



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY, APRIL 4, 2019 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

The meeting started at 7:09 pm

Commissioners Present: J.Vaiuso, P. Higgins, F. Russo, C. Andres, M. Palluzzi

Commissioners Absent: J. Chadwick, D.Dyer, J.Lust

Staff Present: H. Smith- Town Planner, Attorney D. Bercury, R. Stoecker-Assistant  
Town Planner, M. Martin-Clerk

\*Commissioner Lust arrived at 7:25 pm\*

Commissioner P. Higgins was seated for J. Chadwick who was absent.

M. Palluzzi read the Public Hearing notice into the record.

Chairperson Andres announced that the Commission will be hearing the Cherry Hill Road ReSubdivision application first since it should not take up much time and the Applicants for The Parkside application have agreed.

### PUBLIC HEARINGS

1. Danby Gasoline Marketers, Inc. c/o  
Kevin Curry- Applicant  
Charles J. Pepe, Executor of Estate of Anthony C. Pepe-Owner  
165 & 195 Main Street  
Special Exception-Modification of Parking Requirements for property with existing  
Auto Service with Gas, Liquor Store and Office on which is proposed a New  
Convenience Store.  
**Application #19-2.7**  
**A/R 3/21/19 PH set for 3/21/19, PH opened 3/21/19 & continued to 4/22/19**
2. Beacon Communities Development LLC,  
c/o Attorney Timothy Hollister-Applicant  
Town of Branford Housing Authority-Owner  
Application for a Site Plan Modification / Coastal Site Plan) under CGS Section 8-30g  
Affordable Housing Land Use Appeals for property located at 115 South Montowese  
Street (Parkside Village I) for (1) deletion of Condition #3a of the amended Resolution  
adopted on 1/3/2019 approving application #17-9.6 and (2) a revision of the approved  
Site Plan to show use of Sliney Road as a supplemental emergency access to the  
redeveloped building. **Application #19-2.4**  
**A/R 2/21/19 & PH set for 4/4/19**

This was the second item heard.

Chairperson Andres explained that this was a 8-30g Application under the CT General Statutes and what that means is it is unlike a normal application; if the Commission

denies the application and there is an appeal then the Commission has the burden of proof upon appeal to show that the decision is necessated by substantial public interest in health, safety or other matters and that those public interests clearly outweigh the need for affordable housing and that those public interests cannot be addressed by reasonable changes to the plan. He said the Commission will follow the normal meeting format which is the Applicant will make their presentation first, then the Town Planner will present his Staff Report. The Commission will then have a chance to ask questions and then the public will have an opportunity to comment. He stated that the Commission is looking for helpful and relevant comments. This application is not the original application that was previously presented, this is a change to the application. The main change is the change of the emergency access. He asked the public to address their comments specifically to the changes that are being proposed. He also reminded them that the project has been approved per Court Order and this is a change to that approval.

Attorney Timothy Hollister spoke first and represented the Applicant. Also present were David Sacco (TPA Design Group), Joseph Versteeg (Fire Safety Consultant) and Joe Schiffer (Newman Associates).

He gave a brief history stating that they previously applied in 2017 with a four part application; a zoning regulation amendment, zoning map amendment, site plan and coastal site plan. The regulation amendment, map amendment, site plan and coastal site plan were approved but there was a legal issue as to whether the protest petition that had been filed to challenge the zoning map amendment application and there was a site plan condition that stated that Beacon had to obtain approval from the RTM for a driveway from the rear of the development to Melrose Avenue. In July 2018 the RTM denied the Melrose Avenue access and in October 2018 a Superior Court judge held the protest petition inapplicable.... In January 2019 the Planning & Zoning Commission opted not to pursue the legal issues further and revised the January 18 application to approve all parts of the 2017/2018 approval including the Melrose access condition.

So, as of the April 4, 2019 meeting the application is approved but they need to provide an alternative to the Melrose Avenue access. This application is a proposal to widen Sliney Road in compliance with the Fire Marshal. This concept was previously discussed as an alternative if the Melrose Avenue access was not approved. He then reviewed the conditions of approval that they have met. He said he agreed with Chairperson Andres that this application is mainly concerned with the widening of Sliney Road.

He then noted that in 2017 part of the application went to the RTM and was approved. This was the "trading" of 2 small triangular parcels of land from the Housing Authority to the town and vice versa, for the basic purpose of making sure the baseball field in Sliney park is owned by the town. This has been approved and is in a holding pattern until the road access has been resolved and other parts of the site plan. He stressed that the building itself, the parking access and the surrounding characteristics have not changed from the 2017/2018 approval. Also, all other site plan conditions from 2018 have not changed and they were accepted.

Regarding the fire truck access and fire code compliance he reminded the Commission that there is a letter in the current application from Mr. Versteeg (Fire Safety Consultant) and his opinion still stands.

He said there was a meeting on February 15, 2019 with Staff and it produced an extensive set of comment which they received on April 2, 2019. They have reviewed them and they should be able to accommodate all of them but not in 36 or 48 hours and he has sent a couple clarifying questions to Harry Smith. His understanding is that this item will be continued on the April 22 meeting and well before then his intention is to submit in writing compliance all the matters that have been raised by staff.

David Sacco (Civil Engineer for TPA Design Group) spoke next. He briefly summarized the plan changes noting the primary change is the proposed connection to Melrose Avenue has been removed from the plans and the Sliney Field access road is being widened to 24 feet. There is also an additional shelf of about 4 feet in width so it's not a slope directly to the edge. He noted the 24 feet was required by the Fire Marshall because of the history of people parking along the road. This will ensure even if there is improper parking along the road there will still be full time access into the site. Both sides of the road will be signed for no parking. The result of this change is there is additional clearing & excavation along that side of the site. They will probably look at some type of retaining wall anywhere from 3-5 feet high along a portion of that. He noted there is a substantial amount of exposed ledge and whether its sound enough to stand on its own is something to be determined.

The second significant plan change is the reserve parking area on the opposite side of the project is now fully detailed out and all the details meet the regulations.

He then said in order to offset stormwater impacts it will be built with block pavers, so that the majority of stormwater that falls on it will be infiltrated into the ground immediately rather than add additional water into the system.

He then noted that they have incorporated a plan showing the open space showing compliance with the open space regulation.

**Commissioner Lust arrived at 7:25 pm.**

The Commission then asked a few questions.

Mr. Joseph Versteeg (Independent Consultant on Building, Fire Safety Codes, Fire Safety Strategies and Accessibility) spoke and knotted he looked at this project previously in 2017 and submitted his report. The project was in complete compliance with the CT State Building code and fire safety code. He reviewed the various inspections required for projects and when they occur. He stated this redesign has improved the fire access slightly. He also stated that all the conditions listed in attachment F in the Town Planner's Staff Report have been addressed.

He spoke of the collapse zone and what it was, explaining it had to do with the exterior walls of a building. He has walls do not typically collapse in the initial stages of a fire. He talked a bit more about this. He also said there are multiple points of entry for this building and multiple options as to where to place the fire apparatus so the collapse zone is not a concern.

Attorney Hollister said the application that is before the Commission does not address traffic because a traffic report was submitted 18 months ago was reviewed and approved and he pointed out there was a discussion about the alternative traffic patterns with or without the Melrose Avenue access , Sliney Rd, Sliney Rd widening etc. He thinks that was covered as needed.

H. Smith spoke next and noted that it was not his understanding that staff fully evaluated the alternative secondary emergency access to the Sliney Field as opposed to Melrose Avenue with respect to possible traffic impacts on Rt.146 and South Montowese. It may have been presented by the Applicant but he does not believe that Staff considered that parking application fully.

Attorney Hollister replied that they did discuss it in the presence of the Planner/Staff.

H. Smith then reviewed the Resolution that currently stands as modified by the court decision.

He noted some details are missing and he listed them. He mentioned a few details that were presented by the Town Engineer.

Attorney Hollister said they reviewed the comments and they will prepare their responses in writing well ahead of the continuation date of the next meeting.

H. Smith said there were questions he received from Attorney Hollister regarding the comments he raised and he reviewed the four of them.

### **PUBLIC INPUT:**

1. Ray Ingraham- (Majority Leader of RTM District 5) He is opposed. He understands that the project was approved. The RTM rejected the access road proposal. Using the Sliney Road access road was the worst alternative means of access. It is unsafe due to additional traffic and for fire safety concerns. If using Sliney road was previously the worst alternative then what's changed? He said he thought Beacon wants a short cut around the good faith efforts because they lost. He asked the Commission to please reject this application.
2. David Mix- (corner of Woodlawn and Melrose Ave.) He looks out at the Parkside development now. He agrees with Ray Ingram on this application. He is opposed, it is ridiculous. No one has mentioned the little stream that runs along the south side of Sliney Road and ends in a wetland. Does it get filled in? Anyone who lives there know that the parking lot is under water 3 months out of the year. Pavers are not going to improve it. And he mentioned the Indian Neck daycare center abuts Sliney Road. Where will the children go during the blasting? He said Parkside improvement is a ludicrous idea which seems to be cobbled together with chewing gum and string.
3. Jennifer Ryan-(104 South Montowese St) She mentioned the PZ Public Hearing of 11-17-17 in which the question was asked "Is there a project without Melrose Avenue access road?" and the Commission answered "No road, no project". She said Beacon changed the game to a 830-g proposal and once again they are changing the game. She said let's start over with transparency. She said at that same prior meeting, when a question was raised if there were other viable sites for this project, the answer was yes, but they weren't available.

4. Damien Platosh-(South Montowese St) He thanked the Commission for their service. He echoed Harry's comments he's been to every single meeting since day one and there was no discussion about the traffic along South Montowese Street because of the fact that this Sliney Road access was going to be a dirt or foot path. He then spoke of the most dangerous roads in Branford, Rt one being the most dangerous. The number one residential road in Branford that is the most dangerous is scenic Rt 146. He spoke of the other dangerous roads and what's being done to address them. Traffic studies need to be done, not in February but in the summer .He was unable to get the log of calls of service from the Fire Dept. He lives there and sees the EMT's arriving at Parkside on a daily basis. He thanked the Commission for their time.

5. Gene Canaban-(lives in the neighborhood). He wanted to address a problem if Sliney Road is used it may have a tremendous impact on the health and safety of all Branford residents and that issue is blasting. He is concerned as a nearby resident but he is also concerned about the effect of blasting on the sewage treatment plant. The plant was built in 1962 and has since been expanded .However, the storage tanks are the original concrete. It is doubtful they are still in their original condition. We can't predict what will happen to the tanks when the blasting starts, but we know what the problems will be if there is a leak. He went over the treatment plant stats, noting the treated water flows into Branford Harbor and Long Island Sound. He told a story of a leak at a school oil tank and the cost to the town was huge. He noted that a leak at the treatment plant is a significant safety hazard.

6. Todd Petrowski (67 South Montowese St)-He spoke of a RTM July meeting about this project. Attorney Lamar spoke highly against the Slaney Rd. access. He quoted him noting that this was from the Applicant's attorney. Now that the Melrose access failed, this is the go to now. He mentioned a second meeting in which the Attorney spoke of safety issues on Slaney Rd, especially at night. He said this information is available on BCTV. He spoke of traffic concerns with the popularity of the brewery and other surrounding businesses. He asked who will be financially responsible for any damages caused by the blasting. He feels that is a major safety issue. He asked the Commission to consider all these factors.

7. Dawn Jackson-(142 South Montowese St.) She is concerned about the blasting. A neighbor told her that the rock ledge that is underneath Parkside Village goes all the way to Block Island on both sides. She has a part of that rock in her basement along with a couple of her neighbors. She asked who will pay for any damage to her house that may occur with blasting? She asked if there will be a radon problem.

8. Carolyn Sires- She said the reason for the importance of traffic studies now is that when this project began, it was a car lite population, but it is no longer a car lite population. A new traffic study has to be considered since it is no longer a project for low to moderate income, seniors, veterans or disabled ,it will be more families with more substantial income that will be working. Only 7 of the seniors will be living there, so they won't have cars but the rest of the people with families will. She would like to see an updated study, not from 18 months ago. She asked if Melrose was a driveway or a road? She was confused.

Attorney Hollister called it both. She said this was a mutually agreed upon condition by an 830-g project sanctioned on the Town of Branford. She noted if there is an access road and it's mutually agreed, then at least it will give town officials some oversight of this project. If the PZ Commission decides to let the applicant out of this mutually agreed upon condition, and the applicant does everything their way, we have seen the flip flop of their way. Then the town may only have minimal control of the project.

She read some of the earlier emails that spoke of 8-30 g projects. She contacted the Tree Commission and told them that Beacon and the Housing Authority said they have other avenues which they can utilize Sliney Road and making this an access Rd. She read an email from the Tree Commission stating they are against deforesting and blasting the rock of scenic Rt. 146.

She said she contacted the State regarding Rt. 146, noting that the state spent tens of thousands of dollars on paving and resurfacing Rt.146. She read the state description of Rt. 146. There's nothing wrong with keeping Rt 146 as it is. She implored the Commission, Melrose access is a condition everyone agreed upon. It was the one thing everyone agreed upon. It doesn't make any sense to use Sliney Road. We need more details on this project.

She mentioned two hundred thousand dollars. Why doesn't the town use that and fix the current units at Parkside?

9. Nancy Kendrick- She said she has been to several of the past meetings.

She asked the Commission to stand by their decision with Melrose as a condition. The developers themselves proposed it and the Commission agreed to it. She is surprised to be at the meeting, she feels like we are going down the same road as before. From what she heard from Mr. Smith, the application is incomplete. She asked how is it that the applicant comes before the Commission and is not ready. She mentioned the traffic problem in the summer. She felt the traffic study needs to be done again. It is a terrible plan coming out of Sliney Road.

**Chairperson Andres announced the Public Hearing will be continued to the next Planning & Zoning Meeting which will be a Special Meeting on Monday, April 22 at Branford Fire Headquarters.**

The Commission took a break at 8:35 pm and returned at 8:53 pm.

6. 26 Cherry Hill LLC-Applicant & Owner  
26 Cherry Hill Road  
Resub division- (2 Lot)  
Application #19-3.1  
A/R 3/7/19 & PH set for 4/4/19

Attorney Bernard Pellegrino (Pellegrino Law Firm, New Haven, CT) represented the Applicant and spoke first. He explained the Planning & Zoning Commission approved the Resub division and Master Plan applications in August 2018 and the Mylar was not recorded on time. So, this is the same application as the previous one that was approved.

R. Stocker reviewed the Staff Report .He noted this is the same application with no changes.

PUBLIC INPUT:

1. Branford Historical Society President – noted that they have no objection to this application.

**Chairperson Andres closed the Public Hearing.**

**MINUTES: 3/21/19**

**P. Higgins made a motion to approve the 3/21/19 meeting minutes as written.**

**J. Lust seconded the motion which passed unanimously.**

**RETURN TO TABLE:**

1. 26 Cherry Hill LLC-Applicant & Owner  
26 Cherry Hill Road  
Resub division- (2 Lot)  
**Application #19-3.1**  
**A/R 3/7/19 & PH set for 4/4/19**

**M. Palluzzi made a motion to approve the application.**

**J. Vaiuso seconded the motion which passed unanimously.**

**CORRESPONDENCE:**

1. Short Beach Road- Cell Tower equipment swap.
2. 405 Brushy Plain Road-Cell Tower equipment swap

**OLD BUSINESS:**

1. Nicole Let singer –Applicant  
Ten Properties, LLC- Owner  
22A Lime wood Avenue  
Coastal Site Plan & Site Plan – Single Family FEMA compliant home  
**Application #19-2.6**  
**A/R 3/7/19 & Tabled to 4/22/19**
2. Planning & Zoning Commission-Applicant  
Zoning Regulation Amendment to modify Section 7.4 (Line 11)  
(Accessory Apartment)  
**Application #19-3.3**  
**A/R 3/21/19 & PH set for 5/2/19**

3. Tidal Basin, LLC -Applicant & Owner  
4-6 Indian Neck Drive  
Site Plan & Coastal Site Plan for a Hotel-Modifications to Storm water Drainage  
**Application #19-3.2**  
**A/R 3/21/19 & Tabled from 3/21/19**
  
4. Audra Nzo- Applicant  
Zoning Regulation Amendment-Addition of new use category "Farm Event Venue"  
with on-site liquor and food service as a Special Exception use in the  
BC,BR,BL,MU,IG1,IG2,CP zones  
**Application #19-3.4**  
**A/R 3/21/19 & PH set for 4/22/19**

**NEW BUSINESS:**

1. SHM Bruce & Johnson LLC ,c/o  
Bruce Karla-Applicant & Owner  
47, 49, 55 Good sell Point Rd.  
Special Exception Modification & CAM-Fence Relocation  
**Application #19-4.1**  
**To be A/R**

J. Pretti (Criscuolo Engineering) represented the applicant stating this is a minor modification .They requested a waiver of the public hearing.

In July 2018 the PZ Commission approved a special exception for the installation of a new above ground fuel storage tank. A condition of this approval was the relocation of the existing stockade fence to the eastern property line and plant 18 white cedar and arborvitae in front of the fence. This application is a modification that condition. This application proposes leaving the existing fence in its current t location. It would prove too disruptive to move the fence and would require removal of the existing mature trees.

R.Stoecker reviewed the staff report.

**J. Lust made a motion to waive the Public Hearing.**

**J. Vaiuso seconded the motion which passed unanimously.**

**J. Vaiuso made a motion to approve the application with the finding and conditions below:**

FINDING –

- 1) The Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

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 (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.
- 3) The number and species of the proposed additional plantings may be adjusted /reduced upon the approval of the Town Planner to not affect the root zones of the existing mature trees.

**J. Lust seconded the motion which passed unanimously.**

**OTHER BUSINESS:**

1. Planner's Report

H. Smith said he is currently working on completing the Zoning Map and Zoning Regulation updates.

He also spoke of the wayfinding signage program and revisiting the sidewalk plan.

The meeting adjourned at 9:06 pm