



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY, JULY 26, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: J. Lust, J. Chadwick, J. Vaiuso, F. Russo,
P. Higgins, C. Andres, M. Palluzzi
Commissioners Absent: D.Dyer
Staff Present: H. Smith-Town Planner, R. Stoecker- Asst. Town Planner
M. Martin- Clerk

Secretary M. Palluzzi read the Public Notice into the record.
Chairperson Andres reviewed the Public Hearing Procedures.

PUBLIC HEARINGS:

1. 26 Cherry Hill Rd, LLC- Applicant & Owner
26 Cherry Hill Road
ReSubdivision-(2 Lot)
Application #18-4.8
A/R 5/17/18 & PH continued from 7/12/18

Attorney Bernard Pellegrino represented the Applicant. He noted he received the updated Staff comments and the proposed Resolution and sees nothing problematic with it.

H. Smith (Town Planner) then reviewed the draft resolution. He said he understands that all the parties have met and the current agreements superseded the agreements from last year.

Chairperson said this Public Hearing is for Item 1 and 2 both; and both the records will be combined.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

2. 26 Cherry Hill Rd, LLC- Applicant & Owner
26 Cherry Hill Road
Zoning Map Amendment/Master Plan Amendment-
PDD Modification
Application #18-4.9
A/R 5/17/18 & PH continued from 7/12/18
3. Lucia's Tailoring, LLC,
c/o Lucia Camarada-Applicant & Owner
504 & 524 Main Street
Special Exception-Mixed Use (Business & Apartment)
Application #18-6.6
A/R 6/21/18 & PH set for 7/26/18

Michael Harkin (Harkin Engineering, Killingworth, CT) represented the applicant. He explained there are no exterior changes planned for this project. This is a permit to allow a mixed use. Back in 2013 Criscuolo Engineering submitted a change of use from a funeral home to a Tailor. There was an apartment in the tailor shop. Recently, the fire department was called to the property and observed the apartment. This application will make the existing apartment legal as well as the existing deck. The applicant agrees to comply with the provisions and proposed conditions in the staff report.

R. Stoecker reviewed the Staff Report.

The Commission had a brief discussion.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

4. Giumas LLC, c/o Giuilo Liguori-Applicant & Owner
155 Main Street
Zoning Map Amendment-(BL to R-1)
Application #18-7.1
A/R 7/12/18 & PH set for 7/26/18

The Applicant (Giuilo Liguori) spoke and explained he is requesting a zone change from the current (BL) Limited Business to residential (R-1).He said in 2001 it was changed from R-1 to Limited Business. The house location makes it difficult to secure business tenants. It is zoned residential all around the house.

R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke.

RETURN TO TABLE:

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Application #18-4.9
A/R 5/17/18 & PH continued from 7/12/18

J.Vauiso recused himself. P. Higgins was seated for him.

The Commission decided to vote on Application #18-4.9 (Zoning Map Amendment/Master Plan Amendment) first.

P. Higgins made a motion to approve the application (18-4.9) by adopting the draft resolution (deleting proposed condition # 3) with an effective date of August 10, 2018. (see attached)
J. Lust seconded the motion which passed unanimously.

P. Higgins made a motion to approve application (18-4.8) with an effective date of August 11, 2018.
J. Lust seconded the motion which passed unanimously

3. Lucia's Tailoring, LLC,
c/o Lucia Camarada-Applicant & Owner
504 & 524 Main Street
Special Exception-Mixed Use (Business & Apartment)
Application #18-6.6
A/R 6/21/18 & PH set for 7/26/18

M. Palluzzi made a motion to approve the application with the finding and conditions below:

FINDING:

- 1) *The existing vegetation, structures, fences may be used in lieu of landscaping and meets the intent of regulations intent of the regulations per Section 6.3.L (3) which states existing vegetation may be used to meet all or part of the landscaping requirements. The following conditions shall also apply.*

CONDITIONS:

- 1) *Prior to the issuance of a zoning permit or the zoning authorization of a building permit a revised Site Plan showing the following shall be submitted to the Town Planner , Zoning Enforcement Officer, or designee for review and approval.*
- a) *A new Parking Calculation Table added to the Site Plan.*
 - b) *Information on replacements for the existing building and driveway mounted flood lighting demonstrating compliance with the requirements of the zoning regulations for IES full cut off fixtures including cut sheets, lumens to be generated, foot candle levels expected under the lights and mounting details such as proposed fixture height for the proposed wall mounted fixtures shall be submitted for the approval by Town Planner or designee. Proposed fixtures shall have a light source < 3,000 Kelvin if LED fixtures are utilized.*
 - c) *A revised Zoning Standards Table included on the Site Plan. The table shall include required, existing and proposed changes.*
 - d) *Submission of an interior floor plan with accurate dimensions of the existing interior apartment documented.*
- 2) *Prior to the zoning authorization of a certificate of occupancy or the issuance of a Certificate of Zoning Compliance the following conditions shall apply:*
- a) *Condition 1 (B) (lighting replacement) shall be installed to the satisfaction of the Zoning Enforcement Officer.*
 - b) *The Special Exception requires the applicant apply to the WPCA for approval and connection to the municipal sewer system.*

- 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.*

J. Vaiuso seconded the motion which passed unanimously.

4. Giumas LLC, c/o Giuilo Liguori-Applicant & Owner
155 Main Street
Zoning Map Amendment-(BL to R-1)
Application #18-7.1
A/R 7/12/18 & PH set for 7/26/18

J. Chadwick made a motion to approve the application with the findings listed below:

The Commission finds that it has considered the Plan of Conservation and Development (PLAN) and that its decision is in accordance with the Comprehensive Plan (Zoning Regulations and Map).

M. Palluzzi seconded the motion which passed unanimously.

MINUTES: 7/12/18

J. Lust made a motion to approve the meeting minutes as written.

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

H. Smith received an application from DOT to DEEP for a permit to make improvements to a bridge on Route One near exit 55.If anyone would like to review the plans they are available in the Planning office.

OLD BUSINESS:

1. Trinity Episcopal Church-Applicant
Town of Branford/ First Congregational Church of Branford-Owner
1109 Main Street
Special Exception Modification-Addition of accessible ramp & entrance
Application #18-5.11
A/R 6/7/18, PH waived, tabled from 7/12/18

Tony Terry represented the Applicant. Also present was Jim Pretti (Criscuolo Engineering).
Mr. Terry reviewed the landscaping and site lighting plan.

H. Smith reviewed the staff memo which included landscaping, lighting and drainage.

M. Palluzzi made a motion to approve the application with the conditions below:

- 1) *Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a Building Permit the submitted plans shall be revised to indicate the following to be approved by the Town Planner or designee:*

- a) *Revisions to the Landscaping Plan to indicate the exact species proposed for the various planting locations shown on the landscaping plan and any additional information necessary for the Landscaping Plan to comply with the requirements of the Zoning Regulations, specifically Section 6.3.*
 - b) *Specific information regarding new fixtures proposed to replace all existing non-compliant fixtures and any new additional fixtures needed to demonstrate compliance with Section 6.7 and associated Lighting Appendix of the Zoning Regulations including the submittal of cut sheets for the proposed fixtures with all model choices indicated as well as photometric data as may be determined to be necessary. New light sources if LED shall be < 3,000 degrees Kelvin.*
 - c) *Soil and Erosion control measures.*
 - d) *Proposed construction lay-down area.*
 - e) *Proposed construction schedule designed to prevent interference with the Branford Festival and other events on the Green.*
 - f) *Any modifications related to the material used for the ramp railing recommended by the Town Center Revitalization and Review Board.*
- 2) *Subject to the approval of the Town Planner, as he may be advised by the Town Engineer or other town staff, the following minor changes in the approved plans may be made:*
- a) *Drainage infiltration system placement changes to accommodate the use of the Green by the Branford Festival or other functions.*
 - b) *Adjustments in the Landscaping Plan to address substitution of species and comments of the Branford Green Committee and the reuse of existing plants.*
- 3) *The following site improvements may be undertaken separately from the main initial portion of the work and completed later in a phased approach:*
- a) *The reconstruction of the rear entrance into the basement.*
 - b) *The removal of the existing wooden handicapped access ramp at the northeast (left-front) corner of the building and the restoration of the stairs in front of the left front door to the church.*
- 4) *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.*
- 5) *All new proposed lighting must be compliant with requirements for full cut off fixtures as well as meeting required IES certification rating. Adjustable mounting brackets are prohibited. The lighting shall be full cut off fixtures and lamps approved by the Town Planner or designee.*
- 6) *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.*
- 7) *Prior to start of construction, sedimentation and erosion control measures, if any are required, shall be installed to the satisfaction of the Zoning Enforcement Officer.*

J. Chadwick seconded the motion which passed unanimously.

2. Branhaven Motors, Inc.,c/o
Robert Lavallee-Applicant
348 West Main Street, LLC- Owner
348-380 West Main Street
Special Exception Modification- Motor Vehicle Sales
Application #18-6.9
A/R 7/12/18 & PH set for 9/6/2018

NEW BUSINESS:

1. Northeast Foods, LLC, c/o Jimmy Wachaa-Applicant
JF Branford Properties- Owner
880 West Main Street
Special Exception Modification- Fast Food Restaurant
Application #18-7.3
To be A/R

R. Stoecker reviewed the staff report. He explained that Burger king has a temporary Certificate of Occupancy and a remaining issue is a bond for site improvements. The anticipated date of completion of the landscaping was July 27, 2018 which is one year from the date of the prior approval and was reflected in the wording of the last sentence of condition #4 from the 7/27/17 Special Exception Modification.

The Applicant is requesting the change from 1 year from the date of the approval to 1 ½ years for the completion of the required landscaping and asks that the wording of condition #4 from the 7/27/17 approval be modified to reflect the 1 ½ year timeframe.

J. Vaiuso made a motion to approve the application.

M. Palluzzi seconded the motion which passed unanimously.

2. Paul Bodner- Applicant
Estate of Joseph Bodner Jr. (Paul Bodner-Executor)-Owner
120 & 130 Brushy Plain Road
Lot Line Revision-Approved Subdivision
Application #18-7.4
To be A/R

The Applicant (Paul Bodner) spoke first and explained he lives at 120 Brushy Plain Rd. His father had previously lived at 130 Brushy Plain Road. He had a map and described the area. He is requesting a lot line revision for estate purposes. This revision cleans up property lines and does not create any non-conformities for either property.

M. Palluzzi made a motion to approve the application per Section 6.10 of the Subdivision Regulations.

J. Vaiuso seconded the motion which passed unanimously.

3. William C. Lyons- Applicant
Barbara R. Lyons-Owner
190 Damascus Road

Lot Line Revision-Approved Subdivision

Application #18-7.5

To be A/R

R. Stoecker reviewed this and determined it was not a subdivision and the lot adjustment does not create any non-conformity.

M. Palluzzi made a motion to approve the application per Section 6.10 of the Subdivision Regulations.

J. Chadwick seconded the motion which passed unanimously.

4. Legacy Theatre-(132 Thimble Island Rd)
Pre-application review per C.G.S. Section 7-159b

Attorney Jim Straub spoke first. Also present were Leonard Wyeth (Architect) and Jim Pretti (Criscuolo Engineering).

He gave brief history of the previous application.

Before they submit a full application, they wanted to bring plans to the Commission for review.

Leonard Wyeth highlighted the interior and exterior plans.

The Commission had a brief discussion.

H. Smith noted that nothing that is said at this meeting is binding. This is not an application, just a pre-application review. He also mentioned there was an open question regarding the signage proposed and if, in fact, should be considered signage. Staff is not prepared to comment at this time on the signage question.

OTHER BUSINESS:

1. Discussion- Possible Zoning Map Amendment (Southside Bellview Avenue)

R. Stoecker reviewed the Staff Report. He explained this is a potential zone change along the Southside of Bellview Road, including parcels 7, 3-5, 11, 19, 23 as well as 7 Mona Street from BL (Limited Business) to R-1 (Residential). He said the R-1 zone would be more beneficial to the area rather than a commercial zone.

H. Smith said as a courtesy, the neighbors will be contacted for their input as well as the RTM members.

The Commission discussed this briefly. The Commission agreed this could be a Commission sponsored application.

2. Interpretation of Sections 3.3.A.2 & 3.3.A.4 of the Zoning Regulations

H. Smith distributed copies of the sections to the Commission as well as a letter from John Parisi.

He explained that J. Parisi represented a client on 81 East Main Street, which is a unique property in the sense that the main structure straddles the property line. There is a garage on the property which has space above for an apartment. He referred to the language at the beginning of the zoning regulation chart in Section 3.3.A. The question is, can you have a single family dwelling as well as a two family dwelling on the same property? The chart is unclear.

The Commission discussed this and Chairperson Andres felt the wording of the Zoning Regulations allowed only one predominant use on a property.

The Commission agreed.

3. Bond Acceptance for 14 Mona Avenue

H. Smith explained there is a request for a bond acceptance in the amount of \$5,651.50 for uncompleted items on 14 Mona Avenue.

J. Vaiuso made a motion to accept the bond. J. Lust seconded the motion which passed unanimously.

4. Planner's Report

H. Smith said the POCD Committee has reviewed about half of the many comments received from the public as a result of a public review meeting on June 13, 2018. The next meeting will be held on August 8 at Fire Headquarters. It may be held at a different time; details to follow.

The Committee plans to review the remainder of the comments received then. They may have a Plan of Conservation & Development completed by September 2018.

H. Smith also reminded the Commission that he will be away on vacation through the first week of September so he will be absent for the Sept 6 meeting.

The meeting adjourned at 9:11 p.m.