



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
Tel: (203) 488 - 1255, Fax: (203) 315 - 2188

MINUTES PLANNING & ZONING COMMISSION THURSDAY JULY 6, 2023 REGULAR MEETING 7:00 p.m.

Commissioners Present: C. Andres, J. Chadwick, F. Russo, J. Vaiuso, M. Liguori, S. Huttner
Commissioners Absent: M. Palluzzi
Staff Present: H. Smith-Town Planner, E. Breining- Asst. Town Planner

Secretary F. Russo read the public hearing notice into the record.

Chairperson C. Andres reviewed the public hearing procedures.
E. Breining reviewed the procedures for participating in the public hearing.

This meeting was held remotely, solely via ZOOM

PUBLIC HEARINGS:

1. Joseph Tammaro – Applicant and Owner
245 (formerly lot between 233 & 249) East Main Street
Special Exception Modification - Multi-Unit Residential Building
Application #23-4.4
A/R 4/20/23 & PH opened 5/18/23 & continued to 7/6/23 with Time Extension

Applicant is still waiting for additional information.
This will be continued to the July 20 zoom meeting.

2. John & Jennifer Sullo-Applicants & Owners
117 Flax Mill Road
Special Exception- Section 6.8 Grading for a pool
Application #23-4.7
A/R 4/20/23 & PH opened 5/18/23 & continued to 7/6/23 with Time Extension

John Sullo spoke explaining they received a variance and this application is for grading for a pool. They also received Inland Wetland approval. This application is correcting the action that the prior owner did.

E. Breining reviewed the staff report.

Public Input:
No one spoke.

Chairperson Andres closed the public hearing.

3. Shirley McCarthy & Peter Hentschel - Applicants
Zoning Regulation Amendment – Add definitions to Section 2.2, extensively revise Section 6.3 (Landscaping), add new subsection to Section 6.13 regarding Fencing, and add/re-designate Appendices.

**Application #23-4.5
A/R 4/20/23 & PH opened 6/15/23 & continued to 7/6/23**

This was opened at the July 6 meeting.

Shirley McCarthy reviewed J. Chadwick's comments and thought they were helpful. Peter Hentschel agreed with Shirley and have no problem with having them incorporated into the revisions. He spoke of a few of his revisions and made a few comments.

The commissioners made a few comments.

PUBLIC INPUT:

1. Ivy Bigelow- (member of forest comm). She is in support but made a few comments.
2. Perry Maresca- (Economic & Bus Dev Manager) He agrees but feels that these regulations may be overreaching. He mentioned the bittersweet farm property and how it will be important to the town. Many are in support of this project. It will be a park like campus on the site. Also, a bioscience building is planned. He suggested that parties meet to discuss problems that may arise in the future.

Shirley McCarthy spoke of the article in the New York Times.

Peter Hentschel added comments regarding P. Maresca thoughts.

H. Smith made some comments and then the commissioners had a brief discussion.

**The commission decided to continue this item to the Sept 7, 2023 meeting.
The applicant granted a time extension and the commission accepted it.**

4. Anthony Capasso-Applicant
Walter Maguire Jr. - Owner
66, 76-82 Totoket Rd. & 0 Tweed Road (Pine Orchard)
Re-subdivision to create four new lots from three existing properties located at 66,
76-82 Totoket Road & 0 Tweed Road.

**Application #23-4.8
A/R 4/20/23 & PH opened 6/15/23 & continued to 7/6/23**

This item is continued to the July 20 meeting

5. John M. Hoeffler, PE, CFM (Town Engineer)-Applicant
Town of Branford c/o James B. Cosgrove (First Selectman)-Owner
39-49 North Main Street
Special Exception Modification – To add a municipal above ground fueling facility and
Special Exceptions for associated grading changes per Section 6.8 and an oversized
accessory structure per Section 3.8.B are also requested.

**Application # 23-6.1
A/R 6/1/23 & PH opened 6/15/23 & continued to 7/20/23**

6. P & D Holding company LLC-Applicants & Owners
107-109 Montowese Street
Special Exception- Office/Retail

**Application #23-5.2
A/R 6/15/23 & PH set for 7/6/23**

Attorney Tim Lee spoke representing the applicant and explained that his law office would like to relocate to this location. It is currently a spa and has a small apartment on the third floor. The application is for a change of use. He displayed an as-built.

E. Breining reviewed the staff report. Then, the commissioners added a few comments.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

7. Patricia Pearson-Applicant & Owner
10 Tyler Avenue
Special Exception – Grading (Sec. 6.8) for a Terrace
Application #23-6.1
A/R 6/15/23 & PH set for 7/6/23

Tim Kenniston – (Landscape Architect, representing the applicant)-Also present was Randal Pearson. (also representing the applicant). He displayed the site plan and explained this application is for grading for a terrace.

E. Breining reviewed the staff report.

PUBLIC INPUT:

1. Jean - 6 Tyler Ave- - asked about the line of shrubs along the property line .

The applicant's representative replied. A brief discussion followed.

MINUTES: 6/15/23

F. Russo made a motion to approve the minutes.

J. Chadwick seconded the motion which passed unanimously.

M. Liguori noted that he and Sharon both voted at the last meeting.

RETURN TO TABLE:

8. John & Jennifer Sullo-Applicants & Owners
117 Flax Mill Road
Special Exception- Section 6.8 Grading for a pool
Application #23-4.7
A/R 4/20/23 & PH opened 5/18/23 & continued to 7/6/23 with Time Extension

J. Chadwick made a motion to approve the application with the following Findings and Conditions:

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 issuance of a Zoning Permit or the zoning authorization of the issuance of a Building Permit the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction.
2. 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.

J. Vaiuso seconded the motion which passed unanimously.

9. P & D Holding company LLC-Applicants & Owners
107-109 Montowese Street
Special Exception- Office/Retail
Application #23-5.2

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.
- 2) This approval exclusively applies to the establishment of the "General or Business Office" and the "Retail under 3,000 square feet" uses at 107-109 Montowese Street required by Section 4.8. No changes to the site plan are a part of this approval.

CONDITIONS:

- 1) Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the following shall be addressed to the satisfaction of the Town Planner or his designee:
 - a. The applicant shall submit a site plan that shows the existing conditions of the lot are proposed to remain. Specifically, the proposed relocation of the accessory structure shall be removed and the existing parking spaces shall be shown.

- b. The applicant shall submit a site plan that shows the existing fence on the southern property line shall be extended as far as possible to the rear property line, without interfering with existing vegetation.
- 2) 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 light fixtures shall be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.
- 3) The site plan may be modified as necessary to the satisfaction of the Town Planner to include EV charging stations.

S. Huttner seconded the motion which passed unanimously.

10. Patricia Pearson-Applicant & Owner
10 Tyler Avenue
Special Exception – Grading (Sec. 6.8) for a Terrace
Application #23-6.1
A/R 6/15/23 & PH set for 7/6/23

J. Vaiuso made 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.
2. The Commission Finds, based on the testimony and application materials presented, that the proposed construction is considered to be a modification of an existing terrace and is exempt from a Coastal Site Plan application, per Section 5.1.C.4.

CONDITIONS:

1. Prior to the issuance of a Zoning Permit or the zoning authorization of the issuance of a Building Permit the following shall be addressed to the satisfaction of the Town Planner or his designee:

- a. The Site Plan shall be amended to show additional erosion control measures along the two adjacent property lines where regrading is proposed.
 - b. The arborvitae proposed along the western property line shall be relocated farther from the property line to ensure the mature trees do not intrude on the neighbor's property.
2. Prior to the issuance of a Zoning Permit or the zoning authorization of the issuance of a Building Permit the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
- A. Erosion control measures shall be installed and maintained throughout construction.
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.

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

1. Cell tower at 190 Totoket Rd. – The proposal is to put a cell tower installation on the Tilcon building.

OLD BUSINESS:

NEW BUSINESS:

1. Business Park Realty LLC, c/o Al Secondino-Applicant & Owner
31-33 Business Park Drive
Special Exception- Building Addition & parking modification
Application #23-6.2
A/R & PH set for 7/20/23
2. Cherry Hill Estates, LLC-Applicant & Owner
26 Cherry Hill Road
PDD/Master Plan Modification-Multi Family Residential
Application #23-6.3
To be A/R & PH to be set

The public hearing is set for 9/7/23

3. Cherry Hill Estates, LLC-Applicant & Owner
26 Cherry Hill Road
Special Exception Modification-Multi Family Residential
Application #23-6.4
To be A/R & PH to be set

The public hearing is set for 9/7/23

4. Cherry Hill Estates, LLC- Applicant & Owner
26 Cherry Hill Road
PDD/Site Plan modification- Multi- Family Residential
Application #23-6.5
To be A/R

The public hearing is set for 9/7/23

5. Thomas Briggs- Applicant & Owner
67 North Branford Rd.
Special Exception-Indoor Recreation
Application #23-6.6
To be A/R & PH to be set

Staff will set the public hearing

6. Lakeview Center Associates LLC c/o Delaurentise Management-
Applicant & Owner
249-251 West Main Street
Special Exception-Multi-Tenant Signage Program
Application #23-6.7
To be A/R & PH to be set

Staff will set the public hearing.

OTHER BUSINESS:

1. Informal Discussion-Proposed Development District-325 East Main St. (former Regal Cinema site)

Attorney John Knuff represented the applicant and noted that John Schmitz, John Mancini and Ray Sullivan were also present at the meeting with him. He noted that currently there is vacant movie theatre and Walgreens there as well as a large parking lot. He spoke of the surrounding area and the uses. The thought is to use the large movie theater building for a self-storage. The site plan was displayed. The proposal also involves a multi-family residential building as well as coffee shops and small retail shops.

John Mancini-BL Companies spoke next and gave a brief history of the site. He spoke of the proposed self-storage building and the residential building. He displayed colored renderings of the buildings.

Ray Sullivan (Sullivan Architect Group) spoke next and gave building details.

H. Smith asked a few questions and gave a few comments.
The commissioners gave some input.
J. Mancini replied to some of the comments.

Attorney Knuff replied to some of the comments from the commission.

2. Bond Release- 471 East Main Street

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

3. Bond Release- 168 Montowese Street

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

4. Bond Establishment- 28 Park Place

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

5. Planner's Report

Chairperson Andres reminded the commission he will be absent at the next meeting on July 20 so the Secretary F. Russo will chair the meeting.

The meeting adjourned at 10:09 pm.