



PLANNING AND ZONING COMMISSION

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**MINUTES
PLANNING & ZONING COMMISSION
THURSDAY JANUARY 18, 2024
REGULAR MEETING 7:00 PM**

The meeting was held at 7pm via ZOOM technology.

Commissioners Present: C. Andres, J. Chadwick, J. Vaiuso, F. Russo, S. Huttner,
M. Liguori

Commissioners Absent: M. Palluzi

Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner), M. Martin (Clerk)

Chairperson Andres introduced the Commission and staff.

Secretary F. Russo read the public hearing notice.

Chairperson Andres reviewed the public hearing procedures.

E. Breining explained how to participate in the public hearing.

PUBLIC HEARINGS:

1. Branford Real Estate LLC
c/o Arian Prevalla-Applicant & Owner
544 & 558 West Main Street
Special Exception - Used Car Sales Dealership
Application #23-10.2
A/R 11/2/23 & PH opened 1/4/24 & continued to 1/18/24

This is a typo. This item is continued to the February 1, 2024 meeting.

2. 40 Ct. Ave. Assoc. LLC- Applicant & Owner
11 Laurel Hill road
Special Exception- for Grading (Sec. 6.8) - for a single family dwelling
Application #23-11.4
A/R 11/16/23 & PH set for 1/18/24 with time extension

J. Pretti (Criscuolo Engineering) represented the applicant and displayed a site plan explaining this is a lot that a house is proposed to be built. They also went to IW commission and were approved.

E. Breining reviewed the staff report.
The commission had a brief discussion.

PUBLIC INPUT:

1. Joe Esposito- 19 Laurel Hill Road- He noted that the driveway location is where the wetlands drain and some of the water runs on his front yard. He has concerns.

Jim Pretti responded to his comments, noting they are aware of the drainage issue.

Chairperson Andres closed the public hearing.

MINUTES: 1/4/2023

H. Smith noted that a few revisions should be made. These will be voted on at the next meeting.

CORRESPONDENCE: - none

Chairperson Andres noted that M. Liguori is voting in place of M. Palluzi who is absent.

RETURN TO TABLE:

1. 40 Ct. Ave. Assoc. LLC- Applicant & Owner
11 Laurel Hill road
Special Exception- for Grading (Sec. 6.8) - for a single family dwelling
Application #23-11.4
A/R 11/16/23 & PH set for 1/18/24 with time extension

F.Russo 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 section 9.8 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. erosion control measures shall be installed and maintained throughout construction
 - b. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
2. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. Final as-builts of the development.
3. 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, either building or pole mounted, shall be equal to or less than 3000 Kelvin (K). Information on all building mounted and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.
4. All conditions of previous approvals shall remain in full force and effect as they may apply.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. Scott & Lisa Santoroski-Applicants & Owners
37 Brainerd Road
Special Exception for Grading (Sec 6.8)
Application #23-11.5
A/R 11/16/23 & PH set for 2/1/24 with time extension
2. Scott & Lisa Santoroski-Applicants & Owners
37 Brainerd Road
Special Exception- Three Family Dwelling
Application #23-11.6
A/R 11/16/23 & PH set for 2/1/24 with time extension
3. CSC Montoya Apts. LLC, c/o Lynda Cox- Applicant & Owner
1-103 Montoya
Site Plan Modification-Additional Parking
Application #23-9.8
A/R 9/21/23
Decision required by 1/18/24 (all time extensions possible have been offered)
WITHDRAWN
4. 65 Linden LLC c/o Kevin O' Neill-Applicant & Owner
65 Linden Avenue
Special Exception- Convert Single Family to a Two Family
Application #24-1.1
A/R 1/4/24 & PH set for 2/1/24
5. 32 Prospect Hill LLC c/o John Lightfoot-Applicant & Owner
34 Prospect Hill Road
Special Exception- Accessory Structure (Garage)
Application #24-1.2
A/R 1/4/24 & PH to be set
6. 35 Buena Vista LLC, c/o Matthew Steinfeld-Applicant & Owner
35 Buena Vista Road
Special Exception & Coastal Site Plan- Single Family Residence-
Grading (Sec 6.8) & Oversized Accessory Structure
Application #24-1.3
A/R 1/4/24 & PH to be set

NEW BUSINESS:

H. Smith noted that a new application was received in the office late yesterday. It is a Special exception for 236 Pleasant Point Road. It is received at this meeting and staff will set the public hearing date.

Tom Melfi asked how to get on the agenda or can the commission direct him. He explained he lives at 29 Newton Road; which is a private road. He asked, why is it a private road? He noted that the town supplies trash pickup, snow plowing, etc. He said the road is a mess now. He is concerned because the neighbors have been trying to maintain the road but it's getting more difficult now.

H. Smith advised him to call or come into the office and we will assist him.

OTHER BUSINESS:

1. Soil and Erosion Financial Guarantee (Bond) Establishment - 175 Cherry Hill Road per Section 6.8 of the Zoning Regulations

**J. Vaiuso made motion to establish the bond in the amount of \$50,225.00 .
F. Russo seconded the motion which passed unanimously.**

2. Interpretation of Section 6.13.C (Retaining Wall)

H. Smith displayed a document including an excerpt from the Zoning Regulations with Section 6.13.C. and information from the previous Commission interpretation of this section in 2015. Staff is asking the Commission to confirm the prior interpretation that if a retaining wall was under 3 feet in height then it wasn't considered a retaining wall and it didn't have to meet the setback requirements for a retaining wall.

E. Breining noted that that's how we have been proceeding.

The commissioners discussed this and the consensus was that they will continue to operate as they have been, that a wall under 3 feet in height does not require a zoning permit or have to meet the setback requirements.

They also agreed that it would clarify things if the new language was inserted into the regulation stating this explicitly.

3. Planner's Report

H. Smith noted there are a few developments that are pending.
The application for the prior regal cinema site is coming in shortly.

He also said the zoning regulation package is coming along. He will try to have it completed for the next meeting.

M. Liguori mentioned that the public works dept. did a great job clearing the roads from the last snowstorm. He appreciates it and felt they did a great job.

The meeting adjourned at 7: 45 pm.