



PLANNING AND ZONING COMMISSION

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**MINUTES
PLANNING & ZONING COMMISSION
THURSDAY, FEBRUARY 15, 2018
REGULAR MEETING 7:00 P.M.
BRANFORD FIRE HEADQUARTERS
45 NORTH MAIN STREET**

REGULAR MEETING 7:00 P.M.

Commissioners Present: C. Andres, F. Russo, J. Chadwick, P. Higgins, D. Dyer

Commissioners Absent: J. Lust, J. Vaiuso, M. Palluzzi, C. Kelly

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

It was Commissioner David Dyer's first meeting.

Chairperson Andres introduced the Commission and the Staff.

Commissioner P. Higgins read the Public Hearing notice into the record.

He then reviewed the Public Hearing procedure.

PUBLIC HEARINGS:

1. Diane W. Whitney(Pullman & Comley)-
Agent for Owner
595 Corporate Circle- Owner
Zoning Regulation Amendment
Application #17-11.3
A/R 11/16/17& PH opening postponed to 2/15/18, Time Extension
allowing delay in opening PH to 2/15/18.

For the record, Commissioner David Dyer recused himself from this application.

Attorney Diane Whitney (Pullman & Comley) represented the Applicant and spoke first. She said the Applicant is asking for this Regulation Change to clear up an inconsistency between the requirements for a PDD master Plan and the Site Plan that goes along with it. She explained the deadline for a PDD Master Plan is 5 years and the portion of the application that includes the Site Plan has to be submitted and approved within 2 years or the Master Plan becomes void. She noted she recently submitted a revised version of the regulation wording which she read aloud.

She said the language that was originally submitted was open ended and gave the Commission the discretion to choose a time frame .the revised language makes it more consistent.

H. Smith reviewed the Staff Report and noted that with a Zoning Regulation amendment the Commission is acting in a legislative capacity as opposed to an Administrative capacity so they have greater discretion, He then outlined the details of that in his Staff Report.

The Commission then had a discussion and asked questions.

Chairperson Andres reviewed previous Regulation Amendments for the Commission and explained the differences in them.

PUBLIC INPUT:

1. Judy Miller-She stated she was unaware that changes could be made to the amendment wording after it was advertised. She is worried. She feels the Commission is being asked to revise this /regulation because the applicant can't meet the current requirements. She urged the Commission to vote against the change. Her comments were addressing the first wording change that was submitted. She read from the Regulations. She is opposed.
2. Bill Horne- He noted his comments are also pertaining to the original wording that was submitted. He asked the Commission to think about the changes they made back in 2011 and the reasons they made them. There needs to be some clear guidelines. He feels the Public Hearing process is important for requests for extensions. He asked the Commission to deny this Application.
3. Pam Roy- 60 Featherbed Lane-She felt that this proposal would favor developers, not the town. She wants the 24 month deadline to stay in place. She noted that her comments were also addressing the first wording that was submitted.
4. Peter Henshel-Thimble Island Rd.-He stated he is opposed to any extension of time .He was referring to the proposal that was submitted. He felt that any changes that would be made are contrary to the PDD. He noted a PDD can be good but also dangerous if not controlled. APDD should be a highly defined proposal. It is a dangerous road if this amendment is approved.
5. Lauren Brown-Asked when the modified wording arrived in the Planning & Zoning Office. H. Smith replied that it was sent directly to him yesterday and he referred it to the Town Attorney for review. He agreed the modified wording could be submitted. She asked the Chair for the Public Hearing to be continued to allow more time to review the revised wording. She asked about the concept of good cause that was mentioned. She felt that was too vague. She also read a statement from the residents of 103 Thimble Island Road stating they are opposed to this Regulation change.

Chairperson explained that changes to the original proposal can be made if the changes are narrow and the changes are within the scope of the notice. If the changes are narrower, it's ok. The reason for the Public Hearing is to hear comments and then changes can be made, if needed. But he noted if people feel that there is insufficient time to review the new wording then the Public Hearing can be continued.

6. Ed Gagliardi-Leetes Island Rd. - Asked who would spend the money needed for a PDD and then not meet the deadline? He then talked of examples of what may have happened. He noted that things do change. He stated he is opposed to this Regulation change.
7. Janet Reisman-699 East Main St.- She noted that some of her thoughts have already been spoken by previous speakers. She said laws exist for the benefit of the whole or common good. She noted the Applicant did not give any reason to change the Amendment. If the law was illegal, then it's reasonable to make a change. It seems this change is for the Applicants benefit, noting if things change for the Applicant then they could request endless extensions from the PZ Commission. She then listed the reasons that extensions would not be beneficial. She is opposed to this change. She offered some alternative changes that perhaps the Commission can consider. She urged the Commission to not allow endless extensions.
8. Ray Ingraham- Indian Neck Ave.- He trusts that the Commission will look at what's fair. That they will look at the town as a whole, all the business owners. He is not sure what the best time extension limit should be but he trusts the Commission will consider what's best for the town.
9. Kate Galambos-She noted she submitted a letter into the record and agrees that maybe extensions should be allowed if there are reasons stated to justify it. She said there are other PDDs in Branford, not just the one near Exit 56, so this amendment change is not about Exit 56.She spoke of how regulations are changed. If the PZ Commission changes a regulation they have to verify that it's consistent with the POCD as well as how the change protects the public health, etc.

10. Steve Mazzacane-He said he is an Amazon shareholder and he spoke of different stocks. He noted some retail will last and the death of the brick and mortar stores are overstated. He said it is a benefit to increase the tax base in the town. He then talked about PDD's; saying that when a PDD is approved the Applicant has to deal with several different agencies which may take a long time. This may cause the applicant to need a time extension. There should be some mechanism in place to allow for that. He felt that some of the comments expressed at the meeting were not totally true and correct. He noted recently the state put a hold on funds available, so there are likely many projects now on hold due to this. He felt that a logical amount of time for an extension if needed is logical.
11. Carolyn Sires-98 South Montowese St.-She stated she has respect for the PZ Commission and knows the board will be fair to the community. She feels the PZ Commission makes the best decision that will benefit the town.
12. Parry Maresca-(Chair of Economic Development Commission) He said the EDC supports the PDD off exit 56. In that case, lawsuits are holding up the progress. There are reasons that extensions should be considered. He noted if this PDD doesn't work out, the developers have other options. If they move to another town, Branford would get the increased traffic, etc. but no tax benefit. He talked a bit about the PDD.

Chairperson Andres said this item will be continued to the next meeting on March 1 at Fire Headquarters at 7 pm.

The Commission took a 10 minute break at 8:30 pm.

MINUTES: 1/18/18 & 1/25/18

F. Russo made a motion to approve the meeting minutes from 1/18/18 as written. P. Higgins seconded the motion which passed unanimously.

F. Russo made a motion to approve the meeting minutes from 1/25/18 as written. P. Higgins seconded the motion which passed unanimously.

CORRESPONDENCE:

Per Chairperson Andres, they will defer these items to the end of the meeting.

OLD BUSINESS:

1. Philip Carloni- Applicant & Owner
Zoning Regulation Amendment to Section 4.8.B (Line2)
Application #18-1.1
A/R & PH set for 3/1/18

NEW BUSINESS:

1. Discussion: Changes to the definition of Floor Area for purposes of determining the review threshold for the Stony Creek Village District.

H. Smith said the applicant has asked that this item be deferred to a future meeting.
This is tabled indefinitely.

2. Lisa A. Defaranos- Peterson-Applicant
322 East Main St. LLC,c/o John Malcolm-Owner
10 Sylvia Street
Special Exception- Fitness Studio
Application #18-1.2
A/R & PH set for 3-1-18

3. SHM Bruce & Johnson LLC, c/o
Bruce P. Kuryla-Applicant & Owner
47,49,55 Goodsell Point Road
Special Exception & CAM – Above Ground Fuel Tank
Application #18-2.1
A/R & PH to be set

The Commission A/R and set the PH for 3/15/18.

4. Coldwell Banker , c/o
Wendy Hunt-Applicant
Robert S. Esposito- Owner
1020-1028 Main Street
Site Plan-New Tenant Space
Application #18-2.2

Wendy Hunt and Andrew Touchette (Contractor) were present.

R. Stoecker –Briefly highlighted the application. This is a change of use from the previous Branford Book & Card Shop to a Coldwell Banker office. They want to change the windows and that triggered the need for a Site Plan review. R. Stoecker then reviewed the conditions in the staff report.

P. Higgins made a motion to approve the application with the conditions listed in the staff report and the revisions mentioned by H. Smith.

J. Chadwick seconded the motion which passed unanimously.

The new Commissioner Dave Dyer introduced himself to the commission and gave a little background of his career.

The Commission then reviewed the Correspondence Items.

1. Cell tower antennae swap at Brushy Plain Rd.
2. Cell tower antennae swap at Branford Landing. The Town Center Review Revitalization Board has reviewed it and is forwarding their comments.

OTHER BUSINESS:

Planner's Report-

H. Smith noted there was a Plan of Conservation and Development listening session last week. There is a Steering Committee meeting with time for public comment scheduled for Thursday, February 22 at the Fire headquarters. All are welcome to attend.

1. Possible Revision to 2018 Meeting Schedule

H. Smith noted after looking at the 2018 meeting schedule, there is a large gap of time from the last meeting in July to the first meeting in September. He asked the Commission to consider possibly changing the meeting date in July to rectify that. Chairperson Andres said they would decide at the next meeting when all the Commissioners are present.

2. Release of Bond for 47 Gould Lane

R. Stoecker explained there is an existing insurance bond for this 21 Lot Subdivision. It will expire soon and a new one will be received.

F. Russo made a motion to release this bond. J. Chadwick seconded the motion which passed unanimously.

H. Smith noted there is an item that needs to be added to the agenda.

It is the establishment of a bond for 39 Bradley Ave. for improvements for trees, grading and grass. The ZEO is recommending this.

J. Chadwick made a motion to add this item to the agenda. F. Russo seconded this which passed unanimously.

J. Chadwick made a motion to establish the bond for 39 Bradley Avenue. F. Russo seconded the motion which passed unanimously.

The meeting adjourned at 9:14 pm