

Puppet House from Repertory Theatre to "Tenant Fit-Up" Permit (concession, events, concert, parties rentals)

2013:

- Legacy Theatre announced puppet house a repertory theater, putting on performances 6 week runs, 6 times a calendar year. Letter on file at town hall and attached, #1.

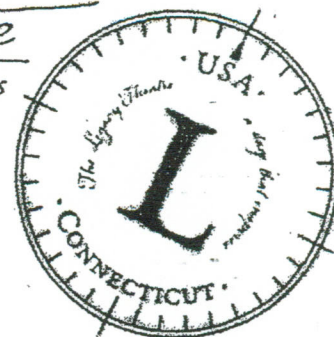
2014:

- **June 2:** Email from Keely Baisden-Knudsen, Founder and Artistic Director of the Legacy Theatre, "nothing going on", see attached, #2.
- **June 6:** "Tenant-Fit-up" (same-use) permit submitted to Jennifer Acquino, Branford Zoning Enforcement Officer, with 90 pages of attachments – on file at town hall. "same-use permit" asks for concession, events, parties, concerts, bands, rentals. See attached, #3.
- **June 17:** Special Meeting Stony Creek Association Board and attending members to discuss hiring a lawyer, and to give the firm of Fasano, Ippolito & Lee a copy of the "Tenant Fit-up" permit application to see if there is a case against the Legacy Theatre. Special Meeting Minutes of the Stony Creek Association Board can be found on WWML.org, at the Stony Creek Market, or Thimbleberry's.
- **June 19:** Special Meeting of the Stony Creek Association (SCA) Board and attending members to hire a lawyer. Mr. Ippolito stated there were issues with the permit application, he needs input and meetings with neighbors and members. Special Meeting Minutes of the Stony Creek Association Board can be found on WWML.org, at the Stony Creek Market, or Thimbleberry's.
- **July 8:** SCA Board Monthly meeting. Lawyer, Mr. Ippolito, recommends filing an appeal with Branford Zoning Board of Appeals within 30 days. Motion made and seconded by the board to file an appeal with the Branford Zoning Board of Appeals. Meeting Minutes of the Stony Creek Association Board can be found on WWML.org, at the Stony Creek Market, or Thimbleberry's.
- **July 18:** Letter from SCA Board lawyers, Fasano, Ippolito & Lee, to Jennifer Acquino, Branford Zoning Enforcement Officer, requesting an appeal for hearing with the Branford Zoning Board of Appeals. See attached letter #4.
- **August 5:** SCA Board monthly meeting, Brian Knudsen, President of the Legacy Theatre, requests Dan Bullard, President of SCA, read aloud his letter and attach his letter to the minutes. He then left the meeting. Letter attached, #5. Meeting Minutes of the Stony Creek Association Board can be found on WWML.org, at the Stony Creek Market, or Thimbleberry's.
- **August 13 & 19:** Follow-up emails from Brian Knudsen, President of Legacy Theatre, to Dan Bullard, SCA President, which were forwarded to the members of the Stony Creek Association. See attached letter #6.
- Also attached: Online and newspaper articles on the "Tenant Fit-up" permit.

PLEASE ATTEND

- *September 2, 7:30pm, Stony Creek Association Board Meeting at the WWML.*
- *September 16, 7:00pm, Branford Zoning Board of Appeals at Canoe Brook Senior Center.*

The Legacy Theatre
a stage that inspires



The Legacy Theatre, a not-for-profit theater company, incorporated in July of 2011, and was created on the desire to host a theatre in the Shoreline area that will house a core professional Repertory Company committed to performing ongoing seasons of transformative theatre, which will empower human potential and uplift the human spirit.

Founded on the desire to showcase excellent-quality, professional theatre in production value and artistic nuance, the Legacy aims to put into practice the age-old but scarce Repertory Company. To that end, The Legacy Company is a core of professional actors who rotate among casts and directors to produce beautiful work in the community that hosts recognizable talent, switching amongst the great literature and musicals of our time to new and challenging works. This environment sets the scene for a terrific training ground in the conservatory arm of The Legacy. The Artist Teachers from the resident company serve the theatre's Conservatory as true apprentice theatres of old, passing on the legacy of the rich tradition of the Theatre to students of all ages, levels, and physical abilities.

The Legacy Theatre completed a Feasibility Study with Webb Management out of New York City, which defined the size and scope of an additional successful professional theater and training in the area. The historic Stony Creek Puppet House came to the board's attention, funds were raised to purchase the building, and March of 2013 the building changed hands for its third time in its history since 1903. Planning and designing is now underway for the restoration and rebuilding of this treasured performing arts venue to become Legacy's permanent home.

For over 100 years, the historic theater in Stony Creek has delighted generations from silent movies to puppet shows and live theater. The Legacy wishes to charmingly restore this historic building and neighboring parcel to produce year-round seasons of performances and training.

For more information, upcoming programs, and events, visit www.LegacyTheatreCT.org

LEGACY THEATRE PARKING

The Legacy intends to operate a small theater at the existing building currently at 128 Thimble Islands Road in Branford. The facility, which has mainly been used as a theater since 1903, is proposed to have a performing space and a maximum capacity of 134 people (occupancy has been determined by the East Shore Health Department). Hours of operation will be evening performances and matinee performances for, at most, six week runs, excluding Monday performances, for, at most, six times a calendar year, and otherwise attended by small populations for rehearsals and classes during afternoon and evening hours, scheduled to avoid peak traffic on adjoining roads. The use of the adjoining parcel at 132 Thimble Islands Road will be residential, and traffic and parking will be as expected for a building used as a residence, which will be less intrusive to the neighborhood than the prior businesses that had been there. On-site handicap accessible parking will be accounted for, and an adequate number of off-site parking spaces in neighboring areas are being sought for audiences to park to avoid congestion of on-street parking throughout the village of Stony Creek.

From: Keely [sco_ish_keely@yahoo.com]
Sent: Monday, June 02, 2014 5:55 AM
To: Daniel A. Bullard CLU ChFC
Subject: SCA

Morning!

No new news to report, except 8 lbs 3 oz!

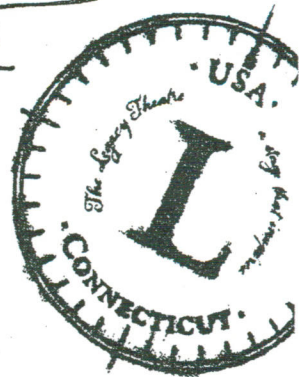
Saturday evening at 7:35pm
Handsome boy
Reeves August Knudsen

We are both recovering well!

All the best,
Keely

#3

The Legacy Theatre
a stage that inspires



RECEIVED

JUN 05 2014

BRANFORD PLANNING &
ZONING COMMISSION

On behalf of the Legacy Theatre, this letter serves as document that Alliance TCC, LLC (Bob Errato, Managing Member) is the "authorized representative" on the Zoning Application.

Signed,

A handwritten signature in dark ink, appearing to read 'Brian W. Knudsen'.

Brian W. Knudsen
Chairman of the Board
The Legacy Theatre, Inc.



#3

TENANT FIT UP

ADDRESS OF PROPERTY 128 Thimble Islands Road
TAX MAP 509 BLOCK 000 006 LOT 00007 ZONING DISTRICT BR
NAME OF TENANT'S BUSINESS: The legacy theatre
PREVIOUS USE OF TENANT SPACE: Theater Function/Party Space/Concert Hall
PROPOSED USE OF TENANT SPACE: SAME See Att. Addendum
LINE NUMBER OF PROPOSED USE AS LISTED IN TABLE OF USES: 4.B.G # 4
AREA OF TENANT'S SPACE IN SQUARE FEET: 2813. See AH Assessor's sq. ft. card
DESCRIPTION OF PROPOSED CHANGES TO TENANT SPACE: See Att. Addendum AND Floor Plans

Additional information may be necessary to determine compliance. Any new signs or change in signage will require approval of a certificate of zoning compliance and a building permit.

The undersigned states that the information submitted with this application is correct and acknowledges that any approval based on erroneous or incomplete information shall be null and void.

Bob Errato's Contact Info: Cell # 203-494-5141
Email: roberrato@gmail.com Off # 203-691-1536
Tenant's Name The Legacy Theatre Property Owner The Legacy Theatre, INC
PLEASE PRINT PLEASE PRINT

Address 128 Thimble Islands Road Address 128 Thimble Islands Road
Branford, Ct - Stony Creek Branford Ct Stony Creek

Phone 917-805-9117 Phone 917-805-9117

E-mail sc0-ish-keely@yahoo.com E-mail sc0-ish-keely@yahoo.com

Signature Keely@Legacytheatre.org Signature By Alliance TCC LLC managing member
Authorized representative

Robert M. Errato, Managing Member Alliance TCC LLC Robert M. Errato, Managing Member Alliance TCC LLC

Building Department: _____ Date _____

____ Building permits must be obtained for the above described changes.

____ Building permit not required for the above described changes.**

Zoning Department: _____ Date _____
Laura Magaraci Zoning Enforcement Officer

____ Use covered by previous Site Plan/Special Exception
____ Site Plan/Special Exception approval required.

RECEIVED

JUN 05 2014
Please note existing building & fire code violations may exist on the property that must be properly abated when discovered. A site visit by the building and fire code official is recommended prior to opening.
BRANFORD PLANNING & ZONING COMMISSION

#4

Fasano, Ippolito & Lee, LLC

Attorneys at Law

388 Orange Street
New Haven, Connecticut 06511

Leonard A. Fasano
Alphonse Ippolito
Timothy J. Lee

Telephone: (203)787-6555
Telefax: (203)776-2119
Real Estate Fax: (203)776-1088

Nicholas N. Mingione

July 18, 2014

Ms. Jennifer Acquino
Zoning Enforcement Officer
Town of Branford
1019 Main Street
Branford, CT 06405

NOTICE OF APPEAL

**RE: Legacy Theatre, 128 Thimble Island Road
Branford, Connecticut 06405 -**

Dear Ms. Acquino:

Please be advised that we represent the Stony Creek Association, James Stack and Eleanor Stack of 140 Thimble Island Road and Linda Barr and James Flora of 11 Ridge Road. Pursuant to Branford Zoning Regulation Sec. 9.12, please consider this letter as a formal appeal from the decision of the Branford Zoning Enforcement Officer approving the "Tenant Fit Up" application of the Legacy Theatre on July 3, 2014. We believe that the Zoning Enforcement Officer erred in approving the application for the following reasons:

- (1) the activity proposed by the Legacy Theatre is not a legal pre-existing non-conforming issue under Branford Zoning Regulations. Section 8.1.B;
- (2) the activity proposed by the Legacy Theatre is a drastic expansion over any prior use of the property in violation of Section 8.1.C of the Branford Zoning Regulations;
- (3) the applicant and/or its predecessors in interests abandoned the use of the property as a theatre;
- (4) the use of the property as a theatre requires a special exception under Sec. 4.8.G(4) of the Branford Zoning Regulations;

#4

- (5) the use of the property as an assembly hall requires a special exception under Sec. 4.8G(4);
- (6) the applicant failed to demonstrate compliance with Sec. 4.3.1 by demonstrating that it can satisfy the parking needs of its use or its own property;
- (7) there is no statutory and/or regulatory authority for a "Tenant Fit Up" permit and as such, any such approval is void ab initio;
- (8) the approval was in violation of the regulations and ordinances of the Town of Branford; and
- (9) the approval was in violation of the statutes of the State of Connecticut.

Kindly schedule this appeal for a hearing before the Branford Zoning Board of Appeals at your earliest possible convenience.

Please confirm that this letter constitute sufficient notice of appeal. The form on the Town website for an Application to the Zoning Board of Appeals did not include a provision for an appeal of a decision of the Zoning Enforcement Officer. We are willing to supplement this letter with any other information you deem pertinent to the appeal.

Very truly yours,

Timothy J. Lee, Esq.
TJL/mgb

cc: Stony Creek Association
William Aniskovich, Esq.
Marjorie Shansky, Esq.



#4

TENANT FIT UP

ADDRESS OF PROPERTY 128 Thimble Islands Road
 TAX MAP 509 BLOCK 00006 LOT 00007 ZONING DISTRICT BR
 NAME OF TENANT'S BUSINESS: The legacy theatre
 PREVIOUS USE OF TENANT SPACE: Theater Function/party space/Concert Hall
 PROPOSED USE OF TENANT SPACE: SAME Sec Att. Addendum
 LINE NUMBER OF PROPOSED USE AS LISTED IN TABLE OF USES: 4.B.G # 4
 AREA OF TENANT'S SPACE IN SQUARE FEET: 2813 Sec A4 Assess 38 ft. Carol
 DESCRIPTION OF PROPOSED CHANGES TO TENANT SPACE: See Attached
Addendum AND Floor Plans

Additional information may be necessary to determine compliance. Any new signs or change in signage will require approval of a certificate of zoning compliance and a building permit.

The undersigned states that the information submitted with this application is correct and acknowledges that any approval based on erroneous or incomplete information shall be null and void.

Bob Errato's Contact Info: Cell # 203-494-5141
 Email: roberrato@gmail.com Off # 203-621-1536
 Tenant's Name The Legacy Theatre Property Owner The Legacy Theatre, INC
 PLEASE PRINT PLEASE PRINT
 Address 128 Thimble Islands Road Address 128 Thimble Islands Road
Branford, Ct - Stony Creek Branford Ct Stony Creek
 Phone 917-805-9117 Phone 917-805-9117
 E-mail SCO-ish-keely@yahoo.com E-mail SCO-ish-keely@yahoo.com
Keely@Legacytheatre.ct.org Signature By Alliance TCC LLC managing member
 Signature Robert M. Errato Signature Robert M. Errato
Managing Member Alliance TCC LLC Managing Member Alliance TCC LLC

Building Department: Robert M. Errato, Managing Member Alliance TCC LLC

Signature Robert M. Errato, Managing Member Alliance TCC LLC

Date

☐ Building permits must be obtained for the above described changes.

☐ Building permit not required for the above described changes.**

Zoning Department: Laura Magaraci Zoning Enforcement Officer

Date

☐ Use covered by previous Site Plan/Special Exception

☐ Site Plan/Special Exception approval required.

RECEIVED

**Please note existing building & fire code violations may exist on the property that must be properly abated when discovered. A site visit by the building and fire code official is

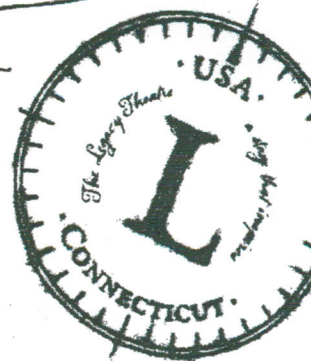
recommended prior to opening.**

JUN 05 2014
 BRANFORD PLANNING &
 ZONING COMMISSION

#5

The Legacy Theatre

a stage that inspires



August 5, 2014

Dan Bullard, President
Stony Creek Association
303 Thimble Islands Road
Stony Creek, CT 06405

HAND DELIVERED AT THE AUGUST 5, 2014 BOARD OF DIRECTORS STONY CREEK
ASSOCIATION MEETING

Dear Mr. Bullard,

We request as a member in good standing in the Stony Creek Association (SCA), that this letter be read aloud at tonight's meeting and be made a part of the minutes of the meeting.

We have several serious concerns we feel need to be addressed immediately. These concerns all revolve around the recent action(s) taken by SCA related to the appeal of the Zoning Permit issued to The Legacy Theatre, Inc. by the Town's Zoning Enforcement Officer.

1. Based on our review of the facts, the State of Connecticut's Statutes, SCA by-laws and the defined term of Stony Creek Association's duties and powers, we conclude that SCA has *no legal standing* to bring any action to The Town of Branford's Zoning Board of Appeals. Section 8-7 "Appeals to Board" clearly states in part "an appeal may be taken to the zoning board of appeals by *any person aggrieved...*". Nowhere in this section does it mention that "an association" has legal standing to bring an appeal. In section 8-8(1) a definition of "an 'aggrieved person' includes any person owning land that abuts or is within a radius of one hundred feet of any portion of the land involved in the decision...". Stony Creek Association is clearly not a person, nor does it own any property, especially within the one hundred foot radius as stated in this section. Therefore, we feel that the Officers and members of the Executive Board erred in taking this action and should immediately withdraw the appeal they authorized. The Officers and Executive Board members have a fiduciary responsibility to protect its member property owners of this Association from acts they take which can potentially expose the Association to sanctions, other regulatory penalties and/or costly lawsuits.

2. The Officers and Executive Board members have a fiduciary responsibility related to the funds of the Association. It is our position that committing Association funds to retain the services of Attorney Tim Lee and his firm was irresponsible, wasteful, and a breach of your fiduciary duties to protect the funds of the Association. The Officers and Executive Board members knew or should have known that the expenditure of Association funds for any legal action related to making an appeal under section 8-7 was

frivolous and without standing as defined by this section and section 8-8. Therefore, it is our position that the Officers and Executive Board members make immediate arrangements to reimburse the Association for any funds paid to Attorney Tim Lee or his law firm.

3. We request that the Officers and Executive Board members make immediately available to each member of the Association a copy of the Engagement letter executed by SCA officers and Board members with Attorney Tim Lee's law firm.

4. We request that the Officers and Executive Board members make immediately available to each member of the Association a copy of all written communications, emails, personal notes, and transcriptions of any and all verbal communications between each and every Officer and Executive Board member and Attorney Tim Lee or any other member of Attorney Tim Lee's law firm.

5. It is our understanding that SCA has agreed to pay the legal fees for James Stack and Eleanor Stack of 140 Thimble Islands Road and Linda Barr and James Flora of 11 Ridge Road to bring and sustain the appeal of The Legacy Theatre, Inc.'s Zoning Permit issued by the Town of Branford Zoning Enforcement Officer. If this is, in fact, true, this represents a breach of the fiduciary responsibilities of the Officers and Executive Board. We were unable to find any minutes of any meeting where this was discussed or approved. In review of the by-laws and the defined terms of Stony Creek Association's duties and powers, there is no mention of SCA's right to pay legal fees on behalf of any individual member of the Association or any other third party. We request that the Officers and Executive Board members make immediately available for each member of the Association a copy of all written communications, emails, personal notes, and transcriptions of any and all verbal communications between each and every Officer and Executive Board member and James Stack and Eleanor Stack of 140 Thimble Islands Road and Linda Barr and James Flora of 11 Ridge Road related to the appeal of The Legacy Theatre's Zoning Permit.

6. It is our position that SCA and its Officers and Executive Board members should adhere to its own by-laws and the laws of the State of Connecticut. We have documented incidents where approximately 15 flyers printed on bright pink paper were affixed to numerous utility (telephone, electric light or power) poles, traffic signs, real estate signs, trees and other areas in the public way. One or more Executive Board member(s) were responsible for the actual placement of these "flyers" on the subject poles, trees and in the public way. In the SCA by-laws under "ORDINANCES", number 5, it is clear that the Executive Board must grant permission to do so. Please provide a copy to each Association member of when, where and how this action was approved. Also, please provide to each SCA member a copy of the "written permit," properly dated, required to conduct such activity. It is a fact that the Officers and Executive Board members for SCA knew or should have known the following from the CGA.ct.gov website:

A person, firm, or corporation may not affix to a telephone, electric light or power pole or to a tree, shrub, rock, or other natural object in any public way or grounds any playbill, picture, notice, advertisement or other similar thing **without a written permit from the town or borough tree warden, city forester, or transportation commissioner**, as appropriate for the object and jurisdiction. Violators may be fined up to \$50 for each offense (CGS § 23-65). Each object placed in violation of this prohibition constitutes a separate offense. Anyone who deposits or throws any advertisement within the limits of any public way or grounds, or upon private property, unless it is left at the door of the residence or place of business is subject to a fine of up to \$50, imprisonment for up to six months, or both for each offence (CGS § 23-65(c)).

Please disclose to each and every SCA member other times when the Officers and Executive Board members voted in accordance with SCA by-laws under "ORDINANCES" number 5 to have flyers printed that were affixed to numerous utility (telephone, electric light or power) poles, trees and other areas in the public way. In addition, please provide a copy to each Association member of when, where and how this action was approved and a copy of the "written permit" with the proper date that is required by Connecticut law.


7. Our research finds that Linda Barr and James Flora's property located at 11 Ridge Road is *significantly* outside of the one hundred foot radius as defined in section 8-8(1) for them to qualify as an "aggrieved person". Furthermore, Section 8-7 "Appeals to Board" clearly states in part, that "an appeal may be taken to the Zoning Board of Appeals by any person aggrieved...". It is our position that their action to appeal the Zoning Permit granted to The Legacy Theatre, Inc. to the Zoning Board of Appeals under section 8-7 is frivolous and without standing as defined by this section and section 8-8.

The Officers and Executive Board members have clearly acted contrary to the Stony Creek Association's by-laws, Town regulations and The State of Connecticut laws.

If the Officers and Executive Board members intend to communicate with Attorney Tim Lee regarding this letter, we expect and request it will be in writing via email or U.S. mail and a copy of it and any response be **immediately available to all SCA members**. Incurring additional legal fees on behalf of the Stony Creek Association without proper authority is considered a continuing breach of your fiduciary responsibilities.

For those interested in Legacy Theatre's latest plans, please see www.LegacyTheatreCT.org and visit the FAQ (Frequently Asked Questions) tab.

Thank you,



Brian W. Knudsen, President
The Legacy Theatre, Inc.

From: Brian Knudsen [brian.w.knudsen@gmail.com]
Sent: Tuesday, August 19, 2014 3:42 PM
To: Dan Bullard
Subject: Fwd: Legacy Theatre Letter

#6

Dan,

I was expecting by now I would receive a response from you to most if not all of the items I requested in my letter to you dated August 5, 2014 and my email dated August 13, 2013. I do not understand why you haven't responded, but look to you to provide me with guidance as to the reason or reasons you refuse to respond.

I have a very hard time accepting that there is any credible reason to not provide a copy of the most recent "Charter" SCA operates under. Or, to provide a copy of the membership list for SCA and/or pointing out where in either the Charter or By-Laws SCA has the authority to spend members "tax revenue" to extend any financial support to an individual SCA member or any third party.

Candidly Dan, you are the last person I would have expected to ignore or fail to acknowledge the requests in my letter and email. I believe as President of the SCA, you have an obligation and a fiduciary responsibility to respond to a member's requests for information, or at a minimum explain why you are not going to provide the requested information.

I look forward to your immediate response.

Thanks.

Brian

----- Forwarded message -----

From: Brian Knudsen <brian.w.knudsen@gmail.com>
Date: Wed, Aug 13, 2014 at 8:56 PM
Subject: Legacy Theatre Letter
To: Dan Bullard <dbullard@bullardfinancial.com>

Hi Dan,

It was good to see you at the last SCA meeting.

It has been over a week since my letter dated August 5, 2014 was delivered to you and the SCA Executive Board. I am a little concerned with the lack of response to the serious issues raised in my letter. As you know, The Legacy Theatre is a member of the Stony Creek Association and is taxed as every other member of the association. Our right to the information I requested is supported by our membership, as the Officers and Executive Board Members of SCA are equally responsible to each and every member of the Association.

There may have been a couple of issues in my letter that would take a few days to address, however the vast majority should take little to no time to fulfill. For example number 3 "a copy of the engagement letter...with Attorney Tim Lee's law firm" should be readily available. Same holds true for number 4, 5, 6 and the last paragraph. When can I expect a response to these? When can I expect a response to the balance of the issues I raised?

#6

In my review of the most recently published (revised as of February 4, 2014) By-Laws, I did not find anywhere where it states the SCA Officers or Executive Board Members have any authority to keep the information I requested from the membership. I also do not see where the Association has any authority to fund legal fees for any association member or third party.

I located a copy of the Charter under which the SCA is required to operate, but I am not sure it is the latest version. I would appreciate it if you would forward me a copy of the most updated version of the Charter or direct me to where I can find it. The Library was unable to locate any copy. Also, please send me the most recent list of the members of SCA, the Library was also unable to locate that information.

I look forward to your speedy response.

Thank you.

Brian



Pam Johnson

Stony Creek Association members met Aug. 5 to discuss an upcoming Zoning Board of Appeals meeting concerning permitted use of the Legacy Theatre.

Stony Creek Association Rallying to Appeal Legacy Theater Use

Published 08/06/2014 12:00 AM

Updated 08/06/2014 02:52 PM

SHARE

By Pam Johnson
Zip06

With questions about the Legacy Theatre's operating hours, facility uses, parking issues and more, Stony Creek Association (SCA) met last night to rally residents of the village, and any interested members of the Branford public at large, to converge on Sept. 16 at the Planning and Zoning Board of Appeals (ZBA) meeting, when the topic will be on the agenda.

On Sept. 16, SCA, with assistance from an attorney hired to address this specific issue, will make its appeal to the ZBA concerning the town's recent sign-off of an application allowing the non-profit Legacy to operate as a theatre from the former Puppet House. Zoning Enforcement Officer Jennifer Acquino made the determination to sign off on the application in July, following scrutiny of the application which included sending it for review by town counsel. SCA is concerned with the fall-out the village may endure from Legacy's permitted use as a "theatre function/party rental space/concert hall" according to notices tacked up around the village in the past week.

Prior to Acquino's sign-off, a letter was sent to the town by SCA asking the application be denied based on Legacy requesting what SCA feels is a legal, non-conforming use of the building, and also based on SCA's belief that the building's use as a theatre is not allowed, as town records indicate it is approved by zoning for Business Restricted use (manufacturing), a status granted to the property in the late 1950's.

At last night's SCA meeting, SCA president Dan Bullard read a letter sent from Legacy Theatre president Brian Knudsen questioning SCA's authority to post notices of the meeting, including whether there was proper receipt of approval (including that required by state law), to post notices on utility poles and other areas in the public way.

The hot-pink notices at the heart of Knudsen's complaint included the date and time of the Aug. 5 meeting and also listed concerns about the Legacy including "new and unrestricted activities, no set hours of operation, no standards (lights, noise etc.), no off-street parking," as issues. According to those at the SCA meeting last night, many of the hot pink notices were being removed by persons unknown as quickly as they were being posted. The letter from Knudsen also stated the

SCA's pursuit of an appeal of the approved zoning use of the Legacy Theatre is "frivolous."

Most concerns raised last night by villagers had to do with Legacy's operational hours, parking for those attending events at the 130-seat theater, and worries that an excessive number of performances and events could impact the community at large (for example, flooding the village with traffic/audiences for as many as six performances a week, as one SCA member described it). On The Legacy Theatre's website (www.legacytheatretect.org), the non-profit represents the building's use as being up to five days a week, with evening performances scheduled to begin at 7 p.m. and to be "cleared out" by 10 p.m. "in respect of our local community and neighbors."

One resident who lives in close proximity to the theatre said last night that he was worried the Legacy will be turned into a "wedding factory," with regards to the "party rental space" option granted.

SCA is currently circulating a petition in opposition of Acquino's approval, which states the undersigners are opposed "due to the historic use of the property, the change in activity proposed by the Legacy theatre and the impact of proposed use on the neighboring property owners, the town of Branford should require that the Legacy Theatre apply for special exception, so the Planning and Zoning Commission can hold a public hearing to ensure that all interested parties are heard and if approved appropriate safeguards are imposed to protect the neighborhood."

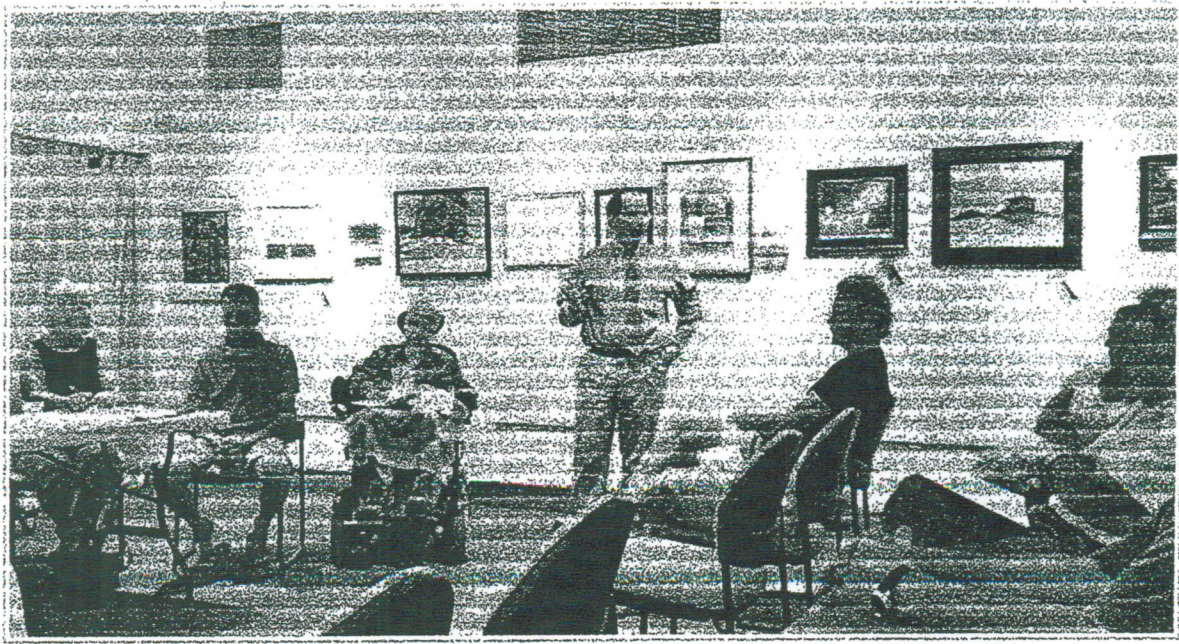
When one audience member asked if SCA's goal is to block the Legacy Theatre from coming to Stony Creek or if it is to have more say in what they do or when they use it, Bullard answered, "I think different people on the board have different opinions of that. It is my opinion that they should go through the Planning and Zoning process."

No representative of the Legacy Theatre spoke at the Aug. 5 meeting. The Sound/Zip06 has contacted theatre officials with a request for comments.

Will Stony Creek Association Have Input in Future of Puppet House?

BY **Diana Stricker** | AUG 12, 2014 8:24 AM
Post a Comment | E-mail the Author

Posted to: Arts



DIANA STRICKER PHOTO

It appears the curtain won't be closing anytime soon on the saga involving the Stony Creek Association (SCA) and the Legacy Theatre board, which is trying to renovate the former Puppet House and open a repertoire theater.

Some SCA board members and residents have expressed concerns about parking, programming, and the number of hours and days the building will be used. They are also concerned that the venue may be rented out for parties or other functions.

Attorney Timothy J. Lee (pictured above) gave an update of the legal issues last week at the monthly meeting of the SCA executive board. The board previously hired the New Haven legal firm of Fasano, Ippolito & Lee to file an appeal of a permit that was issued to the Legacy Theatre by Branford's Zoning Enforcement Officer. [Click here to read that story.](#)

Lee told the SCA and the crowd of about 40 people, that if the appeal succeeds, then the Legacy board may have to apply to the Planning and Zoning (P&Z) Commission for a

special exception. He said that would require a public hearing and the P&Z could address issues that are important to the SCA, such as parking, and hours and days of operation.

Lee said the basis of the appeal is the allegation that a repertoire theater would not be a legal pre-existing conforming use under Branford's zoning regulations; and that the proposed activities would exceed the usage in the past one or two decades.

The appeal was filed on behalf of the SCA and James and Eleanor Stach of 140 Thimble Islands Road; and James Fiora and Laura Barr of 11 Ridge Road. Lee said two additional neighbors of the Puppet House property were added to the appeal.

Lee met with Legacy attorney Marjorie Shansky to discuss issues last month; he said there was no resolution.

Lee encouraged people to attend the Zoning Board of Appeals meeting Sept. 16, when a public hearing will be held on the SCA's appeal. "Everybody would have an opportunity to speak and say their piece," he said.

The "Tenant Fit-Up" permit for the Legacy Theatre was issued by Branford's Zoning Enforcement Officer in early July, and allows the owners to renovate the interior of the building.

(media_2}Dan Bullard (pictured), president of the SCA executive board, read a letter he just received from Brian Knudsen, president of the Legacy's board of directors.

Knudsen's letter listed several concerns regarding the appeal and asked that it be withdrawn. He alleged that the SCA has no legal standing to file an appeal since the executive board is not an aggrieved neighbor of the property at 128 Thimble Islands Road. He also questioned whether it is permissible for the SCA board to use association funds to hire an attorney and file an appeal on behalf of neighbors.

Knudsen's letter also questioned whether the SCA board had permission to post flyers on utility poles and trees to announce the Aug. 5 SCA meeting regarding the Legacy Theatre.

Knudsen suggested that people refer to the Legacy's web site for information under the Frequently Asked Questions section.

Several residents asked questions and made comments about the Legacy's proposal, but no one representing the theatre spoke at the meeting. One resident asked if the goal of the SCA is to block the Legacy board from opening a theatre.

Bullard said members of the executive board have different opinions regarding the proposed theatre. "It is my opinion they should have to go through the P&Z process," Bullard said, meaning the Legacy board would need to apply for a special exception designation rather than a permit.

Petitions were circulated for residents to sign stating they support the SCA appeal.

The Legacy Theatre group, with artistic director Keely Baisden Knudsen, purchased the

former Puppet House property in March 2013. [Click here](#) to read about that. The Legacy board has been holding fund-raisers, applying for grants and making plans to renovate the historic property.

Brian Knudsen previously told the Eagle that the Legacy's board "has and will continue to abide by all of the rules, regulations and necessary permits required by the Town of Branford."

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Comments

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Creekers Making Waves over Legacy Theatre

Next Stop: Zoning Board of Appeals

By Pam Johnson
Sound Senior Staff Writer

With questions about the Legacy Theatre's operating hours, facility uses, parking issues, and more, the Stony Creek Association (SCA) met Aug. 5 to rally residents of the village.

The SCA is encouraging attendance at the Sept. 16 Zoning Board of Appeals (ZBA) meeting. On Sept. 16, with assistance from an attorney, SCA will appeal to the ZBA the legality of the town's recent sign-off of tenant fit-up application non-profit Legacy Theatre to renovate the interior of the former Puppet House at 128 Thimble Islands Road for use.

Before the application was approved, the town received a letter from SCA asking the Legacy's application be denied. Zoning Enforcement Officer Jennifer Aquino signed off on the application in July, following scrutiny of the application, including sending it for review by town counsel. SCA is now concerned with the fallout the village may endure from Legacy's use as a "theater function/party rental space/concert hall," according to SCA meeting notices tacked up around the village in the week leading up to the Aug. 5 meeting.

At the Aug. 5 SCA meeting, SCA President Dan Bullard read a letter from Legacy Theatre President Brian Knudsen,

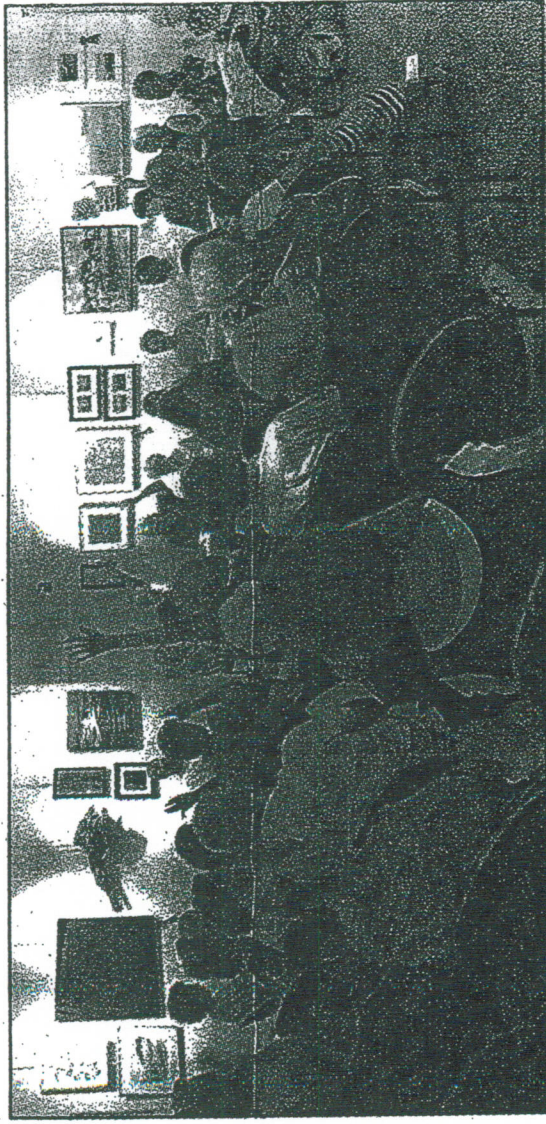
questioning SCA's authority to post the Aug. 5 meeting notices. Among other inquiries, the letter questioned whether there was proper receipt of approval (including that required by state law) to post notices on utility poles and other areas in the public way.

The hot-pink notices at the heart of Knudsen's complaint gave date and time of the Aug. 5 meeting and also listed concerns about the Legacy including "new and unrestricted activities, no set hours of operation, no standards (lights, noise etc.), no off-street parking" as issues. The letter from Knudsen also stated the SCA's pursuit of an appeal of the approved zoning use of the Legacy Theatre is "frivolous."

Most concerns raised by villagers Aug. 5 to do with Legacy's operation hours, parking for those attending events at the 130-seat theater, and worries that an excessive number of performances and events could impact the community at large—for example, flooding the village with traffic as audiences arrive for as many as six performances a week, as one SCA member described it.

No representative of the Legacy Theatre spoke at the Aug. 5 meeting. *The Sound/Zip06's* request for Legacy Theatre comments received an Aug. 7 response that a statement would be issued, but as of press time a statement had not been received. Any statement or update received past press time will be posted at www.zip06.com/branford.

On the Legacy Theatre's See CREEKERS page 19



A show of hands goes up at the Aug. 5 Stony Creek Association (SCA) meeting, during which most in attendance showed an interest in supporting the SCA's plans to appeal non-profit Legacy Theatre's tenant fit-up application approved in July at Town Hall. SCA feels the town should require the Legacy Theatre apply for special exception through the Planning & Zoning Commission. Photo by Pam Johnson/The Sound

Creekers Making Waves over Legacy Theatre

Continued from page 3

website, www.legacytheatre.org, the non-profit represents the buildings' use as being up to five days a week, with evening performances scheduled to begin at 7 p.m. and to be "cleared out" by 10 p.m., "in respect of our local community and neighbors."

One resident who lives in close proximity to the building said he was worried the Legacy will be turned into a "wedding factory," due to party rental space use.

SCA is currently circulating a

petition stating the under-signers are opposed to the permit granted and that, "due to the historic use of the property, the change in activity proposed by the Legacy Theatre, and the impact of proposed use on the neighboring property owners, the town of Branford should require that the Legacy Theatre apply for special exception, so the Planning & Zoning Commission can hold a public hearing to ensure that all interested parties are heard; and if approved, appropriate

safeguards are imposed to protect the neighborhood."

At the Aug. 5 meeting, an audience member asked the SCA Executive Board if SCA's goal is to "block" the Legacy Theatre from coming to Stony Creek, or if it is to have more say in "what they do or when they use it."

Bullard answered, "I think different people on the board have different opinions of that. It is my opinion that they should go through the Planning & Zoning process."

BRANFORD

Some wary of Puppet House updates

By Evan Lips

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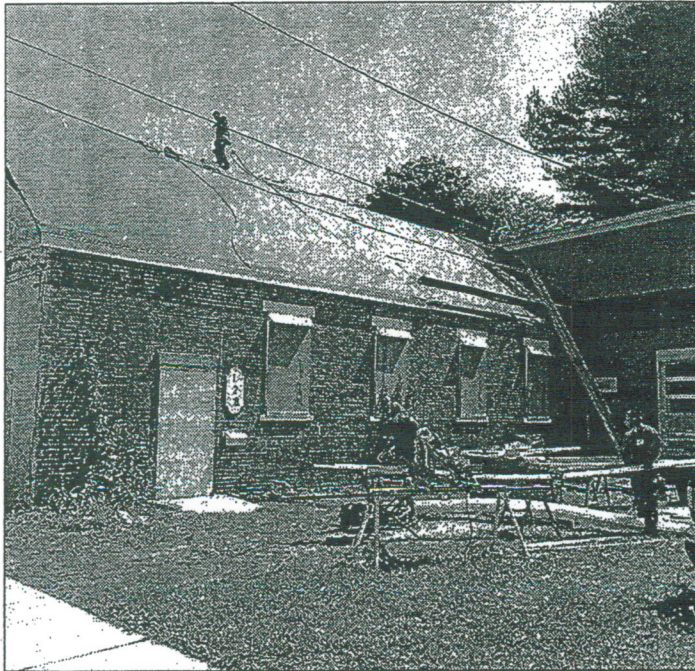
BRANFORD » The Legacy Theater, a professional theater company that has owned and operated the Stony Creek Puppet House since purchasing the historic venue last year, recently announced the completion of a major roof replacement project, part of a major plan to restore and revitalize the theater.

Shoreline Roofing, a Stony Creek-based company, completed the project on budget and ahead of schedule, according a Legacy Theater press release.

"It was a pleasure working on with the Legacy Theater Company on the Puppet House," said Tim Verillo, president of Shoreline Roofing, who was quoted in the release. "They were considerate of including local tradesmen in the improvement process."

Verillo added the project was special since he considers himself a member of the Stony Creek community. "I am excited to see such positive changes being made to the iconic building," he said.

The community, however, is still lukewarm to Legacy Theater's plans to increase the building's visibility and usage. The Stony



CONTRIBUTED PHOTO — LEGACY THEATER

Legacy Theater, a professional shoreline-based theater company, recently announced the completion of a roof replacement project at Branford's historic Stony Creek Puppet House.

Creek Association earlier this summer elected to appeal the town's decision to issue a zoning permit to Legacy Theater, which is looking to renovate the building. The Aug. 5 Stony Creek Association meeting minutes indicate the SCA is urging the town to require the theater company to apply for a special exception "so that the Planning and Zoning Commission can hold a public hearing to

ensure that all interested parties are heard, and if approved, appropriate safeguards are imposed to protect the neighborhood."

Renovation opponents, according to previous meeting minutes, have voiced concerns over issues like parking if the theater becomes a popular attraction.

The Aug. 5 minutes specifically call for Stony Creek residents to attend the upcoming Zoning Board of

Appeals meeting, slated for Sept. 16.

A letter submitted in June to the SCA by Keely Baisden Knudsen, artistic director for the Legacy Theater, states that the company has made arrangements with the owners of a nearby property to offer parking during events. The lot, located several blocks from the theater, can accommodate up to 40 spaces, according to Knudsen.

Prior to completion of the new roof, workers conducted a demolition project inside the theater as part of an interior renovation job, according to the release.

"Legacy Theater is proud to be creating new shovel-ready jobs in the community," Greg Nobile, the theater's managing director, said in a prepared statement. "We look forward to continuing our commitment of collaborating with local vendors and contractors whenever possible to complete the restoration of this historic and artistic gem."

Call Evan Lips at 203-789-5727. Have questions, feedback or ideas about our news coverage? Connect directly with the editors of the New Haven Register at AskTheRegister.com.