



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY, MARCH 1, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

REGULAR MEETING 7:00 P.M.

Commissioners Present: J. Lust, J. Vaiuso, J. Chadwick, F. Russo, P. Higgins, C. Andres, M. Palluzzi, D. Dyer
Staff Present: H. Smith- Town Planner, R. Stoecker- Assistant Town Planner, M. Martin- Clerk

Chairperson Andres introduced the Commissioners and the Staff Present.
Secretary M. Palluzzi read the Public Hearing Notice into the record.
Chairperson Andres then reviewed the Public Hearing procedures.

PUBLIC HEARINGS:

1. Diane W. Whitney(Pullman & Comley)-
Agent for Owner
595 Corporate Circle- Owner
Zoning Regulation Amendment
Application #17-11.3
A/R 11/16/17& PH continued from 2/15/18

Attorney Whitney noted she had the third version of the proposed text with her, stating that the point of the proposed wording is to have more flexibility for the site plan to be submitted. Currently it states 24 months and does not provide for an extension for a large project as this may not be enough time to complete the project.

She then read the new wording aloud. This would give more flexibility for the developer.

H. Smith then distributed a survey of the surrounding towns and the time frames they use between PDD approval and Site Plan submittal.He then read the DEEP comment letter into the record.

PUBLIC INPUT:

1.Peter Henschel- He noted the current regulations are confusing. He hopes the commission will look at the regulations as a whole before making modifications. If the Commission decides to approve this, please clarify and limit it. He then reviewed a few sections of the regulations for clarity. He then reviewed the wording he felt should be approved.

H. Smith stated for the record that all the emails that were received by today were distributed to the Commission.

2. Janet Reisman- She noted her remarks are based on the previous wording that was submitted. She said she went to the Planning & Zoning Office today and the revised wording was not in the file. She disagrees with the atty. She read from the regulations. She suggested possible revisions of the wording. She felt the Commission should make the decision, not the applicant. There are also times where the Commission can request a bond. She also checked with New Haven and East Haven and reviewed their wording. She urged the Commission to reconsider this proposal.

3. Lauren Brown-She stated her comments are based on the previous wording that was submitted. She also asked why this wording was not in the file, and why the applicant didn't file it sooner. She requested an extension of time so that she could review the new wording. She asked the Commission

to deny this application. The regulations are inconsistent. She stated that if the Commission decides to modify the Regulation, maybe the process could be open and collaborative, noting that Public Hearings can be rigid. Maybe holding more informal meetings would be helpful. She then listed the reasons she felt for denial of this application. She also felt a Public Hearing was needed if the Applicant is requesting a time extension.

4. Bill Horne- He submitted a letter into the record. He spoke of timeframes for different applications. He reviewed the reasons why deadlines are needed. He asked the Commission to deny this application. If they decide it's appropriate to modify the wording, then step back and craft something helpful for both the developer and the Commission.

5. Tim Synder-He noted he has lived in Branford several years and returned from vacation to attend the meeting. He saw the Exit 56 development come to town. He noted that you don't always know exactly what you're going to get. He's not happy to see Branford move in a different direction. He urged the Commission to be careful; to look at projects carefully. He said we are at a juncture here and we may get something we don't want.

Attorney Whitney spoke briefly and said that many of the comments given are correct. Many towns Consolidate the Master Plan and the Site Plan requirements. Maybe Branford may want to consider that. She noted that what she is requesting is nearly the same as nearby towns are doing. She also apologized for the late submittal of the wording.

The Commission then discussed whether to close the Public Hearing or leave it open.

H. Smith noted the Planned Development section of the New Haven Zoning Ordinance was mentioned earlier and he has a copy of that which he is entering into the record.

Chairperson Andres closed the Public Hearing.

He noted the Commissioners will review the materials that have been submitted before they vote and that they will not be voting at this meeting.

H. Smith noted that P. Higgins will be seated for J. Vaiuso since he missed a meeting and did not listen to an audio recording of the meeting. It was noted that J. Lust and M. Palluzzi missed the previous meeting but they listened to an audio recording of the meeting.

2. Philip Carloni- Applicant & Owner
Zoning Regulation Amendment to Section 4.8.B (Line2)
Application #18-1.1
A/R & PH set for 3/1/18

Phil Carloni spoke briefly; he said he doesn't have a formal presentation. He noted he spoke with H. Smith a month ago and suggested this amendment because this is a similar use to what is allowed in that zone now and would have no negative effect on the zone. He also said this application is not specific to any one application.

R. Stoecker reviewed the Staff Report. The Commission had a brief discussion about the proposed use and wording changes that might make the definition clearer.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

The Commission had a discussion regarding the wording of the amendment.

M. Palluzzi made a motion to approve the application with the proposed addition amended to read: "Printing, publishing and engraving establishments (within the interior of a building including any incidental assembly) < 5,000 square feet, and with the finding that the amendment is consistent with the Plan of Conservation & Development and the Comprehensive Plan with an effective date of March 17, 2018.

J. Chadwick seconded the motion which passed unanimously 5-0.

3. Lisa A. Defaranos- Peterson-Applicant
322 East Main St. LLC,c/o John Malcolm-Owner
10 Sylvia Street
Special Exception- Fitness Studio
Application #18-1.2
A/R & PH set for 3-1-18

Bob Criscuolo (Criscuolo Engineering) represented the applicant. The owner (John Malcolm) was also present. B. Criscuolo highlighted the application, noting it's a change of use to a fitness studio. The Applicant is making no improvements to the site and there is shared parking. He then reviewed the parking available on the site plan. He is submitting 3 documents into the record: One is a condominium document, the second is a lease agreement for parking and the third is a parking agreement to use spaces in the specified area.

H. Smith reviewed the mixed use on the parcel and the parking.
The Commission had a discussion.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

J. Chadwick made a motion to approve the application with the conditions listed below:

1) Prior to the issuance of a zoning permit or the zoning authorization of a building permit a revised Site Plan showing the following shall be submitted to Zoning Enforcement Officer for review and approval.

A). Landscape Plan showing the following:

- i) Location of all proposed plantings and existing planting to be retained on submitted.
- ii) A planting list showing the number, size and species is required.
- iii) New planting schedule.
- iv) A landscape architect licensed in the State of Connecticut is required to prepare the revised Landscape Plan.

(Per Section 6.3. D Landscaping Plan Requirements.)

B) Information on replacements for the existing building mounted flood lighting demonstrating compliance with the requirements of the zoning regulations for IES full cut off fixtures including cut sheets, lumens to be generated, foot candle levels expected under the lights and mounting details such as proposed fixture height for the proposed wall mounted fixtures shall be submitted for the approval by Town Planner or designee.

- 2) Prior to the zoning authorization of a certificate of occupancy or the issuance of a Certificate of Zoning Compliance the replacement wall mounted lighting proposed to address Condition 1 (B) above shall be installed to the satisfaction of the Zoning Enforcement Officer.
- 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) Prior to the issuance of a Certificate of Zoning Compliance or the zoning authorization for the issuance of Certificate of Occupancy, a legal instrument exclusively reserving the parking required for the proposed use on 10 Sylvia Street within the 10 Sylvia Street property subject to the review and approval of the town attorney shall be submitted. Evidence of recording of the approved executed legal instrument in the Branford Land Records shall be submitted to the Zoning enforcement Officer.

J. Lust seconded the motion which passed unanimously.

MINUTES: 2/15/18

**J. Chadwick made a motion to approve the 2/15/18 meeting minutes as written.
P. Higgins seconded the motion which passed unanimously.**

CORRESPONDENCE:

1. Correspondence received from an applicant to the CT. Siting Council regarding an antenna swap on an existing cell tower at Medlyn Farm was discussed.
2. A document received today from the DEEP for work on Snake Hill Road was discussed. This project would eliminate some of the curves in the road. H. Smith said he could provide additional information to the Commission if they are interested. He said he would review the document further and report back at the next meeting.
3. A Ct Siting Council request from Eversource to replace 2 underground tanks with above ground tanks at the substation on Rt. 1 was discussed. The consensus was to request more information on the screening and propose additional landscaping.

OLD BUSINESS:

1. SHM Bruce & Johnson LLC, c/o
Bruce P. Kuryla-Applicant & Owner
47,49,55 Goodsell Point Road
Special Exception & CAM – Above Ground Fuel Tank
Application #18-2.1
A/R & PH set for 3/15/18

NEW BUSINESS:

1. David D' Atri- Applicant
Almr LLC. - Owner
4 Three Elm Rd.
Special Exception & Coastal Site Plan- Residential
Application #18-2.3

The Commission A/R and set the Public Hearing for 4/5/18.

2. 250 North Main St. Branford LLC-Applicant
J & J Property LLC- (Owner of 244 North Main St.)
250 No Main St. LLC-(Owner of 250 North Main St.)
244 & 250 North Main Street
Special Exception- Retail Store
Application #18-2.4

The Commission A/R and set the Public Hearing for 4/5/18

3. Cornerstone Consulting Engineers & Architectural, Inc.,
c/o Jason A. Steigerwalt- (Agent for Applicant)
Casamay LLC. - Owner
1007-1021 West Main Street
Site Plan – Fast Food Renovation
Application #18-2.5
To be A/R

The Commission A/R and Tabled this to 3/15/18

OTHER BUSINESS:

1. Planner's Report

H. Smith noted the next Plan of Conservation and Development Steering Committee Meeting will be held March 14 at 4:30 p.m. at the Town Hall Basement Conference room. He also mentioned the online survey is complete.

H. Smith then reviewed a site plan for the commission for Peter Kuster's property at 3 Three Elm Road. The Zoning Board of Appeals is asking for comments from the PZ Commission and/or the Town Planner. The variance the applicant is seeking is for parking. He is also seeking permission to maintain the dumpster on the property.. H. Smith said he would visit the site and review the file more extensively and discuss this again at the next meeting.

2. Possible Revision to 2018 PZ Meeting Schedule

The Commission discussed changing the meeting dates in July to shorten the length of time between the last meeting in July and the first meeting in September since the Commission does not meet in August.

M. Palluzzi made a motion to approve the revised meeting schedule. J. Chadwick seconded the motion which passed unanimously.

3. CGS Section 8-24 Referral- Indian Neck Firehouse Project

Shaun Heffernan (Fire Marshal) highlighted the project. He distributed a color power point presentation to the Commission. This project started in 1996 and includes replacing the old building with a new raised building that will be flood compliant and house 2 fire trucks. The new layout of the site will help with the parking problem in the area. The residential design of the firehouse will fit into the neighborhood well.

M. Palluzzi made a motion to send a positive report for this referral. J. Lust seconded the motion which passed unanimously.

Meeting adjourned at 9:15 p.m.