

BERLIN ZONING BOARD OF APPEALS

Regular Meeting Minutes

February 23, 2021 7:00 p.m.

The Berlin Zoning Board of Appeals will meet remotely via Webex video conference* on Tuesday, February 23, 2021 at 7:00 p.m. The Town of Berlin invites you to access and participate in this meeting via Webex video conference* or telephone conference call as provided below.

Click the link below to join the meeting by Webex:

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=me42a672c3eafe0b18c3f526c52cfec9d>

Or join by phone:

+1-408-418-9388 United States Toll

Meeting number (access code): 132 980 7512

Meeting password: ZBATu700 (92288700 from phones and video systems)

Members Present:

Antonio Francalangia, Chairman, Nelson Graca, Co-Vice Chairman, Leonard Tubbs, Co-Vice Chairman, Sandra Coppola, Secretary, Ryan Zelek, Alternate, seated

Members Absent:

Corey Whiteside, Hunter Mathena, Alternate, Christine Mazzotta, Alternate

Staff Present:

Maureen Giusti, Acting Town Planner, Adam Levitus, Zoning Enforcement Officer, Kristen Grabowski, Recording Secretary

Call to Order

Chairman Francalangia called the meeting to order at 7:02 p.m.

Board Business

Election of Officers

Chairman Francalangia moved to continue with the current administration of the Zoning Board of Appeals. Commissioner Graca seconded the motion, and it carried unanimously. (Francalangia, Coppola, Graca, Tubbs)

Chairman – Tony Francalangia

Co-Vice-Chairman – Lenny Tubbs and Nelson Graca

Secretary – Sandra Coppola

Public Hearings

ZBA #2020-11

288 Beckley Road

Map 11-3 Block 132 Lot 19

aka: 286 Beckley Rd and 55 Ledge Drive

WITHDRAWN

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. *(withdrawn at request of applicant)*

ZBA #2020-12

288 Beckley Road

Map 11-3 Block 132 Lot 19

aka: 286 Beckley Rd and 55 Ledge Drive

WITHDRAWN

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. *(withdrawn at request of applicant)*

ZBA #2021-02

655 Christian Lane

Map 3-4 Block 76A Lot 1C &

Map 3-2 Block 76A Lot 1B-1

Gerald Antonacci (Manager, Christian Lane Realty, LLC) is requesting a variance for 38% maximum building coverage when up to 35% is permitted in the GI zone per Berlin Zoning Regulations §VII.H. The increase in maximum coverage is requested as part of a proposed 36,900sf building addition, truck scale, and scale house project for upgraded technology/equipment at the existing recycling facility. The properties are owned by Christian Lane Realty, LLC

Mr. Kevin Grindle (Senior Project Manager, Barton & Loguidice, Glastonbury, CT), Mark Zessin (Senior Vice President, Barton & Loguidice, Glastonbury, CT), and Jonathan Murray (Director of Operations – applicant) were in attendance to present the application. Mr. Grindle presented the application, noting the location as 655 Christian Lane. He explained that the property includes two combined properties in the GI zone, totaling 6.62 acres. Plans include a 36,900 sq. ft. building addition to the existing recycling facility. He noted the need to keep up with the trends of the recycling industry, which the applicant is presently responding to as such. Rather than relocate, the applicant would like to take advantage of the existing location in Berlin, putting in a significant recycling equipment line. It was noted that the use is approved in Town. Mr. Grindle noted the hope to stay in Town, grow jobs, and provide an increase in tax base.

Mr. Grindle reviewed the site location, explaining abutting properties. To the south, Copart (auto/scrap dealer) abuts the property. To the west of the property is a rail line, and to the northern side is an industrial use with Bodycote Thermal Processing. It was noted that the property across the street (to the east) is also an industrial use.

Mr. Grindle discussed the site plan, explaining the addition. He noted that the plans call to enclose the existing buildings (currently a courtyard), which are used for material processing. He explained that recycling equipment would be installed through the both the existing building and the proposed building addition. In order to successfully house the equipment, it necessary to expand the business

with the 36,900 sq. ft. addition. The proposed addition exceeds the maximum building area by 3%, going from 35% building area to 38% building area. He noted the minor increase in building area is necessary to house the recycling equipment. It was reiterated that the use is approved in the zone, and the applicant was not looking to change the use. He noted that everything related to the external portion of the site is a zoning compliance matter, and it complies with setbacks.

Mr. Grindle noted that the application is set to appear before the Planning and Zoning Commission to discuss the site plan.

Mr. Grindle summarized the presentation, noting the basis of the application. He reiterated that the property is surrounded by industrial uses, which will not allow them to expand the facility, as they are limited to the existing building area/surroundings. He noted that the expansion is necessary to keep up with the trends, specifically with the new technology. He explained that the equipment is approximately 500-ft in length. He noted that Chris Edge, Economic Development Director was also on the call to speak to economic development opportunities associated with the project.

Chairman Francalangia inquired about the types of products recycled at the facility. Mr. Zessin noted that single-stream materials are recycled at the facility, and he explained the process. It was noted that the household blue barrels throughout Berlin are recycled right in Town. Mr. Murray noted that recycling has evolved since the 80s. The newer technology will allow for easier sorting, as it will be state of the art and the only one of its kind.

Comments in Favor

Chris Edge, Director of Economic Development noted that the Town has been working with the applicant for a while. He explained that the expansion will be a \$25 million investment in the Town, and the Economic Development Commission is in full support. He explained that the expansion will not only create more jobs in Town, but it will also keep things local, meaning the recycling is done right in Town. He further noted that much of the outdoor equipment will be moved indoor, as the two buildings will be one. He asked the Board for support.

Comments in Opposition

There were none.

Staff Comments

Mr. Levitus noted that there are applications in the Planning and Zoning Commission for the site plan. He noted that the ZBA purview revolves around the coverage, concerning the overall building size and lot configuration. He reiterated the applicant's presentation, explaining that staff's understanding was that due to the size of the equipment needed, the building was designed accordingly. He also noted that the abutters were railroad/industrial.

Commissioner Tubbs moved to close the public hearing. It was seconded by Commissioner Coppola, and it passed unanimously.

ZBA #2021-03

0 Berlin Turnpike

**Map 10-2 Block 83 Lots 12-7333, 12-7334, 13A,
13C-7509, 13C-7510**

a.k.a. 404 Berlin Turnpike

BT 2008 LLC (Peter D'Addeo, Managing Member of D'Addeo Family Limited Liability Company, Member of BT 2008 LLC) is requesting a motor vehicle use location approval for a gasoline filling station per Berlin Zoning Regulation XI.R. The properties are owned by BT 2008 LLC and the gasoline filling station is being proposed as a component of a proposed mixed-use development.

Mr. Levitus noted that the hearing is open with the Planning and Zoning Commission, and more information should become available by the scheduled March 23rd ZBA meeting.

Chairman Francalangia moved to continue the public hearing to the next ZBA meeting. Commissioner Graca seconded the motion.

Ms. Giusti noted that the applicant granted the extension of the time period.

The motion carried unanimously.

ZBA #2021-04

14 Harvest Hill Road

Map 8-1 Block 10 Lot 121

Pawel Naporowski (property owner) is requesting a variance for an easterly side yard of 19 feet when 20 feet is required in the R-21 Zone per Berlin Zoning Regulations V.A.10 for a one-story addition for an added bedroom and relocated bathroom.

Pawal Naporowski was in attendance to present the application to the Board. He noted the need for the addition, stating that his father will be living in the home, as he has been sick for months. He explained that the addition includes plans to add a bedroom and redo the bathroom, and it would require a setback of 19-ft instead of the required 20-ft. Due to the nonconforming nature of the property, this is the only spot feasible for the 20x22 addition. It was also noted that the setback on the other side of the property is 8-ft. He noted that the additional one foot makes a difference in how the hallways are configured.

Staff Comments

Mr. Levitus noted that the existing structure and lot are existing nonconforming, and the lot is narrower than those in a typical R-21 zone. He discussed the lot, explaining that there is only 100-ft of frontage with this property, instead of the required 125-ft. He explained that the current structure does not meet the regulations for setbacks. The addition would encroach on the minimum required setback by one foot. Mr. Levitus met with the applicant before the hearing to discuss shrinking or shifting the addition to achieve the required setback, but Mr. Levitus understood from the applicant that the configuration and layout in relation to the existing house would not permit shrinking/relocation. It was also noted that there is an existing sewer right-of-way to the south that would not be impacted by the addition.

Comments in Favor

There were none.

Comments in Opposition

There were none.

Commissioner Tubbs moved to close the public hearing, seconded by Commissioner Graca. The motion carried unanimously.

ZBA #2021-05 379 Main Street – East Berlin Map 23-2 Block 152 Lot 6

Ryan Haley (property owner) is requesting a variance for northerly side yard of 1 foot when 30 feet is required and a westerly front yard of 37.5 feet when 50 feet is required in the R-43 Zone per Berlin Zoning Regulations V.A.10 for a new 1-car attached garage and small addition. The proposed new garage and addition would be located in the same general area as an existing detached garage and an existing lean-to attached to the house (existing garage and lean-to to be removed).

The applicant requested a postponement of the hearing. Commissioner Coppola moved to postpone the agenda item to the next ZBA meeting. The motion was seconded by Commissioner Graca, and it carried unanimously.

Mr. Levitus noted the intent of request was to coordinate with neighbors and look at the design.

Regular Meeting

ZBA #2021-02 655 Christian Lane Map 3-4 Block 76A Lot 1C & Map 3-2 Block 76A Lot 1B-1

Gerald Antonacci (Manager, Christian Lane Realty, LLC) is requesting a variance for 38% maximum building coverage when up to 35% is permitted in the GI zone per Berlin Zoning Regulations §VII.H. The increase in maximum coverage is requested as part of a proposed 36,900sf building addition, truck scale, and scale house project for upgraded technology/equipment at the existing recycling facility. The properties are owned by Christian Lane Realty, LLC

Chairman Francalangia noted that the request is in line with other requests in industrial areas. He noted support of the application. Commissioner Coppola agreed with the comments made, noting that the applicant is investing in the Town and in their business.

Commissioner Coppola moved to approve the application to increase the maximum building coverage from 35 to 38%. Commissioner Tubbs seconded the motion, and it carried unanimously.

ZBA #2021-03 0 Berlin Turnpike Map 10-2 Block 83 Lots 12-7333, 12-7334, 13A, 13C-7509, 13C-7510 a.k.a. 404 Berlin Turnpike

BT 2008 LLC (Peter D'Addeo, Managing Member of D'Addeo Family Limited Liability Company, Member of BT 2008 LLC) is requesting a motor vehicle use location approval for a gasoline filling station per

Berlin Zoning Regulation XI.R. The properties are owned by BT 2008 LLC and the gasoline filling station is being proposed as a component of a proposed mixed-use development.

POSTPONED TO NEXT MEETING

ZBA #2021-04 14 Harvest Hill Road Map 8-1 Block 10 Lot 121

Pawel Naporowski (property owner) is requesting a variance for an easterly side yard of 19 feet when 20 feet is required in the R-21 Zone per Berlin Zoning Regulations V.A.10 for a one-story addition for an added bedroom and relocated bathroom.

Chairman Francalangia noted that the structure predated current zoning regulations, explaining that if that was not the case he would have an issue with the request. Commissioners Coppola and Tubbs agreed. Commissioner Coppola noted that the application is for a 19-ft variance, and the rest of the house is 16-ft, showing an effort to comply with regulations.

Chairman Francalangia moved to approve the application. Commissioner Graca seconded the motion, which carried unanimously.

ZBA #2021-05 379 Main Street – East Berlin Map 23-2 Block 152 Lot 6

Ryan Haley (property owner) is requesting a variance for northerly side yard of 1 foot when 30 feet is required and a westerly front yard of 37.5 feet when 50 feet is required in the R-43 Zone per Berlin Zoning Regulations V.A.10 for a new 1-car attached garage and small addition. The proposed new garage and addition would be located in the same general area as an existing detached garage and an existing lean-to attached to the house (existing garage and lean-to to be removed).

POSTPONED TO NEXT MEETING

Approval of Minutes

October 27, 2020 (Francalangia, Whiteside, Mazzotta, Zelek, Coppola) – 1005 Kensington Remand Underlined

POSTPONED TO NEXT MEETING

January 26, 2021 (Francalangia, Tubbs, Coppola, Whiteside, Zelek)

Commissioner Coppola moved to accept the minutes, with typo updates as discussed, and Commissioner Tubbs seconded the motion. It carried unanimously.

Adjournment

Chairman Francalangia moved to adjourn the meeting, and it was seconded by Commissioner Tubbs. The motion carried unanimously. The time was 7:55 p.m.

Respectfully submitted,

Kristen Deliman Grabowski
Recording Secretary