

**TOWN OF BROOKLYN
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES**

The Brooklyn Zoning Board of Appeals held a special meeting and public hearing on Monday, May 18, 2015 at 7:00 p.m. at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT on the following:

Present: Brien Kroeger, Jim Grzesiak, Bruce Parsons, and William Macnamara.

Staff Present: Jana Roberson, AICP, Land Use Administrator; Shelley Hopkins, Recording Secretary.

Also Present: Paul Archer.

Absent: Dan Ross with notice.

Call to Order: The meeting was called to order at 7:03 p.m.

Seating of Alternates: None.

Approval of Minutes:

1. Special Meeting Minutes of February 5, 2015

A motion was made by Bruce Parsons to accept the special meeting minutes of January 5, 2015 as submitted and the special meeting minutes of April 27, 2015 as amended. Bruce Parsons amended his motion as follows: delete reference to special meeting minutes of April 27, 2015. Jim Grzesiak seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Special Meeting Minutes of April 27, 2015

A motion was made by William Macnamara to amend the special meeting minutes of April 27, 2015 as follows: i) under Approval of Minutes on p. 1, replace "January" with "February;" ii) in the first sentence of paragraph six on p. 5, replace "anything" with "nothing;" and iii) in the fourth sentence of paragraph six on p. 5, insert "if" after "asked." Bruce Parsons seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Public Hearing:

Reading of Legal Notice: Vice Chairman Brien Kroeger reads the legal notice into the record.

1. ZBA 15-002 Brooklyn Center Complex, LLC, 71 Vina Lane, Map 24, Lot 158, RA Zone – Requesting variance from section 6A.4.1 from 150 feet to 48.23 feet; Article 2 Interior Lots from 50 feet to 48.23 feet.

Paul Archer from Archer Surveying represents application ZBA 15-002. The applicant seeks a variance involving two areas of the Zoning Regulations. The first is section 6A.4.1 under Article 6A, Adaptive Re-Use of an Agricultural Building. The second concerns Article 2 Definitions, Interior Lots. Mr. Archer reviewed the language in each section. The property in question is the Brooklyn Center Complex, more commonly known as the Ross property. Dan Ross has sold the property to Brooklyn Center Complex LLC, which would like to use the former chicken coops as mini storage units.

Bruce Parsons asked whether the chicken coops were previously used for mini storage by a mason some years ago. Brien Kroeger stated that Mr. Ross had said that a painter was storing equipment there as well.

Jana Roberson reviewed the language in section 6A.2 regarding permitted uses. She noted that there may be a difference between self-storage facilities and shop and/or storage space for electricians, plumbers, carpenters, and craftpersons. She stated that if there is a previous approval for an adaptive re-use of an agricultural building, it begs the question as to why the variance is needed. Ms. Roberson suggested that she try to locate any files that may exist regarding a previous approval.

Vice Chairman Brien Kroeger called for a brief recess.

Meeting reconvened after a 5 minute recess.

Jana Roberson presented the information she found. She found a wetlands permit issued in 1995 for 71 Vina Lane. The listed activity was storage and prefabbing building parts. She found a letter on Eggs Inc. stationery, addressed to the Planning and Zoning Commission, requesting an A-2 survey waiver. She also found a site plan. Given the incompleteness of the records, the decision was made to proceed with the variance request.

Paul Archer stated that the property only has 48 feet of road frontage. The regulations call for 150 feet of road frontage and interior lots are required to be served by a 50 foot access strip. Bruce Parsons inquired when the 48 foot access strip was created. Mr. Archer replied that it was cut out prior to 1970.

Jana Roberson said that it is noteworthy that that is not how the applicant intends to get in there. The applicant intends to use the access strip off Vina Lane. Ms. Roberson asked Mr. Archer to confirm that it is currently used as a residential driveway with a right of way in favor of Quinn Cummings. The answer is yes. Ms. Roberson asked Mr. Archer to confirm that the applicant owns the adjacent lot 156 which does have frontage on Vina Lane. The answer is yes.

Jim Grzesiak asked Mr. Archer to point out on the map which other properties the applicant owns. Mr. Archer noted that the applicant owns these properties under various LLCs. Jim Grzesiak inquired about the driveway. Mr. Archer stated that it serves Quinn Cummings' house in the back. Jim Grzesiak asked how the access came to be. Mr. Archer stated that it was deeded back in the late 60s or early 70s when the Ross property was starting to put together all the pieces.

Jim Grzesiak asked Mr. Archer to clarify the details of the variance for which the applicant has applied.

William Macnamara asked for clarification that the right of way is a nonconforming preexisting use. The answer is yes. The Board briefly discussed whether the applicant's stated hardship is appropriate under these circumstances.

Vice Chairman Brien Kroeger closed the public hearing at 7:29 p.m.

Unfinished Business:

1. ZBA 15-002 Brooklyn Center Complex, LLC, 71 Vina Lane, Map 24, Lot 158, RA Zone – Requesting variance from section 6A.4.1 from 150 feet to 48.23 feet; Article 2 Interior Lots from 50 feet to 48.23 feet.

Jana Roberson clarified that the hardship description in the application was prepared by the applicant. She stated that if the Board agrees with the spirit of the applicant's stated hardship, they may revise for clarity.

A motion was made by William McNamara to approve application ZBA 15-002 Brooklyn Center Complex, LLC, 71 Vina Lane, Map 24, Lot 158, RA Zone – Requesting variance from section 6A.4.1 from 150 feet to 48.23 feet; Article 2 Interior Lots from 50 feet to 48.23 feet on the grounds that:

- 1) Exceptional difficulty or unusual hardship exists on the lot because of a preexisting nonconforming use, and
- 2) The proposal is in harmony with the general purpose and intent of the Zoning Regulations with due consideration for conserving the public health, safety, convenience, welfare and property values.

Jim Grzesiak seconds this motion.

No discussion held.

Vote was taken: All in favor Brien Kroeger, Jim Grzesiak, Bruce Parsons, and William Macnamara. The motion passes unanimously.

New Application Acceptance: None.

Other Business: None.

Adjourn: A motion was made by Jim Grzesiak to adjourn the meeting at 7:33 p.m. William Macnamara seconds this motion. No discussion held. All in favor. The motion passes unanimously.



Shelley Hopkins
Recording Secretary