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DEPUTY MAYOR
THOMAS ZAMPANO

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MICHAEL P. DOWNES



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ROSE MARIE ANGELONI
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RONALD PELLICCIA, JR.

TOWN OF NORTH BRANFORD

TOWN HALL, 909 FOXON ROAD, NORTH BRANFORD, CONNECTICUT 06471
Building Department (203) 484-6008 Engineering Department (203) 484-6009 Planning & Zoning (203) 484-6010
Department Fax (203) 484-6018

MINUTES NORTH BRANFORD ZONING BOARD OF APPEALS February 27, 2023

1. CALL TO ORDER

Chairman Kenning called the meeting to order at 7:07 p.m.

2. ROLL CALL

John Doody – Regular Member
Vince Vollero – Alternate Regular Member
Ed Boughton – Regular Member
Peter Deyo – Alternate Member
Steve Kenning – Chairman
Dave Perkins – Town Planner

3. MINUTES - Meeting of January 23, 2023

Member Vollero moved, seconded by Member Doody to approve the minutes of January 23, 2023. The motion was carried unanimously.

Member Boughton read the legal notice into the record.

4. PUBLIC HEARING AND POSSIBLE ACTION ON PUBLIC HEARING ITEMS:

- A. **Appl. #2023-1, 1405 Middletown Avenue** (Map 62B, Lot 32) B-2 zone, requesting a variance of Section 54.4.1 to reduce the separation distance from 400 feet to 300 feet from churches, schools and parks, for the sale of alcoholic beverages in the grocery market. **Owner: 1405 Middletown Ave LLC/Applicant: Michael DiGioia**

PUBLIC HEARING

Chairman Kenning stated that the applicant has complied with the notification requirement.

Chairman Kenning read into the record a letter from Steve Nugent of 1386 Middletown Avenue asking the Board to deny the application.

Town Planner Perkins stated that he has two comments from this letter. The distances are measured building to building, not property line to property line and the regulation is per class so a liquor store and grocery beer are two different classes.

Chairman Kenning read into the record a letter dated 2/27/23 from the Town Planner stating that we need to wait to vote on the ZBA application until Planning and Zoning reviews the use.

Chairman Kenning read into the record a letter dated 1/31/23 from JJS Consulting showing that there was an active beer permit from at least 4/5/2003 through 4/4/04.

Chairman Kenning read into the record a letter dated 1/30/2023 showing the beer sales that were made from Dichello Distributors back in 2003/2004.

Chairman Kenning reviewed the application with the Board stating the extent of the appeal is that they are requesting separation distance in 54.4.1 to be reduced to 300' from 400'.

Applicant, Michael DiGioia, 1405 Middletown Avenue submitted for the record a map showing the distance to the church. We are seeking a variance of section 54. To rebut the letter that was read into the record from Mr. Steven Nugent, as the board pointed out, the measurement was property line to property line and the Northford Store itself was measured from the old store so in actuality it is 360 feet. Mr. DiGioia continued to say that if you are separated by a single state highway, it is reduced by 100 feet. Where it is located, it is separated by two state highways so I would say it would be reduced by 200 square feet. We are currently under new management and almost on a daily basis the customers are stating that they would love to purchase their beer for cookouts. The grocery beer permit was there back in 2003. It is not for a single beer, but to bring home. Northford store is a pillar in Town and customer satisfaction is what we strive for.

Applicant DiGioia stated that with grocery beer, that is a different permit, so we would be under other rules and regulations. Big Y is able to sell right next door to a liquor store.

Member Boughton stated that it says liquor outlet, Planning and Zoning might want to look at what liquor outlet means, since we will not be able to vote on this tonight.

Chairman Kenning stated that this is a use variance as well as a variance.

Town Planner Perkins stated that he is not building anything, he is just using this building.

Chairman Kenning stated that he feels the application should mention the use variance.

Member Boughton stated that he likes the idea that it has to go to Planning and Zoning because there is a lot of ambiguity in the language.

Chairman Kenning asked if anyone would like to speak in favor or opposition to the application.

Bill Neubig, 99 Parsonage Hill Road, stated that when he was a kid, 80 years ago, my father always went up to the Northford Store to buy his beer, so I should think he should be grandfathered in.

Owner of Northford Store, Mario DiGioia, wanted to clear up some of the stuff that was set on table tonight. The reason why it only shows a 1 year permit is because the State went to electronic filing, and it was all lost, so we could prove that they did hold a beer permit, but we couldn't prove it before 2003. Being a partner of the store, I had two choices when the store was failing. One was to get the store back, clean it up or close it up. My customers come there because the store is on a new trajectory. They want to shop there, and they are begging me to go for a beer permit. It is the clients that want one. All other grocery stores are able to sell beer, I do not think the Northford Store should be any different. Did Big Y have to go against all of the clarifications. What we are asking for is a beer permit, we do not want to be any different than the Big Y or Stop and Shop as this is what my clientele is asking for.

William Manzi, 51 Woodland Drive stated that he really thinks we need to let some of the smaller businesses in town be a business. There is just so much ambiguity, we need to help the smaller businesses in Town. Some of the zoning laws need to be looked at.

Chairman Kenning stated that we will continue this meeting until next month.

Member Boughton moved, seconded by Member Doody to table Application #2023-1 until Planning and Zoning provides their input. The motion was carried unanimously.

- B. Appl. #2023-2, 186 Parsonage Hill Road** (Map 56C, Lot 2) R-40 zone, requesting a variance of Section 44.6.1.f, to allow a 1,440 square foot accessory building attached to a non-conforming accessory building of 1,200 square feet where only 1,000 square feet is allowed. **Owner/Applicant: Vincent Zichichi**

PUBLIC HEARING

Chairman Kenning stated that the applicant has complied with the notification building.

Chairman Kenning reviewed the application with the Board stating the hardship is that they are requesting outbuilding addition to store camp trailer & classic cars so they do not get damaged by outdoor elements.

Applicant, Vincent Zichichi stated that the topography of the land does not allow it to be attached to the house. I wanted to keep it setback to match the rest of the garages on Parsonage Hill Road. I didn't realize accessory buildings were to be under 1,000 square feet. I was completing a project without a permit, and I am here now to make it right. I have my abutting neighbors, a letter from my immediate neighbors. Applicant handed out letters from 196 Parsonage Hill Road, Regional Water Authority and rendering of the building.

Chairman Kenning read into the record a letter from East Shore District Health Department.

Chairman Kenning stated that we received the structural drawing.

Chairman Kenning read into the record a letter from 196 Parsonage Hill Road stated that they are in favor of the application.

Chairman Kenning read into the record a letter from Ronald Walters of the Regional Water Authority.

Applicant Zichichi stated that in 2021 the board granted a 3600 square foot building approved for McKosky which also had setback variances. I am only looking for square footage.

Town Planner Perkins stated that the regulation is either 1,000 square feet or 2%.

Chairman Kenning asked the applicant if he knew about the building application.

Applicant Zichichi stated that he did know, but for whatever reason, I did not apply for the building permit.

Chairman Kenning stated that the building is 90% done.

Chairman Kenning asked if anyone would like to speak in favor of the application.

Robert Capella, 178 Parsonage Hill Road, stated that he was an immediate abutter to the property. I am in favor of this. From what I see, excellent neighbors that I have and from what I see they do everything top notch.

Bill Neubig 199 Parsonage Hill Road, stated that I am one of the folks on Parsonage Hill Road that has a large barn on my property. My barn is roughly 60 x 60 and built before any of the regulations were in effect. I use it for storage, two trucks, model A ford. You cannot see this building from the street. I was not in the list of people he needed to notify, but my children were and they do not have any issues with this.

Dave Neubig, 200 Village Street does not have a problem with this. I would rather have him keep things inside then outside.

Warner Shriner, 163 Parsonage Hill Road stated that he is in favor of this, if I had the option to do this, I would be doing it as well.

Pat Zichichi stated that I live right behind him and do not have any problems with it.

Will Manzi, 51 Woodland Drive, stated that Vinnie does the best of everything. Did he screw up without requesting a permit, yes, however, he is working on correcting that now I am in support of my friend.

Paul Izzo, 172 Parsonage Hill Road stated that he is against this accessory building. He is concerned with the value of his property. There are a lot of commercial use buildings on the road and I do not know if this is allowed for a single use or can it be used for commercial or expand from there. This is an eye sore for me. The concern is property value of my house and what potential buyers would think of it.

Applicant Zichichi stated that this is not going to be used commercially. I am a single guy, my passion is old cars and tractors and getting them running. That is what is important to me. I have been a resident of Parsonage Hill Road for 35 years. To the

note of visibility, I tend to disagree, I did bring with me some photos I took today from the roof of the garage looking at Paul's house, which for the record, it is February and no foliage of on the trees.

Paul Izzo stated that my house is behind the trees. I can see the metal roof. Does an eye sore have to be from the house or anywhere on the property.

Member Boughton moved, seconded by Member Vollero to close the public Hearing at 8:15 p.m. The motion was carried unanimously.

POSSIBLE ACTION

Member Boughton stated that I hate when this happens, the punitive aspect of things is not our forte. It is not in our boards right to say go doze that down.

Chairman Kenning stated that it is not our right to tell them that. If we deny it, then the zoning enforcement officer will need to tell them to knock it down.

Member Boughton stated that where is the fine, even though the neighbors are in support, is there a remedy to fix the fact that you didn't do the permit in the first place.

Member Vollero stated that you put us in a really bad spot. You built something outside of the regulations and now we are setting a precedent. And then there is the other aspect that you spent a lot of money on this, and to say no puts us in a really bad spot.

Member Deyo stated that I agree with everything that you said, however, we have to vote on if there is a hardship.

Chairman Kenning stated that we cannot decide on a financial hardship, we need to vote on what the neighbors say. It is really bad that there was no building permit. The building is attractive and bigger than most garages. I remember approving Old Post Road, his hobby was cars and we let it go. We have approved this before. Sometimes you have to throw in a dose of good judgement, I would vote for it. There is a hardship and all the neighbors are supportive of it.

Member Boughton moved, seconded by Member Doody to approve application #2023-2, 186 Parsonage Hill Road. The motion was carried unanimously.

5. OTHER BUSINESS

Member Boughton stated that he would like to ask P & Z to give us the definition of what a liquor outlet is. The application with the State for either is different. Our zoning is not consistent with the State.

Member Boughton would also like to put a recommendation that P & Z consider a punitive process for screwed up/no permits.

6. ADJOURNMENT

Member Vollero moved, seconded Member Boughton to adjourn the meeting at 8:34 p.m. The motion was carried unanimously.

Respectfully Submitted;

Denise Prather
Recording Secretary

Respectfully Submitted;

Steve Kenning
Chairman