

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Adam Levitus, ZEO
DATE: May 20, 2021
RE: ZBA #2021-09 Outdoor Patio Liquor Permit
APPLICANT: Jeff Carbone, Olive Branch Enterprises, LLC
ADDRESS: 197 Episcopal Rd
Map 4-4 Block 81 Lot 7
ZONE: GI-2

Proposal and Background

Jeff Carbone (Olive Branch Enterprises, LLC) is requesting an Alcohol Uses Location approval for an outdoor patio liquor permit at Sliders Grill and Bar per Berlin Zoning Regulation XI.B. The property is zoned GI-2 and is owned by FLM Enterprises, LLC (Fred Marcantonio).

According to assessor's records the building was construction in approximately 1940. While several aspects of the property are existing nonconforming, including building setbacks and apparent impervious surface; no change to those existing conditions are proposed. The use is also existing nonconforming within the GI-2 zone.

The 16 ft x35 ft patio and attendant site improvements has already been approved via Planning and Zoning Commission Site Plan Amendment on 11/19/2020. The applicant proposed the patio be enclosed by a 6 ft. high black vinyl fence along the front and 3 ft. high black vinyl picket fence and a 12" block retaining wall along the south. The existing location of the handicap ramp will remain at the westerly end of the patio. No change to occupancy/seats was proposed for the patio. No outdoor bar or serving station is proposed (inside bar/restaurant to service outdoors).

Staff Comments

This application is before the ZBA to extend existing alcohol service onto the patio in accordance with §XI.B. Sale of alcoholic beverages.

No uses requiring a 500 ft separation as specified in §XI.B.1.c were identified. The applicant is requesting outdoor patio service in conjunction with the restaurant use. Therefore, per §XI.B.2 the 1500 ft separation provisions of §XI.B.1.a do not apply for this application.

Zoning Requirements

§XI.B. Sale of alcoholic beverages.

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 # 2021 - 09

Planning and Zoning Department

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

Town of Berlin
Received

APR 08 2021

ZONING BOARD OF APPEALS APPLICATION

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

Property Owner(s): FLM ENTERPRISES LLC

Project Address*: 197 EPISCOPAL RD

Map: 4-4 Block: 81 Lot: 7 Zone(s): G1-2 Lot Area: .77 ACRES

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 → AOC → see 11/19/20 PZC mtg
☐ 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: JEFF CARBONE Firm Name: OLIVE BRANCH ENTERPRISES, LLC
Street Address: 876 S. MAIN ST City: PLANTVILLE ST: CT Zip: 06479
Email: JEFF.OLIVEBRANCHENTERPRISES@YAHOO.COM Phone: (860) 919 8462
Signature: [Signature] Date: 4/7/21

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

Name: FLM ENTERPRISES, LLC Principal: FRED MARCANTONIO
Street Address: 200 EXECUTIVE BLVD City: SOUTHINGTON ST: CT Zip: 06489
Email: FRED@SLIDERSGRILLBAR.COM Phone: (860) 479 9030

*Letter of Authorization Required

ZBA action is requested pursuant to Berlin Zoning Regulations Section(s): IV.C, VII.C, H,
AND XIII

*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: CONSTRUCT APPROX 16' x 35' PAVERED PATIO WITH SMALL RETAINING WALL & VINYL FENCE. TO INCLUDE NECESSARY BOUNDARS AROUND PERIMETER. ALL FOOD & BEVERAGES WILL BE DELIVERED TO OUTSIDE PATIO FROM THE INSIDE BAR. THERE WILL NOT BE ANY OUTSIDE BAR OR SERVING STATION.

VARIANCE APPLICATIONS: For relief of: _____ requirement.

Requested requirement: _____

Reason/Description of Hardship (REQUIRED): _____

MOTOR VEHICLE USE LOCATION¹:

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

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

SALE OF ALCOHOLIC BEVERAGES LOCATION¹

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 OUTDOOR DINING
- ☐ Off-Premises: Type _____
- ☐ Other: Explain _____

To be completed by P&Z staff only:

Fee Paid \$ 360.00 (Refer to current Fee Schedule)

ZBA # 7021 - 09

Received by: EMS CLK# 6177

Scheduled on ZBA Agenda of:

5/25/21

ZONING BOARD OF APPEALS DECISION:

**Town of Berlin
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APR 08 2021

Planning & Zoning Department
Berlin, Connecticut

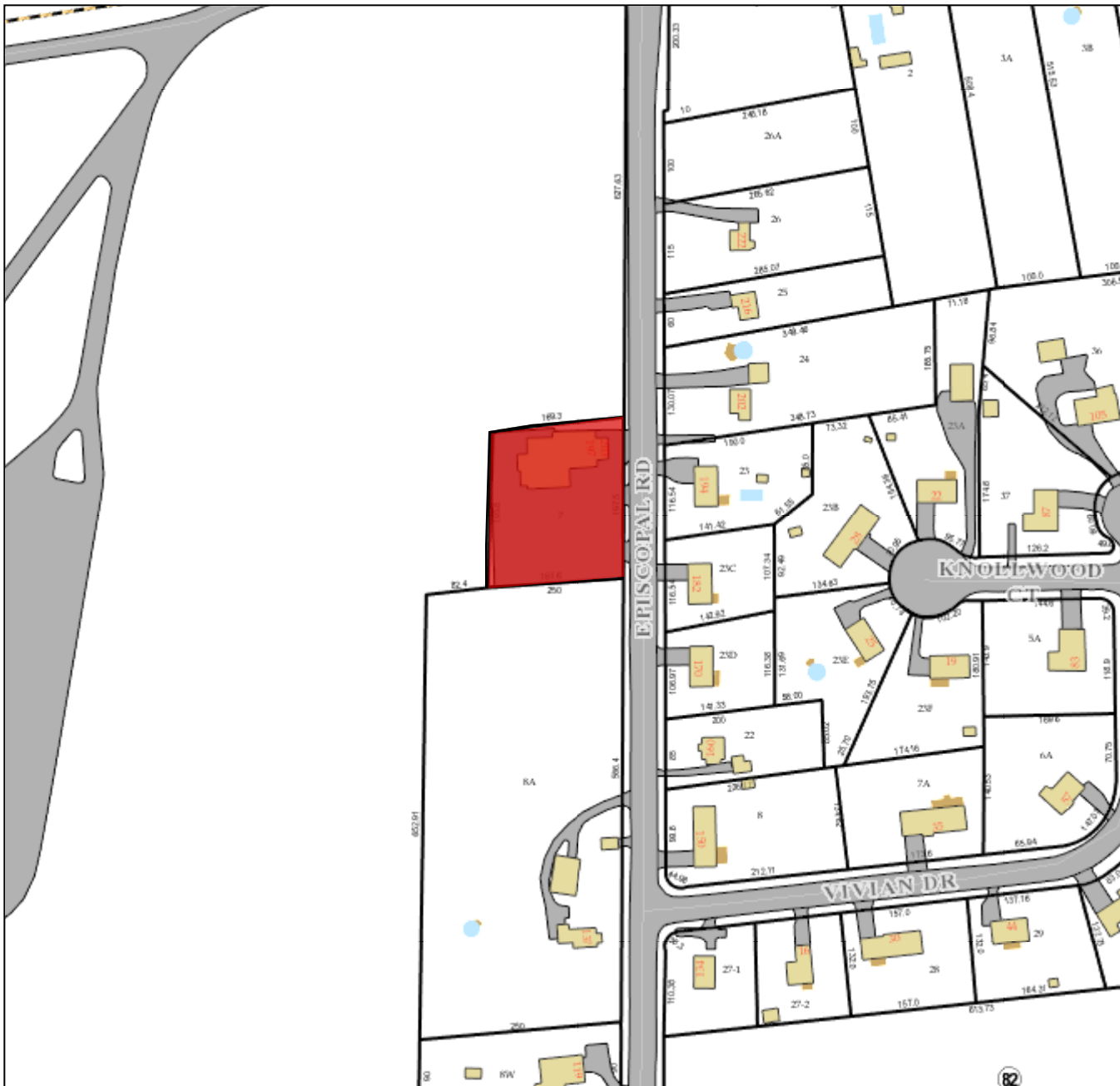
Plan Title & Date: _____

Town of Berlin

Geographic Information System (GIS)



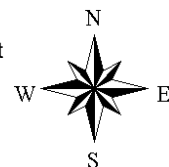
Date Printed: 5/20/2021



MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Berlin and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 200 feet





197 Episcopal Rd,
Berlin, CT 06037

Episcopal Rd






**RESERVED
PARKING**
PERMIT
REQUIRED
←→
TOWNSHIP OF
ST. JOHN'S


**RESERVED
PARKING**
PERMIT
REQUIRED
←→
TOWNSHIP OF
ST. JOHN'S



SLIDERS
GRILL & BAR

• LIVE SPORTS • FAMILY FUN
REMODELLED
BEER • SPECIALS
MENU • ITEMS

RESERVED
PARKING
FURNISHED
WHEELCHAIR
ACCESSIBLE

RESERVED
PARKING
FURNISHED
WHEELCHAIR
ACCESSIBLE



STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
Liquor Control Division
Telephone: (860) 713-6210
Email: dep.liquorcontrol@ct.gov
Web Site: www.ct.gov/dep/liquorcontrol



For Official Use Only

1

APPLICATION FOR PATIO, EXTENSION OF USE and/or ADDITIONAL CONSUMER BAR

<input checked="" type="checkbox"/> PATIO (Restaurants & Cafes ONLY)	<input type="checkbox"/> EXTENSION OF USE (All other permit types)	<input type="checkbox"/> ACB (Additional Consumer Bar) # of ACB's: _____ (FEE: \$190.00 each)
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Section A: BUSINESS INFORMATION

1. Trade Name (DBA Name) <u>Sliders Grill & Bar</u>		2. Permit Number <u>LIR-0014158</u>	
3. Permittee Name (First, Middle, Last) <u>Lindsay Bergenty</u>			
4. Backer Name (Corporation, LLC, Partnership, Sole Proprietorship, etc.) <u>FCT Enterprises LLC</u>			
5. Business Address <u>197 Episcopal Rd.</u>		City <u>Berlin</u>	State <u>CT</u>
6. Business Telephone Number <u>(860) 863-5256</u>		7. Business Fax Number <u>(860) 371-2088</u>	8. Business Email Address <u>knystle@slidersgrillbar.com</u>
9. Type of Request? <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary		If <u>TEMPORARY</u> is checked, List Specific Dates Below:	

Section B: APPROVAL/CERTIFICATION OF LOCAL OFFICIALS

10. Zoning Authority Approval: I certify that I am familiar with the zoning ordinances and bylaws of the city/town identified in Section A and on the sketch provided with this application, they do not prohibit the sale of alcoholic beverages under the type of liquor permit/establishment identified in this application.	
Signature of Zoning Official X _____	Print Name _____
Title of Official _____	Date ____/____/____
11. Fire Marshal's Approval: I certify that the premises identified in Section A and on the sketch of this application is safe for this type of request.	
Signature of Fire Marshal X _____	Print Name _____
Title of Official _____	Date ____/____/____
12. Local Health Approval: (Patio Requests ONLY) I certify that the Patio at the premises identified in Section A and on the sketch of this application meets local health approval.	
Signature of Health Official X _____	Print Name _____
Title of Official _____	Date ____/____/____

Section C: CERTIFICATION OF BACKER OR AUTHORIZED REPRESENTATIVE OF BACKER

13. Backer Certification (To be signed by backer or the authorized representative of the backer)	
I certify that the information provided in this application is true to the best of my knowledge and that the permittee applicant identified in "Section A" of this application is designated as my principal representative on the premises for which this application is being submitted.	Signed by Backer or Authorized Representative of Backer X <u>[Signature]</u> Date: <u>3/23/21</u> Print name of Backer or Representative <u>Fred L. Marcantonio</u> Title of Backer or Representative <u>owner/president</u>

Attach a Sketch of the current premises, identifying the proposed Patio, Extension of Use area and/or ACB

APR 08 2021

Planning & Zoning Department



Town of Berlin, CT

Property Listing Report

Map Block Lot

4-4-81-7

Building # 1

PID

7340

Account

1006810

Property Information

Property Location	197 EPISCOPAL RD
Owner	F L M ENTERPRISES LLC
Co-Owner	
Mailing Address	197 EPISCOPAL RD BERLIN CT 06037
Land Use	3260 Restaurant/Cib
Land Class	C
Zoning Code	GI-2
Census Tract	4001

District	7
Acreage	0.77
Utilities	All Public
Book / Page	0436/0291

Primary Construction Details

Year Built	1940
Building Desc.	Restaurant/Cib
Building Style	Bar/Lounge
Stories	2
Occupancy	1.00
Exterior Walls	Brick/Masonry
Exterior Walls 2	
Roof Style	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Walls	Drywall/Plaste
Interior Walls 2	
Interior Floors 1	Vinyl/Asphalt
Interior Floors 2	Carpet

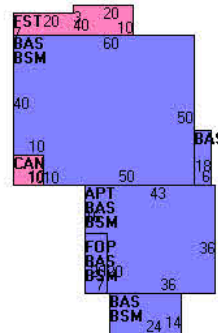
Heating Fuel	Gas/Oil
Heating Type	Forced Air-Duc
AC Type	Central
Bedrooms	0
Full Bathrooms	0
Half Bathrooms	0
Extra Fixtures	0
Total Rooms	0
Bath Style	
Kitchen Style	
Fin BSMT Area	
Fin BSMT Quality	
Fin BSMT Area 2	
Fin BSMT Qual 2	

BSMT Garages	0
Fireplaces	0
Whirlpool Tub	0
Building Use	Comm/Ind
Building Condition	A
Industrial / Commercial Details (*Residential Not Applicable)	
Heat / AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths / Plumbing	AVERAGE
Ceiling / Wall	CEIL & WALLS
Rooms / Prtns	AVERAGE
Wall Height	8
First Floor Use	013C

Photo



Sketch



Town of Berlin, CT

Property Listing Report

Map Block Lot

4-4-81-7

Building # 1

PID

7340

Account

1006810

Valuation Summary (Assessed value = 70% of Appraised Value)

Item	Appraised	Assessed
Buildings	424000	296800
Extras	0	0
Improvements		
Outbuildings	28100	19700
Land	120800	84600
Total	572900	401100

Sub Areas

Subarea Type	Gross Area (sq ft)	Living Area (sq ft)
Basement	4784	0
First Floor	4892	4892
Porch, Open, Finished	140	0
Canopy Attached	100	0
Utility, Finished	340	0
Apartment	1408	1408
Total Area	11664	6300

Outbuilding and Extra Features

[illegible]

Sales History

Owner of Record	Book/ Page	Sale Date	Sale Price
F L M ENTERPRISES LLC	0436/0291	2000-07-19	220000
DAUPHIN CAROL W & HRENKO PAMELA D	0436/0289	2000-07-19	0
DAUPHIN ALBERT M & CAROL W	0424/0252	1999-07-29	0
CURTIS, BARBARA, ,	0279/0209	1988-04-20	0

Business Inquiry

Business Details

Business Name: **FLM ENTERPRISES LLC**Citizenship/State Inc: **Domestic/CT**Business ID: **0646000**Last Report Filed Year: **2019**Business Address: **200 EXECUTIVE BLVD, 4D, SOUTHTON, CT,
06489, USA**Business Type: **Domestic Limited Liability Company**Mailing Address: **200 EXECUTIVE BLVD, 4D, SOUTHTON, CT,
06489, USA**Business Status: **Active**Date Inc/Registration: **Mar 10, 2000**Annual Report Due Date: **03/31/2020**NAICS Code: **NONE**NAICS Sub Code: **NONE**

Principals Details

Name/Title	Business Address	Residence Address
FRED L MARCANTONIO REV. TRUST 05-18-2010 MANAGING MEMBER	200 EXECUTIVE BLVD., 4D, SOUTHTON, CT, 0489, USA	NONE

Agent Summary

Agent Name **FREDERICK L. MARCANTONIO**Agent Business Address **12 ROCKWELL AVE, PLAINVILLE, CT, 06062**Agent Residence Address **12 ROCKWELL AVE, PLAINVILLE, CT, 06062**Agent Mailing Address **NONE**

Business Inquiry

Business Details

Business Name: **OLIVE BRANCH ENTERPRISES, LLC**Citizenship/State Inc: **Domestic/CT**Business ID: **0916443**Last Report Filed Year: **2021**Business Address: **876 SOUTH MAIN ST., 2ND FLOOR,
PLANTSVILLE, CT, 06479, USA**Business Type: **Domestic Limited Liability Company**Mailing Address: **876 SOUTH MAIN ST., 2ND FLOOR,
PLANTSVILLE, CT, 06479, USA**Business Status: **Active**Date Inc/Registration: **Oct 18, 2007**Annual Report Due Date: **03/31/2022**NAICS Code: **Construction (23)**NAICS Sub Code: **Residential Remodelers (236118)**

Principals Details

Name/Title	Business Address	Residence Address
JEFF CARBONE PRINCIPAL	876 SOUTH MAIN ST., 2ND FLOOR, PLANTSVILLE, CT, 06479	NONE

Agent Summary

Agent Name **ROBERT L. KEEPNEWS**Agent Business Address **141 EAST MAIN ST, WATERBURY, CT, 06722, USA**Agent Residence Address **144 HAWKS HILL RD, NEW CANAAN, CT, 06840, USA**Agent Mailing Address **141 EAST MAIN ST, WATERBURY, CT, 06722, USA**

Letter of Authorization

Property Owner: FLM ENTERPRISES, LLC

Principal: FRED MARCANTONIO

Subject Address: 197 EPISCOPAL RD

Applicant: OLIVE BRANCH ENTERPRISES, LLC

I, FRED MARCANTONIO hereby give consent to OLIVE BRANCH ENTERPRISES, LLC, to
(Current Owner or Principal) (Applicant)

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

OUTDOOR PATIO at the property located at 197 EPISCOPAL RD,
(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,

**Town of Berlin
Received**

APR 08 2021

**Planning & Zoning Department
Berlin, Connecticut**

[Signature]
Signature

9/14/20
Date

Stephanie Blanchard 9/14/20

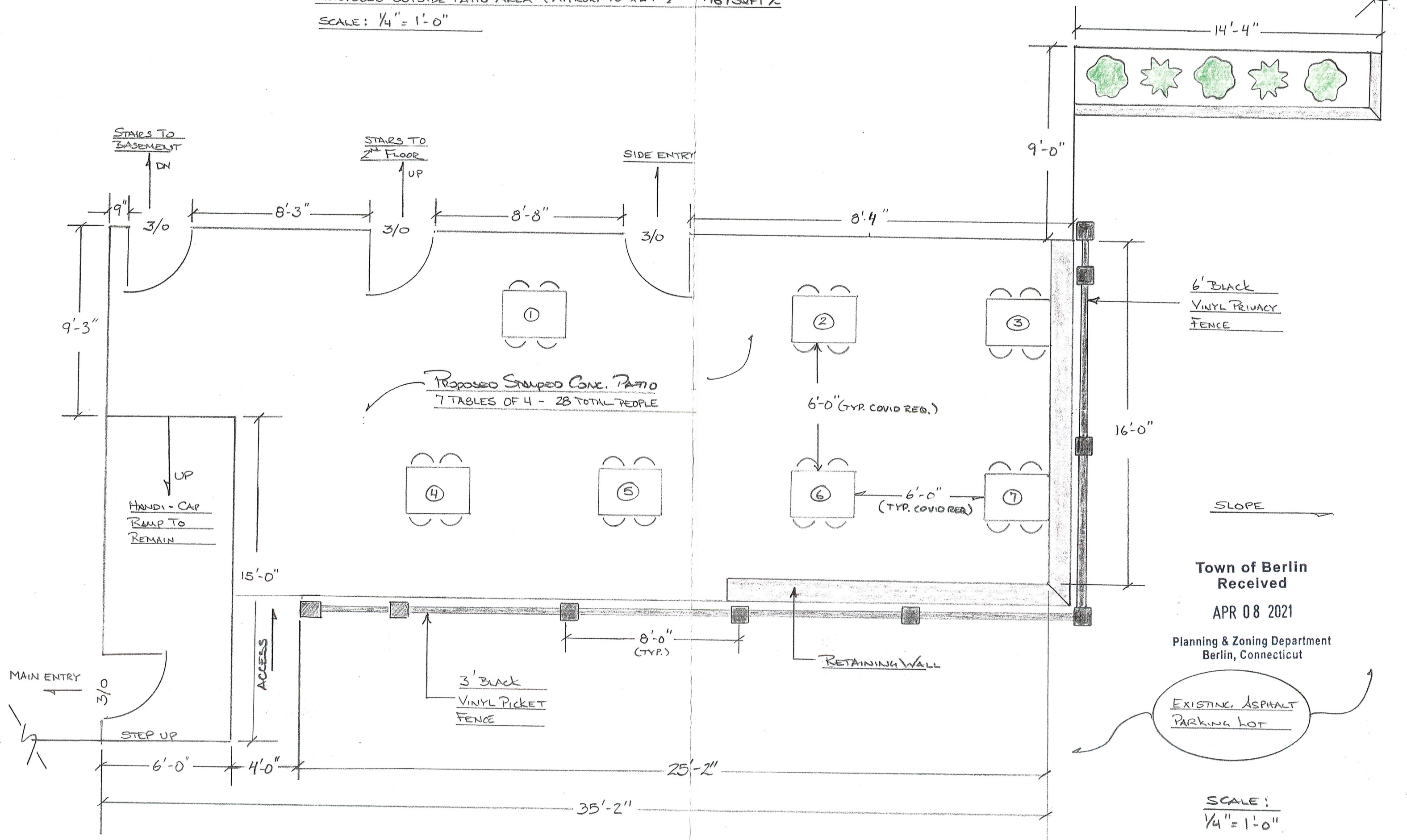
**STEPHANIE A.M. BLANCHARD
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2022**



SLIDERS - 197 EPISCOPAL RD BERLIN CT

PROPOSED OUTSIDE PATIO AREA (APPROX. 16' x 29') ~ 464 SQFT ±

SCALE: $\frac{1}{4}'' = 1'-0''$



LEGEND

- Existing utility pole
Existing light pole
Existing fire hydrant
Existing water valve
Existing gas valve
Existing underground pipe
Existing edge of pavement
Existing bituminous concrete lip curb
Existing well
Existing catch basin
Existing drainage manhole
Existing sanitary manhole
Existing utility box
Existing contour
Existing spot elevation
Existing iron pin
Existing drill hole
Existing monument

SITE NOTES:

1. The Total Number of Seating Within The Outdoor Patio Shall Not Increase The Seating Of The Overall Facility. Interior Seating Shall Be Reduced As Necessary.
2. Patio Shall Be Pitched Away From Building To Prevent Water From Accumulating.

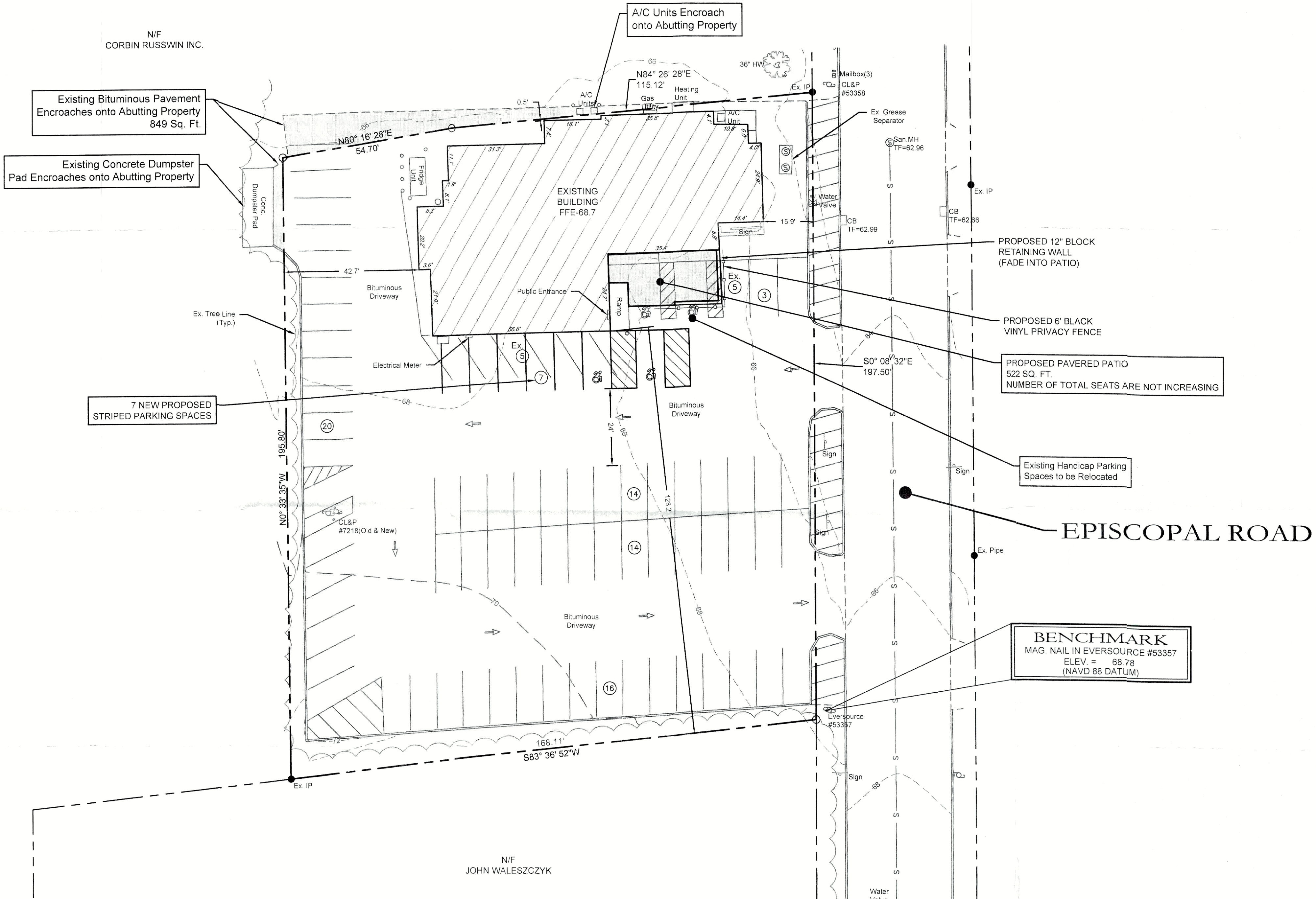
SITE PARKING

ITEM	TOTAL
EXISTING SPACES	74
PROPOSED SPACES	74*

*7 Spaces to Be Relocated

SURVEY NOTES:

1. This map has been prepared pursuant to the Regulation of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996.
2. Type of survey performed: Property Survey
3. Boundary determination category: Resurvey
4. Class of accuracy:
Horizontal: A-2
Vertical: T-2
5. The intent of this map is to depict or note the position of boundaries with respect to: (A) locations of all boundary monumentation found or set; (B) Apparent improvements and features, including as a minimum: dwellings, barns, garages, sheds, driveways, roadways, surface utilities, visible bodies of water and swimming pools; (C) record easements and visible means of ingress and egress; (D) record and apparent means of ingress and egress; (E) lines of occupation, including as a minimum: fences, walls, hedges and yards; (F) deed restrictions pertaining to the location of buildings or other apparent improvements; (G) unresolved conflicts with record deed descriptions and maps; (H) all apparent boundary encroachments; and (I) monumentation required to be set at all corners created by a deflection angle of not less than 70 degrees between two consecutive courses at an interval not to exceed 600 feet (180 meters) along the boundaries between said corners, except where natural or man-made monumentation defines or occupies the line.
6. Map References:
a) "Boundary Map Showing Berlin Property Emhart Corporation, Episcopal Road & Deming Road, Berlin, Conn.; Scale: 1"=100'; Dated: Nov. 26, 1965; by Kenig-Feinstein Associates. Filed as Map 841 at the B.L.R."
7. Per agreement with property owner no boundary corners were set by this survey unless noted hereon. All monumentation found is depicted or noted hereon.
8. Zone: G1-2
9. Total area: 33,244 Sq. Ft. - 0.76 Acres
10. Owner: F L M Enterprises, LLC
11. Town of Berlin Assessors Map #4 Lot #81-7
12. Filed in Volume 436, Page 291 of the Town Clerk's office.
13. Contour interval is two(2) foot.
14. Existing contours generated from field topography.
15. This survey does not include the location of any underground improvements or encroachments, subsurface utility lines or buried debris. Nor does it necessarily reflect the existence of any waste dumps or hazardous materials. The underground items depicted or noted are approximate and are not guaranteed. Notify "CALL BEFORE YOU DIG" 1-800-922-4455 prior to any excavation operations.



Town of Berlin
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APR 08 2021

Planning & Zoning Department
Berlin, Connecticut

PROPERTY & TOPOGRAPHIC SURVEY MAP DEPICTING PROPOSED PAVED PATIO Prepared For/Owned By Sliders Sports Bar & Grill / F L M Enterprises, LLC MAP #4 / BLOCK #4 / LOT #81-7 197 Episcopal Road September 28, 2020 Berlin, Connecticut Scale: 1" = 40'	
Oct 27, 2020 DATE	Revised Site Parking Chart REVISION
To the best of my knowledge and belief, this map is substantially correct as noted hereon. Stephen M. Giudice, L.S. Reg. No. #70145 NOT VALID UNLESS EMBOSSED SEAL OR STAMP IS AFFIXED HERETO	
F.B.#	
PROJECT # 2036	

cole

HARRY E. COLE & SON

engineering, surveying, planning.

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Fax: (860) 620-0196
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