCHEDULE

All meetings are held at 7:00 pm  
Berlin Town Council Chambers, Berlin Town Hall, 240 Kensington Road  
Unless otherwise posted

SUBMITTAL DEADLINE	MEETING DATE
January 5, 2021	January 26, 2021
February 4, 2021	February 23, 2021
March 4, 2021	March 23, 2021
April 1, 2021	April 27, 2021
May 6, 2021	May 25, 2021
June 3, 2021	June 22, 2021
July 1, 2021	July 27, 2021
August No Meeting	
September 2, 2021	September 28, 2021
October 7, 2021	October 26, 2021
November 4, 2021	November 23, 2021
December No Meeting	
January 6, 2022	January 25, 2022