



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY JANUARY 28, 2021 REGULAR MEETING 7:00 P.M.

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

Commissioners Present: C. Andres, M. Palluzzi, M. Liguori, F. Russo, J. Chadwick, J. Lust
Commissioners Absent: P. Higgins, J. Vaiuso
Staff Present: H. Smith-Town Planner, E. Breining-Asst. Town Planner,
K. Piazza- Former Asst. Town Planner, J. Guskowski -(CHA),
M. Martin- Clerk

Chairperson Andres introduced the Commission and the Staff present.
He then reviewed Public Hearing procedures.
H. Smith reviewed the zoom meeting procedures and how to participate.

PUBLIC HEARINGS:

1. 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 opened 12/10/20 & continued from 1/14/21

Tom Edwards represented the applicant and spoke first, highlighting the project.
K. Piazza briefly reviewed the project and highlighted the Staff Report noting a few changes.

The Commission asked a few questions and had a brief discussion.

PUBLIC INPUT:

1, Wanda Bubriski- She asked if there would be an outdoor play area for the children.

Chairperson Andres closed the Public Hearing.

2. 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 opened & continued from 1/14/21

Attorney Marjorie Shansky spoke first and noted that Sal Marottoli, Todd Ritchie and Dave Sullivan were also present.

Todd Ritchie displayed colored ariel photos of the site.
Attorney Shansky noted that a letter was submitted that answered some of the questions that were raised at the prior Planning & Zoning Meeting.

Chairperson Andres commented on some of the responses and spoke of density.

John G/// highlighted the Staff Report.
The Commissioners had a brief discussion.

It is noted for the record that Commissioner John Lust and Commissioner Joe Vaiuso are recused from this application.
Commissioners P. Higgins and Massimo Liguori are seated for them.

PUBLIC INPUT:

1. John Sousous – Said he brought his boat over to the marina and the owners did a nice job bringing it back to life. He felt it was a good addition to Branford.
2. Pamela Roy- 60 Featherbed Lane- She was concerned about flooding, sea level rise and density.
She hoped the builders had considered these issues. She also talked of trees and noted there are rules that prevent cutting and they should be enforced. She also spoke of the fifteen thousand dollar payment in exchange of affordable housing units. She was unclear on that.
3. Beverly Willis (Architect & Planner) – She noted she worked on major housing projects all across the United States. She talked about the site plan and gave some comments.
4. Lisa Redman- (lives on Goodsell Point Rd.) She asked about the square footage of the houses, are they affordable housing? She is unclear. She said 15 houses that are proposed is over development of the site.
5. Wanda Bubriski- (Short Beach Resident) - She asked the Commission to consider the environmental concerns. She mentioned section 6.5 of the regulations that referred to parking. She asked what the parking lot material was. She asked the developers to look into pervious surfacing for developments.
6. Pamela Roy- noted that the town lost the Parkside Village project application. She asked about the money in lieu of the affordable units.
7. Michelle Sugg (Goodsell Point RD.) She said she is a 30 year resident of the street and was concerned about traffic. She also noted the density is very concerning. She asked the Commission to consider the quality of life.
8. Shirley McCarthy- Spoke of her concerns regarding rising sea levels noting it will be a problem in the future and cost Branford.

Todd Ritchie and Dave Sullivan responded to some of the questions raised.

Chairperson Andres noted this item is continued to the 2/18/21 meeting.

The Commission took a 10 minute break at 9:28 pm.

3. John Petrofsky-Applicant
Virginia C. Borgia-Owner
8 Sawmill Road
Special Exception-for Grading (Section 6.8)
Application #20-12.2
A/R 12/10/20, PH set for 1/28/21 (Applicant has requested continuance to a future Commission meeting)

Chairperson Andres opened the Public Hearing and announced it is continued to the 2/18/21 meeting.

4. 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 set for 1/28/21

Phil Carloni (Realtor) represented the applicant explaining that this building was a part of the Sterling Ridge PDD and is currently for sale. The applicant would like to make the first floor into a residential use. The second floor currently has 2 residential units. He noted there would be no external or structural changes to the building.

PUBLIC INPUT:
No one spoke.

Chairperson Andres closed the Public Hearing.

5. Nicole Gerosa-Applicant & Owner
23-25 Linden Avenue
Special Exception- for Grading (Section 6.8)
Application #21-1.1
A/R 1/14/21 & PH set for 1/28/21

This application was discussed with application #20-11.11 (Coastal Site Plan).

J. Pretti (Criscuolo Engineering) represented the applicant and spoke explaining the project entails tearing down the existing house and rebuilding a new house and garage. He highlighted the site plan and the DEEP comments.

PUBLIC INPUT:
No one spoke.

Chairperson Andres closed the Public Hearing.

6. Lisa L. Lattanza-Applicant & Owner
243 Linden Avenue
Special Exception- Grading (Section 6.8)
Application #21-1.3
A/R 1/14/21 & PH set for 1/28/21

This application was discussed with application # 20-12.3.

John Gabel (Ct Consulting Engineers) spoke first highlighting the application. He explained the project is a proposed house demolition and rebuild of a single family house with a new deck.

John Guskowski (CHA) reviewed the staff report written by his colleague.

PUBLIC INPUT:

1. Lisa Lattanza (Applicant) Mentioned LOMA and spoke of the tree in the backyard and the bamboo.

2. Mr. & Mrs. Sinatra (abutters) said they are happy with the project. They said they are concerned about drainage and noted the grading will increase the water runoff. They asked if they could be assured that it will be addressed.

Chairperson Andres closed the Public Hearing.

MINUTES: 12/3/20 & 1/14/21

J. Lust made a motion to approve the 1/14/21 meeting minutes.
J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

H. Smith read a letter that was submitted by the listing agent of 573 East Main Street. She noted that this parcel was a PDD (Planned Development District). She asked the Planning & Zoning Commission if this designation was still in effect for this property.

The Commission discussed this briefly and the consensus was the Town Attorney should review it.

RETURN TO TABLE:

1. 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 opened 12/10/20 & continued from 1/14/21
J. Chadwick made a motion to approve the application with the Findings & 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.
- 2) Subject to compliance with the conditions listed below, the Commission finds, that reduced number of parking proposed to be installed will adequately serve the proposed development.
- 3) Subject to compliance with the conditions listed below, the Commission finds, that the applicant has demonstrated excellence in landscaping design per section 6.3.L (2) and waives the required landscaping per section 6.3.

CONDITIONS:

- 1) No lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate. To reduce glare, all existing fixtures shall be demonstrated to meet the IES full-cutoff definition unless they are emergency light 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.
- 2) Per Section 6.5J.3 of the Zoning Regulations, the owner, his or her heirs or successors and assigns shall install such remaining parking spaces within six (6) months of the date of any request of the Commission to do so. A note shall be added to the site plans stating this requirement.
 - 3) 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.
 - 4) Erosion and sediment control measures shall be installed prior to the issuance of a zoning permit or zoning authorization of a building permit.
 - 5) The bulk chart shall be amended to reflect the current bulk standards of the district, as of the date of this application.
 - 6) The parking chart shall be amended to reflect the parking spaces required and proposed are 7.
 - 7) A full-size plan with the modifications required by these conditions shall be submitted prior to the issuance of a zoning permit or zoning authorization of a building permit.

J. Lust seconded the motion which passed unanimously.

2. 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 set for 1/28/21

M. Palluzzi made a motion to approve the application with the Findings and Conditions below:

Finding:

1. The Commission finds that the proposed modification to the Sterling Ridge Planned Development District (Sterling Ridge PDD) uses as proposed in this application for the property known as 148-172 Main Street is consistent with and conforms to Section 5.4.A of the Zoning Regulations, Section 9.10.F of the Zoning Regulations, the Comprehensive Plan of Development of the Town of Branford (the "Comprehensive Plan") and that the 2019 Plan of Conservation and Development of the Town of Branford (the "POCD") has been considered in the rendering of a decision on this application.
2. The Commission also finds, in accordance with Section 9.10.F of the Regulations, that:
 - a. Another existing zoning district could not be appropriately established to accomplish such purposes;
 - b. The petitioner has provided, where appropriate, for the continued maintenance of the development in general, including those open space and recreational areas not dedicated for general public use;

- c. The streets and drives will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;
 - d. The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith.
3. In issuing this approval the Commission notes and relies upon the following:
- a. That the February 1, 2007 Planning and Zoning Commission approval ("2007 approval") remains in full force and effect.
 - b. The property was redeveloped in accordance with the 2007 approval and is currently in conformance with it with the exception of landscaping and lighting which will be addressed through a subsequent Site Plan application or rectified prior to the issuance of any zoning Permit or zoning authorization for the issuance of a Building Permit for the use proposed by this application.
 - c. The historic building is reported to have been adaptively reused and rehabilitated in accordance with the twenty-three itemized requirements and other provisions of a *Settlement Agreement* in the matter of *Branford Historical Society et alia v. Branford Planning and Zoning Commission, et alia* dated 10/1/2006 and is expected to remain in compliance with this agreement.

Conditions:

1. No Zoning Permit or zoning authorization for the issuance of a Building Permit the property shall be restored into conformance with the plans as approved plans associated with the February 1, 2007 Commission approval of application #07-1.3 particularly with respect to the landscaping or a bond proposed and approved to ensure same and the non-conforming lighting fixture mounted on the rear of the building removed.
2. No additional signage or new or replacement lighting shall be installed without Planning or Zoning Commission approval, or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.
3. 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.
4. Failure to adhere to any of the Conditions of this approval may be considered by the Commission to constitute sufficient grounds for the revocation of this approval.

J. Chadwick seconded the motion which passed unanimously.

5. Nicole Gerosa-Applicant & Owner
23-25 Linden Avenue
Special Exception- for Grading (Section 6.8)
Application #21-1.1

A/R 1/14/21 & PH set for 1/28/21

6. Nicole Gerosa (Trustee)-Applicant & Owner
23-25 Linden Avenue
Coastal Site Plan-Demo & Rebuild Single Family House
Application #20-11.11
A/R 12/10/20 & Tabled from 1/14/21

J. Lust made a motion to approve Application #21-1.1 & #20-11.11 with the Findings and Conditions below:

FINDINGS:

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.
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 sections 6.8 and 9.8.

CONDITIONS:

1. Prior to the start of construction or any earth disturbing activity, erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
2. Prior to the start of any construction of earth disturbing activities, a Soil and Erosion Control Financial Guarantee in favor of the Town of Branford pursuant to Section 6.8.F.1 of form, content, and amount as determined by the Town Planner or Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Counsel, except that this financial guarantee shall not be in the form of a surety bond, shall be submitted.
3. 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.
4. No disturbance shall take place beyond the northern side of the existing sanitary sewer easement.
5. 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.
6. Architectural Drawings shall be submitted as part of any building permit and reviewed by the Town Engineer to ensure flood compliance.
7. Upon completion of any earth moving activity approved by the Commission, a final as-built plan, prepared and sealed by a Connecticut-licensed land surveyor and in sufficient detail to

demonstrate compliance with the approved permit, shall be submitted to the Town Engineer for approval. No financial guarantee shall be returned until such as-built plan has been approved.

J. Chadwick seconded the motion which passed unanimously.

8. Lisa L. Lattanza-Applicant & Owner
243 Linden Avenue
Special Exception- Grading (Section 6.8)
Application #21-1.3
A/R 1/14/21 & PH set for 1/28/21

9. Lisa L. Lattanza-Applicant & Owner
243 Linden Avenue
Coastal Site Plan- Demo & Rebuild a Single Family House
Application #20-12.3
A/R 1/14/21 & Tabled from 1/14/21

J. Chadwick made a motion to approve Application #21-1.3 and Application #20-12.3 with the Findings and Conditions below:

FINDINGS:

- 1) The Coastal Site Plan is consistent with the goals and the policies of the Coastal Management Act and incorporates conditions and modifications necessary to mitigate adverse Impacts on coastal resources and any future water dependent activities.
- 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 Sections 6.8 & 9.8.

CONDITIONS:

- 1) The Plans should be resubmitted by the Town with and endorsed by a licensed architect or professional engineer to ensure compliance with all floor ratio requirements.
- 2) Prior to the issuance of a zoning permit, the plans shall be revised to include the distance between the proposed structure and each adjacent dwelling to the satisfaction of the Fire Marshal.
- 3) Prior to the commencement of framing an "as-built" plan of the foundation shall be provided to Town Staff.
- 4) Prior to the issuance of a zoning permit, the applicant shall demonstrate compliance with Chapter 161(Flood) of the Town of Branford's Code of Ordinances or provide to the Satisfaction of the Town Engineer documentation to indicate the plans as submitted, have been Approved by FEMA and a LOMA has been issued for the property or chapter 61 addressed to The satisfaction of the Town Engineer.
- 5) All site activities shall be performed in accordance with the requirements set forth by Section 6.8F subsections 1-13 inclusive of the Town of Branford Zoning Regulations.

- 6) In accordance with Section 6.8M, a final as built plan shall be submitted to the Town Engineer for approval.
- 7) Prior to the issuance of a Zoning Permit or the Zoning authorization for the issuance of a Building Permit for construction authorized by this approval the applicant and their engineer shall propose site plan changes to mitigate or eliminate any off-site drainage impact from this proposed construction and regrading to the satisfaction of the Town Engineer.

J. Lust seconded the motion which passed unanimously.

OLD BUSINESS:

1. 8 Howd LLC, c/o Nicholas Fischer-Applicant & Owner
8 Howd Avenue-2 Lot Subdivision
Application PZ#20-11.10
A/R 12/10/20, Tabled from 1/14/21

J. Pretti from Criscuolo Engineering represented the applicant and spoke first. He explained this proposal is to split this lot into 2, with both lots meeting all the bulk Standards. They have submitted plans for each lot to have a modest three bedroom home.

K. Piazza highlighted the staff report.
H. Smith reviewed the finding and conditions of approval.

J. Lust made a motion to approve the application with the Finding and Conditions below:

FINDING:

1. The use of a fee-in-lieu of the provision of open space is found to be the preferable Option for this subdivision to comply with Section 3.04.

CONDITIONS:

1. Prior to the start of construction, any erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
2. Submittal of a Soil and Erosion Control Financial Guarantee in favor of the Town of Branford, pursuant to Section 6.8.F.1 of form, content and amount as determined by the Town Planner or Zoning Enforcement Officer as may be advised by the Town Engineer and/or Town Attorney, except that this financial guarantee shall not be in the form of a surety bond prior to the issuance of a building permit.
3. Completion of the procedure for the determination of a fee-in-lieu of the provision of open space per Section 3.04.M of the Subdivision Regulations.
4. Planting of street trees as required by Section 3.08, possibly outside the r-o-w (as may be required to prevent interference with overhead utility lines) and, if necessary, with the development of an easement to the Town of Branford regarding the ownership of the tree and

the obligation of the property owner to not prune/ remove/replace the tree without the permission of the Town and the approval of the Planning and Zoning Commission.

5. Damage to any such significant tree shall be repaired by a Connecticut licensed arborist.
6. Any significant tree marked for preservation that is removed or damaged beyond satisfactory repair shall be replaced with a sufficient number of trees of the same or similar species as approved by the Commission so that the combined caliper measurements of the replacement trees shall equal or exceed the caliper measurement of the significant tree that was removed or damaged.
7. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy, a financial guarantee shall be submitted to ensure the survival of plant materials in favor of the Town of Branford pursuant to Section 3.08.C.3 to ensure that any required street trees not surviving one (1) year after the completion of all required subdivision improvement shall be replaced at the developers expense. The form, content and amount shall be 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.
8. If a fractional payment is to be provided in lieu of open space land, the subdivider shall execute a lien securing the total amount of the fee for the entire subdivision, and such lien shall be recorded on the Town of Branford Land Records with a first priority and a form and substance acceptable to the Town Attorney prior to the issuance of a building permit. A release of lien for each lot shall be provided by the Town upon the Town's receipt of the fee for each lot.

M. Palluzzi seconded the motion which passed unanimously.

2. 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 (Time Extension through 1/28/21 granted by the applicant's attorney)

Commissioner F. Russo is seated for APP#20-6.1, #20-6.2 AND #20-6.3 FOR COMMISSIONER J. VAIUSO WHO IS ABSENT.

H. Smith reviewed the Resolution for approval for Application #20-6.3 first.

F. Russo made a motion to adopt the Resolution for approval with an effective date of 2/15/21.

J. Chadwick 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

J. Chadwick made a motion to adopt the Resolution for Approval with an effective date of 2/17/21.

F. Russo seconded the motion which passed unanimously.

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 (Time Extension through 1/28/21 granted by the applicant's attorney)**

M. Palluzzi made a motion to adopt the Resolution for Approval with an effective date of 2/16/21.

J. Chadwick seconded the motion which passed unanimously.

5. 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
Application #20-11.3

A/R 11/5/20 & PH to be set by Staff and Chairperson, Tabled from 1/14/21

TABLED to the 2/18/21 meeting

6. 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 1/14/21
WITHDRAWN**

NEW BUSINESS:

1. Edward & Nancy Carroll-Applicant & Owner
18 Sunrise Cove Camp
Special Exception & Coastal Site Plan- Demo & Rebuild Single Family House
Application #21-1.2
To be A/R & PH to be set

The Commission A/R and Staff & Chairperson will set PH date.

2. John Ceneri-Applicant
Patricia Montagnino (Trustee) -Owner
24 Old New England Rd.
Special Exception- Grading
Application#21-1.4
To be A/R & PH to be set

The Commission A/R and Staff & Chairperson will set PH date.

3. 56 Stony Creek Rd. Inc.c/o Leigh Small-Applicant
Farids Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception- Grading (Section 6.8)
Application #21-1.5
To be A/R & PH to be set

The Commission A/R and Staff & Chairperson will set PH date.

4. Thomas Girard- Applicant & Owner
42 Second Avenue
Special Exception- Accessory Apartment
Application #21-1.6
To be A/R & PH to be set

The Commission A/R and Staff & Chairperson will set PH date.

OTHER BUSINESS:

1. Planner's Report

H. Smith announced that the Parkside court case is over and we lost the appeal.

The Commission decided to cancel the Planning & Zoning Meeting for the following week (2/4/2021).

M. Palluzzi made a motion to cancel the meeting.

F. Russo seconded the motion which passed unanimously.

H. Smith announced that a new Assistant Town Planner (Evan Breining) was hired and was present at the meeting tonight, Evan introduced himself and gave a bit of his background.

The meeting adjourned at 12:17 am.