



# PLANNING AND ZONING COMMISSION

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## DRAFT MINUTES PLANNING & ZONING COMMISSION THURSDAY, APRIL 6, 2017 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: J. Lust, J. Vaiuso, J. Chadwick, P. Higgins, C. Andres, F. Russo,  
M. Palluzzi  
Commissioners Absent: C. Kelly  
Staff Present: H. Smith- Town Planner, R. Stoecker-Assistant Town Planner,  
M. Martin-Clerk

M. Palluzzi read the Public Hearing Notice into the record.  
Chairperson Andres introduced the Commissioners and the staff present. He then reviewed the Public Hearing procedures.

### REGULAR MEETING 7:00 P.M.

#### PUBLIC HEARINGS:

1. Justin Gargano, CEO  
Thimble Island Brewery-Applicant  
16 Business Park LLC. -Owner  
(Charles E. Weber, Jr.-managing member),  
16 Business Park Drive  
Special Exception Modification-Expansion of Retail Space  
**Application #17-1.2**

**R. Stoecker noted the Applicant has WITHDRAWN this application.**

2. Tracy Nigosanti –Applicant & Owner  
190 Maple Street  
Special Exception- Accessory Apartment  
**Application #17-2.2**  
**A/R on 2/16/17, PH opened 3/16/17, Continued from 3/16/17**

Chairperson Andres said this public hearing was opened on March 16 and we were awaiting comments from the Town Attorney regarding the conditions of approval.

R. Stoecker noted since comments from the Town Attorney have not been received regarding the wording for the deed restriction. He then read from the Zoning Regulations and noted that we will refer to the Zoning Regulations in the approval until we receive input from the Town Attorney.

H. Smith noted that the Commission could interpret them at some point later when the Town Attorney submits his input.

#### **PUBLIC INPUT:**

. No one spoke.  
Chairperson Andres closed the Public Hearing

3. Stephen W. Perrotti- Applicant & Owner  
22 Reynolds Lane  
Special Exception- Garage  
**Application #17-2.1**  
**A/R on 2/16/17, PH set for 4/6/17**

Stephen Perrotti (Applicant) spoke and explained he has a three bay garage which he can't fit his truck in. He is proposing an 8 foot addition to the front of the garage. Nothing else on the garage will change.

R. Stoecker s reviewed the Staff Report. He said the Applicant did obtain the necessary variances and this was a simple application which required no conditions on the approval.

**PUBLIC INPUT:**

No one spoke.

Chairperson Andres closed the Public Hearing.

4. Birbarie 139 West Main LLC. c/o  
George D. Birbarie-Applicant & Owner  
139 West Main Street  
Zoning Map Amendment-  
Motor Vehicle Sales/ Limited Repair  
**Application #17-2.4**  
**A/R on 3/2/17, PH set for 4/6/17**

Bob Criscuolo (Criscuolo Engineering) represented the applicant. He highlighted a Site Plan from 1984. He explained the zoning district boundary line splits the property with the rear portion of the property extending to Brooklawn Terrace zoned R-4, but the remaining portion of the property along West Main Street is zoned BL. The Applicant requests approval of a zone change for the rear area from R-4 to BL resulting in the whole property being designated BL. He then gave a brief history of the site.

. He felt it was a logical step and would make this a pre-existing legally non-conforming commercial building. He showed the Commission photos of the site.

H. Smith noted the Plan of Conservation and Development's Land Use map shows this site remaining in residential but the governing plan is the Comprehensive Plan of Zoning, which is different. It is a concept that consists of the Zoning Regulations and the Zoning Map as they evolved over time. He explained to the Commission that if they approve this, they need to find it is consistent with the Comprehensive plan, and the Commission must also consider the Plan of Conservation & Development.

The Commission discussed this briefly.

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H. Smith reviewed Staff Report. He spoke of what the setbacks were in the 60's and 70's. He told the Commission if they look at the Comprehensive Plan of Zoning, they could make a valid finding that the Comprehensive Plan endorses this type of Regulation change and Map Amendment even though the Plan of Conservation and & Development doesn't show a difference or a change in this. Another factor is this area was commercial use when zoning was instituted. To insure maximum protection of the residential properties, H. Smith recommends rather than have the zoning district break in the middle of Brooklawn Terrace, to have the line come along the edge of the property. This would give a 20 foot residential setback

H. Smith noted he submitted 3 photos into the record.

**PUBLIC INPUT:**

No one spoke.

Chairperson Andres closed the Public Hearing.

5. Proletar Balliu- Applicant  
Terry Brettman- Owner  
684 East Main Street  
Special Exception- General Business Office  
**Application #17-2.7**  
**A/R on 3/2/17, PH set for 4/6/17**

Attorney Don Brown represented the Applicant. He noted both the Applicant and the owner were present .He explained the Applicant owns Tony Masonry He has a yard in Madison where he keeps his equipment He has been doing the administrative tasks out of his home, but he proposes to move this part of his business to 684 East Main Street. There are no changes proposed to the exterior or the interior of the building. East Shore Health Dept. approved this as well.

.R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

**MINUTES: 03-16-17**

H. Smith noted there is a correction on page 3. Item #7, condition#2 .The condition should read- The Applicant will submit revised plans showing the stockpile location being moved near the end of the driveway approximately 10 feet to the north.

J. Chadwick made a motion to approve the minutes with the correction noted by H. Smith. J. Lust seconded the motion which passed unanimously.

**RETURN TO TABLE”**

6. Tracy Nigosanti –Applicant & Owner  
190 Maple Street  
Special Exception- Accessory Apartment  
**Application #17-2.2**  
**A/R on 2/16/17, PH opened 3/16/17, Continued from 3/16/17**

J. Lust made a motion to approve the application with the condition written in the Staff Report.  
J. Chadwick seconded the motion which passed unanimously 5-0.

7. Stephen W. Perrotti- Applicant & Owner  
22 Reynolds Lane  
Special Exception- Garage  
**Application #17-2.1**  
**A/R on 2/16/17, PH set for 4/6/17**

M. Palluzzi made a motion to approve the application.

J. Viauso seconded the motion which passed 5-0.

8. Birbarie 139 West Main LLC. c/o  
George D. Birbarie-Applicant & Owner  
139 West Main Street  
Zoning Map Amendment-  
Motor Vehicle Sales/ Limited Repair

**Application #17-2.4**

**A/R on 3/2/17, PH set for 4/6/17**

The Commission discussed the item and H. Smith referred to the Zoning Regulations, Section .6.3i

H. Smith noted for the record the Commission interpreted this section in the Regulations that the Zoning is on the property of the business, not including any part of the street.

J. Viauso made a motion to approve the application with the finding that it's consistent with the comprehensive Plan of Zoning and the Plan of Conservation & Development was considered. The effective date will be April 30, 2017. J. Lust seconded the motion which passed 5-0

9. Proletar Balliu- Applicant  
Terry Brettman- Owner  
684 East Main Street  
Special Exception- General Business Office

**Application #17-2.7**

**A/R on 3/2/17, PH set for 4/6/17**

M Palluzzi made a motion to approve the application with the revised conditions listed in the

Staff Report J. Lust seconded the motion which passed unanimously.

**CORRESPONDENCE:**

1. Correspondence from the CT Siting Council regarding modification of an existing telecommunications facility located at 123 Pine Orchard Road.
2. Correspondence from the CT Siting Council regarding modification of an existing telecommunications facility located at 4 Beaver Road.  
H. Smith noted that both of these items are antennae replacements. No action is necessary.

**OLD BUSINESS:**

1. Branford Yacht Club-Applicant & Owner  
39 Goodsell Point Road  
Coastal Site Plan  
**Application #17-2.6**  
**A/R on 3/2/17, Tabled from 3/16/17**

Bob Criscuolo (Criscuolo Engineering) represented the applicant. He highlighted the application with plans and photos. He explained this is for a proposed deck extension .which wraps against the building and joins another deck. It is approximately 730 square feet. They received the necessary variances.

R. Stoecker reviewed the Staff Report.

J. Vaiuso made a motion to approve the application with the condition and the finding listed in the Staff Report. J. Chadwick seconded the motion which passed unanimously.

2. David I. Scheer-Applicant & Owner  
2 Spring Rock Road  
Coastal Site Plan  
**Application #17-3.1**  
**A/R on 3/16/17, Tabled from 3/16/17**

J. Lust recused himself. P. Higgins was seated in his place.

Paul Riccio (contractor) gave a brief history of the project. He stated he was contracted to build a seawall project at the site. He explained there is a path used by residents in the area to access the beach. The homeowner asked him to build a landscape wall to keep people on the path. He called the Planning & Zoning Dept. and was referred to the Zoning Officer in the Pine Orchard Zoning area..The Zoning Officer in Pine Orchard told him he could construct the wall with no permit required if

the wall was less than 3 feet in height. If the wall was over 3 feet in height, then he would be required to get a building permit and then get approval from Pine Orchard Zoning.

When the project was almost completed, a building official from the Town of Branford instructed him to stop working on the project. He then spoke to the Planning & Zoning Dept. and was instructed to complete a Coastal Area Management Application (CAM). So, he is asking for the board's approval to finish the project.

Tom Edwards (Architect) spoke next. He stated he obtained the original permit for the wall and the sidewalk repair. He agreed with Paul. He stated the Applicants are requesting the wall be 4 feet in height to keep people from walking on the wall. He described revised drawings for the wall which he showed the Commission that included 1' square openings.

H. Smith reviewed the Staff Report. He spoke briefly about the DEEP requirements and comments. He also spoke of the wall and documentation by DEEP (requested by the applicants) stating that it is a shoreline flood and erosion control structure. He also talked of the walkway; and how, over time, this has evolved as a public access. He reviewed the procedures in place for a CAM.

The Commission discussed this briefly.

Tom Edwards stated this wall was built between 1901 and 1910 and a few people were named who had access from the public street to the beach. Over time, more people used this access. The property owners have never contested that. The property owners want to protect the wall and don't mind people passing thru but they don't want people to stand on the wall or sit on it. That's why they want it to be 4 feet high.

Neighbors Bob & Susan Daigle spoke about the delay in the project and their desire to be able to use the walkway again.

H. Smith reviewed the conditions listed in the Staff Report including optional choices for conditions 3 and 4.

The Commission discussed the criteria of the Coastal Management Act allowing approval of a Shoreline Flood & Erosion Control Structure, if it will protect a water dependent use., noting "Public Access" was included as a "water dependent use."

**M. Palluzzi made a motion to approve the application with the 2 findings and 4 conditions listed on the Staff Report modified to include a fifth condition which reads – Post Construction ,any obstacle placed in the public access walkway to block access shall be considered a violation of the Coastal Site Plan. J. Chadwick seconded the motion which passed unanimously.**

3. 26 Cherry Hill Road LLC-Applicant & Owner  
26 Cherry Hill Road  
Zoning Map Amendment/Master Plan Amendment-  
PDD Modification  
**Application #17-3.2**  
**A/R on 3/16/17, PH set for 4/20/17**

#### **NEW BUSINESS:**

1. William C. Lyons-Applicant  
Barbara R. Lyons-Owner  
190 Damascus Road  
Special Exception-Interior Lot  
**Application #17-3.4**  
**To be A/R, PH to be set**

**The Commission A/R and set the Public Hearing for 5/4/17**

2. William C. Lyons-Applicant  
Barbara R. Lyons-Owner  
190 Damascus Road  
ReSubdivision  
**Application #17-3.3**  
**To be A/R, PH to be set**

**The Commission A/R and set the Public Hearing for 5/4/17**

3. Sachem Capital Partners, LLC.-  
c/o John Villano-Applicant & Owner  
698 Main Street  
Special Exception-Office & Service Establishment  
**Application #17-3.5**  
**To be A/R, PH to be set**

**The Commission A/R and set the Public Hearing for 5/4/17**

4. Pompeo Curcio-Applicant  
Maureen L. Gercken- Owner  
202 South Montowese Street  
Site Plan Modification-Enclosed Porch  
**Application #17-3.6**  
**To be A/R**

R. Stoecker reviewed the Staff Report. He explained the Planning & Zoning Commission approved a front deck for this property last year. Upon completion, it was noted that the side porch had been enclosed for a 3 season porch without approval. This application is a corrective action bringing the existing structure into conformance with the approval and accurately depicting the dimensions of the existing 3 season side deck/porch.

M. Palluzzi made a motion to approve the application with the condition listed on the Staff Report. J. Chadwick seconded the motion which passed unanimously.

5. Dow Realty, c/o Jeffrey Dow- Applicant  
Six Twenty Two Associates-Owner  
618-622 Main Street  
Site Plan- Personal Training  
**Application #17-4.1**  
**To be A/R**

H. Smith noted this application needs to be reviewed by the Town Center Revitalization Review Board at the meeting scheduled for April 12. This Commission can't act on this until the April 20 meeting. However, the Applicant has requested a waiver of the A2 Survey requirement. H. Smith then briefly reviewed the application.

The Commission had a brief discussion and declined the applicants request for a waiver.

#### **OTHER BUSINESS:**

1. Cash bond acceptance for a driveway apron at 117 Linden Ave.

J. Vaiuso made a motion to accept the cash bond for the driveway apron at 117 Linden Ave. J. Lust seconded the motion which passed unanimously.

2. Planner's Report

1. H. Smith noted the Board of Selectman met last night and endorsed both Planometrics as the consultant for the Plan of Conservation & Development. and BFJ Co. as the consultant for the Transit Oriented District Study. He will keep the Commission updated.
2. J. Acquino(Zoning Enforcement Officer) asked for an item to be added to the agenda. The item is a interpretation of a 1986 Approval for Cedar Woods located at 80 Cedar Street regarding item D9 in the Statement of Use. This was submitted and approved as part of the application. He then explained the retirement community at Cedar Woods has had an on-site staff person available 24 hours a day. His understanding is that development was bought out by a larger company whose policy is to have a remote night time contact. There is no actual person on site at night. The residents would have individual buttons they could push and speak to someone if they need assistance. In the statement of use that was submitted as part of the application it states the emergency call system would be monitored 24 hours a day and there would be staffing available 24 hours a day. The Zoning Enforcement Officer and the Fire Marshal have been concerned about the number of calls received and from Cedar Woods and the ZEO feels there should be a staff person available 24 hours a day in the facility. The attorney for the development disagrees. This item will be discussed at a future meeting. The town attorney for Branford will be submitting his input.

J. Lust made a motion to add this item to the agenda. M. Palluzzi seconded the motion which passed unanimously.

Meeting adjourned at 9:15 pm