



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY, JULY 27, 2017 SPECIAL MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: C. Kelly

Staff present: H. Smith-Town Planner, R. Stoecker- Assistant Town Planner, M. Martin-Clerk

Chairperson Andres introduced the Commission and the Staff present.

He then reviewed the Public Hearing procedures.

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

SPECIAL MEETING 7:00 P.M.

PUBLIC HEARINGS:

1. Town of Branford-Applicant & Owner
30-48, 26, 28 Church Street
**Special Exception & Coastal Site Plan-Additional parking on
#26 & #28 Church St. (Community Center)**
Application #17-7.2
A/R 7/6/17, PH set for 7/27/17

H. Smith noted the Applicants representatives had not arrived. Chairperson Andres said the Commission can proceed to the next application and hear this one later in the meeting.

2. Adam Mayerson- Applicant
Daniel T. Cosgrove- Owner
688 East Main Street
Special Exception- Medical Office
Application #17-7.3
A/R, PH set for 7/27/17

Adam Mayerson explained this application is for a change of use to a Medical Office.

R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

3. Town of Branford- Applicant & Owner
185 Damascus Road
**Special Exception-Intermediate School
Application #17-5.12
PH opened 7/6/17, PH continued from 7/20/17**

Mike Losasso (Langan) spoke first. Also present were Tony DiCamillo (Stantec) and Luke Mauro (Langan Engineers). They reviewed their responses to staff and other comments and accordingly, how they revised the Site Plan.

Luke Mauro discussed traffic data and presented a written response to questions raised at the last meeting. The Commission had a discussion regarding the sight distance and how noted deficiencies could be addressed.

Chairperson Andres noted that M. Palluzzi and J. Chadwick are recusing themselves from this application. He also noted that the Commissioners who were absent for any of the previous meetings listened to a recording of the meeting they missed.

H. Smith reviewed the Staff Report and said he had prepared a set of proposed conditions of approval which he then reviewed for the Commission.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

4. Peter Panaroni-Applicant & Owner
**Zoning Regulation Amendment –
(Section 7.11) Contractor Business & Storage Yards
Application #17-6.8
A/R 6/15/17 & PH continued from 7/20/17**

H. Smith noted the Applicant offered a time extension and asked for the Public Hearing to be continued to the September 7 meeting.

Chairperson Andres asked for Public Input.

No one spoke.

Chairperson Andres said that this application was continued to the Sept. 7 regular meeting of the Commission at 7pm in the same room at the Fire Headquarters.

RETURN TO TABLE:

5. Adam Mayerson- Applicant
Daniel T. Cosgrove- Owner
688 East Main Street
**Special Exception- Medical Office
Application #17-7.3
A/R, PH set for 7/27/17**

J. Chadwick made a motion to approve the application with the conditions listed in the Staff Report with the change to condition 2 from 3 years to 5 years. J. Lust seconded the motion which passed unanimously.

6. Town of Branford- Applicant & Owner
185 Damascus Road
Special Exception-Intermediate School
Application #17-5.12
PH opened 7/6/17, PH continued from 7/20/17

M. Palluzzi and J. Chadwick did not vote on this application.
F. Russo and P. Higgins were seated for this application.

F. Russo made a motion to approve the application with the conditions listed in the July 25, 2017 Staff memo with the correction of the spelling of the word “adjoining” on page 2 under subsection (f) and the addition of condition (H) to read- “A right turn only lane shall be added to the western driveway exiting the site.” P. Higgins seconded the motion.

Chairperson Andres stated the Town Attorney arrived. The Town Attorney said he is offering a 35 day extension for the first Public Hearing for 30-48, 26, 28 Church Street. The Commission accepted the extension.

Chairperson Andres noted that the application is continued until the September 7, 2017 meeting.

OTHER BUSINESS:

1. Northeast Foods, LLC.-Applicant
Richard Silver (Branford Properties)-Owner
880 West Main Street
Special Exception-Fast Food Restaurant
Application #17-7.4
A/R 7/20/17, PH waiver granted, continued from 7/20/17

Tomasz Wycech was present to represent the Applicant.
R. Stoecker gave a brief history of the application and reviewed the Staff Report.
The Commission discussed landscaping and lighting for the site.

J.Vauiso made a motion to approve the application with the amendment to Condition 4 – adding the words-“Applicant shall submit bond estimate in a time line and the anticipated date of completion which shall be no longer than one year after the date of this approval” and the addition of Condition 5 to read-“Quantities of the ground cover varieties of plants may be adjusted to the approval of Town Staff”. J. Chadwick seconded the motion which passed unanimously.

2. NEC Architects-Applicant
Chen Chen- Owner
4 Pin Oak Drive
Site Plan Revision

Application #17-7.8
A/R 7/20/17, tabled from 7/20/17 rep owner.

Tom Edwards (NEC Architects) explained the application is for the installation of 2 concrete pads and bollards to protect gas tanks.

R. Stoecker reviewed the staff report and gave a brief history of the site.

The Commission had a brief discussion.

M. Palluzzi made a motion to approve the application with the three conditions listed in the Staff Report and the addition of condition four which reads- The location of the pad site may be modified at the discretion of staff to reflect the recommendations of the Fire Marshall.

J. Lust seconded the motion which passed unanimously.

3. CGS Section 8-24 Referral - Property line adjustment between Branford Housing Authority Property (Parkside Village I) and Town of Branford Property (Slincy Fields)

J. Chadwick recused himself from this application.

Attorney Tim Hollister spoke first. He is representing Beacon Communities. Also present was Dara Kovel (President of Beacon Communities) and David Golebiewski (TPA Group).

He suggested that the Commission consider this item and the next item together.

This item is a referral from the Board of Selectman regarding an adjustment of the property line between Town owned property that includes Slincy Field and Branford Housing Authority property which has been discussed as the site of the redevelopment of Parkside Village One. He said the proposal would allow a revised Site layout for the redevelopment.

Another issue he noted that is addressed is the fact that in the ballfield at Slincy Field, the property line runs thru the middle of the infield. If the Housing Authority transfers their portion to the town, the town will own the entire ball field.

He then explained the second CGS Section 8-24 Referral. Since the revised Site plan has been reviewed there has been a request from the Fire Dept. for a gated emergency access from Melrose Avenue. The town would grant a gated easement to the Housing Authority for use by the Fire Dept.

H. Smith reviewed the Staff Report. He noted the Fire Marshall is present and would like to comment.

Fire Marshal Shaun Heffernan then spoke. He noted the access coming off Melrose Avenue would meet their needs, even though it's not their first choice. He would prefer Slincy Road to be widened but was told that's not feasible. He said that pavers would not meet the Fire Department standards. He also noted he is also concerned with people parking illegally, as they do now and blocking the proposed access.

The Commission had a brief discussion.

David Golebiewski noted that cost is not the only issue. It would be more intrusive to widen Slincy Road where this option is less intrusive.

A discussion ensued.

Chairperson Andres said the Commission would vote on each 8-24 Referral separately.

F. Russo was seated for J. Chadwick.

M. Palluzzi made a motion to send a positive report with the proviso that the applicant provide a utility easement to serve the concession stand at Sliney Field and an easement for the Sliney Rd. field access. J. Vaiuso seconded the motion which passed unanimously.

4. **CGS Section 8-24 Referral** - Request for emergency only access easement to Branford Housing Authority (Parkside Village I)

The Commission then discussed this Referral. Chairperson Andres said he felt the only purpose for this is for a project the Commission has not yet seen. He asked the Commission for their view.

Chairperson Andres made a motion for a disapproval of the CGS 8-24 Referral for the reasons listed below:

- 1) It concerns a proposal for a specific project that the Commission has not yet heard and they have not heard any public input regarding this.
- 2) The Fire Marshal has indicated that this is a less preferable emergency access to the rear of the site than the existing Sliney Field access road if it were to be improved and the Fire Marshal would not be inclined to require a secondary access, therefore there would be no need to encumber the land with the easement.
- 3) The Fire Marshal gave reasons why this is a less desirable access because of possible parking, maintenance and other issues.

M. Palluzzi seconded the motion to deny. The other Commissioners voted.

5. Orchard Hill Partners, LLC, 595 Corporate Circle (569 East Main Street), Connecticut Shellfish Company (26 East Industrial Road), Peter G. Mandragouras - Trustee (20 East Industrial Road), AHB Inc. (16 East Industrial Road), NF + W Cooke Limited Partnership & Cooke/Harrison Family Partnership, LLC (573 East Main Street) - Owners & Applicants
PDD/Master Plan Approval-Request to extend the Section 5.4.D 24-month period to file Site Plans

Attorney Kevin Curseaden-(Cherry Street, Milford) was representing 595 Corporate Circle and Orchard Hill Partners and filed the request on behalf of those 2 entities.

He is asking for a one year extension since this has been a complicated project. He gave a brief history of the project.

He noted that the Commission has discretion in deciding whether to grant this extension or not.

Attorney William Aniskovich of the Town Attorney's office distributed a legal opinion from his firm that he summarized as stating there was no specific authority provided in the Zoning Regulations to grant the time extension. He also said there was no specific language prohibiting the Commission either. He explained the process provided for in the Zoning Regulations and inconsistencies he observed in reviewing them.

The Commission had a discussion. He further explained the Commission's authority to interpret its own regulations, but distinguished interpretation from "reading in" information and process for which there was no provision in the text. He said he thought deciding that the Zoning Regulations in Section 5.4.D allow for the granting of time extensions was not the former. He explained the implications of the Commission choosing to grant the time extension anyway.

J. Chadwick made a motion to approve the one year extension to file the Site Plans.
M. Palluzzi seconded the motion. Chairperson Andres and J. Lust were opposed. The motion passed 3-2.

6. Vigliotti Construction-Applicant & Owner
99 Cherry Hill Road
Subdivision Modification-Cornfield Estates
Application #17-7.11

H. Smith explained a request was submitted for Vigliotti Construction for a Certificate of Occupancy (CO) for one of the houses in the Cornfield Estates Subdivision. The problem is the street lights can't be installed for a few weeks. He said the Subdivision Approval referred to this as a safety issue that needs to be addressed before any CO's were issued.

Attorney Aniskovich then spoke and said he spoke with Mr. Vigliotti's attorney and said if Mr. Vigliotti were to post the bond and give the town indemnity and hold harmless from any damage that may ensue from the lack of lighting for 2 weeks and also get the consent of the individual who wants to purchase the home. Then that would legally be protecting the town for the two week period.

H. Smith noted adding the cost of the street lights would increase the bond amount that was established at the last meeting for the completion of the road to \$42,750.00.

J. Vaiuso made a motion to increase the bond to \$42,750.00 subject to the approval of an indemnification agreement by town council and also the owner's consent. J. Lust seconded the motion which passed unanimously.

The meeting adjourned at 9:55 p.m.