

BACKGROUND

STONY CREEK ASSOCIATION APPEAL ZEO/LEGACY THEATER

I'm providing this background info so that new SCA Board members and others not familiar with the history or have received conflicting views on where this appeal has gone.

Section 2 of the SCA charter states "The object of said association shall be to provide for the improvement of the lands in said district and for the health, comfort and convenience of persons living therein."

The board, therefore, must act for the comfort and convenience of the people living here.

This does not allow board members to simply follow their own preference in upholding the objects of the SCA.

The previous board, acting to provide for the health, comfort and convenience of its members voted to appeal an order of the Branford Zoning Enforcement Officer to approve the Tenant "fit-out" application of the Legacy Theatre to hold "Theater Function/party space/concert hall".

This appeal to the Zoning Board of Appeals was denied.

In rejecting the SCA appeal the motion to deny contained the following:

"The tenant use application notes three historical uses, theater function, party space, and concert hall. It indicates that the proposed uses would also be "the same". I would make a finding that there was no evidence that prior to 1973 that the subject property was used as a party space or concert hall"

The whole reasoning behind the SCA decision to appeal the ZEO decision of tenant fit-out was it allows uses that were not in effect in 1973 (note: 1973 is the year new zoning regulations went into effect and the Puppet House was grandfathered in as permitted theater even though in a BR zone but not for the other claimed purposes as outlined in the ZBA motion)

Additionally, although there were party type functions after 1973 these were not legally permitted nor sanctioned uses. In fact some of these functions were very detrimental to village folk and especially the adjoining neighborhoods. There was widespread use of drugs and alcohol by under-aged children and even some of our own Stony Creek kids went off on the wrong road as a result of events at the Puppet House.

As can be seen, the ZEO approval was wrong and not based on history and the SCA members voted to appeal to the courts.

The parties, at this point, have agreed to mediation before a retired judge. The defendants are the Town of Branford and Legacy Theater. The plaintiffs are the SCA, Joan P. Johnson, Robert E. Alling Jr and James and Eleanor Stach.

7/29/2015