

**BERLIN ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES**

April 27, 2021 7:00 p.m.

The Berlin Zoning Board of Appeals will meet remotely via Webex video conference* on Tuesday, April 27, 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.

**The WebEx call to participate in this meeting is a toll call and you may incur additional charges for placing the call by your phone service provider. The Town does not reimburse participants for any toll charges. Please check with your phone service provider before making the call.*

Click the link below to join the meeting by Webex:

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=md4e86504c59b37a03513ed657dc748fe>

Or join by phone:

+1-408-418-9388 United States Toll

Meeting number (access code): 132 068 3402

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

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 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, April 23, 2021 for posting prior to, during and after the meeting.

A video recording of the meeting is scheduled to be posted to YouTube after the meeting.

**Berlin Zoning Board of Appeals
Regular Meeting Minutes**

Members Present:

Antonio Francalancia, Chairman, Leonard Tubbs, Co-Vice Chairman, Nelson Graca, Co-Vice Chairman, Corey Whiteside, Ryan Zelek, Alternate, seated

Members Absent:

Sandra Coppola, Secretary, Hunter Mathena, Alternate, Christine Mazzotta, Alternate

Staff Present:

Maureen Giusti, Acting Town Planner, Kristen Grabowski, Recording Secretary

Call to Order

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

Public Hearings:

**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. *(Continued from 1/26/21, 2/23/21, 3/23/21)*

Attorney Peter Alter was in attendance to present the application to the Board. He noted that the application is currently pending before the Planning and Zoning Commission, and a zone change was recently granted. It was noted that the Special Permit and Site Plan applications are still pending. He noted that the development envelope (location) of the gas station as shown on the plans is what is being submitted for approval.

Atty. Alter noted no objections to possible conditions of approval as noted in the Staff report.

Comments in Favor

There were none.

Comments in Opposition

There were none.

Staff Comments

Ms. Giusti referred to the Staff report, noting that the DMV application will have a development plan attached, so the extent of the development being shown on the plan delineates the limit of the area being approved. It was also noted that, at this point, the ZBA could make a decision regardless of the PZC approval of the overall development plan.

Commissioner Tubbs moved to close the public hearing, and it was seconded by Commissioner Graca. The motion carried unanimously (Francalangia, Graca, Tubbs, Whiteside, Zelek).

ZBA #2021-07 38 Eastbrook Terrace Map 15-2 Block 91 Lot 70-C

Kyle and Tracy Cooney (property owners) are requesting a variance for southernly front yard of 10 feet when 30 feet is required in an Open Space Subdivision in the R-21 Zone per Berlin Zoning Regulations V.A.8.f for a detached 10 foot x 12 foot accessory shed.

Attorney Richard Pentore was in attendance to present the application to the Board. Tracy Cooney was also in attendance. Atty. Pentore summarized the basis for the variance request, explaining that the property is located on a curved lot with approximately 200-ft of frontage on Eastbrook Terrace. He

referred to the Zoning Regulations (Section XV.B.5), noting that this particular lot is the only of its kind in the subdivision. It was also noted that the proposed location would allow the shed to be screened from view, due to tall arborvitae, rather than in the middle of the back yard.

Atty. Pentore noted the hardship as the curve of the lot along the street. He also noted that the proposal would not be detrimental to health, safety, or public welfare. It would not go against the POCD.

Atty. Pentore read letters of support into the record from neighbors from:

Leah O'Leary, 72 Eastbrook Terrace

Cindy & Mike Goode, 31 Eastbrook Terrace

Elizabeth & Paul Mongillo, 52 Eastbrook Terrace

Vincent & Maria Lentieri, 41 Eastbrook Terrace

A potential condition of approval including maintaining the arborvitae to maintain the screening was discussed. Atty. Pentore did not take exception to such a potential condition.

Comments in Favor

There were none.

Comments in Opposition

There were none.

Staff Comments

Ms. Giusti noted that the Applicant responded to questions outlined in the Staff report.

Chairman Francalangia moved to close the public hearing, seconded by Commissioner Whiteside. The motion carried unanimously. (Francalangia, Graca, Tubbs, Whiteside, Zelek)

Regular Meeting:

**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. *(Continued from 1/26/21, 2/23/21, 3/23/21)*

Commissioner Tubbs moved to approve the application with conditions outlined by Staff. The motion was seconded by Commissioner Graca. The motion carried unanimously. (Francalangia, Graca, Tubbs, Whiteside, Zelek)

ZBA #2021-07 38 Eastbrook Terrace Map 15-2 Block 91 Lot 70-C

Kyle and Tracy Cooney (property owners) are requesting a variance for southernly front yard of 10 feet when 30 feet is required in an Open Space Subdivision in the R-21 Zone per Berlin Zoning Regulations V.A.8.f for a detached 10 foot x 12 foot accessory shed.

Chairman Francalangia moved to approve the application with the condition that the arborvitae barrier be maintained. Commissioner Tubbs seconded the motion, and it carried unanimously. (Francalangia, Graca, Tubbs, Whiteside, Zelek)

Approval of Minutes:

November 24, 2020 (Francalangia, Whiteside, Mazzotta, Zelek, Coppola, Graca, Tubbs) – 1005 Kensington Remand Underlined

Chairman Francalangia moved to approve the minutes of November 24, 2020. Commissioner Whiteside seconded the motion, which carried unanimously (Francalangia, Whiteside, Zelek – for remand portion only) (Francalangia, Graca, Tubbs, Whiteside, Zelek – for remaining portions of meeting)

March 23, 2021 (Francalangia, Tubbs, Whiteside, Coppola, Zelek)

Commissioner Whiteside noted a typo on page ten (Zelek moved to approve), and the correction was noted.

Chairman Francalangia moved to approve the minutes of March 23, 2021. The motion was seconded by Commissioner Whiteside, and it carried unanimously. (Francalangia, Graca, Tubbs, Whiteside, Zelek)

The Commission discussed the meeting scheduled for May. It was noted that the agenda was long, and a special meeting was discussed. However, conflicts in Board member's schedules were noted and ultimately the board decided to attempt to hear all issues at the regularly-scheduled meeting.

Adjournment

Commissioner Tubbs moved to adjourn the meeting, and it was seconded by Commissioner Zelek. The motion carried unanimously. (Francalangia, Graca, Tubbs, Whiteside, Zelek). The time was 8:19 p.m.

Respectfully submitted,

Kristen Deliman Grabowski

RECEIVED FOR RECORD
CLERK OF SUPERIOR COURT

2021 MAY 10 PM 3:49

Katlyn Wall

RECEIVED