

**MEMORANDUM OF STAFF COMMENTS**

**TO:** Zoning Board of Appeals  
**FROM:** Adam Levitus, ZEO  
**DATE:** February 18, 2021  
**RE:** #2021-02 – Variance for Maximum Building Coverage  
**APPLICANT:** Gerald Antonacci (Manager, Christian Lane Realty, LLC)  
**ADDRESS:** 655 Christian Lane  
Map 3-4 Block 76A Lot 1C & Map 3-2 Block 76A Lot 1B-1  
**ZONE:** GI

**Proposal and Background**

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

**Staff Comments**

2/18/21 Update (Public Hearing not opened at 1/26/21 Meeting):

The notifications to property owners required by BZR Section XIV.G of the regulations were completed by the applicant in the timeframe specified by the regulations for the 2/23/21 Meeting. Staff take no exception to proceeding with the public hearing at the 2/23/21 ZBA meeting.

No new materials have been presented since the 1/26/21 meeting, so the application materials previously distributed to ZBA members and posted to the website should be reviewed.

**Original staff comments below from 1/22/21 – kept for continuity since application has not changed:**

*Note: The notifications to property owners required by BZR Section XIV.G of the regulations were not fully completed by the applicant in the timeframe specified by the regulations. The applicant sent letters to most of the properties within 250 feet of this application at least 10 days before the 1/26/21 scheduled public hearing (as required). However, it appears that the letters for five properties in New Britain were not mailed until 6 days before the 1/26/21 meeting. It does appear, however, that the physical sign posted on the property was placed by the applicant in accordance with the regulations. BZR Section XIV.G.5 states that the ZBA “may deny the application if the applicant has failed to comply with any of the required notice and procedures.” At the request of the applicant, staff have compiled the application to be put before the ZBA, and the ZBA should determine how it wishes to proceed.*

*The property at 655 Christian Lane is currently used as a recycling facility. The main building was constructed in approximately 1973, with outbuildings constructed in approximately 1986 and 1992 and a canopy addition added to the western outbuilding in 2009. The property is owned by Christian Lane Realty, LLC and operates as*

*Murphy Road Recycling. Neighboring property owners include the railroad to the west, Bodycote Thermal Processing to the North, and Copart of Connecticut to the South.*

*Staff understanding is that the overall use of the property is not changing. The addition is intended to accommodate new equipment to upgrade the technology used within the facility. Additionally, a small outbuilding and relocated scales are proposed to re-route truck traffic in light of the new equipment operations.*

*The variance is required as the added building square footage (approximately 36,900sf) will cause the total building coverage to exceed the maximum allowed (35% in the GI zone) of the combined area for both parcels (Map 3-4 Block 76A Lot 1C & Map 3-2 Block 76A Lot 1B-1).*

*Note that a corresponding site plan amendment for the addition and other site changes is separately being submitted by the applicant to the Planning and Zoning commission for review. However, approval of the variance is required prior a PZC approval.*

**Zoning Requirements:**

**§VII.H. GI Zone Area and Bulk Requirements**

Maximum building coverage = 35%

Proposed building coverage = 38%

*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.*