



PLANNING AND ZONING COMMISSION

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

MINUTES PLANNING & ZONING COMMISSION THURSDAY DECEMBER 5, 2019 REGULAR AND ANNUAL MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: J. Vaiuso, D. Dyer

Staff Present: H. Smith-Town Planner, R. Stoecker-Asst, M. Martin- Clerk

Secretary Palluzzi read the Public Hearing notice into the record.
Chairperson Andres reviewed the public hearing procedures.

PUBLIC HEARINGS:

1. Peter S. Kusterer-Applicant & Owner
3 Three Elms Road
Special Exception- Oversized Accessory Structure
Application #19-9.3
A/R 9/19/19 and PH continued from 11/21/19

Chairperson Andres said this item is continued from the previous Planning & Zoning Meeting.

Peter Kusterer spoke and said he was granted the necessary approvals thru the Stony Creek Architectural review board and the Zoning Board of Appeals. He said the purpose of the barn is to provide boat storage for himself as well as storage space for his tenants. He highlighted the plan for the commission; reviewing the proposed landscaping.

J. Pretti (Criscuolo Engineering) represented the applicant and spoke next reviewing the proposed landscaping. He then reviewed the potential conditions of approval from the staff report.

H. Smith asked a few questions.

PUBLIC INPUT:

1. Sam Morris- 214 Thimble Island Rd—He stated he wanted his private agreement with Peter Kusterer be included as a condition of this approval. He wrote a letter

explaining what happened which he submitted into the record. He requested that some landscaping be planted to give him some buffer to the proposed barn.

2. Barbara Chessler- 8 Two Elms Rd.- She asked a few questions such as the number of boats permitted on the site and whether that would include outside or inside storage. She also asked what would happen if Peter stores more than the allowed number of boats on the site. She then asked how long does someone have to build something on their property. She reminded the commission that she is requesting that Peter comply with the conditions of his ZBA approval before he is issued a building permit for this project.

Peter Kusterer replied to some of the comments.

Chairperson Andres closed the public hearing.

2. 339 West Main St. LLC, c/o Jeffrey Brandfon-Applicant & Owner
339 West Main Street
Special Exception-Installation of a parking lot
Application #19-9.4
A/R 9/19/19 and PH continued from 11/21/19

J. Pretti (Criscuolo Engineering) represented the applicant and said a current A lighting plan was submitted today along with the wording for the easement. He then briefly reviewed the easement and the landscaping revisions.

Since the wording for the easement was just received, Harry Smith suggested this item be tabled to the next meeting to give staff time to review it.

PUBLIC INPUT:

1. Perry Meresca- (Chairman- Economic Development Comm.) said the Commission supports this application.

Chairperson Andres closed the public hearing. It is continued to the 12/12/19 meeting.

3. SP Development LLC-Applicant & Owner
21 Summit Place
Special Exception- Incentive Housing Overlay District Apts.
Application #19-10.2
A/R 10/3/19, PH continued to 1/9/20
4. SP Development LLC- Applicant & Owner
21 Summit Place
Zoning Map Amendment-CP to IHOD
Application #19-10.3
A/R 10/3/19 PH continued to 1/9/20

5. Giumas LLC, c/o Massimo Liguori-Applicant & Owner
292 Leetes Island Road
Special Exception- Interior (Rear) Lot (Lot 1 of a 3 Lot Resubdivision)
Application # 19-10.5
A/R 10/17/19 and PH set for 12/5/19

6. Giumas LLC, c/o Massimo Liguori-Applicant & Owner
292 Leetes Island Road
Special Exception-(Lot 2 of a 3 Lot Resubdivision)
Application # 19-10.7
A/R 10/17/19 and PH set for 12/5/19

7. Giumas LLC, c/o Massimo Liguori-Applicant & Owner
292 Leetes Island Road
Special Exception-(Lot 3 of a 3 Lot Resubdivision)
Application # 19-10.9
A/R 10/17/19 and PH set for 12/5/19

8. Giumas LLC, c/o Massimo Liguori-Applicant & Owner
292 Leetes Island Road
3 Lot Resubdivision
Application # 19-10.6
A/R 10/17/19 and PH set for 12/5/19

Public Hearings for agenda items 5, 6, 7 and 8 are all being held together.

J. Pretti (Criscuolo engineering) represented the applicant and highlighted the site plan, noting that the applicant received approval from the Inland Wetlands Commission.

R. Stoecker reviewed the staff reports.
The Commission asked a few questions.

PUBLIC INPUT:

1. Bill Horne- He spoke of the 3 conditions that the land trust had in accepting the property. He said there is no open space now, but there is a potential for it. He spoke of wetlands on the property. He said the Land Trust is also asking for the right to pass and re pass on the property. He said the 100 ft upland review area be designated as a no disturbance zone. He noted the Land Trust is particularly sensitive to steep slopes given the problems that arose with the Gould Land property. A suggestion was made to bond for sediment and erosion controls and that money could be used to remediate the wetlands if serious erosion occurred. The Land Trust feels a 100 ft vegetated buffer is needed to protect the wetlands.

2. Jerry Murray- 288 Leetes Island Rd. - He doesn't have an issue with the development if it complies with the zoning regulations. He is concerned with

ground water and surface water. There is a lot of ledge there. He explained his concerns saying he is worried about his septic system.

Chairperson Andres said the public hearing will remain open since more information is needed from the Fire Marshal and the Town Engineer.

H. Smith said an extension of time will be needed, for all the applications subject to the public hearing which the applicant granted and the Commission accepted.

E. Zullo (10 Tanglewood Dr.) She asked about blasting. She is concerned about the effects of the blasting on her house foundation and windows. She said there is a lot of ledge there and that is a concern.

Chairperson Andres continued the public hearing for agenda items 5,6,7, and 8 to the January 9, 2020 meeting.

9. Nuzzo Properties LLC, c/o Anthony & Audra Nuzzo-
Applicants & Owners
736 East Main Street
Special Exception- Accessory Uses: Non-Agricultural Farm Events
Application # 19-10.8
A/R 10/17/19 and PH set for 12/5/19

J. Pretti – (Criscuolo Engineering) represented the applicant. He updated the site plan for the applicant which he reviewed.

Harry Smith reviewed the staff report. He said several requirements of the recently adopted section of the Zoning Regulations were not addressed by this application. He said he had informed the applicants that the submitted plans were very incomplete in October and did not receive revised plans until just before Thanksgiving which were still incomplete. He summarized the outstanding concerns

J. Pretti answered some of the questions.

Anthony Nuzzo submitted photos of the parking area.

PUBLIC INPUT:

1. Jamie Cosgrove- (First Selectman) spoke first saying the intent of the application is to host more events at the farm to generate income to maintain it. He said the reason the town adopted this regulation is to help maintain the farm. He cautioned that if more requirements are added, the farm becomes commercialized. The attraction of some of the events is that you are going to a farm. He noted that this would allow up to 20 events per year at the farm. He spoke of the previous farmers market on Alps Road and there was discussion of whether a sidewalk should be installed along Alps Road and one of the

Commissioners said the market was an event and the Commission decided that sidewalks were not a condition of approval.
The intent of this application is to preserve farmland and support the farm.

2. Susan Nuzzo- Spoke next and said the farm has been hosting events for quite some time and the accessory use is not new to the farm. She said the regulation that was adopted permit 20 nonagricultural events per year.

She said previously 8 events were permitted and along the way that number was changed to 4 events a year by the Zoning Enforcement Officer. She said they are not asking for anything new, they are just requesting that the number of events be increased. She said it is very frustrating for the applicants and everyone involved in keeping the farm afloat. She noted the farm was delapidated when they purchased it and they have put in a tremendous amount of work into it. She said they have paid 18,500 in legal fees so far, as well as several other fees for various items needed. This process has created a hardship for the applicants. She also said that there have been no issues with any of the prior events that have been held at the farm. The applicants have gone above and beyond to comply with the regulations. She said she would hate to see condos being built there or low income housing.

The Commission discussed some of the items she spoke of.

H. Smith said he would be glad to sit down with the applicants to discuss the incomplete aspects of the application and how to address them with additional information or requests for relief from the requirements

This item is continued to the 1/9/20 meeting.

10. Justin Gargano, c/o Thimble Island Brewery Co.-

Applicant & Owner

Zoning Regulation Amendment –The addition of a new accessory use-

“Food preparation for on-site consumption with a manufacturing facility that produces food or beverage that is also sold at retail for on-site consumption” to the IG-2 zone is proposed.

Application#19-10.11

A/R 11/7/19 & PH set for 12/5/19

Justin Gargano (applicant) spoke first and said lately the food trucks at his brewery are less and less reliable and they are also a liability. Since they serve alcohol, they want to also serve food. He noted that the Stony Creek Brewery was approved for a pizza oven at their location. He would like to add a pizza oven as well as a kitchen.

H. Smith reviewed the staff report.

PUBLIC INPUT:

1. Perry Maresca-(Chairman, Economic Development Commission)-Spoke and said the Commission is in favor of this application. He has never seen any issues or problems with this business or location. He noted years ago, there was a small restaurant in a neighboring building.

Chairperson Andres closed the public hearing.

The Commission took a 5 minute break at 9:31 p.m.
Commissioner P. Higgins left at this time.

MINUTES: 11/21/19

**J. Lust made a motion to approve the 11/21/19 meeting minutes as written.
F. Russo seconded the motion which passed unanimously.**

CORRESPONDENCE:

1. Cell tower antennae swap at 123 Pine Orchard Rd.
2. A notice of non-compliance for a Seawall & ramp at 2 Pawsons Road

RETURN TO TABLE:

1. Peter S. Kusterer-Applicant & Owner
3 Three Elms Road
Special Exception- Oversized Accessory Structure
Application #19-9.3
A/R 9/19/19 and PH continued from 11/21/19

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

FINDINGS:

- 1) The Commission finds that the Site Plan incorporated within this Special Exception approval is in conformance with Section 6.4.E and 6.2.E.2 of the Zoning Regulations based on the 4/11/2017 decision of the Zoning Board of Appeals to overturn a Notice of Violation dated 11/30/2016 that allowed the storage of up to eight boats on this property.
- 2) Full compliance with Section 6.3 is waived per Section 6.3.L as specified in Condition 2 of this approval.

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 to the satisfaction of the Town Planner or other staff of the Planning and Zoning Commission as may be indicated:
- a) Complete all improvements to the site listed on the latest Site Plan approved by the ZBA at the May 24, 2019 public hearing. (Criscuolo Engineering proposed Site Plan for #3 Three Elms Road, Branford, Connecticut for Peter Kusterer, rev. to 5-1-18) including the landscaping as it may be revised by the requirements of this approval.
 - b) Drainage improvements and/or grading revisions shall be added to the satisfaction of the Town Engineer to capture the roof drainage from the barn structure.
 - c) Provide a detailed Landscape Plan site showing proposed landscaping and existing plantings to remain including location, size, species and amount of plantings for the site. In addition to the plantings shown on the proposed Site Plan, the Landscape Plan shall consist of the following:
 - i. A 10-foot wide planting strip shall be extended along the rear property line to the east of the proposed 30" Compact Japanese Holly plantings per Sect 6.3.G – Side and Rear Landscape requirements with the exception of the "Proposed Area for Private Boat Storage" with proposed size, species, and number of plantings noted.
 - ii. Reconsider and if necessary change the proposed Compact Japanese Holly to plantings suitable to provide acceptable screening.
 - iii. Alternatively the Landscaping Plan may be changed to reflect the requirements of an Agreement between Peter Kusterer and Sam Morris, an adjoin property owner to the south submitted into the file of this application on October 17, 2019 by Attorney Timothy Lee who is representing Mr. Morris.
 - d) Change the notation on the Site Plan stating the 3 existing parking spaces to the east of the existing house are conforming parking to "3 pre-existing nonconforming parking spaces"
 - e) Remove the proposed driveway from Three Elms Road to the barn door on the northern façade of the barn since it would represent a third driveway along the Three Elms Frontage of the property which is not allowed per Section 6.12.C.2 of the Zoning Regulations.
 - f) The drawings and submitted elevations for the proposed structure shall be modified to address the following:
 - i. The approved barn design drawing will be the same as presented with the exception of slight changes in height (2 feet inches), width (3 feet inches') and length (1foot inch), relocation of one door and window, and possible substitution of barn doors for the second floor windows on the south wall.
 - ii. Roof slopes to be identical to the roof drawings.
 - iii. The windows to have fixed mullions instead of snap in window grid versions.
 - iv. A final confirmation drawing from Custom Carpenters including the above changes will be submitted for Board review prior to issuance of a building permit.

- 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 additional signage or lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate.
- 5) 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 3,000 degrees Kelvin.
- 6) Permanent outside storage of boats on this property is limited to eight (8) eighteen-foot (18') boats stored only in the area indicated on the Site Plan approved with this Special Exception approval.

J. Lust seconded the motion which passed unanimously.

2. Justin Gargano, c/o Thimble Island Brewery Co.-
Applicant & Owner
Zoning Regulation Amendment –The addition of a new accessory use-
“Food preparation for on-site consumption with a manufacturing facility that produces food or beverage that is also sold at retail for on-site consumption” to the IG-2 zone is proposed.
Application#19-10.11
A/R 11/7/19 & PH set for 12/5/19

J. Chadwick made a motion to approve the proposed Zoning Regulation Amendment with the finding that its consistent with the Plan of Conservation & Development and in accordance with the Comprehensive Plan of Development with an effective date of 12/25/19.

M. Palluzzi seconded the motion which passed unanimously.

OLD BUSINESS:

1. 165-195 Main Street Branford LLC c/o
Kevin Curry –Applicant & Owner
165 & 195 Main Street
Special Exception-Convenience Store
Application#19-10.10
To be A/R & PH set for 1/9/20
2. Vigliotti Construction c/o Frank Vigliotti-Applicant
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner
99 Todds Hill Road
ReSubdivision (15 lot)
Application #19-11.1
To be A/R & PH set for 1/9/20

NEW BUSINESS:

1. Eleanor Kelman-Applicant & Owner
16 Halls Point Road
CAM- an addition to an existing retaining wall
Application #19-11.3
To be A/R

The Commission A/R and Tabled to the 1/9/20 meeting.

2. Time Extension Request for PZ#13-10.4 (Special Exception) for 17-21 North Branford Rd.

H. Smith said the prior approval for construction of three commercial buildings at 17-21 North Branford Road will expire on December 19, 2019. The Applicant is requesting an additional year to complete the project.

F. Russo made a motion to approve the one year time extension to 12-19-20.
J. Lust seconded the motion which passed unanimously.

3. A. Secondino & Son, Inc., c/o Alfred Secondino –Applicant
Bitterweet Partners LLC, & Alterra Holdings, LLC- Owners
779-803 East Main Street & 21 Sycamore Way
Special Exception – Laboratory Office
Application #19-12.1
To be A/R

IW is reviewing this application at their 12-12-19 meeting.
The Commission agreed to H. Smith setting a public hearing date.

J. Lust made a motion to delegate the public hearing date to H. Smith.
F. Russo seconded the motion which passed unanimously.

4. Allied Engineering Associates, Inc.
c/o George Johannesen- Applicant
JK Partners- Owners
470-478 East Main Street
Special Exception- New Hotel
Application #19-12.2
To be A/R & PH to be set

J. Chadwick made a motion to add #19-12.2 to the agenda and defer to H. Smith to set the public hearing date.

M. Palluzzi seconded the motion which passed unanimously.

5. Bond Establishment for 21 Lomartra Lane

This is a bond in the amount of \$4,000 to complete landscaping.

J. Lust made a motion to add this item to the agenda and approve the bond which passed unanimously.

OTHER BUSINESS:

1. Election of Officers

This item is TABLED to the 1/9/2020 meeting when all the regular members will be present.

2. Planner's Report

Assistant Rich Stoecker announced his retirement. His last day will be 1/10/20.

The meeting adjourned at 10:17 pm