

CIVIC ASSOCIATION OF SHORT BEACH
ZONING BOARD OF APPEALS
P.O. BOX 2012
SHORT BEACH, CONNECTICUT 06405

MINUTES FROM AUGUST 1, 2016 REGULAR MEETING

Meeting held at Orchard House. Called to order by Acting Chairman, Walter Kawecki. Present were Regular Members, Andi Hallier and Robert Schwall, and Alternate Member, Martin J. Hallier, Sr. Absent was Regular Member, Carleen Davis. Also in attendance were Civic Association Clerk, Fran Clark, Attorney Peter Cooper, and members of the general public, Frazier Bronson and Helen Wong.

The Chair appointed Mr. Hallier as a Regular Member for purposes of this meeting.

Mr. Bronson and Ms. Wong, owners of 63 Little Bay Lane, submitted an appeal to the Board for a variance of its regulations, dated July 7, 2016, along with the requisite \$250.00 filing fee. Discussion was held regarding whether the Appeal conforms to the ZBA's Manner of Filing. The Chairman accepted the Appeal.

Chair proposed holding the public hearing on the Appeal at the ZBA's next regular meeting, Monday, October 3, 2016. Mr. Schwall seconded the Motion. Discussion was then held regarding Mr. Bronson's request for a Special Meeting, rather than waiting until October 3, 2016. Ms. Wong noted that the ZBA has scheduled Special Meetings in the past. The Chair noted that the General Statutes require the ZBA to hold a public hearing on the appeal within sixty-five days of receipt of the application, and that it is unlikely that the ZBA would have a quorum for a meeting scheduled earlier than October 3, 2016, which is within the statutory time frame. Holding the public meeting on October 3, 2016 would also give the public full opportunity to participate. The Chair then moved to schedule the public hearing on the Appeal for the ZBA's next Regular Meeting on October 3, 2016. Ms. Hallier seconded the motion, it was approved unanimously on voice vote.

The Chair made a Motion to Vote on Draft Minutes from the June 6, 2016 Regular Meeting. Mr. Hallier seconded the Motion. The Minutes were approved unanimously upon voice vote.

Additional discussion was held regarding whether or not the Appeal submitted re 63 Little Bay Lane is complete, inasmuch as the drawings contained therein are not to scale. The Chair made a substitute Motion re his earlier Motion to Accept the Appeal, pending further review as to its accuracy and completeness. Mr. Hallier seconded the Substitute Motion. The Motion carried unanimously upon voice vote.

The ZBA then went into Executive Session to discuss pending litigation over the Appeal re 51 Beckett Avenue with Attorney Cooper. Mr. and Ms. Hallier did *not* participate in this Executive Session.

Old Business: Mr. Hallier noted the Board recently increased the fee required to file an Appeal, and inquired whether the website had been revised to reflect that change. The Chair confirmed that it has been changed. The Chair also suggested formation of a committee to comb through the website and note all discrepancies, procedural and substantive, so that the website can be brought up to date and into compliance with state law and the Civic Association's Zoning Regulations. Also discussed was the possibility of creating a website specifically for the ZBA to afford the public on-line access to the Board's schedule of meetings, meeting agendas, meeting minutes, and appeals forms. Mr. Hallier did not think the Board should have a website separate and distinct from that of the Civic Association. The Chair moved to table further discussion on this issue. Ms. Hallier seconded the Motion. The Motion carried unanimously upon voice vote.

New Business: Discussion was held regarding changes to the Rules of the Zoning Board of Appeals proposed by Mr. Hallier. Specifically, Mr. Hallier proposed a change to Rules Section I, line 1, which pertains to the ZBA's Officers and Duties, providing that the ZBA Chairman be elected by the Regular Members of the ZBA. This language conforms with state law, and replaces language to the effect that the Chair shall be elected as provided in the Civic Association By-laws (which provide that the Chair is to be appointed by the Executive Board of the Civic Association). If adopted, the first line of Rules Section I, line 1, would read: "The Chairman shall be elected by the regular members of the Zoning Board of Appeals."

Mr. Hallier also proposed a revision to Rules Section IV., line 2, which governs Board meetings, and which currently reads: "All regular meetings shall be open to the public with the exception of executive sessions following the hearing of applications." Mr. Hallier proposed deleting the language, "following the hearing of applicants." Mr. Hallier feels this change would permit the ZBA to go into executive session at any time, not only following a hearing on an Appeal application. If adopted, Rules Section IV, line 2 would read: "All regular meetings shall be open to the public with the exception of executive sessions."

Mr. Hallier proposed two additional revisions to the Rules, specifically Section VI, which governs the Board's Manner of Filing. The first proposed revision would add the language, "or Appeal for a Review of Action" to line 2 of Section VI(1). If adopted the Rule would read: "All applications for an Appeal for a Variance or Appeal for a Review of Action shall be contained in the official form adopted by the Zoning Board of Appeals (ZBA) for that purpose . . ." Mr. Hallier explained that the Regulations do not currently encompass Review(s) of Action(s), but only Appeals for Variances.

Finally, Mr. Hallier proposed revision of Rules Section VI(2), which currently reads: "Twelve (12) copies of the Application (Form 30) and Schedule A Information (Form 30A) with original signatures of the applicant (or agent) and the owner shall be submitted, together with a Filing Fee of \$175.00 . . ." Mr. Hallier proposed eliminating the language at the end of this section, so that the Board need not revise its Rules each time it decides to increase the Filing Fee. If adopted the Rule would read: "Twelve (12) copies of the Application (Form 30) and Schedule A Information (Form 30A) with original signatures of the applicant (or agent) and the owner shall be submitted, together with the Filing Fee. . . ."

The Chair moved to table close discussion of these proposed changes, in order to afford the Board Members an opportunity to review and consider them. Ms. Hallier seconded the motion and it carried unanimously upon voice vote.

Discussion was then held regarding Mr. Hallier's concern that our Manner of Filing should specifically include requirements that Appeals applicants submit an original A-2 survey with a raised seal of a licensed surveyor as part of their filing, that all drawings be to scale, and that copies submitted be full-sized. The Chair noted his intention to consult with the Branford Town Engineer, to determine what the standard practice is on this issue. The Chair then moved to draft proposed amendments to ZBA Form 30A, "Manner of Filing," (specifically, Section VI(3)) to require all drawings, documents diagrams and plans submitted in support of an Appeal Application be to scale. Ms. Hallier seconded the Motion, and it carried unanimously upon voice vote.

Discussion was then held concerning a typographical error appearing on the Civic Association's website, with respect to the Board's Manner of Filing. Mr. Hallier pointed out that the website indicates that an appeal shall be taken to the ZBA within six (6) months after the denial of an Application for Zoning Permit by the Executive Board of the Civic Association. This is not a correct statement of the law, nor does it comport with the ZBA's Rules and Regulations, both of which accurately state that an appeal must be taken with two (2) months after such a denial. Mr. Hallier moved to correct the ZBA's Manner of Filing as it appears on the Civic Association's website. Ms. Hallier seconded the Motion. The Motion carried unanimously on voice vote.

Mr. Hallier then moved that the proposed changes to the ZBA's Rules and Manner of Filing be placed on the agenda for the Board's next regular meeting, scheduled for October 3, 2016. The Chair seconded this motion, and it carried unanimously.

Bills and Correspondence: None.

The Chair moved that the Board hold its next Regular Meeting on Monday, October 3, 2016 at 7:30 p.m. at the Orchard House. Ms. Hallier seconded the motion and it carried unanimously upon voice vote.

Finally, the Chair moved that the Board adjourn until its next Regular Meeting. Ms. Hallier seconded the motion and it carried unanimously. The meeting was adjourned accordingly.