



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY MARCH 18, 2021 REGULAR MEETING 7:00 P.M.

To Be Held by remote technology as authorized by Executive Orders 7B and 7I.

Commissioners Present: J. Lust, P. Higgins, M. Liguori, C. Andres, F. Russo, J. Vaiuso, J. Chadwick,
Commissioners Absent: M. Palluzzi
Staff Present: H. Smith-Town Planner, E. Breining-Asst. Town Planner, M. Martin-Clerk

H. Smith noted that Commissioner P. Higgins (alternate) is next in line to vote.
Chairperson Andres introduced the Commission and the Staff present.
H. Smith read the Public Hearing notice into the record.
Chairperson Andres explained the public hearing procedures.
E. Breining explained the process to participate in the meeting.

PUBLIC HEARINGS:

1. John Petrofsky-Applicant
Virginia C. Borgia-Owner
8 Sawmill Road
Special Exception-for Grading (Section 6.8)
Application #20-12.2
A/R 12/10/20, PH opened 1/28/21, continued from 3/4/21

Chairperson Andres explained that this public hearing was continued because there was some drainage concerns raised by the neighbor.

Chuck Mandel (engineer for the applicant) spoke and asked H. Smith to read the letter that was submitted by the Town Engineer into the record, which he did.
H. Smith then read a letter that was submitted from Tom Stevens.
Chuck Mandel then reviewed an older site plan.

H. Smith then spoke about section in regulations that pertained to this and displayed them.

PUBLIC INPUT:

1. Robert Spisto-(neighbor) - He said he raked out the creek and it's still half full. He noted that his engineer is also present
2. Kevin White-(neighbor's engineer) spoke next noting there are two main points, one is the drainage and the other is the amount of fill. He said that the first point is the quantity of the water, not the quality and he said that rain will flow into the wetland and into the neighbor's yard.
3. Greg Womey-(owner of Lot 10) He said his lot isn't subject to flooding but he is not happy with the project being located so close to the property line.
4. Karen Kernan (next door neighbor) she noted that in heavy rains, there is water in the area that Mr. Spisto talked of. She wanted it noted on the record that there is water there. She

noted that the trench that is presently there was built by hand with a small backhoe by the previous homeowner and was not efficient. She said this is going to be a bad problem.

Chuck Mandel gave a few comments.

Chairperson Andres suggested keeping the public hearing open to allow time for Chuck Mandel to work with the neighbor and his engineer.

This item is continued to the 4/1/21 meeting.

2. 56 Stony Creek Rd. Inc. c/o Leigh Small-Applicant
Farads Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception- Grading (Section 6.8)
Application #21-1.5
A/R 1/28/21 & PH opened 2/18/21 & continued from 3/4/21

Chairperson Andres stated this item is continued to the 4/1/21 meeting.

3. Karen Yarasavage & Kevin Genda-Applicants & Owners
24 Wakefield Road
Special Exception & Coastal Site Plan-Grading (Section 6.8)
Application #21-2.1
A/R 3/4/21 & PH set for 3/18/21

J. Pretti (Criscuolo Engineering) represented the applicant explaining the application is for a new pool and patio. He reviewed the site plan.

E. Breining reviewed the staff report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

4. Premier Realty Holdings II,LLC c/o Robert Alvine-Applicant & Owner
132 Ivy Street
Special Exception- Vehicle Delivery Facility
Application #21-2.4
A/R 3/4/21 & PH set for 3/18/21

Mike Ott (Summer Hill Engineering) represented the applicant and noted that Robert Alvine was also present. He displayed site plans and highlighted the application explaining the plan is to demolish the existing building and build a new one that will be used for customers who are picking up their new vehicle.

Mike D' Amato (consultant) reviewed the staff report.

H. Smith added a few comments.

Robert Alvine explained this building will be the vehicle delivery area. New cars are very complicated and they are striving to improve the customers experience.

PUBLIC INPUT: No one spoke.

H. Smith suggested keeping the public hearing open to obtain more staff comments.

Chairperson Andres noted this is continued to the 4/1/21 meeting.

5. Jay Gauvin-Applicant & Owner
65 Dorchester Lane
Special Exception- Grading (Section 6.8) for New Home
Application #21-2.5
A/R 3/4/21 & PH set for 3/18/21

The applicant was present along with his engineer, Roger Nemergut (Nemergut Consulting) They displayed a site plan explaining the application is for grading for the construction of a new 3 bedroom house.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.
Chairperson Andres closed the public hearing.

6. Ceres Farm, LLC c/o Caius Mergy-Applicant
LCM Properties, LLC c/o Joseph Mineri-Owner
101 & 115 North Branford Road
Special Exception- Brewery with Tasting Room
Application #21-2.7
A/R 2/18/21 & PH set for 3/18/21

J. Pretti (Criscuolo Engineering) represented the applicant and noted that Caius Mergy and the architect Peter Webster were present.

J. Pretti reviewed the site plan and explained the application was to remove the existing building and build a brewery and a tasting room.

Lee Mergy spoke and said it will be a small family owned brewery with a farmhouse atmosphere. They plan to work with Ct suppliers.

Peter Weber displayed and reviewed the building drawings.
Mike D'Amato reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres asked for a few details such as a statement of use.
He stated this item will be continued to the 4/1/21 meeting.

7. Victor J. Cassella- Applicant
Marilyn Cassella, Trustee-Owner
23 Prospect Hill Rd.
Special Exception & CAM- Grading (Section 6.8) for a new home
Application #21-2.8
A/R 3/4/21 & PH set for 3/18/21

J. Pretti (Criscuolo Engineering) represented the applicant and explained this project is a demolition of the existing house and the construction of a new house. He reviewed the site plans.

Tony Terry (Terry Architecture) reviewed the floor plans.

E. Breining reviewed the staff report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the public hearing.

The Commission then took a 10 minute break at 9:18 pm.

8. BTB Group, c/o Albert F. Ridinger-Applicant & Owner
17-29 South Main Street
PDD Modification- Add "Schools" to list of permitted uses
Application #21-3.5
A/R 3/4/21 & PH set for 3/18/21

Albert Ridinger (Applicant) explained that he has a possible tenant (driving school) for his building on 17-29 South Main Street and the Zoning Regulations require adding this use to the PDD (Planned Development District).

H. Smith noted this application is being discussed with Application#21-3.8 which is for some adjustments to the landscaping plan. He then displayed site photos and reviewed the current landscaping. He also reviewed the staff report.

PUBLIC INPUT:

1. Perry Maresca (Chairman of the Economic Development Commission) noted there are other school type businesses in the building now and also in the past. He said he hopes the Commission approves this as there are many positives to this school addition.

Chairperson Andres closed the public hearing.

MINUTES: 3/04/21

H. Smith noted a few modifications need to be made. This is tabled to the 4/1/ 21 meeting.

CORRESPONDENCE:

Nothing was discussed.

RETURN TO TABLE:

1. Karen Yarasavage & Kevin Genda-Applicants & Owners
24 Wakefield Road
Special Exception & Coastal Site Plan-Grading (Section 6.8)
Application #21-2.1
A/R 3/4/21 & PH set for 3/18/21

H. Smith noted that P. Higgins is seated for M. Palluzzi who is absent.

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

FINDINGS:

- 1) 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.

CONDITIONS :

- 1) 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.
- 2) The Special Exception approval under Section 6.8 granted with the approval of this application shall expire one-year from the date of decision on this application unless renewed by the Commission pursuant to Section 6.8.L.

J. Lust seconded the motion which passed unanimously.

2. Jay Gauvin-Applicant & Owner
65 Dorchester Lane
Special Exception- Grading (Section 6.8) for New Home
Application #21-2.5
A/R 3/4/21 & PH set for 3/18/21

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

CONDITIONS :

- 1) 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.
- 2) The Special Exception approval under Section 6.8 granted with the approval of this application shall expire one-year from the date of decision on this application unless renewed by the Commission pursuant to Section 6.8.L.

P. Higgins seconded the motion which passed unanimously.

3. Victor J. Cassella- Applicant
Marilyn Cassella, Trustee-Owner
23 Prospect Hill Rd.
Special Exception & CAM- Grading (Section 6.8) for a new home
Application #21-2.8
A/R 3/4/21 & PH set for 3/18/21

J. Lust recused himself for this application. M. Liguori is seated for him.

M. Liguori made a motion to approve the application with the Finding & Conditions below:

FINDING:

- 1) 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.

CONDITIONS:

- 1) 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.
- 2) The Special Exception approval under Section 6.8 granted with the approval of this application shall expire one-year from the date of decision on this application unless renewed by the Commission pursuant to Section 6.8.L.
- 3) Add "Coastal Site Plan" to the Drawing title of drawing 1 of 2 currently entitled "On Site Wastewater Plan".
- 4) The Site Plan may be modified to allow the installation of underground galleries under the driveway subject to staff approval.

P. Higgins seconded the motion which passed unanimously.

Application #21-3.5 and #21-3.8 were heard together

4. BTB Group, c/o Albert F. Ridinger-Applicant & Owner
17-29 South Main Street
PDD Modification- Add "Schools" to list of permitted uses
Application #21-3.5
A/R 3/4/21 & PH set for 3/18/21

J. Vaiuso made a motion to approve the application with the Findings & Conditions below with an effective date of 3/24/21.

Findings:

1. The Commission finds that the proposed modification to the 17-29 South Main Street Planned Development District uses as proposed in this application for the property known as 17-29 So. Main Street is consistent with and conforms to Section 5.4.A of the Zoning Regulations, Section 9.10.F of the Zoning Regulations, the Comprehensive Plan of Development of the Town of Branford (the "Comprehensive Plan") and that the 2019 Plan of Conservation and Development of the Town of Branford (the "POCD") has been considered in the rendering of a decision on this application.
2. The Commission also finds, in accordance with Section 9.10.F of the Regulations, that:
 - a. Another existing zoning district could not be appropriately established to accomplish such purposes;
 - b. The petitioner has provided, where appropriate, for the continued maintenance of the development in general, including those open space and recreational areas not dedicated for general public use;
 - c. The streets and drives will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;

- d. The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith.

3. In issuing this approval the Commission notes and relies upon the following:
 - a. That previous Planning and Zoning Commission approvals remain in full force and effect.

Conditions:

1. 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.
2. 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. Chadwick seconded the motion which passed unanimously.

1. BTB Group c/o Albert Ridinger-
Applicant & Owner
17-29 South Main Street
Site Plan Modification- Adjustment to Landscaping Plan
Application #21-3.8
To be A/R

J. Lust made a motion to approve the application with the Finding and Conditions Listed below:

Finding:

1. 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 waives the required landscaping as proposed on the annotated Site Plan submitted with this application and the Landscaping Plan may be modified and may be developed by a non-landscaping professional and be approved by staff.

Conditions:

1. 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.
2. 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.

OLD BUSINESS:

1. Stony Creek Estates, LLC-Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of 10, 12, & 14 Luisa Court
Application #20-11.3
A/R 11/5/20 & PH to be set by Staff and Chairperson, tabled from 3/4/21

This is Tabled to the 4/1/21 meeting.

2. Beacon Communities-Applicant
Branford Housing Authority-Owner
115 South Montowese Street (Parkside Village I)
Site Plan & Coastal Site Plan under CGS Section 8-30g (Affordable Housing Land Use Appeals) - **Application #17-9.6**
Action to Modify decision as directed by the State of Connecticut Superior Court decision regarding *Housing Authority of the Town of Branford, et al. v. Town of Branford Planning and Zoning Commission (Docket nos. HHD-CV19-6115394-S and HHD-CV20-6122425-S)*
Tabled from 3/4/21

This is Tabled to the 4/1/21 meeting.

3. Emilie Penner Greene-Applicant
Scott Penner –Owner
1136-1040 Main Street
Special Exception- Restaurant /Café
Application #21-2.6
A/R 2/18/21 & PH to be set by Staff & Chairperson

This is Tabled to the 4/1/21 meeting.

4. Dave Peck- Applicant
48 Leetes Island Rd Petroleum LLC,
c/o Syed Sami- Owner
42 Leetes Island Road
Special Exception- Site & design changes
Application #21-2.9
A/R 3/4/21 & PH to be set by Staff & Chairperson

This is Tabled to the 4/1/21 meeting.

5. Town of Branford, c/o James Cosgrove-Applicant & Owner
747-749 East Main Street
Site Plan-Addition to Cosgrove Animal Shelter
Application #21-2.11
A/R 3/4/21

J. Pretti (Criscuolo Engineering) and J. Hoefflerle (Town Engineer) were present.
J. Pretti reviewed the site plan.

E. Breining reviewed the staff report.

J. Vaiuso made a motion to approve the application with the Findings & Conditions below:

FINDINGS:

1. 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 waives the required landscaping per section 6.3.
2. The Commission finds that per Section 6.3.D.3 the due to the minimal impact of the proposed activity with respect to the surrounding uses and the larger property of which the Animal Shelter is a part, that the development of the Landscaping Plan by a Landscape Professional is not required.

CONDITIONS:

1. 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.

J. Chadwick seconded the motion which passed unanimously.

6. Andrew Rainone-Applicant
KIOP Branford LLC, c/o Kimco Realty- Owner
1025-1091 West Main Street
Special Exception- Add a drive up ATM machine to existing bank
Application #21-3.1
A/R 3/4/21 & PH to be set by Staff & Chairperson
7. Marc Reed- Applicant & Owner
46 Parish Farm Road
Special Exception- Accessory Apartment & Oversized Accessory Structure
Application #21-3.4
A/R 3/4/21 & PH to be set by Staff & Chairperson
8. Conor Daley-Applicant & Owner
548-552 Leetes Island Road
Special Exception- Accessory Apartment
Application #21-3.2
A/R 3/4/21 & PH to be set by Staff & Chairperson

NEW BUSINESS:

1. Lauren Lest- Applicant
Thomas Vailette-Owner
650 Main Street
Special Exception- Dog Grooming
Application #21-3.3
A/R 3/18/21 & PH for 4/1/21

2. Sound Real Estate LLC, c/o Dan Merriam-Applicant
101 West Main St. Branford LLC c/o Jeanne Tahnk-Owner
101 West Main Street
Special Exception- Car Storage Parking Lot
Application #21-3.6
To be A/R & PH to be set by Staff & Chairperson

OTHER BUSINESS:

1. DISCUSSION – Possible changes to parking requirements in the Main Streets Overlay District

H. Smith explained the overlay zone near Main Street was approved about a year ago. One of the restaurants in the area has an issue with parking but are close to a municipal parking lot. When the overlay district was established that created a reduction in the applicable parking requirements for restaurants. This creates a problem for the restaurant. The restaurant owner spoke with H. Smith and asked if the Commission would consider changing the parking requirements for the overlay district or should they apply to the Commission? The Commissioners discussed this briefly and the consensus was that the Commission would initiate a regulation change.

H. Smith said this can be discussed further at the next meeting.

Jamie Cosgrove (First Selectman) spoke stating he appreciates the Commission addressing this. He wants to continue the vibrancy of the downtown and bringing additional restaurants will increase the vibrancy. He noted the downtown area has many parking spaces around the downtown area and he mentioned the Jazz concerts on the green and noted when they limited parking on the grass areas that did not affect the attendance to the events. He also said there is funding available for wayfinding to direct people to the municipal parking areas.

2. DISCUSSION – Possible Commission initiation of Zoning Map Amendment application to change zoning of existing PDD approved in 2015 for several properties at Exit 56 on I-95 – a.k.a. the “COSTCO” PDD

Chairperson Andres explained a letter was received from a Realtor previously asking about the Exit 56 area and asking for clarification .The Town Counsel advised the commission that the Master Plan had expired and you couldn't do anything with the PDD. Then a letter was received from the Economic Development Commission suggesting the Commission look at the status of a possible hybrid zone. The Commission stated any non-residential use they would be open to. But, the property owners need to tell the Commission what they would like to build there. Not the Commission imposing what they think should be there. Chairperson Andres then reviewed what occurred at Exit 53.He then suggested abolishing the PDD as the first step and turning the area back to the prior zone which was IG-2.He spoke of the prior application for Costco and how it failed, etc.

He then asked Commission for input. They discussed it briefly and most of the Commission agreed with Chairperson Andre's suggestion to delete the PDD and change it back to IG-2 zoning.

H. Smith said he will prepare an amendment to change it to an IG-2 zone and it can be discussed at the next meeting.

3. Establish Bond for 148-172 Main Street
J. Lust made a motion to establish a bond for 148-172 Main Street.
J. Chadwick seconded the motion which passed unanimously.

4. Establish Bond for 131 Commercial Pkwy(Vex Church)
**J. Vaiuso made a motion to establish a bond for 131 Commercial Parkway.
J. Lust seconded the motion which passed unanimously.**

5. Approval of Appraiser for Brainerd Road Subdivision
**J. Lust made a motion to approve John Nitz as the appraiser for the Brainerd Road Subdivision.
J. Chadwick seconded the motion which passed unanimously.**

6. Planner's Report
Nothing to report.

The meeting adjourned at 11:32 pm.