



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY MAY 16, 2019 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: D. Dyer, J. Vaiuso

Staff Present: H. Smith- Town Planner, R. Stoecker- Asst. Town Planner,
Attorney Danielle Bercury, M. Martin- Clerk

Chairperson Andres introduced the Commission and the Staff present.
Secretary Palluzzi read the Public Hearing notice into the record.
Chairperson Andres reviewed the Public Hearing procedures.

PUBLIC HEARINGS:

1. Danby Gasoline Marketers, Inc. c/o
Kevin Curry- Applicant
Charles J. Pepe, Executor of Estate of Anthony C. Pepe-Owner
165 & 195 Main Street
Special Exception-Modification of Parking Requirements for property with existing
Auto Service with Gas, Liquor Store and Office on which is proposed a New
Convenience Store.
Application #19-2.7
A/R & PH opened for 3/21/19, Time Extension received & continued to 5/16/19-
WITHDRAWN
2. Beacon Communities Development LLC,
c/o Attorney Timothy Hollister-Applicant
Town of Branford Housing Authority-Owner
Application for a Site Plan Modification / Coastal Site Plan) under CGS Section 8-30g
Affordable Housing Land Use Appeals for property located at 115 South Montowese
Street (Parkside Village I) for (1) deletion of Condition #3a of the amended Resolution
adopted on 1/3/2019 approving application #17-9.6 and (2) a revision of the approved
Site Plan to show use of Sliney Road as a supplemental emergency access to the
redeveloped building.
Application #19-2.4
A/R 2/21/19 & PH continued to 5/16/19
Decision Required by 6/27/19 (includes offer and acceptance of the Time
Extensions totalling 60 days)

Chairperson explained that this Public Hearing was continued to tonight's meeting from May 2, 2019. He also explained that this is an 8-30G application of the General Statutes which means that in the event of a denial or an approval with conditions, the applicant has the right to file an appeal and the burden of proof is on the town to show that the decision was based on substantial public interest of health, safety and other matters and those interests outweigh the need for affordable housing and those interests cannot be addressed by reasonable changes to the plan. He also stated that it is helpful when the public is giving comments, that they be related to public safety issues the Commission can consider. He explained this is a modification of a previously approved modification.

Commissioner Chadwick recused himself.

Attorney Hollister spoke first and noted that David Sacco, Steve Ulman and Joe Versteeg were also present and would speak. He said he had submitted a packet of information labeled "final supplemental materials" to the Commission as well as revised Site Plans. He said he also submitted a list of proposed conditions to H. Smith.

David Sacco (TPA Group) spoke first and reviewed the Site Plan revisions. He covered landscaping, parking, lighting, grading and excavation and fences and walls.

Steve Ulman (Traffic Engineer) reviewed traffic study information noting they are not generating new traffic to Sliney field. They are taking Sliney Road and widening it the entire length to allow better fire access to the site.

Joe Versteeg spoke next. He reviewed Fire response comments. He talked of the sprinkler system effectiveness, accessibility and gave his comments.

H. Smith spoke next and said there was correspondence previously distributed to the Commission and Applicant from the Inland Wetlands agent who reviewed the plan. She stated that the slight additional increase in storm water runoff generated from this design vs the prior design would have no impact on the previous Inland Wetland Permit.

For the record, he entered into the file an annotated and updated copy of the staff report which contained a number of appendices from 2017 that were inadvertently not attached to the version of the staff report previously entered. He also gave the applicant a copy of this document. He then said after reading the comments from the Fire Marshal he wrote a separate memo documenting the parking calculations for the Parkside Assisted Housing District vs. the otherwise applied requirements. He distributed this memo to the commission and Attorney Hollister. He noted the statement made by Mr. Hollister is not quite correct, he did not ask for proposed conditions of approval for this application. What he did ask for was changes the applicant would like to make to the exact wording for the conditions from the 2017 approval because his original staff memo he pointed out there were several conditions from that approval that referred to the Site Plans of the 2017 application that did not correctly refer to the materials in this application. So, he believes the list of conditions provided by the Applicant is partly intended to address that, though it is not set up in the format of strikeouts and additions to the text of them. He said he has not

completely reviewed that, so he reserves comment on that. He noted he has not been able to completely review the documents that were submitted earlier this week. He then gave a few brief comments. He noted that the Fire Marshal was not directly requested to attend this meeting, he is not in the office and is unavailable till sometime next week anyway.

PUBLIC INPUT:

1. Damien Platosh- He lives down the street. He is unhappy the traffic study 2 yrs ago. He spoke of the issue of taking the left turn out of Sliney Road and how It's not enough room to turn. He asked what are the legal consequences of this road. He asked about blasting and the fact it is a scenic road. He asked the Commission to reject this proposal.
2. David Mix- Said he looks out at Melrose Avenue extension. He asked what will happen to the school when blasting starts? He said this is not the place for public housing, there are better locations.
3. Nancy Hendrick- She said Beacon has been asking for approval for things that aren't complete. They don't have final answers to questions. She talked of traffic issues. She asked, where is the construction plan? This is a health and safety issue. She asked the Commission to deny this application.
4. Jennifer Ryan- She asked; what about the residents that live there? They have met with Parkside residents and they want to keep it the same as it is now, with disabled, veterans and the elderly. They are fearful to speak out because they fear the Housing Authority will write them up and not consider them in good standing. They don't want to be separated from their neighbors. The pollution and construction will cause many health risks to these residents.
5. Gene Caniban –He spoke of the traffic study and how it's not correct. He talked of the 3 way intersection and how it is unsafe. He handed photos to the Commission, one is showing the water after rainy days. He said the fields will suffer. Many of the neighbors have water in the basement.
6. Todd Petrowski- He spoke of safety concerns, parking issues, noting that they can't get a straight answer from Beacon. He said Shaun (Fire Marshal) said it was unsafe, why would we disagree with him. Where are the soil testing and the Indian artifacts report?
Also he asked, who is paying the insurance? He suggested blocking Sliney Rd.at the town line.
7. Carolyn Sires-She said she has been coming to the meetings since 2016 and presenting facts. Beacon is asking for a vote on uncertainty. She spoke of a vernal pool. She said the residents that live at Parkside are fragile. They are not healthy people. They need every single bit of fire access there. This is a population that needs even more fire access. The 50 people that live there now are not healthy.

Attorney Tim Hollister closed with thanking the Commission for their time and effort. He noted that the proposed building is unchanged from a year and a half ago. So is the parking.

He reminded the Commission this application is about widening Sliney Road and the traffic that uses Sliney Park is unchanged. The Blasting will be under the supervision of the Fire Marshal. He stated the application has met the 830G standards and the Public Hearing should be closed so deliberations can start.

Chairperson Andres closed the Public Hearing and stated the Commission will not deliberate at this meeting.

H. Smith stated there is a Special Meeting scheduled for May 30 at 7pm at the Fire Headquarters. The Chairperson said the Commission will deliberate then.

The Commission took a short break at 8:16 p.m.

The Commission returned at 8:23 p.m.

3. Audra Nuzzo- Applicant
Zoning Regulation Amendment- Addition of new use category" Farm Event Venue proposed to include liquor and food service" as a Special Exception use in the BC,BR,BL,MU,IG1,IG2,and CP zones

Application #19-3.4

A/R & PH opened 4/22/19 & continued to 5/16/19

Chairperson Andres said we opened this Public Hearing in April and the Applicant has new information and would like to speak.

Audra Nuzzo (Applicant & owner of Nuzzo Farm) spoke first. She talked about her farm and her company AB Sealers. She said they have been working on this application since October and said due to a disconnect at the Town Hall, this application has transgressed to a standstill. She said she was advised to withdraw this application due to the fact that the legal notice was incorrect. She felt this was unfair. She hopes the Commission will be prepared to vote at the next public hearing. She said they are currently grandfathered to have four farm events annually. She said Van Wilgens Farm is also applying for a similar event venue permit tonight. The language they used was very similar to their first application. She added that she has addressed the noise concerns that she had with the North Branford residents.

She briefly reviewed the history of her farm and the many events they host there. It is one of the oldest Christmas Tree Farms in the state. The proposed regulation amendment is seeking to add additional events that don't fall under the agricultural use.

Amy Florio (Employee of Ab Sealers) spoke and said the Farm is asking for activities in areas that would be noted on an approved Site Plan. There would also be a restriction of 150 people attending each event. They also reduced their hours of operation for these events. They are only asking for the 16 events per year which is the only time food and alcohol will be served. She spoke of security, crowd control and noise and noted that Chief Heffernan has walked the property and he has no issues. They can provide a written letter, if needed.

H. Smith agreed this has been a long process and Regulation Amendments are complicated without the help of lawyers and other professionals. He has met with the Applicant and has been trying to accommodate changing ideas and so forth.

The Applicant has had some new ideas for proposals for new activities. He noted since this Amendment looks to cover several different zones in town, you need to be clear before it's approved. It's a matter of finding clear language to fully define what is proposed.

Chairperson Andres suggested perhaps limiting the amendment to the zone that this property is in, as opposed to several zones.

The Commission discussed this briefly.

PUBLIC INPUT:

1. Jay Medlyn-(Medlyn Farms) spoke and said he is trying to keep his farm going. Roses's Farm is trying as well by adding their winery. He said when you host an event, you need every dollar you can get. There are too many regulations. He supports the Nuzzo's.
2. Jack Lee- He has been to the Benstock event and he supports the Nuzzo's.
3. Susan Nuzzo- She said the Nuzzo's have done a lot of work to clean up their property. They are doing a huge service to Branford & No. Branford. She said the Benstock events raised \$10,000. She supports the Nuzzo's
4. Tom Singer- He talked of the noise issue. He said he hears noise from surrounding venues and he doesn't mind. He said the farm is beautiful and he supports the Nuzzo's.
5. John Geary- He supports the Nuzzo's , They are hardworking and he has known them many years.
6. Vanessa Fleming- She was a co-lead in the Light the night event that took place on the Branford Town Green. She supports the Nuzzo's.
7. Lucy Nuzzo- She said the Nuzzo's worked hard and made the farm beautiful. She is in support of the Nuzzo's.
8. Kayla Floria-She talked of the Benstock events that were held at the farm and how the Nuzzo's offered the land for the event at no charge. She also noted there were not problems at their events.

Chairperson Andres spoke of the Public Notice requirements and the application. He suggested that the Nuzzo's withdraw this application and resubmit a new application. He advised them to seek assistance from an attorney if possible.

The Applicant agreed. **The Application withdrew this application.**

4. Joseph Tammaro-Applicant & Owner
Lot between 233 & 249 East Main Street
Special Exception & Coastal Site Plan- Multi-Unit Residential Building
Application #19-4.3
A/R & PH set for 5/16/19

J. Pretti (Criscuolo Engineering) represented the Applicant and noted that the Architect and the property owner were also present. He highlighted the application Explaining this project is a 12 unit attached residential building with parking spaces located below the units at grade level.

H. Smith read the DEEP letter into the record.
R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

1. Doreen Bastien- (Neighbor & Board Member of Riverview Condos)-She has drainage concerns. She is not opposed to the project, she is worried about water flowing into the neighboring brook. That will create flood problems for the Condos and her Spa (next door).She spoke of the sludge in the brook and how it is a safety issue. She felt a fence is needed to keep kids out of brook as well as additional landscaping.
2. Bill Horne- (Pleasant View Rd.) He distributed a handout to the Commission. His comments concerned longer term issues. He spoke of global warming and sea level rise. He asked the Commission to consider thinking about installing conduits for electric cars.

Chairperson Andres closed the Public Hearing.

Commissioner Higgins left the meeting at 10 pm.

MINUTES: 5/02/19

**J. Chadwick made a motion to approve the 5-2-19 minutes as written.
J. Lust seconded the motion which passed unanimously.**

CORRESPONDENCE:

H. Smith spoke of the letter that was received by Wayne Cook. He distributed copies of the letter to the Commission.

RETURN TO TABLE:

1. Joseph Tammaro-Applicant & Owner
Lot between 233 & 249 East Main Street
Special Exception & Coastal Site Plan- Multi-Unit Residential Building
Application #19-4.3
A/R & PH set for 5/16/19
Commissioner Russo is seated for Commissioner Higgins who left the meeting at 10 p.m.

The Commissioners discussed possible conditions for approval and decided to Continue this item to the upcoming Special Meeting on May 30 at 7pm at Fire Headquarters.

OLD BUSINESS:

1. Tidal Basin LLC & Branford Land Development ,LLC-
Applicants & Owners
2, 5, 4-6 Indian Neck Avenue
Zoning Map Amendment-to add Food Preparation for on-site consumption as an accessory use.
Application #19-4.4
A/R 4/22/19 & PH set for 6/6/19

NEW BUSINESS:

1. Meaghan DeLucia-Applicant
Salvatore & Meaghan DeLucia-Owners
100 Pine Orchard Road
Special Exception for grading for an inground pool
Application #19-5.1
A/R &PH set for 6/6/19
2. Nicholas Fischer-Applicant & Owner
3 Watrous Avenue
Special Exception Modification-demolish & rebuild a two family home
Application #19-5.2
To be A/R & PH to be set

The Commission AR and set the PH for 6/13/19

3. Branford C&D Real Estate Holdings, LLC,
c/o Joseph DeSarbo-Applicant & Owner
50 East Industrial Road
Special Exception Modification- Addition of Loading Bays for
Wholesale Food Distributor
Application #19-5.3
To be A/R

Todd Anderson represented the Applicant .He explained that the existing approve Site Plan had 6 loading dock bays. The applicant wishes to add 2 additional bays. The applicant also requested a waiver of the public hearing requirement.

M. Palluzzi made a motion to approve the application with the condition listed below:

1. All previous approvals for the site shall remain in full force and effect.

J. Chadwick seconded the motion which passed unanimously.

4. Montowese Partners 7/14 LLC.,c/o Peter Berdon-Applicant & Owner
67-69 South Main Street
Special Exception Modification- Grading change on site at Multi-Unit Residential apartment building
Application #19-5.4
To be A/R

Peter Berdon(Applicant) spoke explaining the lot on the Church Street side is being repaved and regraded for safety reasons and drainage issues. The repaving is compliant.

The applicant is also seeking a waiver of the public hearing requirement.

R. Stoecker reviewed the Staff Report.

M. Palluzzi made a motion to waive the Public Hearing.

J. Lust seconded the motion which passed unanimously.

M.Palluzzi made a motion to approve the application with the condition listed Below:

1. Prior to the zoning authorization of a certificate of occupancy or the issuance of a Certificate of Zoning Compliance the following conditions shall apply:
 - a) Any existing non-compliant lighting shall be replaced. All new proposed lighting must be compliant with requirements for full cut off fixtures. All full cut off fixtures will need to comply with International Dark-Sky Association (IDA) Dark Sky Approved certification, IES full cut off designation, or "BUG" ratings that demonstrate an equivalent performance for the fixtures provided the fixtures must be full cut off, Dark Sky compliant with a color correlation of 3,000 Kelvin for LED fixtures and lamps.

J. Chadwick seconded the motion which passed unanimously.

5. Melinda Torelli-Applicant
169-189 North Main Street LLC-Owner
169 & 189 North Main Street
Site Plan Modification- Replacement of Office trailer with new Double Wide Trailer for Office Use
Application #19-5.5
To be A/R

Melinda Torelli (Applicant) spoke and explained that the current office trailer on the property is 24 years old. That is going to be replaced by a newer and larger 56x24 ft trailer. No other changes are proposed for the property.

M. Palluzzi made a motion to approve the application with the condition listed below:

1) Prior to the issuance of a Zoning Permit or the authorization for the issuance of a building permit, the following shall be addressed to the satisfaction of the Zoning Enforcement Officer or other staff as may be indicated:

a) The existing storm water drainage system shall be examined for any needed maintenance or repairs and the results reported to the Town Engineer and any action required by the Town completed to his satisfaction.

J. Chadwick seconded the motion which passed unanimously.

OTHER BUSINESS:

1. Bond Release- 14 Lanphiers Cove Rd.

M. Palluzzi made a motion to approve the bond release.

J. Chadwick seconded the motion which passed unanimously.

2. Planner's Report

The meeting adjourned at 10:36 p.m.