



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY DECEMBER 10, 2020 REGULAR MEETING 7:00 P.M.

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

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

Commissioners Absent: M. Liguori

Staff Present: H. Smith- Town Planner, K. Piazza-Asst. Town Planner, M. Martin-Clerk

Chairperson Andres introduced the Commission and Staff Present.

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

Chairperson Andres then reviewed the Public Hearing procedures.

PUBLIC HEARINGS:

1. Indian Neck Yacht Club c/o Carl Berlepsch-
Applicant & Owner
87 Harding Avenue
Special Exception for Grading (Section 6.8) for Replacement
Of a Gas Tank
Application #20-10.6
A/R 11/5/20 & Tabled from 11/19/20, PH set FOR 12/10/20

Joe Acqualino, Carl Berlepsch and Vicky Caroline were present.

They explained that the prior gas tank was installed in 1992 and by law it needs to be replaced by 2022.
Their goal is to have it replaced by November 2021.

K. Piazza reviewed the Staff Report and noted that all the requirements for replacement have been satisfied.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

2. 9 Elm Street LLC, c/o Kevin O'Neill-Applicant & Owner
9 Elm Street
Special Exception Modification-Drainage Improvements, Grading
Application #20-11.4
A/R 11/05/20, PH date to be set by Staff and Chairperson

WITHDRAWN

3. Bright & Early Daycare, c/o April Lukasik-Applicant & Owner
312 East Main Street
Special Exception- Child Daycare Center
Application #20-11.7
A/R 11/19/20 & PH set FOR 12/10/20

H. Smith noted that the applicant needs to obtain Inland /wetland approval for this application and the Inland Wetland meeting is taking place the same time as the Planning & Zoning meeting.

This item is Tabled to the January 14, 2021 meeting.

MINUTES: 11/19/20

H. Smith noted that the meeting minutes are not complete. They will be ready for approval at the January 14, 2021 meeting.

CORRESPONDENCE: No correspondence.

RETURN TO TABLE:

1. Indian Neck Yacht Club c/o Carl Berlepsch-
Applicant & Owner
87 Harding Avenue
Special Exception for Grading (Section 6.8) for Replacement
Of a Gas Tank
Application #20-10.6
A/R 11/5/20 & Tabled from 11/19/20, PH set FOR 12/10/20

K. Piazza reviewed the Staff Report.

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 sections 6.8 and 9.8.

CONDITIONS:

- 1) Prior to the start of construction erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 2) The Special Exception approval under Section 6.8 granted with the approval of this application shall expire one-year from the date of decision on this application unless renewed by the Commission pursuant to Section 6.8.L.
- 3) Prior to the commencement of construction activities DEEP comments shall be incorporated into The proposed project to the satisfaction of the Town Planner or his designee when such comments are also found to be required to satisfy zoning requirements.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. Tidal Basin, LLC., c/o Edward Crowley-Applicant & Owner
4-6 Indian Neck Avenue
PDD Modification/Master Plan Amendment- Residential Development as a use in place of an approved hotel use
Application #20-5.4
A/R 6/4/20, PH closed on 9/17/20, Tabled from 12/03/20

H. Smith reviewed the Resolution for denial (see attached).
Commissioner J. Lust has recused himself from both applications #20-5.4 and #20-5.3. Commissioner F. Russo is seated for him.

J. Vaiuso made a motion to deny Application #20-5.4 and adopt the attached Resolution as the reasons for denial.

J. Chadwick seconded the motion which passed unanimously.

2. Tidal Basin, LLC. c/o Edward Crowley-Applicant & Owner
4-6 Indian Neck Avenue
Site Plan Modification & Coastal Site Plan- Residential Development as a use in place of an approved hotel use
Application #20-5.3
A/R 6/4/20, Tabled from 12/03/20
Decision Required by Date: same as Application #20-5.4

H. Smith reviewed the Resolution for denial (see attached).

J. Chadwick made a motion to deny Application #20-5.3 and adopt the attached Resolution as the reasons for denial.

M. Palluzzi seconded the motion which passed unanimously.

3. Mariners Landing LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
Site Plan & Coastal Site Plan- Mixed Use Development
Application # 20-6.1
A/R 6/4/20, Decision Required by Date: same as Application #20-6.3

Tabled to 1/14/21

4. Mariners Landing, LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
3 Lot Resubdivision
Application # 20-6.2
A/R 6/4/20, PH opened 7/16/20, Public Hearing closed 11/19/20,
Decision Required by Date: 1/23/20

Tabled to 1/14/21

5. Mariners Landing, LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
PDD Modification/Master Plan Amendment- Mixed Use Development
Application # 20-6.3
A/R 6/4/20, PH opened 7/16/20, Public Hearing closed 11/19/20,
Decision Required by Date: 1/23/20

Tabled to 1/14/21

6. Goodsell Point, LLC c/o Sal Marottoli-Applicant & Owner
61, 65-71, 67 & 73 Goodsell Point Road
PDD Master Plan- Mixed Use (Marina & Residential)
Application #20-10.4
A/R 10/15/20, PH date to be set by Staff and Chairperson, Tabled from 11/19/20

7. 37 Burban Dr. Associates, LLC, 41 Burban Dr. Associates, LLC c/o Anthony Massimino-Applicant & Owner
37 & 41 Burban Drive
Subdivision Modification
Application #20-11.2
A/R 11/05/20 & Tabled from 11/19/20

K. Piazza briefly reviewed the staff report.

Mike Bennett (Bennett Associates, Higginum, Ct) represented the applicant and explained that there is a house on 41 Burban Drive and this lot line revision is needed to make the other lot buildable. He noted that this revision is a prudent and reasonable alternative to satisfy the Inland Wetland requirements as well.

J. Lust made a motion stating this lot line revision does not constitute a Subdivision or Resubdivision.

M. Palluzzi seconded the motion which passed unanimously.

8. Stony Creek Estates, LLC -Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of 10, 12, &14 Luisa Court
. #20-11.3
A/R 11/5/20 & PH to be set by Staff and Chairperson, Tabled from 11/19/20

**H. Smith noted we are awaiting input from the Town Attorney.
This item is Tabled to the 1/14/21 meeting.**

9. Nitenday Associates, Inc. c/o Kenneth S. Ginsberg- Applicant & Owner
221 West Main Street
Special Exception Modification- Landscaping
Application #20-11.5
A/R 11/19/20,PH waiver granted 11/19/20,Tabled from 11/19/20

Ken Ginsberg (Applicant) spoke and explained the current landscaping was overgrown so they removed it. They then hired a Landscape Architect to assist them with the new plantings. He then briefly reviewed the plans for the new landscaping.

K. Piazza reviewed the staff report.

Commissioner M. Palluzzi recused herself from this application and Commissioner Higgins is seated for her.

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

FINDINGS:

- 1) Compliance with Sections 6.3.K (4), 6.3.G (2), 6.3.F (3), 6.3.E (1), and 6.3.E(3) are waived per Section 6.3.L as the Commission finds that the overall landscaping plan Constitutes excellence in landscaping design.
- 2) 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) To ensure survival of plant materials the applicant shall submit a landscaping cost Estimate prepared by a landscaping professional and revise the existing bond with the Town if the estimate exceeds the existing amount of \$11,900. Such bond or other financial guarantee shall be in favor of the Town of Branford pursuant to Section 6.3.M.3 of form, content, and amount as determined by the Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.

- 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) Prior to the release of the bond the Zoning Enforcement Officer shall inspect the site for compliance with the proposed plan as well as these conditions.
- 4) Any changes to the approved landscaping plan, with the exception of those required by these conditions shall require approval from the Planning & Zoning Commission or staff per Section 9.6. B.

J. Lust seconded the motion which passed unanimously.

10. 49 Leetes Island Rd, LLC ,c/o Syed Sami–Applicant
Oil Barons Inc., c/o Robert Hartmann-Owner
49 Leetes Island Road
Special Exception Modification- Convenience Store
Application #20-11.6
A/R 11/19/20 & PH to be set by Staff and Chairperson, Tabled from 11/19/20
11. Gerald Mastrangelo-Applicant & Owner
269 Shore Drive
Coastal Site Plan –Demo & rebuild garage
Application #20-11.8
A/R & Tabled from 11/19/20

The applicant was present as well as his representative John Gagel (CCE). John explained the proposal is to demo the existing garage and build a new 3 car garage with a breezeway which will all be conforming.

K. Piazza reviewed the staff report.

M. Palluzzi 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 erosion control measures shall be installed.
2. Comments from the DEEP shall be incorporated into the plans.

J. Chadwick seconded the motion which passed unanimously.

12. Tracey Milles- Applicant & Owner
148-172 Main Street
PDD/Master Plan Modification-Change first floor use from Office to Residential
Application #20-11.9
A/R 11/19/20 & PH to be set by Staff and Chairperson, Tabled from 11/19/20

NEW BUSINESS:

1. 8 Howd LLC, c/o Nicholas Fischer-Applicant & Owner
8 Howd Avenue-2 Lot Subdivision
Application PZ#20-11.10
To be A/R

The Commission A/R and Tabled to January 2021.

2. Nicole Gerosa (Trustee)- Applicant & Owner
23-25 Linden Avenue
Coastal Site Plan- Demo & Rebuild Single Family House
Application #20-11.11
To be A/R

The Commission A/R and Tabled to January 2021.

OTHER BUSINESS:

1. Schedule of 2021 Planning & Zoning Commission Meetings

J. Chadwick made a motion to adopt the 2021 meeting schedule.
M. Palluzzi seconded the motion which passed unanimously.

2. Bond Release for 117 Linden Avenue

J. Lust made a motion to release the bond for 117 Linden Avenue.
M. Palluzzi seconded the motion which passed unanimously.

3. Bond Release for 288 Pine Orchard Road

M. Palluzzi made a motion to release the bond for 288 Pine Orchard Rd.
J. Lust seconded the motion which passed unanimously.

4. Bond Release for 14 Squaw Brook Road

J. Vaiuso made a motion to release the bond for 14 Squaw Brook Road.
M. Palluzzi seconded the motion which passed unanimously.

5. Bond Release for 3 Watrous Avenue

M. Palluzzi made a motion to release the bond for 3 Watrous Avenue.
J. Lust seconded the motion which passed unanimously.

6. Time Extension Request for 17-21 North Branford Road

M. Palluzzi made a motion to grant a one year extension to Application #13-10.4.
J. Vaiuso seconded the motion which passed unanimously.

7. Discussion of communication from Matt O'Buck regarding issuance of Zoning Permit/authorization of issuance of a Building permit for construction at 8 Louis Drive.

H. Smith explained that a resident of Branford (Matthew O' Buck) requested time to speak regarding his objection to a house built next door to him on Louis Drive.

After checking for messages or raised hand feature or phone numbers, Mr. O' Buck was not present. H. Smith noted that he had informed Mr. O'Buck that if he disagrees with the zoning permit that was issued, the proper procedure is to go to the Zoning Board of Appeals with his complaint. Chairperson Andres agreed.

8. Planner's Report

H. Smith announced the departure of the Assistant Town Planner Kaitlin Piazza, explaining that she accepted a position in Allentown, PA as the City's Historic Preservation Officer. He, as well as the Commission wished her well in her new position.

She will also be working part time remotely with the Planning & Zoning Dept. until a new person is officially hired.
Consultants (Clough Harbor Associates) will also be assisting with development application review until a new person starts.

H. Smith also said he will assemble a list of the administrative approvals he processed during the year and will review it with the Commission in January.

H. Smith said that the Voting of Officers for the Commission should also be added to the agenda.

9. Election of Officers

The Commission briefly discussed this and the consensus was to keep the same officers that are in place now for the following year.

J. Vaiuso made a motion to keep the same officers for 2021 which are: C. Andres for Chairperson and M. Palluzzi for Secretary.

J. Chadwick seconded the motion which passed unanimously.