



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY JULY 7, 2022 REGULAR MEETING

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

Chairperson Andres introduced the commission and the staff. He reviewed the public hearing procedures.

H. Smith read the public hearing notice into the record.

E. Breining reviewed the procedure to participate in the public hearing.

Commissioner S. Huttner was seated for Commissioner M. Palluzzi who was absent.

PUBLIC HEARINGS:

1. Sunrise Cove Association Inc. (Sunrise Cove Camp) c/o Robert Caldarella-Applicant
Zoning Regulation Amendment-Amend Section 3.3A and add new Section 3.5 (Pre-existing summer cottage/camp site).
Application #22-4.1
A/R 4/7/22 & PH opened & continued from 6/16/22 with time extension.

Attorney James Perito (Halloran & Sage LLC) spoke first representing the applicant. Also present were John O Connor (longtime resident of Sunrise Cove) and Bob Caldarella (Current President of sunrise Cove Camp).

Attorney Perito explained they want to add to section 3.3A of the zoning regulations. He then gave a bit of background for the application and reviewed the reasons for the application.

John O Connor spoke next explaining he wants to give other homeowners the chance to expand their homes as he has done. He has lived there most of his life. He spoke of his prior approval he received 25 years ago.

He spoke of the amount of taxes the property owners will pay this year. He spoke of the procedure that the residents go thru to make improvements to their home.

E. Breining reviewed the staff report. He recommended continuing the public hearing to the next meetings so he can update the staff report based on the presentation that was just made.

Peter Berdon- (Attorney with Berdon, Young & Margolis) He is representing the Lanphier Cove Association. They are directly adjunct to Sunrise Cove Assn. He gave a brief history of Sunrise Cove Association and the differences between them and Sunrise Cove Association. Generally, Lanphier Cove Association is in favor of the proposed changes to Sunrise Cove Association. E. Breining asked him a few

questions and he replied.

The Commission asked a few questions.

PUBLIC INPUT:

No one spoke.

This item is continued to the July 21 meeting.

2. 33 West Avenue LLC c/o Robert Regel-Applicant & Owner
33 West End Avenue
Special Exception Modification-Two Family Home
Application #22-4.6
A/R 5/5/22 & PH opened 6/2/22 & continued from 6/16/22

J. Pretti (Criscuolo Engineering) addressed the comments made at the last meeting. He displayed the site plan.

The Commissioners made a few comments. H. Smith made a few comments.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

The Commission made some comments.

3. Donte Branch- Applicant
Joe Moruzzi c/o JMM Properties LLC-Owner
803-873 West Main Street
Special Exception- Tae Kwon Do School
Application #22-5.5
A/R 6/2/22 & PH set for 7/7/22

The applicant was present and explained his application.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

4. Jordan Flowers-Applicant
Robert Lundgren-Owner
257 East Main Street
Special Exception & Coastal Site Plan-Food Truck Park
Application # 22-5.6
A/R 6/2/22 & PH set for 7/7/22

J. Pretti (Criscuolo Engineering) represented the applicant and highlighted the site plan. It is a food truck park with a small building for

storage and food prep and a picnic area. There is a future plan for a two story pavilion.

E. Breining reviewed the staff report.

H. Smith gave a few comments as well as the commission.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

MINUTES: 4/21/22 & 6/16/22

F. Russo made a motion to approve the April 21 meeting minutes.

S. Huttner seconded the motion which passed unanimously.

F. Russo made a motion to approve the June 16 meeting minutes.

J. Vaiuso seconded the motion which passed unanimously.

RETURN TO TABLE:

1. 33 West Avenue LLC c/o Robert Regel-Applicant & Owner

33 West End Avenue

Special Exception Modification-Two Family Home

Application #22-4.6

A/R 5/5/22 & PH opened 6/2/22 & continued from 6/16/22

S. Huttner 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.F.

CONDITIONS:

1. Prior to the issuance of a Certificate of Zoning Compliance or the zoning issuance of Certificate of Occupancy, the following shall be addressed to the satisfaction of the Zoning Enforcement Officer.
 - a. The trees and other plantings in the sight triangles shall be positioned and maintained so as not limit or obstruct the vision of motorists entering or leaving the site.
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 Town Planner or his designee.

- a. 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 to 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.
 - b. The applicant shall update the planting list to include as many native plant species as possible, to the satisfaction of the Town Planner.
3. Prior to the issuance of Certificate of Zoning Compliance or the zoning authorization of the issuance of Certificate of Occupancy the applicant shall demonstrate that the abandonment of the portion of the property that was once Swift Lane has been finalized by The Town of Branford to be a part of the property at 33 West End Ave or revise the plan to have the parking spaces in another location on the property.
 4. Prior to the start of construction erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.

J. Chadwick seconded the motion which passed unanimously.

2. Donte Branch- Applicant
Joe Moruzzi c/o JMM Properties LLC-Owner
803-873 West Main Street
Special Exception- Tae Kwon Do School
Application #22-5.5
A/R 6/2/22 & PH set for 7/7/22

J. Chadwick 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.F.

CONDITIONS:

1. Prior to the issuance of a Certificate of Zoning Compliance or the zoning issuance of Certificate of Occupancy, the following should be addressed to the satisfaction of the Town Planner or his designee.
 - a. Confirmation in writing that no changes to the existing exterior lighting (parking lot/site lighting as well as building mounted) is proposed as part of the work associated with this approval.
 - b. Confirmation that the existing parking spaces are adequate for the combined uses on this property.
2. All conditions of the previous approvals shall remain in full force and effect as they may still apply.

J. Vaiuso seconded the motion which passed unanimously.

3. Jordan Flowers-Applicant
Robert Lundgren-Owner
257 East Main Street
Special Exception & Coastal Site Plan-Food Truck Park
Application # 22-5.6
A/R 6/2/22 & PH set for 7/7/22

S. Huttner 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.F.
2. The Coastal Site Plan is consistent with the goal 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.
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 allows preparation of the Landscaping Plan by a Registered Architect instead of a Landscape Architect.

CONDITIONS:

1. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit the following will be met to the satisfaction of the Town Planner or his designee:
 - a. Prior to the start of construction erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
 - b. The applicant shall add a planting schedule to the plan on sheet L-102A and change the name from "Softscape Plan" to "Landscaping Plan."
 - c. The landscaping plan shall be revised to include native plantings to the satisfaction of the Town Planner.
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 to 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. Any alterations to the Site Plan explicitly made for the purpose of being in compliance with Chapter 161, Floodplain Management, of the Town of Branford code, shall be submitted and reviewed to the satisfaction of the Zoning Enforcement Officer.
4. The Site plan may be modified as necessary to the satisfaction of the Town Planner to include EV charging stations and solar panels.

F. Russo second the motion which passed unanimously.

CORRESPONDENCE:

1. Correspondence regarding adding a backup generator at ground level at the tower 50 Maple Street.
2. Equipment swap at cell tower on 10 Sylvia Street.
3. Equipment swap at cell tower at 21 Acorn Road.

OLD BUSINESS:

1. Bluepoint Apothecary LLC c/o Attorney Timothy Herbst-Applicant
Two Dogs LLC c/o Mark Milano-Owner
471 East Main Street
Special Exception- Hybrid Retailer Cannabis Establishment
Application #22-4.5
A/R 5/5/22 & PH closed on 6/16/22

H. Smith displayed the Amendment to the regulations that were approved at the last meeting and noted that the commission can take action on the special exception application.

He then reviewed the staff report for the special exception application.

J. Vaiuso made a motion to approve the application with the Findings and Conditions below with an effective date of July 14, 2022.

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 of Sections 9.8.F and the additional criteria of Section 7.20, approved by the Planning and Zoning Commission on June 16, 2022. Consistency of this application with the criteria of Section 9.8.F.7 is found to be, at least in part, based on the information contained in a traffic study entitled “Branford Cannabis; Branford, CT; Traffic Impact Study” and dated May 2022 (entered into the record of this application as Exhibit #14) as well as the testimony of Neil C. Olinski, MS, PTP of SLR International Corporation.
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 Site Plan Application Requirements per Section 9.6.

CONDITIONS

1. Prior to the commencement of the Cannabis Establishment – Hybrid Retailer use or the issuance of a Certificate of Zoning Compliance or the zoning authorization for a Certificate of Occupancy the following shall be completed to the satisfaction of the Town Planner:
 - a. The submittal and approval by the Town Planner of a Landscaping Plan including the landscaping previously approved and currently on-site with the addition of additional landscaping to address the comments under item #4 of a Staff Report to the Planning and Zoning Commission from Town Planner Harry A. Smith prepared for the meeting of June 2, 2022 and the

use of native plantings.

- b. The installation of the landscaping referred to in Condition 1.a above, to the satisfaction of the Zoning Enforcement Officer.
 - c. The submittal and approval by the Town Planner of a Photometric Plan including new lighting fixtures proposed to replace (or eliminate) all existing non-conforming lighting, specifically including fixtures noted in item #6 of a Staff Report to the Planning and Zoning Commission from Town Planner Harry A. Smith prepared for the meeting of June 2, 2022. All information necessary -- catalog cut sheets with all model choices indicated and the Photometric plan with a schedule providing information on the different types of fixtures (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles – for a determination to be made that new lighting fixtures are in compliance with the requirements of the Zoning Regulations.). 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 degrees Kelvin (K).
 - d. The installation of the replacement lighting fixtures referred to in Condition 1.c above, to the satisfaction of the Zoning Enforcement Officer.
 - e. The inspection of the existing stormwater drainage system for any necessary maintenance (such as the pumping out of the sumps of the catch basin, etc.) or repairs and the completion of any needed maintenance or repairs to the satisfaction of the Town Engineer or his designee.
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. The hours of operation shall conform to the requirements of Section 7.2.0.

J. Chadwick seconded the motion which passed unanimously.

2. Montowese Building Group, LLC-Applicant
John & Anne Hines-Owners of 14 Buckley Road
Branford Building Supplies Inc.-Owner of 0 & 16 Buckley Road
14, 16 & 0 Buckley Road
Special Exception- Grading (Section 6.8)
Application #22-1.4
A/R 1/20/22 & PH opened 4/7/22 & closed 6/2/22

3. Montowese Building Group, LLC-Applicant
John & Anne Hines-Owners of 14 Buckley Road
Branford Building Supplies Inc.-Owners of 0 & 16 Buckley Road
14, 16 & 0 Buckley Road
Special Exception/Coastal Site Plan -Open Space Residential Development (OSRD)
Application #22-1.5
A/R 1/20/22 & PH opened 4/7/22 & closed 6/2/22

Items # 2 and # 3 are continued to the July 21 meeting.

4. Matthew & Stephanie Milano-Applicants & Owners
125 Thimble Islands Road
2 Lot Subdivision & Coastal Site Plan
Application #22-5.2
A/R 5/19/22, tabled from 6/16/22

Chairperson Andres noted that Attorney Bernie Pellegrino had presented this item at the last meeting and there was a question pertaining to open space.

Attorney Pellegrino spoke and noted that Jim Pretti (Criscuolo Engineering) was also present tonight as well as Matthew & Stephanie Milano (Applicants). He agreed that the only item that was outstanding from the last meeting was the issue of open space. They have a revised plan now that shows 10% open space which abuts town property. They will deed it to the town and adjust the lot line accordingly.

Jim Pretti (Criscuolo Engineering) displayed the revised site plan.

E. Breining reviewed the staff report.

J. Vaiuso made a motion to approve the application 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. The Commission finds given that the proposed open space is adjacent to existing town owned property, the applicant shall revise the lot lines so as to form a continuous open space area on one single parcel.

CONDITIONS

1. The storm drainage system shall be determined at the time of the final house approval.
2. The Final Erosion and Sedimentation Plans are to be approved by the Zoning Enforcement Officer.
3. Underground utilities are required.
4. The following items shall be addressed to the satisfaction of the Town Planner prior to approval for the Chairperson's signature:
 - a. Evidence of the recording of a proposed conservation easement to the Town of Branford and a deed transferring ownership of the proposed Open Space to the Town of Branford, of form and content acceptable to the Town Counsel and the Town Planner, ensuring its permanent protection as open space and meeting all other requirements of Section 3.04 of the Subdivision Regulations, on the Land Records of the Town Clerk.

S. Huttner seconded the motion which passed unanimously.

NEW BUSINESS:

1. Eighty-Five Sunset Beach LLC c/o Kenneth O. Roos-Applicant & Owner
85 Sunset Beach Road
Special Exception & Coastal Site Plan-Single Family home with addition
Application #22-6.2
To be A/R & PH to be set

PH set for 7/21/22
2. 4 Three Elms Rd LLC c/o Kurt Wittek-Applicant & Owner
4 Three Elms Road
Special Exception-Renovation of existing apartment building
Application #22-6.4
To be A/R & PH to be set

PH set for 7/21/22
3. Joseph Barbarotta-Applicant
Nitenday Associates LLC, c/o Ken Ginsberg-Owner
221 West Main Street
Special Exception- Daycare Center
Application #22-6.5
To be A/R & PH to be set

PH set for 7/21/22

4. Brian Love – Applicant & Owner
31 Thimble Island Road
Coastal Site Plan & Special Exception-Grading (Section 6.8) for the construction of a single family residence within 100' of a critical coastal resource
Application # _____
To be A/R & PH to be set

PH will be 9/1/22

OTHER BUSINESS:

1. H. Smith noted that a soil and erosion bond for the Parkside Development needs to be added to the agenda.

J. Chadwick made a motion to add the bond to the agenda

F. Russo second the motion which passed unanimously.

J. Vaiuso made a motion to establish the bond for Parkside in the amount of \$47,250.00.

J. Chadwick seconded the motion which passed unanimously.

2. Planners Report

H. Smith noted that in the packet that was sent out before the meeting, there was an email from Commissioner Sharon Huttner regarding the change in the state law to exempt certain electric vehicle charging stations from property taxes and mandates as well as mandating their installation in newly constructed facilities. So, as of January 2023, for larger projects there will be a requirement of 25% of the facilities parking spaces to have Electric Vehicle charging stations. He then reviewed other aspects of the law. He said he will monitor this and keep the commission updated. The commissioners asked a few questions and H. Smith would look into it more.

H. Smith also announced that the Zoning Officer is leaving Branford to take a position as the Asst. Town Planner in the town of Berlin. We wish him continued success but am sorry to see him go.

The meeting adjourned at 9:17 pm