



## PLANNING AND ZONING COMMISSION

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### MINUTES PLANNING & ZONING COMMISSION THURSDAY JUNE 3, 2021 REGULAR MEETING 7:00 P.M.

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

Staff Present: H. Smith-Town Planner, E. Breining- Asst. Town Planner,  
M. Martin- Clerk

Chairperson Andres introduced the Commission and Staff.  
Secretary M. Palluzzi read the Public Hearing notice into the record.  
Chairperson Andres reviewed the Public Hearing procedures.  
E. Breining reviewed the procedures to participate in the Public Hearing portion of the meeting.

#### PUBLIC HEARINGS:

1. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner  
47 Gould Lane  
Special Exception Modification-Residential Open Space Development-  
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court  
**Application #20-11.3**  
**A/R 11/5/20 & PH opened 4/15/21 & continued from 5/20/21**
2. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner  
47 Gould Lane  
Subdivision Modification-Residential Open Space Development-  
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court  
**Application #21-3.12**  
**A/R 4/1/20, PH opened 4/15/21 & continued from 5/20/21**

Chairperson Andres noted these two items are being heard together and he gave a brief history of the applications.

Michael Di Gioia (Applicant) spoke and said the material that was previously requested has been submitted to the Planning & Zoning Office.  
He also noted he has received the draft Resolutions from the Town Planner and has no issues with them or the changes proposed by H. Smith.

H. Smith reviewed the draft Resolutions which he displayed on the screen noting two minor changes from the version sent to the Commission and posted on the drop box. He also displayed the email from T. Carr dated 6-3-21 and noted it is entered into the record for both applications.

PUBLIC INPUT: No one spoke.

**Chairperson Andres closed the public hearing for Application 20-11.3 and 21-3.12.**

MINUTES  
JUNE 3, 2021

3. Montowese Development Group, LLC-Applicant  
John R. & Anne Hines-(Owners of 14 BuckleyRd.)  
Branford Building Supplies-(Owners of 16 Buckley Rd)  
Branford Building Supplies – (Owners of 0 BuckleyRd)  
14, 16 & 0 Buckley Road  
Special Exception & Coastal Site Plan –Open Space Residential Development  
**Application #21-3.11**  
**A/R 4/1/21 & PH opened and continued from 5/20/21**

**Chairperson Andres said the applicant has requested this item be continued without testimony until the next meeting on 6/17/21. He recommended holding any public comments until then.**

PUBLIC INPUT:

There were no comments from the public.

**The Public Hearing was continued to 6/17/21.**

4. DeMartino Development & Construction LLC,  
c/o Dominick DeMartino-Applicant & Owner  
96,102 & 104 Stony Creek Road  
Special Exception – Grading (Section 6.8)  
**Application #21-4.8**  
**A/R on 5/6/21 & PH to be rescheduled**

**Chairperson Andres noted the legal notice was incorrect so it needs to be renoticed. This item was TABLED to the 6/17/21 meeting.**

5. Lazarus & Sargeat, c/o Steven Lazaruz-Applicant  
Shirley Martin & Allen William-Owners  
10 Buena Vista Road  
Special Exception- One car garage with loft  
**Application #21-5.8**  
**A/R on 5/20/21 & PH set for 6/3/21**

Steven Lazaruz (Applicant) spoke and explained this project is to raise the roof of the garage to a height of 19 feet to make space for an artist loft.

E. Breining reviewed the staff report.

PUBLIC INPUT: There were no comments from the public.

**Chairperson Andres closed the public hearing.**

6. Will Brierley-Applicant  
Alison H. Brierly- Owner  
18 Whiting Farm Road  
Special Exception - Accessory Apartment  
**Application # 21-5.7**  
**To be A/R & PH set for 6/3/21**

J. Pretti (Criscuolo Engineering) represented the applicant and highlighted the application. He explained this was an existing apartment which was not previously approved and the property owner decided to go thru the zoning approval process after a pipe burst and repairs needed to be made to the apartment and new utility lines run to the building.

J. Pretti displayed the site plan.

H. Smith reviewed the staff report.

MINUTES  
JUNE 3, 2021

PUBLIC INPUT:

1. Stephen Goglia-(24 Whiting Farm Rd.)He said he and his wife have no objections to the application. He noted that Mr. Briery has taken great care of his property.

**Chairperson Andres closed the public hearing.**

**MINUTES: 5/20/21**

**J. Lust made a motion to approve the 5/20/21 minutes as written.**

**J. Chadwick seconded the motion which passed unanimously.**

**CORRESPONDENCE:**

1. Notification received from North Branford regarding a Zoning Regulation change. A public Hearing will be held 7/8/21 if anyone is interested in attending, contact the Planning & Zoning office for more information.

**RETURN TO TABLE:**

**For the record, Commissioner F. Russo was seated for Commissioner J. Vaiuso for Public Hearing items #1 and 2 who was absent for a prior portion of the Public Hearing on these applications.**

1. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner  
47 Gould Lane  
Special Exception Modification-Residential Open Space Development-  
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court  
**Application #20-11.3**  
**A/R 11/5/20 & PH opened 4/15/21 & continued from 5/20/21**

**M. Palluzzi made a motion to approve the application by adopting the Resolution with the changes made by H. Smith.**

**J. Chadwick seconded the motion which passed unanimously.**

2. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner  
47 Gould Lane  
Subdivision Modification-Residential Open Space Development-  
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court  
**Application #21-3.12**  
**A/R 4/1/20, PH opened 4/15/21 & continued from 5/20/21**

**F. Russo made a motion to approve the application by adopting the Resolution with the changes made by H. Smith.**

**M. Palluzzi seconded the motion which passed unanimously.**

3. Lazarus & Sargeat, c/o Steven Lazaruz-Applicant  
Shirley Martin & Allen William-Owners  
10 Buena Vista Road  
Special Exception- One car garage with loft  
**Application #21-5.8**  
**A/R on 5/20/21 & PH set for 6/3/21**

**J. Chadwick made a motion to approve the application with the Finding below:**

1. 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.

**J. Lust seconded the motion which passed unanimously.**

4. Will Brierley-Applicant  
Alison H. Brierly- Owner  
18 Whiting Farm Road  
Special Exception - Accessory Apartment  
**Application # 21-5.7**  
**To be A/R & PH set for 6/3/21**

**J. Lust made a motion to approve the application with the Conditions listed below:**

1. Prior to the commencement of any work and prior to the issuance of a zoning permit or the zoning authorization for the issuance of a building permit, the applicant shall demonstrate that the following has been addressed to the satisfaction of the ZEO, Town Planner or his designee:
  - a. A Road Excavation Permit has been obtained from the Town Engineer or it has been determined not to be required.
  - b. That a deed restriction has been placed on the Branford Land Records applicable to the subject property which states that if rented, the apartment be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel".
  - c. The site plan has been revised to indicate :
    - a. The total size of the apartment (in square feet).
    - b. The property is subject to a deed restriction referenced in condition 1(b) and Includes the language of such restriction.

**J. Vaiuso seconded the motion which passed unanimously.**

**OLD BUSINESS:**

1. Branford Electric RR Assn, Inc. c/o John Proto-  
Applicant & Owner  
45-55 & 46-52 Alex Warfield Rd.  
Special Exception - Grading (Section 6.8)  
**Application #21-4.7**  
**A/R on 5/6/21 & PH to be set**

**This item was TABLED pending Inland Wetlands approval.**

2. Syed Sami- Applicant  
Oil Barons Inc. c/o Robert Hartmann-Owner  
49 Leetes Island Road  
Special Exception Modification-Convenience Store  
**Application #21-5.4**  
**A/R 5/20/21 & PH to be set**

**This item was TABLED due to missing information.**

**NEW BUSINESS:**

1. Brenna Begley-Applicant  
RGA Realty Management,  
c/o Robert Audet-Owner  
539 Main Street  
Site Plan – Skincare Spa  
**Application #21-5.9**  
**To be A/R**

MINUTES  
JUNE 3, 2021

2. Joseph Lepre-Applicant & Owner  
8 Svea Avenue  
Special Exception-Two Family Dwelling  
**Application #21-5.10**  
**To be A/R & PH to be set**

**PH to be set by Chairperson and Staff.**

3. Amy Allen- Applicant  
Renz Development, LLC-Owner  
365 East Main Street  
Site Plan – Fast Food Restaurant  
**Application #21-6.1**  
**To be A/R**

**This item was TABLED.**

4. Andrew Rainone-Applicant  
KIOB Branford LLC, c/o Kimco Realty- Owner  
1025-1091 West Main Street  
Special Exception minor modification-Upgrade Security Lighting  
**Application #21-5.5s**  
**To be A/R & PH to be set**

**PH to be set by Chairperson and Staff.**

**This item was TABLED.**

**OTHER BUSINESS:**

- a. Time Extension Request – 1 additional year for Section 6.8(Grading) approval-  
58 East Industrial Drive.
- H. Smith briefly discussed this and the item was **TABLED** to the next meeting.
- b. Partial Bond Release – 159 cherry Hill Road  
**J. Vaiuso made a motion to approve a partial return of the bond in the amount of \$3,350.00.**  
**J. Lust seconded the motion which passed unanimously.**
- c. Partial Bond Release-81 Todds Hill Road  
**J. Lust made a motion to approve a partial return of the bond in the amount of \$3,347.50.**  
**J. Vaiuso seconded the motion which passed unanimously.**
- d. Partial Bond Release-155 Cherry Hill Road  
**J. Lust made a motion to approve a partial release of the bond in the amount of \$3,135.00.**  
**J. Vaiuso seconded the motion which passed unanimously.**
- e. Partial Bond Release-93 Todds Hill Road  
**J. Lust made a motion to approve a partial release of the bond in the amount of \$3,300.00.**  
**J. Vaiuso seconded the motion which passed unanimously.**
- f. Bond establishment for 8 Howd Avenue  
**J. Lust made a motion to establish the bond in the amount of \$805.00.**  
**J. Vaiuso seconded the motion which passed unanimously.**

*MINUTES*  
*JUNE 3, 2021*

g. Planner's Report

H. Smith said there are currently a few bills pending in the Legislature and hopefully we will have some resolution on how to proceed with meetings.  
He noted there are a few options such as hybrid meetings which he reviewed briefly.

Chairperson Andres asked the Commission what their preference was; in person or zoom meetings?

The consensus was the Commission would prefer to have in person meetings but the Executive order will direct us.

H. Smith said he will keep the Commission updated.

The meeting adjourned at 8:30 p.m.