



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
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MINUTES – REVISED PLANNING & ZONING COMMISSION THURSDAY APRIL 1, 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, J. Chadwick, J. Vaiuso, M. Liguori, F. Russo, M. Palluzzi
Commissioners Absent: J. Lust, P. Higgins
Staff Present: H. Smith-Town Planner, E. Breining- Asst. Town Planner, M.Martin-Clerk

Chairperson Andres introduced the Commission and Staff.
H. Smith read the Public Hearing notice into the record.
Chairperson Andres reviewed the Public Hearing procedures.
E. Breining reviewed how to participate in the Public Hearings.

Chairperson Andres said there is a request to hear the Parkside item after the first public hearing item is heard and he asked the Commission if they approved of that.
The Commission agreed to hear the Parkside item second.

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 3/18/21

Chuck Mandel (Applicants representative) spoke and said he submitted a letter requesting this item be **Tabled to the 4-15-21 meeting** and he asked H. Smith to read into the record, which he did.

OLD BUSINESS:

1. Beacon Communities-Applicant
Branford Housing Authority-Owner
115 South Montowese Street (Parkside Village I)
Site Plan & Coastal Site Plan under CGS Section 8-30g (Affordable Housing Land Use Appeals) -
Application #17-9.6
Action to Modify decision as directed by the State of Connecticut Superior Court decision regarding *Housing Authority of the Town of Branford, et al. v. Town of Branford Planning and Zoning Commission* (Docket nos. HHD-CV19-6115394-S and HHD-CV20-6122425-S)
Tabled from 3/18/21

Chairperson Andres reviewed this briefly explaining the Commission had previously approved this application with conditions and there was a dispute regarding a few of the conditions.
It went to court and the Commission must approve the Resolution containing the modified conditions.

Attorney Danielle Bercury spoke next saying the Resolution was changed per the court order. She noted that all the conditions are included in this latest Resolution which has been reviewed with the Applicant.

Attorney Andrea Gomes (on behalf of Beacon Communities) agreed with Attorney Bercury.

Chairperson Andres asked the Commission for their comments and or questions.

For the record, Commissioner J. Chadwick noted he is recused from this item.
Commissioner F. Russo is seated for him.

Chairperson Andres then did a roll call vote and the results were: 2 in favor and 3 opposed.
Chairperson Andres explained the Judge ordered the Planning & Zoning Commission to approve the Resolution. That doesn't mean you are in favor of the project, he is aware that the entire Commission was not in favor of the project when it was discussed in 2017. The Court is ordering them to approve this latest Resolution.

The Commission discussed this briefly and decided to vote again.

F. Russo made a motion to reconsider and approve the Resolution.

C. Andres seconded the motion which passed unanimously.

Chairperson Andres then did a second roll call vote and the results were all 5 Commissioners voting for the approval of the Resolution. Four of the Commissioners noted they were voting in favor "under protest".

PUBLIC HEARINGS (CONT.)

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 from 3/18/21

This is continued to the 4/15/21 meeting.

3. Premier Realty Holdings II, LLC c/o Robert Alvine-Applicant & Owner
132 Ivy Street
Special Exception- Vehicle Delivery Facility
Application #21-2.4
A/R 3/4/21 & PH continued from 3/18/21

H. Smith noted that the representative for the applicant had to attend another meeting and is not present at the meeting yet. He suggested that the Commission defer this item to later in the meeting.

4. Ceres Farm, LLC c/o Caius Mergy-Applicant
LCM Properties, LLC c/o Joseph Mineri-Owner
101 & 115 North Branford Road
Special Exception- Brewery with Tasting Room
Application #21-2.7
A/R 2/18/21 & PH continued from 3/18/21

J. Pretti (Criscuolo Engineering) represented the applicant and noted that the few items that were missing from the last meeting have been submitted. He then reviewed the narrative that was submitted which covered: hosting events, food trucks, music, etc.

H. Smith reviewed the site plan.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

5. Andrew Rainone-Applicant
KLOP Branford LLC, c/o Kimco Realty- Owner
1025-1091 West Main Street
Special Exception- Add a drive up ATM machine to existing bank
Application #21-3.1
A/R 3/4/21 & PH set for 4/1/21 - WITHDRAWN

6. Lauren Lest- Applicant
Thomas Vailette-Owner
650 Main Street
Special Exception- Dog Grooming
Application #21-3.3
To be A/R & PH set for 4/1/21

The applicant briefly explained she is purchasing Angel Paws Dog Grooming on Main Street and is moving into 650 Main Street. There will be no exterior changes to the building.

PUBLIC INPUT:

1. Peter Ramon-He lives across the street. He commented on parking saying it is already congested there. He said there are several rentals on John Street and several cars.

Colleen Hainesworth (current owner of Angel Paws) spoke and said the customer drop off time is between 8 and 9 am and the pickup time is either noon or 2pm and she noted there are never more than 5 or 6 cars there at any time. She said the customers are only there for approximately 2 minutes when they drop off their dogs.

Chairperson Andres closed the public hearing.

M. Ott arrived at 8:06 pm so the commission went back to Application 21-2.4 for 132 Ivy Street.

3. Premier Realty Holdings II, LLC c/o Robert Alvine-Applicant & Owner
132 Ivy Street
Special Exception- Vehicle Delivery Facility
Application #21-2.4
A/R 3/4/21 & PH continued from 3/18/21

M. Ott said he received the staff report from H. Smith and he briefly discussed this. H. Smith then displayed the staff report and reviewed the conditions.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the public hearing.

It is noted for the record that F. Russo is seated for J. Lust who is absent.

RETURN TO TABLE:

4. Ceres Farm, LLC c/o Caius Mergy-Applicant
LCM Properties, LLC c/o Joseph Mineri-Owner
101 & 115 North Branford Road
Special Exception- Brewery with Tasting Room
Application #21-2.7
A/R 2/18/21 & PH continued from 3/18/21

J. Chadwick made a motion to approve the application with the Finding and Conditions below:

FINDING:

- 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.

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) Prior to the issuance of a zoning permit or the authorization for the issuance of a building permit, the following Site Plan revisions shall be addressed (or additional information provided) to the satisfaction of the Zoning Enforcement Officer or other staff of the Planning and Zoning Commission as may be indicated:
 - a) Documentation of CTDOT approval of the proposed access from the development to CT Route 139 (No. Branford Road).
 - b) Add location of any proposed signage and detailed information for any lighting proposed for it.
 - c) Cut sheets for the proposed fixtures with all model choices indicated (with notations matching the proposed fixtures with the locations on the Site Plans) and other information that may be needed to demonstrate compliance with the requirements of the Zoning Regulations.
 - d) The addition of sugar maples as provided by the 2010 subdivision approval as street trees at intervals of 50 feet unless an alternative species and planting arrangement is approved by the Town Planner or the Planning and Zoning Commission.
 - e) Demonstration that there will be proper exiting from the facility to a public way from the courtyard area to the parking areas rather than having to go through the building to the satisfaction of the Fire Marshal.
 - f) Two full size plan sets with the modifications required by these conditions.
- 3) 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.
- 4) No lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate. 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 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures shall be no greater than 3000 degrees Kelvin.
- 5) Dust control shall be undertaken as may be determined by the Zoning Enforcement Officer.
- 6) The manufacturer's recommended requirements and schedule for cleaning and maintenance of the elements of the Stormwater Management System shall be followed and/or that of the Engineer of record and/or as stated on the approved plans. Reports shall be provided to the town per section 6.9H of the Zoning Regulations. If there are discrepancies, the more comprehensive of the requirements or a combination thereof shall apply following the issuance of a final certificate of Occupancy.

F. Russo seconded the motion which passed unanimously.

3. Premier Realty Holdings II, LLC c/o Robert Alvine-Applicant & Owner
132 Ivy Street
Special Exception- Vehicle Delivery Facility
Application #21-2.4
A/R 3/4/21 & PH continued from 3/18/21

F. Russo made a motion to approve the application with the Findings and Conditions below:

FINDING:

- 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.
- 2) Subject to compliance with the conditions listed below, the Commission finds, that the applicant has demonstrated excellence in landscaping design per section 6.3.L(2) and waives any required landscaping per section 6.3 not shown on the submitted plans.

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) Approval is limited to the activities listed on the Statement of Use submitted with this application, with any automobile washing to not be the principal use of the property and to be of a minor nature commensurate with the limitations imposed by the existing DEEP approved holding tank. No servicing of motor vehicles is approved.
- 3) Prior to the issuance of a zoning permit or the authorization for the issuance of a building permit, the following Site Plan revisions shall be addressed (or additional information provided) to the satisfaction of the Zoning Enforcement Officer or other staff of the Planning and Zoning Commission as may be indicated:
 - a) Add location of any proposed signage and detailed information for any lighting proposed for it.
 - b) Cut sheets for the proposed fixtures with all model choices indicated (with notations matching the proposed fixtures with the locations on the Site Plans) and other information that may be needed to demonstrate compliance with the requirements of the Zoning Regulations.
 - c) Any adjustments that may be needed for the Site Plan to comply with the ADA parking requirements of Section 6.5.F
 - d) Two full size plan sets with the modifications required by these conditions.
- 4) 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.
- 5) No lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate. 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 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures shall be no greater than 3000 degrees Kelvin.
- 6) Dust control shall be undertaken as may be determined by the Zoning Enforcement Officer.
- 7) The manufacturer's recommended requirements and schedule for cleaning and maintenance of the elements of the Stormwater Management System shall be followed and/or that of the Engineer of record and/or as stated on the approved plans. Reports shall be provided to the town per section 6.9H of the Zoning Regulations. If there are discrepancies, the more comprehensive of the requirements or a combination thereof shall apply following the issuance of a final certificate of Occupancy.

M. Liguori seconded the motion which passed unanimously.

5. Lauren Lest- Applicant
Thomas Vailette-Owner
650 Main Street
Special Exception- Dog Grooming
Application #21-3.3
To be A/R & PH set for 4/1/21

J. Vaiuso made a motion to approve the application with the Finding & Condition below:

FINDING:

1. Modification of the Parking Requirements per section 6.5.I.1 to the six spaces proposed is warranted as the site has historically accommodated uses that do not comply with current parking standards without creating a risk to public health and safety.

CONDITIONS:

1. No additional signage or new or replacement lighting shall be installed without Planning or Zoning Commission approval, or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.
2. The approved signage shall be sent to the Town Center Revitalization Review Board for comment.

M. Palluzzi seconded the motion which passed unanimously.

MINUTES: 3/18/21

J. Vaiuso made a motion to approve the 3/18/21 meeting minutes.

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

A letter was received from Wayne Cooke regarding the rezoning of property around Exit 56. Chairperson Andres noted that a Public Hearing is scheduled for that topic and that would be an excellent opportunity for Mr. Cooke to speak and voice his concerns or his suggestions for the Commission.

OLD BUSINESS:

1. 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 4/15/2021

H. Smith gave a brief update of the application and highlighted the correspondence received from the Special Town Counsel explaining that they are requesting additional information. He also reviewed Section 9.8.B.4 which provides for additional information to be required by the Commission for review of a Special Exception Application.
The Commission made some comments.

F. Russo made a motion to request the applicant to produce the information requested by Special Counsel in the email prior to the conclusion of the Public Hearing.

J. Chadwick seconded the motion which passed unanimously.

3. 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

4. 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

5. 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 4/15/21

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

7. 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 4/15/21

8. 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

NEW BUSINESS:

1. Correction of error in published Zoning Regulation document.
H. Smith noticed two typos in the Zoning Regulations which he reviewed for the Commission and stated they would be corrected asap.
2. 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 4/15/21
3. 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

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
To be A/R

OTHER BUSINESS:

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

H. Smith displayed a map of the Main Street Overlay District and two possible changes to the parking requirements. He asked the Commission for their input. The consensus of the Commission was to not have a fixed distance from Public Parking within which a parking reduction would apply. Otherwise, reducing the current 75% required for restaurants in the Main Street Overlay, and including a provision preventing the reduction of existing private parking
2. Planner's Report

H. Smith noted the time extension for completing the affordable housing plan is now the end of the calendar year,
He has received three proposals for a consultant and the group responsible for choosing one will be making their decision soon.

The meeting adjourned at 9:25 p.m.