



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
Tel: (203) 488 - 1255, Fax: (203) 315 - 2188

MINUTES- REVISED PLANNING & ZONING COMMISSION THURSDAY APRIL 15, 2021 REGULAR MEETING 7:00 P.M.

To Be Held by remote technology as authorized by Executive Orders 7B and 7I.

Commissioners Present: C. Andres, F. Russo, J. Chadwick, J. Vaiuso, J. Lust, M. Palluzzi,
M. Liguori
Commissioners Absent: P. Higgins
Staff Present: H. Smith- Town Planner, E. Breining-Asst. Town Planner, M.Martin-
Clerk

Chairperson introduced the Commission and Staff present.
M. Palluzzi read the Public Hearing Notice into the record.
Chairperson Andres reviewed the Public Hearing procedures.
E. Breining explained the various ways to participate in the Public Hearing.

PUBLIC HEARINGS:

1. John Petrofsky-Applicant
Virginia C. Borgia-Owner
8 Sawmill Road
Special Exception-for Grading (Section 6.8)
Application #20-12.2
A/R 12/10/20, PH opened 1/28/21, continued from 4/1/21

Chairperson Andres reminded the Commission this item was continued from the prior meeting due to issues with drainage.
Chuck Mandel (Agent for the Applicant) reviewed the history of the project.
H. Smith displayed the Town Engineer's email which he reviewed.

PUBLIC INPUT:

1. Bob Spisto (neighbor) – He asked what end of his driveway would flood per prior remark.

Chuck Mandel replied to his question saying it was the western end but a moot point since they are capturing all stormwater.

2. Kevin White (Bob Spisto's Engineer) noted he received a revised plan the day before and they are satisfied with it. He sees no reason to delay this project any longer.

Chairperson Andres closed the Public Hearing.

2. 56 Stony Creek Rd. Inc. c/o Leigh Small-Applicant
Farids Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception- Grading (Section 6.8)
Application #21-1.5
A/R 1/28/21 & PH opened 2/18/21 & continued to 5/6/21

3. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #20-11.3
A/R 11/5/20 & PH set FOR 4/15/21

4. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Subdivision Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #21-3.12
PH set for 4/15/21

Chairperson Andres opened the Public Hearing for both items 3 and 4.

Attorney Timothy Herbst (representing the Applicant) and Michael Di Gioia (Applicant) were present as well as George Andrews (Engineer).
Attorney Herbst requested that the email that he sent to H. Smith that day be part of the administrative record. He noted that the agenda states a modification to units 24-29 (6 units) but the application that was submitted states a modification to 3 units only.

M. Di Gioia spoke next stating for the record that the units # 24, 25, and 26 aka 10, 12 and 14 Luisa Court are the ones that they are seeking modifications for.
He also gave a brief history of the project. He said they are seeking permission to build with full basements as opposed to slab on grade.

George Andrews (Engineer) reviewed the groundwater contamination and how the applicant intends to protect the dwelling units from the contamination even with the change from slab on grade to full basements.
The Commission asked a few questions which M. DiGioia answered.

Attorney Herbst had a few closing comments.

Chairperson Andres gave a few comments stating Mr. Andrews is a licensed environmental professional. He suggested that Town Counsel review the material that the applicant submitted.

H. Smith reviewed his staff comments and gave a brief history of the project.

PUBLIC INPUT:
No one spoke.

Chairperson Andres asked the Commission for their thoughts on continuing the Public Hearing to the May 5 meeting.
Since there are outstanding questions Chairperson Andres proposed perhaps having Town Counsel review the material as well as the LEP. The consensus agreed.

Chairperson Andres stated that the Public Hearing for Items #3 and #4 would be continued to the May 6, 2021 meeting.

5. Planning & Zoning Commission-(Town of Branford)-Applicant
569 & 573 East Main Street, 16, 20 & 26 East Industrial Road
Zoning Map Amendment – Planned Development District to IG-2
Application # 21-3.9
A/R 3/18/21 & PH set for 4/15/21

Chairperson Andres reviewed the application.

H. Smith displayed a map of the area to be changed and the staff comments.

PUBLIC INPUT:

1. Wayne Cooke (Property owner of 573 East Main St.) He requested that Perry Maresca speak first then he would give his comments.
2. Perry Maresca- He said he will speak as the chairman of the Economic Development Commission first. He read a letter aloud from Attorney Nicholas Mingione.
3. Wayne Cooke spoke again saying he has been working on this issue for a while now. He said he would speak in 2 sections starting with his thoughts of what he would like to see at exit 56 but both parts of his talk relates to making the process fair. Then the second part will be his vision of how to make the process fair. He then had a PowerPoint presentation.
4. Kate Galambos- She stated as a person whose photo and name was named in Mr. Cooke's presentation, she has no choice but to publicly refute his claims. She followed by saying his presentation is a collection of conspiracy theories and fabrications and gave a few examples. She demanded that he remove her name and photo from his slides or she will consider his actions to be an attempt to bully and intimidate her and defame her character. She then went on to comment about the letter that was read and how she disagreed with it. She encouraged the Commission to go forward with the zone change to IG-2. She also disagree with the EDC comments and she encourages the Commission to revert back to the IG-2 zone.
5. Todd Petrowski- Said he thinks Mr. Cooke did a great presentation and he agreed with him. He said that something should be done so businesses can thrive at exit 56.
6. Jacey Wyatt- Said she has been a Branford resident for 50 years. She displayed an aerial photo of the area and gave some ideas for possible uses.
7. Attorney Diane Whitney – She represented the property owner of 569 East Main Street. She submitted a letter prior to the PZ Dept. She said the property owners are in favor of this proposal.
8. Mr. Nichols (Resident) He lives near exit 53 and is concerned about traffic and stated that safety is a big concern.
9. Ray Ingraham-He stated he is happy the PZ Commission is starting the process to change the zone at exit 56.
10. Perry Maresca- He said he is requesting on behalf of the Economic Development Commission that the IG_2 zone be revised to be more flexible, more lucrative and a more beneficial zone status. He noted it was discussed in 2015 and all the other exits were converted to a hybrid zone but exit 56 was not. He spoke at the POCD plan meetings he requested as the EDC chairman that all the exits be changed to hybrid zones. He noted he didn't have photos to share but asked for everyone to use their minds eye and picture that area. He asked, what are we trying to save there? He spoke of the parcels and the businesses there and how it looked from the road. He read a portion of a letter he wrote to a government official on behalf of

the EDC. He noted he was misquoted in the minutes from the March PZ meeting saying the EDC is not looking for retail uses in that area. He said the days of retail as we know it are gone. He stressed again that he nor the EDC are requesting retail in that area, they are looking for this exit to be considered just as the other exits were considered.

11. Wayne Cooke- Spoke again saying if this area is changed to IG-2 with the intent of examining it closely, than it's a good start. The town needs to decide how special do we want this area to be?

Chairperson Andres closed the Public Hearing.

6. Conor Daley-Applicant & Owner
548-552 Leetes Island Road
Special Exception- Accessory Apartment
Application #21-3.2
A/R 3/4/21 & PH set for 4/15/21

Conor Daley (Applicant) spoke explaining this accessory apartment will be for his parents and stressed that it blends well in the neighborhood.

E. Breining reviewed the Staff Report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the Public Hearing.

MINUTES: 4/01/21

H. Smith stated they are not ready for approval.

CORRESPONDENCE: None.

RETURN TO TABLE:

1. John Petrofsky-Applicant
Virginia C. Borgia-Owner
8 Sawmill Road
Special Exception-for Grading (Section 6.8)
Application #20-12.2
A/R 12/10/20, PH opened 1/28/21, continued from 4/1/21

J. Vaiuso made a motion to approve the application with the Findings & Conditions below:

FINDINGS:

1. The Commission finds, based on the testimony and information presented during the public hearing, including but not limited to an updated Drainage Report submitted by the applicant and comments regarding that report submitted by the Town Engineer and subject to compliance with the submitted plans, that the application satisfies the requirements of Section 6.8 and that the application is in conformance with the Special Exception criteria of Section 9.8.F.

2. Compliance with Section 6.3 is waived per Section 6.3.L is found to be required since the Commission finds that the existing natural landscaping constitutes excellence in landscaping design.
3. The requirement of Section 6.3.D.3 for the preparation of Landscaping Plans by a licensed landscape architect is waived.

CONDITIONS:

- 1) Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 2) To ensure continued compliance with the Zoning Regulations, landscaping must be maintained as an on-going requirement of this approval to ensure survival of all required landscaping shown on the approved plan. If the landscaping element does not survive or is irreparably damaged, it must be replaced in kind.
- 3) Dust control shall be undertaken as may be determined by the Zoning Enforcement Officer.
- 4) An “as-built” survey to document compliance of the final site grading and installed stormwater drainage management measures with the approved plans shall be submitted prior to the issuance of any Certificate of Zoning Conformance or the zoning authorization of the issuance of a Certificate of Occupancy.

J. Chadwick seconded the motion which passed unanimously.

For the record, J. Lust is recused from this application and M. Palluzzi missed a meeting.

The voting Commissioners are J. Chadwick, F. Russo, J. Vaiuso, and C. Andres,

4. Planning & Zoning Commission-(Town of Branford)-Applicant
569 & 573 East Main Street, 16, 20 & 26 East Industrial Road
Zoning Map Amendment – Planned Development District to IG-2
Application # 21-3.9
A/R 3/18/21 & PH set for 4/15/21

The Commission discussed this and decided to vote on the application at that meeting but keep it as an agenda item for further discussion.

J. Chadwick moved that application #21-3.9, Zoning Map Amendment be approved with a finding that the proposed Zoning Map Amendment is in accordance with the Comprehensive Plan and is consistent with the Plan of Conversation and Development to be effective on May 1, 2021.

J. Lust seconded the motion which passed unanimously.

5. Conor Daley-Applicant & Owner
548-552 Leetes Island Road
Special Exception- Accessory Apartment

**Application #21-3.2
A/R 3/4/21 & PH set for 4/15/21**

J. Vaiuso made a motion to approve the application with the Findings and Conditions below:

FINDINGS:

- 1) Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per section 9.8 of the zoning regulations.
- 2) The Commission finds per Section 6.3L that additional plantings beyond those currently on the property are not necessary.

CONDITIONS:

- 1) Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, **if rented** be rented at or below prices that would qualify the apartment as “affordable housing” as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel.
 - b. Documentation of the purchase of the portion of land upon which the parking spaces are proposed and its legal merger with the property the applicant currently owns at 548-552 Leetes-Island Road shall be shown on the Site Plan.
 - c. Submittal of revised plans showing the removal of any building addition not meeting the zoning regulation’s setback requirements. The building plans may be further modified via a minor special exception modification by the Town Planner should the applicant obtain a variance to allow the building addition in the front setback.
- 2) Prior to the start of construction, a Soil Erosion & Sediment Control Plan shall be submitted to and installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 3) All proposed lighting shall comply with the requirements of Section 6.7 and its associated appendix to the Zoning Regulations.

M. Palluzzi seconded the motion which passed unanimously.

OLD BUSINESS:

1. Marc Reed- Applicant & Owner
46 Parish Farm Road
Special Exception- Accessory Apartment & Oversized Accessory Structure
Application #21-3.4
A/R 3/4/21 & PH set for 5/6/21

2. Sound Real Estate LLC,c/o Dan Merriam-Applicant
101 West Main St. Branford LLC c/o Jeanne Tahnk-Owner
101 West Main Street
Special Exception- Car Storage Parking Lot
Application #21-3.6
A/R 3/4/21 & PH set for 5/6/21

3. Emily Abruzzo- Applicant
Gerald John Bodziak & Emily Abruzzo- Owners
28 Pine Tree Drive
Special Exception- Accessory Apartment
Application #21-3.10
To be A/R & PH set for 5/6/21

4. Emilie Penner Greene-Applicant
Scott Penner –Owner
1136-1040 Main Street
Special Exception- Restaurant /Café
Application #21-2.6
A/R 2/18/21 & PH to be set by Staff & Chairperson

H. Smith noted there was a discussion at the last meeting regarding possible changes to the parking requirements in the Main Street overlay district and based on the discussion, he composed a draft zoning regulation amendment which can be modified if needed.

This application (21-2.6) is pending awaiting the referral comments from the zoning regulation Amendment. If comments are received, this can be heard at the 5-6-21 Public Hearing.

5. Dave Peck- Applicant
48 Leetes Island Rd Petroleum LLC,
c/o Syed Sami- Owner
42 Leetes Island Road
Special Exception Modification- Site & design changes
Application #21-2.9
A/R 3/4/21 & PH waiver requested

Dave Peck(Applicant) reviewed the minor site modifications and displayed colored photos.

J. Vaiuso made a motion to waive the Public Hearing.

J. Chadwick seconded the motion which passed unanimously.

J. Vaiuso made a motion to approve the application with the Findings and Conditions below:

1. Dumpsters and other provisions of refuse shall be moved to the area designated On the site plan as "Trash Enclosure".
2. To reduce glare, all fixtures shall be demonstrated to meet the IES full-cutoff definition unless they are emergency lights or very low level accent lights (less than 900 lumen output-less than an incandescent 100watt bulb).
3. A landscaping plan should be developed to reflect the discussion of the application at the PZ meeting to the satisfaction of the Town Planner and the Planning & Zoning Commission.

M. Palluzzi seconded the motion which passed unanimously.

6. Montowese Development Group, LLC-Applicant
John R. & Anne Hines-(Owners of 14 Buckley Rd.)
Branford Building Supplies-(Owners of 16 Buckley Rd)
Branford Building Supplies -(Owners of 0 Buckley Rd)
14, 16 & 0 Buckley Road
Special Exception & Coastal Site Plan –Open Space Residential Development
Application #21-3.11
To be A/R & PH to be set

NEW BUSINESS:

H. Smith noted that by law we are receiving an application tonight for the Zoning Regulation Application that was previously discussed to modify Section 5.10 and 6.5 of the parking Requirements. The application is #21-4.2.

Chairperson Andres briefly reviewed the application for the Commission.

OTHER BUSINESS:

1. Discussion - Possible changes to parking requirements in the Main Streets Overlay District

Chairperson Andres said this was just discussed and is now a Zoning Regulation Amendment Application to amend the required parking.
2. Bond Establishment for 28 Lomartra Lane(Lot 7)

J. Lust made a motion to establish a bond at 28 Lomartra Lane (Lot 7) as recommended by the Zoning Enforcement Officer.
M. Palluzzi seconded the motion which passed unanimously.
3. Bond Establishment for 81 Todds Hill Rd (Lot 8)

M. Palluzzi made a motion to establish a bond at 81 Todds Hill Road (Lot 8) as recommended by the Zoning Enforcement Officer.
J. Vaiuso seconded the motion which passed unanimously.

4. Bond Establishment for 159 Cherry Hill Rd (Lot15)

J. Chadwick made a motion to establish a bond at 159 Cherry Hill as recommended by the Zoning Enforcement Officer.
J. Lust seconded the motion which passed unanimously.

5. Planner's Report- In view of the late hour the Town Planner deferred his report.

The meeting adjourned at 10:47 p.m.